

**City Council Regular Meeting
MINUTES**

October 25, 2022, 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
 Cheryl Fox City Council Place #4
 Patricia Easley City Council Place #5

Absent: T.J. Wilkerson City Council Place #3
 Casey Olson City Council Place #2

Also Present: Nici Browe City Secretary & Director of Administrative Services

INVOCATION

Mayor Sanford gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No members of the public addressed city council.

CONSENT AGENDA:

1. Approval of the October 11, 2022, City Council Regular Meeting Minutes.
2. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Josh Cheatham for the Montgomery Grove development (Dev. No. 2214).

Councilmember Carol Langley moved to approve the consent agenda as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

Attorney Caleb Villarreal spoke to City Council and announced that the Executive Session item #3, the staff person has submitted a formal request for it to be heard in public, if Council wish to take that matter up now, they can.

Mayor Byron Sanford informed Council and the public that the attorneys had drafted a speech for him to read:

“Based on certain information there are some concerns with the City’s current Interim City Administrator job performance and work record. Therefore, it is in the best interest of the City to authorize Johnson Petrov to conduct an investigation and prepare a report of the result findings of the investigation. In this case it is appropriate to have a third party conduct

the investigation rather than an individual or entity that is at City Hall on a day-to-day basis.”

Mayor Byron Sanford stated that this is the attorneys recommendation and it is his recommendation is as it always has been, that I want to do what is legal and proper and through dozens of calls and counsel sessions with Mr. Villarreal, especially, this is what they are recommending, Council can do whatever they want to do, if there is a particular motion to carry through, we have the wording here suggested or if not you can do something else.

Councilmember Carol Langley requested the Mayor to read the statement again.

Mayor Byron Sanford re read the statement and said that is their recommendation and that he would submit that concerns were valid when Mr. McCorquodale, however, Council knows that this was intended for the meeting prior, but timing it just did not happen. With that said, Mr. Villarreal there is no reason to suggest that the Interim City Administrator would not have full ability and obviously it would be common sense that he would be questioned in an investigation, correct?

Mr. Villarreal responded that was correct.

Ms. Browe, City Secretary and Director of Administrative Services Director spoke to Mayor, Council and the public.

She stated that she is hired not just as a City Secretary, but as Director of Administrative Services, which is many things, but one large portion is Human Resources. You just made a statement that Mr. McCorquodale would be included. I have had a conversation with you and followed up in writing, I feel HR has been deliberately avoided, therefore I feel that the correct process has not been followed and want it on record.

Mayor Byron Sanford stated that he wanted it on record that you are completely wrong about that. I have been a City Councilmember here for a year and as five months as a mayor. I have not only consulted with Dave on numerous occasions but publicly I voiced my displeasure repeatedly. The notion that I have not talked to Mr. McCorquodale is completely bogus and false and out of line in your presumption. With that said specifically, when there is internal conflict, I am neglecting my duties, what I was told before, very clearly. If I have reason to believe something needs investigated, I go to the Police Chief.

Ms. Browe, stated No Sir, absolutely not, you go to HR first

Mayor Byron Sanford stated that was what I was told, and, in the investigation, there is specific information, that suggested internally that was not going to happen, that was not a subjective view on my part. When you see the testimony at such and such time, that will come out.

Councilmember Patricia Easley attempted to speak.

Mayor Byron Sanford responded, let me finish. When you have seen what I have seen and read what I have read, then let's talk about it, but right now the people sitting up here have seen and read what we need to see and read, I am a taxpayer.

Ms. Browe responded, but you did not inquire with the employee, in fact it was not ran thng the proper channels, you should notify police chief, if there is a criminal aspect, then of course take it to the Police Chief to conduct the investigation.

Mayor Sanford stated we did not say criminal.

Ms. Browe responded but you conducted investigations behind closed door...

Councilmember Patricia Easley spoke out and stated that she did not feel this is the Forum for this discussion. You are HR and are to remain impartial.

Ms. Browe stated that she agreed, had tried to talk to the Mayor but he refused. Her point was for fair for all employees.

Councilmember Cheryl Fox made a motion to table the motion. Councilmember Easley seconded the motion. Mayor Sanford, said the item is tabled, comes with that a new date for the item, the next available date being November 8, 2022, City Council meeting. Motion passed (3-0).

Councilmember Carol Langley inquired if this item would be back in Executive Session or in open session.

Mr. Caleb Villarreal responded that it would be in Executive Session under personnel matters, unless the employee requests the item in open session.

CONSIDERATION AND POSSIBLE ACTION:

3. Consideration and possible action regarding adoption of the following Resolution: "RESOLUTION CONSENTING TO THE CREATION OF MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 224; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO"

Mr. Caleb Villarreal presented this item and explained that the Developer would need the consent of the City to create a MUD district.

Mr. Chris Roznovsky of WGA provided clarity on the project tract.

Councilmember Carol Langley moved to approve the resolution as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

4. Consideration and possible action regarding the following:

(a) Review of the Annexation petition by Pulte Group.

(b) Convene into Public Hearing on the petition to annexation.

Mayor Byron Sanford **opened** the Public Hearing at 6:18 P.M.

No members of the public addressed City Council.

Mayor Bryon Sanford **closed** the Public Hearing at 6:18 P.M.

(c) ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS TO VOLUNTARILY ANNEX BY REQUEST OF THE PROPERTY OWNER APPROXIMATELY 79.910 ACRES OF LAND LOCATED IN THE OWEN SHANNON SURVEY, ABSTRACT NO. 36, MONTGOMERY COUNTY, CONVEYED TO PULTE HOMES OF TEXAS, LP, AS RECORDED UNDER CLERK'S FILE (C.F.) NO. 2022124616 OF THE OFFICIAL PUBLIC RECORDS MONTGOMERY COUNTY (O.P.R.M.C.) INTO

THE INCORPORATED MUNICIPAL BOUNDARIES OF THE CITY OF MONTGOMERY, TEXAS INCLUDING THE FOLLOWING: FINDINGS OF FACTS, EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

Councilmember Carol Langley inquired if the property owners within 200ft were notified and if the annexation was advertised in the local paper.

Mr. Caleb Villarreal responded that as it is not a zoning change no, notifications fir 200ft are not required. City Secretary Nici Browe confirmed that the annexation was advertised in the paper and that no responses had been received.

Councilmember Carol Langley moved to approve the Annexation Ordinance as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (4-0).

5. Consideration and possible action regarding the following:

(a) Review of the Annexation petition by HCR Ventures, Ltd.

(b) Convene into Public Hearing on the petition to annexation.

Mayor Byron Sanford **opened** the Public Hearing at 6:21 P.M.

No members of the public addressed City Council.

Mayor Bryon Sanford **closed** the Public Hearing at 6:22 P.M.

(c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS TO VOLUNTARILY ANNEX BY REQUEST OF THE PROPERTY OWNER APPROXIMATELY 33.012 ACRE TRACT OF LAND SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NO. 8, MONTGOMERY COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 33.014 ACRE TRACT DESCRIBED IN INSTRUMENT TO BLACKLINE PROPERTIES, LLC – STEWART SERIES, RECORDED IN CLERK'S FILE NO. 2014121541 OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS (O.P.R.M.C.T.), SAID TRACT BEING FORMERLY KNOWN AS STEWART CREEK FARMS, SECTION 1, REPLAT, AS SHOWN ON THE MAP OR PLAT, RECORDED IN CABINET Z, SHEET 1, OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS (M.R.M.C.T.), SAID MAP OR PLAT DECLARED AS CANCELED AND THE LAND WITHIN THE BOUNDARIES OF SAID MAP OR PLAT HAVING BEEN REESTABLISHED AS AN ACREAGE TRACT BY INSTRUMENT RECORDED IN CLERK'S FILE NO. 2008027757, O.P.R.M.C.T., INTO THE INCORPORATED MUNICIPAL BOUNDARIES OF THE CITY OF MONTGOMERY, TEXAS INCLUDING THE FOLLOWING: FINDINGS OF FACTS, EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

Councilmember Carol Langley inquired if this annexation was advertised in the local paper.

City Secretary Nici Browe confirmed that the annexation was advertised in the paper and that no responses had been received.

Councilmember Carol Langley moved to approve the Annexation Ordinance as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (4-0).

6. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS CONSENTING TO THE CREATION OF MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 179 IN MONTGOMERY COUNTY, TEXAS AND ESTABLISHING CONDITIONS APPLICABLE TO THE CREATION OF THE DISTRICT.

Mr. Caleb Villarreal provided background on this item, stating this is the City authorizing the creation of a MUD dating back to a resolution of 2019, now that the developer is ready to proceed.

Chris Roznovsky responded to Council inquiry as to the exact location.

Councilmember moved to approve the ordinance as presented. Motion was seconded by Councilmember Cheryl Fox. Motion passed (3-0).

7. Consideration and possible action on: AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF § 545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OF PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF MONTGOMERY, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200 FOR VIOLATION OF THIS ORDINANCE; PROVIDING A REPEALING CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

Chief of Police, Anthony Solomon introduced this item and reminded Council of the discussion that took place recently about the speed limit differences from East and West bound on FM105. He provided a detailed explanation of the varying speeds into and out of the school zone.

Councilmember Patricia Easily moved to approve the ordinance as presented. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

8. Consideration and possible action on authorizing the city engineer to begin work on the Flagship Boulevard Storm Sewer & Pavement Replacement Project.

Chris Roznovsky, WGA City Engineer provided Council with detailed information on the Flagship Blvd. Storm Sewer & Pavement Replacement Project and showed a slide show of the televising results.

Mr. Roznovsky responded to Council questions and concerns.

Councilmember Cheryl Fox moved to authorize the City Engineer to begin work on the project as presented. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

9. Consideration and possible action on awarding the Downtown Sanitary Sewer Rehabilitation Project.

Mr. Chris Roznovsky, WGA City Engineer provided detailed information of the project. He responded to questions and concerns and informed Council that their recommendations for awarding the bid go to CruiseTech in the amount of \$170,750.

Councilmember Carol Langley moved to award the bid for Downtown Sanitary Sewer Rehabilitation to CruiseTech in the amount of \$170,750. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

10. Consideration and possible action on authorizing the city engineer to begin work on the 2023 Sanitary Sewer Rehabilitation Project.

Mr. Chris Roznovsky presented this item to City Council and used another slide show to show the deterioration and collapse of the sanitary sewer. He responded to all concerns, and questions specifically to the location of the camera of the sanitary sewer.

Councilmember Patricia Easley moved to approve the City Engineer to begin work on the 2023 Sanitary Sewer Rehabilitation Project. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

11. Consideration and possible action on authorizing the city engineer to begin work on the Lift Station No. 10 Improvements Project.

Mr. Chris Roznovsky presented this item to council by stating that this improvement is to increase capacity. The cost is borne by the Developer, Pulte Group however, there is a notion in concept only at this stage that there could be a cost share between Pulte and Summer wind developer. Once Summer wind begin construction, they will need to utilize the same lift station.

Councilmember Carol Langley moved to authorize the City Engineer to begin work on the Lift Station No. 10 Improvement Project. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

12. Consideration and possible action on the cancelling the November 22nd and December 27th Regular Meetings.

Ms. Browe reported to Council that Mr. McCorquodale had left her this item to discuss and seek approval from Council. Typically, the holidays fall in conflict with 2nd Council meetings of the month, therefore, this year staff is seeking Council to cancel November 22 and December 27 Council meetings.

Councilmember Cheryl Fox moved to Cancel the November 22 and December 27 Council meetings. Councilmember Patricia Easley seconded the motion. Motion passed (3-0).

DEPARTMENTAL REPORTS:

13. City Administrator's Report.

Ms. Browe stated that Mr. McCorquodale has provided a report, if there are any questions, it is her hope that either the Engineer or Legal Counsel can provide an answer.

14. Utility Report.

Ms. Browe presented the Utility Report highlighting revenues, delinquent account recovery actions, permits issued and number of active utility accounts.

15. Sales Tax Report.

SRI, City's Sales Tax consultant presented the Sales Tax Report and stated that they would be at the first meeting in December.

16. Finance Report.

Anthony Lasky, Senior Accountant provided a thorough accounting report for all City Funds.

17. Police Department and Code Enforcement Report.

Anthony Solomon, Chief of Police provided a detailed report on Police Department activity and that of the Code Enforcement Officer.

18. Municipal Court Report.

Kim Duckett, Municipal Court Administrator provided a detailed report of the Court Department, with a break down of cases, and revenues.

19. Public Works Report.

Mike Muckleroy, Public Works Director provided a comprehensive report of all activity within the Public Works Department and informed Council that he has hired a New Events and Recreation Specialist, Patricia Campuzano and that she will meet Council in the near future. He reminded Council that the position is funded between Public Works and MEDC.

20. Utility Operator's Report.

Jacob Howard, H2O the City's Utility Operators provided Council with a report for the month and confirmed there was 93% accountability.

21. City Engineer's Report.

Chris Roznovsky, WGA City Engineers provided Council with updates on projects not already discussed in the meeting, such as the 50-year Infrastructure Plan, is being updated and is in phase 2. The Next page of the report is the Meadow Ridge Feasibility Study, TXDOT projects, Lonestar Parkway improvements at the Bridge.

Mayor Sanford inquired at this point that he is always being asked by those who get a ridiculous water bill that indicates a leak, is that right?

Mr. Muckleroy responded that the water meters never overread.

Councilmember Carol Langley stated to the City Engineer that November 10 at the High School, TXDOT will be hosting discussions with Grimes County and others is that correct?

Mr. Roznovsky responded that there is a meeting for phase 3 for widening of sidewalks.

Mayor Byron Sanford stated that it may be a suitable time to discuss the turn lane for the Fast-growing church, time to take our concerns to TXDOT.

Mr. Roznovsky responded that there is a Forum for that kind of item.

Councilmember Carol Langley moved to approve the Department Reports. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

EXECUTIVE SESSION:

Adjourn into Closed Session in compliance with Section §551.001 etseq. Texas Government Code, to wit:

- 1. Section 551.071 Consultation with Attorney.
- 2. Section 551.074 Personnel matters - Selection of finalists for the City Administrator position; and
- 3. Section 551.074 Personnel matters - Interim City Administrator.

Council adjourned into Executive Session at 7:37 P.M.

Council Reconvened into Regular Session at 8:57 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Consideration and possible action on matters deliberated in Closed Executive Session.

Councilmember Carol Langley moved to interview candidates for the City Administrator Position on November 14, 2022, and November 15, 2022, at 6:00P.M.

Councilmember Cheryl Fox Seconded the motion. Motion Passed (3-0).

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy, or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

Mayor Sanford stated that he and Council have the data for festivals, and there is a need to revisit putting fences up. We do not need to hinder our Brick-and-Mortar businesses more than we have done.

Mayor Sanford stated that he has been able to talk with TXDoT in Austin and got a more favorable response and has found a person that can initiate the removal of “the pole” for the Right Turn Lane.

The discussion also centered around the outage time, as some of our businesses need notice in advance, especially if there is a wedding occurring. He went on to say he has recommended early in a weekday. He stated that he would be calling back and requesting at least a week advance notice.

Mayor Sanford stated that Mr. Matt Fuqua of Flagship discussed rerunning the buses again especially for things like sip n stroll, or Saturdays, to prevent folks having to cross the dangerous highway.

ADJOURNMENT

Councilmember Carol Langley moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. Motion Passed (3-0).

ADJOURNED: 9:02 P.M.

Submitted by: _____

Date Approved: _____

Nici Browe, City Secretary

Byron Sanford, Mayor