



**City Council
Regular Meeting Minutes
May 27, 2025**

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 May 27, 2025, at City Hall 101 Old Plantersville Rd., Montgomery, TX and live video streaming.

With Council Members present a full quorum was established.

Present:	Mayor	Sara Countryman
	Mayor Pro-Tem	Cheryl Fox
	Council Member Place 1	Carol Langley
	Council Member Place 2	Casey Olson
	Council Member Place 3	Tom Czulewicz
	Council Member Place 5	Stan Donaldson

2. Invocation.

Council Member Donaldson gave the invocation.

3. Pledges of Allegiance.

Mayor Countryman led the pledges of allegiance.

PUBLIC FORUM

No inquires received.

CONSENT AGENDA

- 4. Consideration and possible action on the City Council Regular Meeting Minutes of April 08, 2025.**
- 5. Consideration and possible action on the City Council Special Meeting Minutes of April 11, 2025.**

Motion: Council Member Czulewicz made a motion to accept consent agenda items 4 and 5, as presented. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

PUBLIC HEARING

- 6. Convene into a public hearing to receive comments on a request for a manufactured home to be placed at 413 Westway Drive, Montgomery, Texas, for the establishment of voter residency by residential occupancy within the proposed MUD 255 for TriPointe Homes.**

Mayor Countryman convened the Montgomery City Council into a Public Hearing at 6:04 p.m.

Speaking For: None
Speaking Against: None

Mayor Countryman reconvened the Montgomery City Council into a Regular Meeting at 6:04 p.m.

REGULAR AGENDA

- 7. Consideration and possible action on a request for a manufactured home to be placed at 413 Westway Drive, Montgomery, Texas, for the establishment of voter residency by residential occupancy within the proposed MUD 255 for TriPointe Homes.**

Code Enforcement Officer and Planning/Zoning Administrator Tilley said if anyone needs details and reference to it I can go through the list for the requirements for a manufactured home to be located outside of a mobile home park. Council Member Czulewicz asked this is in writing? It is temporary, correct? Code Enforcement Officer and Planning/Zoning Administrator Tilley said it is temporary.

Motion: Council Member Czulewicz made a motion to approve a manufactured home to be placed at 413 Westway Drive, Montgomery, Texas, for the establishment of voter residency by residential occupancy within the proposed MUD 255 for TriPointe Homes. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

- 8. Consideration and Possible action on the Partial Replat for Jadak Manor Section 1 Tract 2, located at 1005 College Street.**

City Engineer Chris Roznovsky, WGA said starting in your packets on page 32, you will see a memo from us followed by the original plat two pages after that, and then the proposed following. What this is is currently there was one tract that went all the way from College to Caroline Street. The property owners requested to subdivide that parcel into two, so one parcel running College, and one parcel running Caroline. They meet all the size requirements, etc. of the City. There are no variances that are being requested. One

thing that you will notice in the final plat is they are dedicating additional right-of-way along Caroline Street to even out the right-of-way, so as it continues down, the buildings of Montgomery will have a full 60-foot right-of-way as it goes down the street. Planning and Zoning reviewed this at their main meeting. They offer no objection to recommend approval and we recommend approval as well.

Mayor Countryman asked with the proposal of two homes, I am assuming that is what is going to happen here, are we concerned about drainage on College? City Engineer Roznovsky said they will have to submit that. As far as in terms of just plating rules, it works. As far as the flood plain regulations, there is flood plain on the site. They will have to follow that ordinance when they go to get those houses permitted and approved.

Motion: Council Member Czulewicz made a motion to approve the Partial Replat for Jadak Manor Section 1 Tract 2, located at 1005 College Street. Council Member Olson seconded the motion. Motion carried with all present voting in favor.

9. Consideration and Possible action on the Partial Replat for Buffalo Springs Section 2.

City Engineer Chris Roznovsky, WGA said similar to the last item, this is a partial replat, but in reverse. Currently, this is lots 28, 29, and 30 of the Buffalo Spring section two plat. The property owners have requested to combine these lots into two. Essentially, there is a lot in between them, so split it 50/50 for each side. If you look, you will see on page 37 amendments from us recommending approval of the partial replat. The Planning and Zoning Commission also recommended approval at their main meeting. The item following on page 38 is an old letter that is for the Buffalo Spring signal so ignore that. It just got copied over, but then following, you will see the original plat, as well as the replat that shows that combination of the two lots. Council Member Donaldson asked did Buffalo Springs approve this? City Engineer Roznovsky asked the Architecture Control Committee? Mayor Countryman said yes. City Engineer Roznovsky said I do not know for sure, but I know that the individuals involved are part of the Architecture Control Committee. I do not know and that is something that we can check. I would have to check with the attorney on the platting because this is not building a structure or landscaping or anything like that, that I do not think would take architectural control since it is just platting. However, I do not have that answer. Council Member Donaldson asked are they just eliminating a vacant lot? City Engineer Roznovsky said exactly.

Motion: Council Member Donaldson made a motion to accept the partial replat for Buffalo Springs Section 2. Council Member Czulewicz seconded the motion.

Discussion: Council Member Olson asked who are the two parties involved? Mayor Countryman said Randy Burleigh and Wendell Harrison.

Motion carried with all present voting in favor.

10. Consideration and Possible action on a variance request related to the required minimum lot size, front yard setback and side yard setbacks for The Villages of Montgomery development (Dev. No. 2502).

City Engineer Chris Roznovsky, WGA said in your packets starting on page 43, you will see a Planning and Zoning Commission recommendation regarding these variances. For this development immediately across the street, they did a presentation to Council with video and all the graphics a couple meetings ago that showed the alley load development with the \$700,000 homes with the boulevard street that went down the middle, and the commercial reserves along SH-105. These are the variances in order for them to achieve that land plan. This does not approve their plans, this does not approve the development agreement, but their development is not a typical single family development in the City. In order for them to really be able to move forward, they need to get these variances in place so then they can do their platting, they can go through the planning process, etc. The variances that they are requesting is the front yard setback to 10-feet from the required 25-feet. Again, for those alley load houses closer to the street that was shown in the video. The five-foot side yard setback, from the required 4,900 square feet of lot area minimum versus your 9,000 square foot requirement, 45-foot width versus your 75-foot width, and 110-foot depth from your 120. Planning and Zoning did review this at their May 6th meeting and they approved it unanimously. Council Member Olson said I have two questions. How wide are those streets because it is going to come in as a boulevard? City Engineer Roznovsky said the developers here can probably answer that question. They are not asking for any pavement variances. They are 28-foot streets throughout. The boulevard I believe is two 30-foot sections if I remember correctly, and then a large median in between for green space. Council Member Olson said my second question, is this variance is not going to include the green space requirement for the small lot? City Engineer Roznovsky said that is correct. They have not requested a variance for green space, but they are proposing a lot of green space on the property. Through the platting, they will be required to show that calculation that shows how they are meeting the compensating green space requirement. Council Member Donaldson asked what is the status with the fire marshal as far as these lots? City Engineer Roznovsky said at least from the City side, they have not been asked about the variances that are proposed. Council Member Donaldson said I want to have something in writing from the fire marshal saying it is okay to have these houses so close. Council Member Olson said I think if we look at the Texas Code, as long as they have to have brick walls, they have to have fireproof walls if they are going to be within seven-feet. I cannot remember exactly what it is, if it is under 10-feet it has to have the brick wall fireproofing. City Engineer Roznovsky said these are five on each side of the property line, so a total of 10-foot. Council Member Donaldson asked are you saying it has to be seven feet? Council Member Olson said our code is five-feet minimums. I know it

takes special fire walls to do it. Mayor Countryman said it is similar to Montgomery Bend. It is the same width that has been approved. Mr. Jonathan White, did you have something to add? Mr. Jonathan White, L Squared Engineering said I know one of the things is the access that you mentioned in the past. All the roads should be as we mentioned earlier, 28-foot, with multiple points of access on Caroline and SH-105. What is not shown on a lot of the land plan exhibits are the additional curve cuts that will probably get commercial development along the front. They are just boxed as commercial, so there should be some internal access there as well. Obviously, with city requirements, and TxDOT requirements, we will develop a traffic study just to verify that there is not going to be any negative impact as well, but normal process through this is to get a letter or something from the fire marshal. Council Member Czulewicz said I would like to take this opportunity to remind my comrades not too long ago the City spent a lot of money to have professionals come in and review our ordinances and help us plan the City for the future. After that whole process was through, the City Council approved their product, leaving the 75-foot width lots in our ordinances. The reduction from 75-foot to 45-foot is a 40 percent reduction, but coincidentally, it is a 40 percent increase in density of the houses per acre, with the results being that the number of residents between starting today from what we have in design, up to what is being built, we have over 2,228 houses being built. National average is 1.5 to 2.5 cars per residents, so we are looking at an increase over the next two years of 4,556 cars. If you look at the map of the City, all streets lead to SH-105. We are looking at an increase of 4,456 cars on SH-105 over the next two years. If you line all those cars up bumper-to-bumper, it stretches out to 11.7 miles. Now, are we voting for the people of this City to have a big traffic jam by reducing the size of the lots and allowing more condensity of our cities? I recommend you vote no. Mayor Countryman said months ago we talked about this. It is a different product, and it is a higher-end product. Yes, we have a 75-foot lot, but that is why we were amenable for that variance because of the product and the high-end product that they are bringing to town. I think there are only 78 lots. Is that right? Council Member Czulewicz said 137. Mayor Countryman said well those are just the alleyway lots and then the other lots. City Engineer Roznovsky said right, there is a mixture of the close lots and the traditional. Mayor Countryman said yes, correct. That helps alleviate some of that concern as well. Council Member Czulewicz said it still produces a condensity that we should not be putting up with. It started with the Hills of Montgomery, Town Creek Crossing and you go on and on. Where are we going to stop this rapid growth? This growth is driving us crazy. Mayor Countryman said we cannot stop it. We just have to manage it. Council Member Czulewicz said you are not managing it by doing this. You are not managing it. Mayor Countryman said I have a difference of opinion. Council Member Czulewicz said you are not managing it because you are increasing the density. Mayor Countryman asked are we supposed to not let anybody build anything and nobody move here? Council Member Czulewicz said no. Let them follow the ordinance. Mayor Countryman said but this is a different product and we have already said that we want this

product here. We voted it in and knew this was part of the process moving forward. Council Member Czulewicz said you will rule the day when you see the traffic and the upset people. You are going to have to bring on four to six more police officers to handle the traffic. Council Member Olson said that is false. Council Member Czulewicz asked what is false about it? Council Member Olson asked Chief Solomon how many more police officers do we need if we build out? Chief Solomon said in the next two years we will be hiring about three PSOs, probably about two more police officers, and also a couple records people. Council Member Olson said but the PSOs are non-patrol. We have planned out our police, what we can handle, what we can do. It is not like it is our first date. Mayor Countryman said and SH-105 is getting expanded, so that is going to help too, as well as FM 149. Unfortunately, I agree we are going to be locked up, but we have been highly ignored by the state and county. Now, we are getting attention, which is great, a little late, but better than never. Council Member Olson said I will agree with the Mayor. I agree with both of you that the density is a lot more density. We talked about the density with the area that it is in, I think it can handle it. We have talked with the developers and we have all agreed that we like the product, and at this point in the game, it is not something I want to go back on what I said yes to.

Motion: Council Member Olson made a motion to accept a variance request related to the required minimum lot size, front yard setback and side yard setbacks for The Villages of Montgomery development (Dev. No. 2502). Council Member Donaldson seconded the motion. The motion carried with 4-Ayes and 1-Nay vote by Council Member Czulewicz.

11. Consideration and possible action on authorizing WGA to complete an Utility and Economic Feasibility Study Amendment on the BCS Capital development (Dev. No. 2415).

City Engineer Chris Roznovsky, WGA said this is the BCS development between CB Stewart and Buffalo Springs Drive on the north side of SH-105. Their original feasibility study is focused on the 32 total acres fronting on Buffalo Springs and wrapping around. They have since put the six acres adjacent under contract, at the hard corner of CB Stewart and SH-105. This is to amend the feasibility study saying what extensions, roadway improvements, etc. are needed to serve that piece of the property, and bring that back to you as an updated study. That is what this item is today. This item is not requesting any type of change to the development. The MOU that has been agreed upon is just how does the scope of utility improvements and roadway improvements change with the addition of these six acres to the site. You will see an updated land plan on sheet 63 in your packets that shows the full site. Council Member Czulewicz said the new plan that they are submitting here shows three fast food restaurants and a gas station. You have two fast food restaurants here right now. You have Burger King and McDonald's with less than half a mile apart. Who is going to go to five different fast food restaurants? City Engineer Roznovsky said I do not know the proposed uses of the properties or who the end users

are. I know the end users they have shared with the City are the Academy which is the anchor for this development and then the Texas Roadhouse. Mr. Jonathan White, L Squared said the Academy and Texas Roadhouse are the only two committed. Council Member Czulewicz said your plan shows three fast food restaurants. Mayor Countryman said yes, it is just a rendering, a potential. City Engineer Roznovsky said they are not locked in. As long as it falls within the table of uses, it could be three banks and one fast food, or it could be anything that falls within that table of uses on those ultimate users, and the split of the pad sites. Right now, they show seven different pads. If they have a larger user come in, they can reduce the number of pads. It is all subject to change. Council Member Donaldson said when I look at this, I do not see the six acres. City Engineer Roznovsky said it is the southwest corner of the property. CB Stewart is roughly the last two front pad sites, what looks like a fast food restaurant and then the retail building. More or less, the last three users at that top building. Mayor Countryman said it is directly south of Ransoms. City Engineer Roznovsky said correct. Council Member Donaldson asked if it was on the other side of the street? Mayor Countryman said no. On the Ransom side, south of Ransoms. Council Member Olson said they just did their rendering. Mayor Countryman said they just extended it from CB Stewart to Buffalo Springs all the way across. Council Member Donaldson said we do not even have these pad sites that they show just west of Academy. Those are gone from my understanding because of the detention. Mayor Countryman said no. The detention is on the east side. This is exactly how they proposed, but they have just added because they purchased the six acres. Everything to the east is correct. It is the west that is extended. Council Member Donaldson said okay, so the six acres made room for these extra sites. City Engineer Roznovsky said correct.

Motion: Mayor Pro-Tem Fox made a motion to authorize WGA to complete a Utility and Economic Feasibility Study Amendment on the BCS Capital development (Dev. No. 2415). Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

12. Discussion and possible action to move Incode ERP Pro 10 and Municipal Justice to Tyler Cloud/SaaS.

Finance Director Maryann Carl said the item before you tonight is a proposal to move from an on premise environment where we host on our own network, to a cloud-based platform. This does not change our software, it does not change who we are doing the software business with Tyler. It is just a matter of where it is hosted and how we access it. Just to give you an idea, being premise based means we have the software right here on our network and each one of us that use that particular software have it downloaded onto our computers. That is how we access it. There are some limitations with that in the fact that if we have any issues with our server, which of course servers have an end of life which we are coming up on right now with needing to replace both servers. There are some complications that come into play when we look at needing help with anything in Incode.

For example, today we had a problem with being able to access a report in Incode. We had one user we could not get the access set up correctly so that every time they ran the report, it was coming up blank. I spent some time in there this morning figuring out the permissions, had to get on chat within Incode, and I was on hold for about an hour and 15 minutes before somebody got on with me and of course, I am doing other stuff in the meantime, but in the background that is running. They finally come on and they spent about 45 minutes to try to determine what the problem is. Long story short, we eventually figured out what the problem is and we were able to get that permission set up. The problem with that is because we are hosted here, it is unique to us. In the cloud environment, that would have been done differently because first of all, the vast majority of their support is on their cloud product because that is where it makes the most sense for them. In the finance world or in accounting/bookkeeping, it used to be QuickBooks, you hosted it and it was a desktop version. Now we have gone to online and all of their resources have gone into building a bigger, more robust platform in the cloud. That is a similar kind of situation here. One of the big things as we look at acquiring a new building and making a move, by having a cloud-based option, we virtually have no down time. As long as we have an internet connection, we have the ability to be operational and we do not have to worry about getting the servers moved before we are operational for cashing on both port side on the utility side, as well as payroll, and accounts payable. We pay an annual fee right now for all of our different components whether it be from utility billing with the municipal justice piece, or the court piece, the cashing, finance, the financials, payroll. All of the different modules we have, we pay an annual fee for that. We would continue to pay an annual fee for that, but we would have the reduced cost of the server, and potentially some IT support. Definitely not as much wasted time. It would be in an environment that is not specific to us. Like today, one of the things they were doing and you have all heard me talk about this GL conversion, and we are live today on that conversion, but it took them all afternoon back and forth with OCS needing access to the network, getting off the network, back on the network. There are challenges that we face being local. The overall cost between all the platforms is about a \$12,000 increase for the software where we are accessing the program. I cannot put a number on the other pieces, the efficiency piece of it. Mayor Countryman said two new servers is going to be \$30,000 to \$40,000. Finance Director Carl said it does not eliminate our need for the servers overall. We do have a network, however, it does allow us to reduce the capacity of what we need in those servers. Mayor Pro-Tem Fox asked does it not facilitate better storage and better security having the Tyler cloud? Finance Director Carl said it absolutely gives us better storage. We currently have backups that happen. Our information within the cloud environment is continuously stored and it is stored in two separate locations. Everything is multi-factor authentication, so when you log in you have to go through several different steps in order to get logged in, but yes, it is a secure environment. Mayor Countryman said when there are issues, we no longer would have to go to OCS to get them, and if they do not know it, then they have to go to Incode.

It takes them out of the middle and we go directly to Incode correct? Finance Director Carl said yes, directly to Incode and our service is a part of it. There is no extra service cost for that. In order to convert over, which I was actually surprised when I came here that you all went live on Incode in 2022 and that you were premise based, because in 2019 - 2020 they made a huge shift to really not promote their premise based product and move towards the cloud-based environment. Primarily because all of their enhancements and everything are being done in that cloud environment. The premise is they recognize there is some limitations, there are problems, it takes longer time for support to help, and all those kind of things, so I was surprised that you all converted in 2022 over premise based, but I do understand that it was probably more to do with the length of time from signing the contract to when you actually went live in the product. There typically is a conversion cost, but they are waving that cost if we are able to sign their agreement by June 7th. We would get on their calendar, but the implementation would not take place until maybe late August or September, but we would not be billed until October 1st because we have currently paid for this year. They will prorate us and give us credit back for the premise base, but since we are with them, they will push out that first payment to the next fiscal year for budgeting purposes for us. Mayor Pro-Tem Fox asked how much is that fee they are waiving? Finance Director Carl said I do not have a specific because it is not in there. I can tell you that my Tyler representative was shocked when he saw it come back and not have a fee on there. He said with all of the modules that we have, it would not be unusual for it to be \$20,000. Mayor Countryman asked how long is that migration going to take? Finance Director Carl said it should take maybe six weeks. We would be fully operational in our environment and we would do some testing in the cloud environment before they flip the switch and put us fully into the cloud. Council Member Olson said I am supportive of your switch. I just want you to be well aware that all of the hopes and dreams that they sell you on speed and accessibility is absolute nonsense, so you are going to slow down, I promise. We have moved I do not know how many of our programs to the cloud with the promise that it will be faster. Every single time it is not. They are much slower. You cannot download the same size files that you used to. You are going to have to do two and three different pieces to get the same download that you used to be able to download from your servers. I promise you that. I am supportive of you because I know it is easier and hopefully it is cleaner, but do not get sold on it is going to be better because it is going to slow down. Council Member Donaldson asked for the \$12,000, does that mean another \$1,000 a month is the fee we have to pay? Finance Director Carl said we pay the fee annually, but yes, it would equate to an additional \$1,000 a month for this environment versus what we are doing currently. Mayor Pro-Tem Fox asked would not that balance out by efficiency? Finance Director Carl said we believe so. I have talked to some clients who have moved from premise base to cloud most recently at the spring conference for Government Finance Officers Association, and I have not come across anybody who said I wish we would have never gone to the cloud. Council Member Olson said you are going from hardline where it is just right now

you have it to let us hope it comes down. City Secretary Beaven asked are you referring to parallels, their cloud base with parallels through Tyler, because I have experienced that through another city twice. I understand what you are saying Council Member Olson, but it is not quite as significant as you think for this program. Council Member Olson said I hope I am wrong, but all of the programs that I have recently moved to the cloud has been miserable. Council Member Donaldson asked Court Administrator Duckett if she has any concerns about the software move. Court Administrator said I do not have any concerns. I actually think it is good for the court because we are on Incode 9 and everyone else is on Incode 10, and so instead of me having to truck all of my files over to Finance Director Carl like I did today, I think we can simply just click a button and she can just look into our files and everything talks together through the cloud. Council Member Olson said I am supportive. I hope it does make us communicate better. Finance Director Carl said I am hoping to get at least a half a day back every month in that alone.

Motion: Mayor Pro-Tem Fox made a motion to move to approve Incode ERP Pro 10 and Municipal Justice to Tyler Cloud/SaaS. Council Member Olson seconded the motion. Motion carried with all present voting in favor.

DEPARTMENTAL REPORTS

13. Municipal Court Report April 2025

Court Administrator Duckett said the citations for April were 131 and the revenue was \$33,361.77. Mayor Countryman said I would like to say that you did a great job in the Citizens Academy, you and your team presenting.

14. Discussion and possible action on the Financial Reports for the period ending April 30, 2025.

Finance Director Carl said in my cover sheet I talked a little bit about the fact that sales tax was slightly lower. I did go back and look at last year and we had a couple of one time payments last April that we did not have this April. Nothing to be alarmed by. Council Member Langley said there was a check that she did not recognize the name on the check. She said I will call you and ask. Mayor Countryman asked do we need to make a motion specifically for this item or can we do it while we do all the departmental reports? City Secretary said all the departmental reports.

15. Public Works Monthly Report April 2025

Public Works Director Muckleroy said he emailed everyone a corrected version of the report earlier today of the Fernland visitor and tour numbers. Council Member Donaldson

asked if he was keeping an eye on Plez Morgan? Public Works Director Muckleroy and he is keeping an eye on Plez Morgan. I will let City Engineer Chris Roznovsky, WGA, comment any further on that plan. Mayor Countryman said with four acres of us being sold back to MISD, is there going to be any change in Cody's Lawn Service pricing? Public Works Director Muckleroy said as soon as that closes, then we will quit that. Mayor Countryman said okay. I am just making sure it is not a flat rate we were going to get compensation for. Public Works Director Muckleroy said each facility has its own price. The way the contractors are in this, if he does not mow a facility, then he does not charge for that. It is written that way on purpose if he does not need to do something for a month. A lot of times it will be the lift station we control. If he feels like it will ride another month, he will not spray it.

16. Utility Operations Monthly Report April 2025

Mr. Phillip Wright, Hays Utility said we did pretty good at flushing again. We are trying to maintain the water quality throughout the system and so we have gone aggressive on that. I think we found this has been the best way to take care of it. Your accountability is above 90 percent which is where you want to be. Next is the wastewater treatment plant statement that you are in compliance with your discharge permit. That is always good to see. On the Lone Star Groundwater Conservation District page, you can see where we are at for the year as far as pumpage and we are looking good so far. We are going to be paying close attention as we get through the year. Council Member Olson asked when we flush, do we just put that out on the ground? Mr. Wright said yes. Council Member Olson said I know we have gotten a ton of rain so that is great, but July and August we will not get a ton of rain and we are going to continue to flush. Is there any way we can get that water somewhere besides the ditch like into the park or into the pond? Mr. Wright said during the summer months we do anticipate less because the water usage will do the flushing for us and so usually the water quality complaints go down and so you get natural flushing in the system. The main reason is because you have these sections where you have very large diameter water mains that were designed to be completed say like around the Montgomery loop, but right now they are incomplete so they are dead ends right now. The best way to keep that water quality is to flush those. When you do the loop and you have usage in between, that goes away. You do not even need to do it. Council Member Olson said I just look at we are flushing a million gallons and in our ponds you can see the scales on the fish because there is not enough water for them to swim around in. It is like put the water in the pond instead of down the ditch. Mr. Wright said our biggest tanker truck holds 7,000 gallons so that is a lot of tanker trucks.

17. Building Official Report for April 2025

Mr. Rick Hanna, Certified Building Official, CBO Partners, said I want to say the Chief is doing a fabulous job as the administrator.

In your package we prepared a permit by permit type summary. I thought that might be more beneficial than the raw data that we were giving the last few months. I want you to understand this is not spot on accurate. We use a system with Community Core whereby when new construction starts, we assign a master permit number and then the mechanical, electrical, plumbing, irrigation permits are sub-permits under that, so the numbers may not be just exactly right. The main thing is we feel like we are within the budget. When you look at the budget, we are well under budget of what my company is charging the City. Last month, total grand inspections were 380 and 31 plan reviews, so basically the volume is increasing. I think when we give you the summary report this month we will be able to look and see how things are going. I also included an example of our inspection report. We cover for a couple of other cities when you are talking about different programs. The other cities just bought a program they thought was going to create all the time savings and they are really struggling with it. I just want to mention that if you go to conferences, your building permit package is working great. In addition to the monthly, that is last month's, so we are going to be running a month behind. I just wanted to bring you up to speed. The K hub model out in the Hills of Town Creek has been completed. They have a CO and I think they have moved in. I do not know if they are actually in operation yet, but they should be close. Over in Redbird Meadows, six models are now under construction. One of them is ready to start hanging sheetrock, and the others are at various stages. Just as a caution, I do not want to offend Mike or anything, but letting these guys get started with no water and no electricity sure has been creating some issues out there. The crews and laborers are out there in the morning when they have trucks all up down the road and all of a sudden the supply trucks start coming and the guys come and start trying to put in underground gas and electricity and it is just a mess. We love the developers and their anxiousness to sell lots, but it is really creating issues out in the field for staff and people trying to get any work done. I do not know what our situation is with water. Mayor Countryman asked Public Works Director Muckleroy if they have had any issues since we have the water police out there? Public Works Director Muckleroy said no. Mr. Hanna said that is good. The construction for the MISD CTE Center they hope to line up by June 15th, which is their drop dead date, so we are going to start to have a lot of finals going on there. It is going to be an amazing facility. I get lots of development questions between Code Enforcement Officer and Planning/Development Administrator Tilley and I. A lot of people are just asking non-specific, generic questions, but we know it is development ideas coming down the road, so a lot more of that coming. The example of the report that was in the packet, that is how we do our inspections. Each time we go out and do an inspection, we are able to instantly resolve it and it goes to the plumber, electrician, the builder, whoever it needs to go to. I think our system is working very smoothly. I get a lot of compliments from guys that are building in other cities that takes us two or three days to find out where we are, but they are able to get them sent to them. A big push on things is now when you go to your conference, you are going to hear about being able to go into the

cloud and load their documents, and request inspections. It all sounds good, but everyone that I have talked to has been having problems with it. We are in talks with our developer to get to the point where eventually we will be able to let the builders load their documents and start the plan review. The good thing about our program is it is developed by permit technicians and inspectors and they use it in their company before they release it to the licensees. I think things are going to get better as far as the time it takes to get things. We turn things around within 10 days on a plan review. Preparing for the future, Cody is at BPI this week and taking some classes, so I hope to get him and Stephen both within the next year or two certified building officials also. There are a lot of cities around that do not have certified inspectors. We have three plumbing inspectors and three certified code inspectors that are picking up things here in Montgomery. The mayor will be the welcome speech at the Building Officials Association conference. It will be at Margaritaville on Lake Conroe in August.

Mayor Countryman said you were on a pool safety program mission. How is that going? Mr. Hanna said this was pool safety month. I felt guilty that I got a whole month and Public Works Director Muckleroy only got a week for public safety. I am still trying to work with folks and get some fences up. Mayor Countryman said your tires are not flat, so I figured it is going a little bit better. Mr. Hanna said it has not progressed like I hoped it would. The new permits that we are doing, we are trying to get all that worked out on the front end and it is like pulling teeth, but I get one reply a month which is what the average is.

18. Discussion on Engineer's Monthly Report

City Engineer Chris Roznovsky, WGA said starting on page 123 of your packets, I will review the highlights and stop if you have questions. Item one, your Water Plant No. 2 improvements project, we did receive two pay estimates since the last meeting. As of April 25th, they are 71 percent complete by time and 66 percent by value, so they are generally right on track. They did complete the well testing this past week and everything came back great. It was performing better than expected, so they are actually going through options now on upsizing some of the equipment because it is able to support more pumping than was originally anticipated which is a good problem to have more water than expected.

On your sewer rehab project, we are waiting on final three videos of repairs from the contractor to be able to close that project out.

Moving on to page two, item number five, the Town Creek wastewater plant expansion. We did receive revised limits on your permit on the draft, so we were able to get one of the phosphorous limit removed, but they lowered some of the other limits on the ultimate phase of the plant so it makes this phase a little bit easier, but we are setting up so we will have to do additional treatment on the second expansion of that plant. Half is working through that with their design report to plan for that expansion or those additional treatment units

in the future. Council Member Olson said I need to give you a name. I was told to reach out to this person with the state. The name is Rebecca Ainsley. She handles a lot of the state grants for water and sewer for cities. City Engineer Roznovsky said he will follow up and reach out to her.

City Engineer Roznovsky said moving on to items seven and eight. The two ARPA funded projects are both pretty well wrapped up and ready to go. We are just waiting on the required environmental review. We received an update today that they are still working through the environmental review, so once that is completed, we will be able to bid those two projects.

Regarding Plez Morgan erosion, as Council Member Donaldson mentioned earlier, we have over this past month engaged a geotechnical and structural consultant to give us some other options just to make sure we bring back the right method. If you remember on Lone Star Parkway on the bridge, the county did the riprap. They failed. They came back and put concrete over the riprap. It failed. They came back with a sheet pile. We are going through some sheet pile designs and trying to minimize. It is all based on how deep your sheet pile goes and to bring back that recommendation and updated cost. Things have been ongoing, but we are just not ready to move forward because we do not want to do this. We want to do this once. We do not want to touch it, just making sure that we are all on the same page. Council Member Donaldson asked is it still going to be under our projected budget? City Engineer Roznovsky said that is one of the things we are working on. I think we had 200 something thousand in it. That is what we are trying to determine now is if we are going with sheet pile, how low a depth can we go, or at least preliminarily so we are not needing as much because again, we have to protect against that ultimate erosion. When we come back at your next meeting, the plan is to bring you an updated cost assessment scope so we can see it all, as well as the timeline of that.

We broke up the report a little bit differently, so this next section is all about developer funded capital projects just because they are all intermixed so you can see what is city funded versus developer funded directly. The Old Plantersville water line extension, which is the piece to serve the Johnson development, they finished that final bore under the railroad last Thursday, so now there is just testing and clean up and we will be able to get that line in service. On the top of the next page, you can see a picture of that bore.

All the rest are general updates. Most of these designs are wrapping up between June and July to have those designs complete, to move into bidding and construction of all those projects with the exception of number six, which is Montgomery Crossing. Developers have questions on the scope, so that design has not started yet. We are waiting on deposits from them.

On the development agreements, HEB has provided us comments. We had a call with them last week. They are working on the wording, especially around the CB Stewart memorial monumentation on the site. They are concerned with the stringency of that wording so we asked them to provide something we can bring back to Council and let you all discuss. We have to have something. It cannot just be taken out of the agreement, but give us some balance to work with and we can get to it. Mayor Countryman said we have opinions.

On page four of our report, if you look on page 132 of your packets, we added a pre-development meeting map to show over the last 30 to 45 days all the people who have called or we have had pre-development meetings with. Over the last 30 to 45 days, there have been about eight. There are a couple that are not shown on there that have since called, so it is continuing to pick up. We will include this pre-development meeting map going forward just so you will know what is coming up and who is kicking tires. These are not escrow agreements or anything at this point, but they are at least expressing interest in the City and developing in the City.

On page five of our report, page 127 in your packets, Hills of Town Creek section five, I want to note we did receive the playground and shared use path plans. If you remember, this is the replat where they are needing the variance to get the park and so they have submitted plans and are working through that process.

At the last Planning and Zoning Commission meeting, they did approve the Legacy Grove preliminary plat that is in the Tri-Pointe development. We have already talked about Buffalo Springs and College Street tonight.

As of over the weekend regarding the CTE Center, they finished their final physical punch list items which was painting the hydrants to match the city standard. We were notified of that this morning. The last thing left is the maintenance bond. We have been going back and forth, and on my way here, the contractor has agreed to the maintenance bond. It sounds like we should have that for your next agenda item, as well as to accept that water line extension. Other items are just updates on the construction. You will see pictures of the coal panels and electrical panels for the lift station at Briarley.

We did have a stakeholders meeting on May 13th with TxDot. They updated a couple things on the project. One is scheduled to let in September of 2027. The City's portion is still within phase three of that project, so there is still some time down the road. One of the big changes that they made is they removed the raised medians throughout that were in the City. If you remember, that was a big point of contention between the schools and the churches were the raised medians that were blocking the access all down SH-105, so those have been removed from the scope. We also continue to work through a utility exception with them. There is a lot of utilities obviously in TxDot right-of-ways. Some of them are in physical conflict that have to be removed. Some just do not meet their standard for depths

and clearances. That is the exception we are working through to be able to get as much as we can in place to reduce that cost. That is ongoing. Mayor Countryman said Katherine made a good point too. If they are going to put the sidewalks on the south side, why do we need to dig up the north side, so that is a cost savings. City Engineer Roznovsky said for sure.

The Atkins Creek drainage improvements project did let, so they bid out that drainage improvements projects to repair more of Atkins Creek down to about 200 to 300 feet from FM 1097. It is supposed to begin construction in August and per TxDot, FM 1097 will still be partially opened so there will be some impacts of traffic, but not a full closure like they had.

Mayor Countryman said I noticed on Superior Properties you mentioned that you had not heard anything about them platting, but I have heard that they are waiting on us for something. Are we owing them anything? City Engineer Roznovsky said we have been going back and forth on the development agreement. As of this afternoon, we have provided comments back to them. The original plan is they are extending water and sewer on Lone Star Parkway to serve them. Development plans have changed multiple times, and now they are most recently requesting to upsize the water line on Simonton, so Simonton, Lawson, the south street. Then, upsize the water line and loop it back around to get rid of those dead ends, which is good. When they were originally doing the work and it only served them, they were going to do that design work since it constructed on their behalf, so it does not affect anyone. After that change was made, we did not feel comfortable talking to staff in having a developer solely responsible for replacing that water line that existing residents are tied off of. That was the last change which is the agreement they responded to that they are okay with this afternoon that the water line portion designed and constructed by the City since it is affecting existing people, and then the sewer work that only serves them. Mayor Countryman asked for the final approval, everyone was okay with them having residential to the left and the commercial at the corner of Lone Star Parkway and FM 149? City Engineer Roznovsky said correct. Immediately adjacent to the Convention Center is the Community Center. There is Ponds along the frontage and in the back is multi-family and that was rezoned previously. Immediately to the east of that, off of Lone Star Parkway, is mini storage. Mayor Countryman said I just knew there was several iterations and I have been contacted that apparently we were the problem. I did not think so. City Engineer Roznovsky said there was a lot of back and forth on both sides of it. As of now, they have agreed to the changes so barring anything that happens, they will be on the June 10th agenda for approval. Mayor Countryman said I am hearing rumblings of drainage for the CTE is not holding. City Engineer Roznovsky said I met with MISD and their architect. The creek that we were worried about is continuing to erode and it is not to the point of impacting their site, but it is right up to the line and it is continuing to erode away. Mayor Countryman asked whose responsibility is that because I know they

spent several hundred thousand dollars for mediation and trying to hold all of that intact, but because there is still degradation happening, is that on them to make sure that their soil stays where it should be or is that us because of drainage issues, or the developer, the owner? Who is that? City Engineer Roznovsky said the historical stance of the City is it is on the owner of the property that is eroding. Currently the owner of the property that is eroding is the MUD for Town Creek Crossing. What the developer deeded over, all of Town Creek, so around the school and over to that MUD. Mayor Countryman asked do we know who is on that MUD district? Are we talking to them to help? City Engineer Roznovsky said we have contacted the attorney a couple times. We have a relationship with him. He is currently out, but we will continue that conversation and include your attorney as well.

Council Member Czulewicz asked is there any indication when the county is going to put the traffic light on Star Bend? City Engineer Roznovsky said I have not heard about this. I did reach out last week or the week before. The first step was they were supposed to draft an interlocal agreement and send over to the City for review for the cost sharing of that. I have not heard. Also, since the road bond passed, the original plan was a temporary signal with a wooden post and whatever materials they could find. Now that the road bond has passed, are they going at a different approach? I have not heard. When we met with them a month or six weeks ago, it was urgent to get complete, but we have not heard.

Mayor Countryman said I do not know whether to bring this up now or later on when we talk about possible items on the next agenda, but I received a call today and then I experienced it myself. FM 149 South at FM 1097 it is one lane and there is a turn light and that light is completely off. It was backed up to FM 1097 west multiple times this weekend. That light is completely screwed up and we need to have Text look at that. I do not know if it is you, or if it is Chief, but really we need a turn lane there. That light does not work in our favor or anyone's favor. City Engineer Roznovsky said yes, we will reach out. Mayor Countryman said thank you. I had stated I would bring that up.

Council Member Donaldson said I need an explanation on how HEB works because I do not quite understand this draft agreement that they have provided to a developer. Who is the developer? City Engineer Roznovsky said the term developer is HEB. They are the owner developing building on the property. When we say developer, and we use that as well for the church and other things, developer is whoever the entity is that is improving the property for commercial church etc. The development agreement was drafted for HEB specifically. They were provided that agreement back in March. They provided some comments and requested a meeting. We had called them last week and that is when they said they were fine with everything. It was just voicing their concern over the language that was in there regarding the monumentation. Essentially, and I am paraphrasing, it said the City has the right to be able to dictate the location and scope of the monument. That was too broad for them to accept. If we said they will dedicate a site that fronts on to SH-105,

that is 50 x 50 or give some bounds around it, we can work with that, but we cannot remove it completely because it was important to the City to get it completed, but they need to provide us something tangible so we can come back to you all with here is what they are proposing, does this give us enough framework? Council Member Donaldson said I saw how Home Depot operated and how we passed there, but then when the BCS thing came up and then Academy is going to be the base for that, but Academy does not build their own stores. They have somebody else do it. I am trying to figure out how is HEB doing what they are doing? Are they doing it the Home Depot way? City Engineer Roznovsky said HEB currently own and they will build the building. They bring their own materials versus where BCS is developing the property and, I do not know the full business plan, but providing the shell to Academy to use and either purchase. I do not know the terms of the agreement. Council Member Olson said that is fairly common with retail. The big ones like CVS and Walgreens, none of those stores are owned by CVS or Walgreens. They will put together like a package of 10 stores. They will go to a developer with some investors. They will go build the buildings and they will put them on a 20 year lease. They get a guaranteed return on their investment, and then when CVS is done, they will either re-up or move out. Like Home Depot, they self-develop. They buy the land, they own the building, they own the real estate. HEB is the same thing. What BCS is doing is they will build all the shells and then lease it all out. City Engineer Roznovsky said it is kind of like when the Home Depot property developed. Milestone Development put in the roads and the utilities, and then subdivided off pad sites. Home Depot purchased that pad site. Council Member Donaldson said I understand that, but who is the developer? Council Member Olson said HEB. HEB is going to do it. They self-develop. Mayor Countryman said they have more than just a grocery store. They have lots of different businesses. Council Member Donaldson said okay. It is like another entity. Mayor Countryman said yes. They have a real estate division and construction division.

Mayor Countryman said if I read correctly, we have 25 developments on this map. That is wild. In 2018, it was like if there was three we were excited. City Engineer Roznovsky said we overlay both what is being looked at, the pre-development, and this. There is a lot of property.

19. April 2025 PD & CEPZA Report

Lieutenant Belmares asked if there were any questions on the report. Council Member Olson asked if there was anything exciting over the long weekend. Lieutenant Belmares replied no, just last night's rain. Council Member Olson said yes, it was exciting.

Code Enforcement Officer and Planning and Development Administrator Tilley said I do not know if you have any questions for me, but you will see that my report has slightly changed, so maybe it might be a little bit more understandable on what I am doing on a monthly basis. Mayor Countryman asked what does field investigation mean? You are not

out in the field, you are just out? Code Enforcement Officer and Planning and Development Administrator Tilley said yes, out in the field. Typically, it is complaint driven or things that I need to follow up on. I should be out there more often, but as I get the opportunity to step out there, I try to run out. Sometimes it takes a half day, maybe even longer than half a day for me to be out there. Mayor Countryman said I did have a question. I believe that the developer that is on Lone Star Parkway, Taylor Morrison, they were halted and we did a stop work order. Are they back in business? Code Enforcement Officer and Planning/Development Administrator Tilley said they should be back up, yes. That was because of the dirt. Mayor Countryman asked has that been remediated? Code Enforcement Officer and Planning/Development Administrator Tilley said yes. There is a large tanker out there now that is making sure.

Mayor Countryman said I do have one comment for Public Works Director Muckleroy. At the pavilion, there was a party there on Sunday and I got a call that none of the plugs worked. Did the storm Friday night knock out power? Public Works Director Muckleroy said I do not know. Did you get a hold of him and what did they say after you called him back? Mayor Countryman said he did not call me. Chief Solomon said you said they were not out. Mayor Countryman said she said they were not. Chief Solomon said so they should just go to Home Depot. Mayor Countryman said that is what I suggested. We said that we would reimburse them. After I went back and forth six times, I never heard back, so I am assuming, but I just did not know if we had a problem. Public Works Director Muckleroy asked were those on the light poles? Mayor Countryman said she said it is on the pavilion and she said the box was locked. Public Works Director Muckleroy said yes, the breaker box. Chief Solomon said he told me they did not need that. Mayor Countryman said yes, I do not know either, but I just did not know if we had an issue because of the Friday night storm. Public Works Director Muckleroy said some times those GFIs on the pavilion, one of the GFIs were blocked and just had to be reset. Mayor Countryman said that is what I figured, but it was a holiday and I was not available to come into town and look at it. I just did not know if we had a problem and that is the only reason I bring it up.

Motion: Council Member Langley made a motion to approve the departmental reports. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

COUNCIL INQUIRY

Mayor Countryman stated she wants to make an announcement that Lake Creek softball is going to State and I appreciate you. MISPD and the fire department is going to give them a sendoff at 11:00 a.m. on Thursday so that is exciting. Mayor Pro-Tem Fox asked at the high school? Mayor Countryman said yes, at Lake Creek High School at their gym.

MEDC approved the Viewpoint, Dennis Quaid item and it was not on this agenda because Council has to approve it. The gentleman is asking me when we are going to approve it. City Secretary Beaven said yes, MEDC is paying for it. I was on the phone with the attorney last week. We have already started talking about putting together the resolutions and beginning the public hearing part of it, yes. Mayor Countryman said I just need a date. He is a great salesperson applying a lot of pressure. I just do not have answers. Dennis Quaid has a production company and they heard about Montgomery and they want to come and do a feature marketing piece for us. It will be on Fox News and CNN for a year, like a 10-second spot, a 30 second spot, and a minute and a half spot. We will have the rights for a year to use that as our marketing as well. City Secretary Beaven said we have a 60-day waiting period, two resolution readings, and a public hearing that we have to go through before we can issue payment. Mayor Countryman said I think he is just looking for dates and if we are going to move forward, but I told him that MEDC would have to approve it and then Council would have to approve it, so you are telling me it is about 90 days, 75 days to get that done.

Mayor Countryman said the cemetery on FM 1097 by the water plant is looking to put in bathrooms. Chief Solomon said I think they already have put in bathrooms. Mayor Countryman said there is no water to those bathrooms. I think Mr. Wilkerson is going to be coming up to MEDC to see if they can get some help. Those bathrooms would only be used when there is a funeral because they would be locked at all times unless there is an event on that property. Public Work Director Muckleroy said it is just tap fees that they are having an issue with. They have to provide us a plan set for taps. That is what they need plans for. Mr. Rick Hanna, Certified Building Official, CBO Partners said those buildings never got final inspections. Council Member Donaldson said the water line is on the north side so they have to bore into the street and that is expensive. Mayor Pro-Tem Fox said there is not water available there. City Engineer Roznovsky said that is part of the issue. It is just not a normal tap in city right-of-way. It is TxDot across the street which is a complexity. Council Member Langley asked so the church on the corner does not have water? Mayor Pro-Tem Fox said no. Public Works Director Muckleroy said their water is on FM 149. Council Member Olson asked you cannot come off FM 149 on the line instead of boring over the road? Mayor Pro-Tem Fox asked Public Works Director Muckleroy but that building does not have water at all though does it? Public Works Director Muckleroy said the church has water. They have a water meter. Council Member Olson said that is for the right-of-way from the church so we come through there with a line instead of boring under the road. City Engineer Roznovsky said it would be a very long tap to do that. We could definitely look at it for the church and see what makes sense, but we want to put our meter as close to the water line as possible to eliminate the small private line. It would not be the normal versus that they have a solution that can work. Council Member Langley said so all the water available to the cemetery is across the street, other than in front of the church on FM 149. Is that correct? City Engineer Roznovsky said yes. Council Member

Langley asked so where the water plant and those tanks and all of that are, there is no water coming out of there? City Engineer Roznovsky said right. There is a water line on, this is Park Drive. There is private property between that street and the cemetery and the private property between the cemetery and FM 149, so it is really the same situation either way. Either they are crossing and we have to go across private property from Business Park Drive or from FM 149. The shortest route is go across the street. It is just the time of going through TxDot, but it is still significantly less water line. Mayor Countryman asked have you had that discussion with them or anyone? Public Works Director Muckleroy said I have emails. Mayor Countryman said yes, he brought it up on Saturday and so I thought I would bring it up. The expense of boring under the road is what he is trying to avoid. Chief Solomon said I think he understands that. That is why I came up to MEDC last week to try to get the funds to go across the street because their original plan was to connect to the church so that was not the best way to do it. They are working on it with MEDC.

Council Member Donaldson said I just want to thank Public Works Director Muckleroy and public works for having burgers for city staff and City Council last week. We had a good turnout and it was a good way to celebrate public works week. Thank you so much.

EXECUTIVE SESSION

20. 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. Section 551.071 Consultation with Attorney for the purpose of discussion and deliberations regarding potential litigation.**
- B. Section 551.072 Deliberations about Real Property for potential sale of land.**
- C. Section 551.072 Deliberations about Real Property for potential lease of land.**
- D. Section 551.074 Personnel Matters for the purpose of discussion and deliberations regarding the appointment, employment, evaluation and duties of a City Administrator.**

At 7:21 p.m. Mayor Countryman 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 for the purpose of discussion and deliberations regarding potential litigation, Section 551.072 Deliberations about Real Property for potential sale of land, Section

551.072 Deliberations about Real Property for potential lease of land, Section 551.074 Personnel Matters for the purpose of discussion and deliberations regarding the appointment, employment, evaluation and duties of a City Administrator.

21. 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. Section 551.071 A. Section 551.071 Consultation with Attorney for the purpose of discussion and deliberations regarding potential litigation

B. Section 551.072 Deliberations about Real Property for potential sale of land

C. Section 551.072 Deliberations about Real Property for potential lease of land

D. Section 551.074 Personnel Matters for the purpose of discussion and deliberations regarding the appointment, employment, evaluation and duties of a City Administrator.

At 8:27 p.m. Mayor Countryman 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: No action taken.

Item B: No action taken.

Item C: No action taken.

Item D: Motion: Council Member Olson made a motion to approve the City Administrator's contract with a start date of June 16, 2025. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

CLOSING AGENDA

22. Items to consider for placement on future agendas.

No items to consider for placement on future agendas.

23. Adjourn.

Motion: Council Member Langley made a motion to adjourn the Regular Meeting of the City of Montgomery at 8:28 p.m. Council Member Olson seconded the motion. Motion carried with all present voting in favor.

APPROVED:

Sara Countryman, Mayor

ATTEST:

Ruby Beaven, City Secretary

DRAFT