

**Notice of City Council  
MINUTES**

**June 28, 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
	Casey Olson	City Council Place #2
	T.J. Wilkerson	ABSENT
	Cheryl Fox	City Council Place #4
	<i>Vacant</i>	City Council Place #5

Also Present:	Dave McCorquodale	Assistant City Administrator& Planning Development
	Nici Browe	City Secretary & Director of Administrative Services
	Alan Petrov	City Attorney

**CALL TO ORDER**

Mayor Byron Sanford called the meeting to order at 6:00 P.M.

**INVOCATION**

Mayor Byron Sanford provided the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Citizens are invited to speak for three (3) minutes on matters relating to City Government that relate to agenda or non-agenda items. Prior to speaking, each speaker must be recognized by the Presiding Officer. All speakers should approach the podium to address Council and give their name and address before sharing their comments. City Council may not discuss or take any action on an item but may place the issue on a future agenda.

**Sarah Countryman, Berkley Drive** provided an address to City Council and the citizens of Montgomery, outlining her dismay at the length of time two records requests she had submitted has taken thus far, and asked what the city is trying to hide.

She went on to discuss issues with properties in the Historic District and those recent actions taken by the Interim City Administrator in her opinion show a zero accountability for his actions. She urged the city to update all ordinances before more issues arise out of the food trucks and other mobile vendors that are taking business away from long standing businesses, such as the Old Montgomery Steak House. These proprietors are feeling unappreciated and are thinking of leaving the City.

**Bea – Montgomery Historical Society.** Spoke regarding the vacant lot “Davis Cottage” and how they had been trying to locate the two babies that were buried there in 1851 and 1854. She informed council how they used Cadaver dogs to locate the graves and asked that they not be disturbed and should be preserved.

**Mike Ciacco – Buffalo Springs** spoke to Council about the young entrepreneur Jacob who runs pop pop dandy dog. He urged council to not tolerate those who wish to crush the young man as a businessman. He further added that the rumors around town about his past, is wholly untrue and urged the community as a whole to bring those who further the rumors to justice.

**Julie Davis – 201 Womack** spoke about the contract with SGR and is upset that council acted unethically by writing a blank check to the company for a search for a new administrator. She reminded council they are the stewards of the public monies and should of place a cap when stating the motion. She also added concern about PD selling their junk for a \$1.00. That is taxpayers’ money they are wasting, the next topic she addressed was the judge’s contract. It was open ended, no fees, no expectations but is just pure nepotism in her book. She concluded with the dismay she feels at WGA the city’s engineer for the pipeline for the Historic Downtown Improvements, its was not sent out for bid, and the way this project is structured we would be double paying WGA and that is gross.

**CONSENT AGENDA:**

Councilmember Casey Olson moved to take the consent agenda items individually. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

1. a. Minutes of regular City Council Meeting 05-24-2022.
- b. Minutes of regular City Council Meeting 06-14-2022

Councilmember Casey Olson moved to approve the minutes for both the May 24, 2022, and June 14, 2022, as presented. Councilmember Carol Langley seconded the motion. Motion is passed (3-0).

2. AN ORDINANCE AMENDING THE RECORDS MANAGEMENT ORDINANCE FOR THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A RECORDS MANAGEMENT POLICY FOR THE CITY OF MONTGOMERY, TEXAS; DESIGNATING THE CITY SECRETARY AS RECORDS MANAGEMENT OFFICER; ESTABLISHING A RECORDS RETENTION SCHEDULE AND PROVIDING FOR DESTRUCTION OF MUNICIPAL RECORDS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

Councilmember Casey Olson moved to approve the ordinance as presented, Councilmember Cheryl Fox seconded the motion. Motion is passed (3-0).

3. AN ORDINANCE OF THE CITY OF MONTGOMERY TEXAS, CREATING REGULATIONS RELATING TO RECORDS MANAGEMENT, INCLUDING THE DISASTER PREVENTION AND RECOVERY PLAN FOR CITY RECORDS, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Casey Olson moved to approve the ordinance as presented, Councilmember Cheryl Fox seconded the motion. Motion is passed (3-0).

4. Consideration and possible action authorizing the Police Department to sell unused generator to Panorama Village for \$1,500.00.

Police Chief, Anthony Solomon addressed Council regarding item 4 and 5. He explained that the generator was obtained through a government program. The city has only expended money for the transportation to collect the generator. After two years the City owns the generator and is free to sell it or trade it as they see fit. The radios in item 5 are no longer compatible with Montgomery County’s service. A police department is seeking radios, and these will fit their needs.

Councilmember Casey Olson moved to approve the Chief to sell the Generator to Panorama Village in the amount of \$1500.00. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

5. Consideration and possible action authorizing the Police Department to sell unused equipment to Tioga PD for \$1.00.

Councilmember Casey Olson moved to approve the Chief to sell the unused equipment to Tioga PD in the amount of \$1.00. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

#### **CONSIDERATION AND POSSIBLE ACTION:**

6. Consideration and possible action to appoint a Municipal Court Judge.

Ms. Kim Duckett, Court Administrator informed City Council that the current presiding judge has submitted resignation and moving on to bigger opportunities. There were various suggestions and Judge Rosenquist nominated Mr. Chad Peace. Mr. Peace comes highly recommended from various circuit courts, independent judges etc.

Council discussed the timing of the transition and asked Judge Rosenquist to address City Council with these thoughts and suggestions.

Council addressed Mr. Chad Peace and Kim Duckett the Court Administrator, confirming the rate of compensation.

Council also addressed Legal Counsel for their input.

Councilmember Carol Langley moved to appoint Mr. Chad Peace as the new City of Montgomery presiding Judge at a compensation of \$12,000 per year. Councilmember Cheryl Fox seconded the motion. Motion passed (2-1). Councilmember Casey Olson voted "Nay."

7. Consideration and possible action on the following:

Dave McCorquodale, Interim City Administrator spoke to Council regarding the following item, explaining the process and how the Planning and Zoning Commission should provide a Final Report to which Council receive and can then move into opening of a Public Hearing.

- a. Receive the Recommendation and Final Report from the Planning & Zoning Commission on a rezoning request for 504 Caroline Street, Montgomery Texas from R1-Single Family Residential to B-Commercial.

Councilmember Carol Langley moved to accept the Final Report from the P&Z Commission on 504 Caroline Street proposed rezoning request. Councilmember Casey Olson seconded the motion. Motion passed (3-0).

- b. Convene into a Public Hearing to hear public comments on the request.

**Mayor Byron Sanford called to OPEN the Public Hearing at 6:38 P.M.**

No member of the public addressed City Council on this item.

**Mayor Byron Sanford called to CLOSE the Public Hearing at 6:39 P.M.**

- c. AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.5-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, MONTGOMERY COUNTY, TEXAS, COMMONLY REFERRED TO AS 504 CAROLINE

STREET, MONTGOMERY, TEXAS FROM “R-1” SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY’S OFFICIAL ZONING MAP TO “B” COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

Councilmember Casey Olson moved to approve the ordinance as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

8. Consideration and possible action on ending the one-year warranty period and releasing the maintenance bond for the public infrastructure in Hills of Town Creek Section Four.

Ms. Katherine Vu of WGA provided City Council with an update on the Hills of Town Creek Section Four and declared staff are now happy to release the maintenance bond for the public infrastructure.

Councilmember Casey Olson move to approve the release of the maintenance bond as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

9. Consideration and possible action on awarding a construction bid for the Clepper Street sidewalk project.

Ms. Katherine Vu of WGA provided City Council with the details of the construction bid information that was published, and the bids received. She stated that WGA recommends awarding the bid to Environment Allies.

Councilmember Casey Olson moved to award the construction contract to Environmental Allies, as recommended by the City Engineers. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

10. Consideration and possible action regarding a proposal for a Downtown District Master Drainage Plan study from WGA Consulting Engineers.

Ms. Katherine Vu of WGA provided a comprehensive discussion of the Downtown Drainage Plan Study. She provided steps that would be taken, the purposes of each step and a timeline for the study completion.

Council discussed their questions with her and concluded that the study would be done inhouse by WGA and that the results should be available July.

Councilmember Casey Olson moved to award the Drainage Study to WGA as presented. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

11. Consideration and possible action to approve the Montgomery Economic Development Corporation’s expenditure of \$286,457.50 for engineering and design services for the McCown Street Improvements Project.

Ms. Lori Sanguedolce of Gunda Corporation and Ms. Katherine Vu presented Council with a detailed, explanation of the improvements and connectivity, timing and cooperation between WGA and Gunda for this project.

*Councilmember Cheryl Fox exited the meeting at 6:53 P.M.*

Council addressed their concerns over both projects overlapping and causing delay issues between Gunda and WGA.

*Councilmember Cheryl Fox entered the meeting at 6:57 P.M.*

Ms. Katherine Vu stated that the idea is to have the underground work done at one time, so WGA would go in and do their portion, move out and allow Gunda in.

Councilmember Casey Olson moved to approve the MEDC's expenditure of \$286,457.50 for McGown Street Improvements by Gunda Corporation. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

12. Consideration and possible action to approve the Montgomery Economic Development Corporation's expenditure for the purchase of real property located at 21050 Eva Street, Montgomery, TX 77356 in the amount of \$600,000.00.

Mr. McCorquodale, Interim City Administrator introduced this item, and provided City Council with information regarding the intended purposes of purchasing the property.

Councilmember Carol Langley stated that she would like it noted that the property is not officially called the "Adams Park" as one document in the packet states.

Mayor Byron Sanford echoed Mr. McCorquodale's comment and went on to provide the vision by the MEDC for the property.

Councilmember Casey Olson moved to approve the purchase of 21050 Eva Street in the amount of \$600,000.00. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

13. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 57 OF CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Police Chief Anthony Solomon introduced this item and provided Council with an explanation as to the reason for the amendment to the ordinance. He answered questions from City Council.

Councilmember Carol Langley moved to approve the Ordinance amending Section 57 of Chapter 6. Councilmember Casey Olson seconded the motion. Motion passed (3-0).

14. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 206 AND 258 OF CHAPTER 86 "TRAFFIC AND VEHICLES" OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Police Chief Anthony Solomon introduced this item and provided Council with a detailed explanation for the amendment. He answered questions from City Council.

Councilmember Carol Langley stated that she was seeing a discrepancy from the Ordinance body and the headed caption. The section reference is different.

City Council led a discussion with staff and the legal counsel.

Councilmember Carol Langley moved to table this item until the next City Council meeting July 12, for staff to make necessary changes. Councilmember Casey Olson seconded the motion. Motion passed (3-0).

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SIGNORS FOR ALL CITY OF MONTGOMERY BANKING ACCOUNTS WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

Mr. McCorquodale presented the Council with an introduction to this item, as routine and an update with change of governing body.

Councilmember Carol Langley moved to bring this back to the July 12<sup>th</sup> meeting to allow for the vacant council position to be filled. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

16. Consideration and possible action to approve a TexPool Resolution Amending Authorized Representatives.

Mr. McCorquodale presented the Council with an introduction to this item, stating that much like the previous item there have been some changes that updates were required. As some of the information on the form is confidential the form is not attached to the agenda packet.

Councilmember Casey Olson move to authorize the Mayor and the Interim City Administrator as authorized signors for the TexPool. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

17. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS GRANTING TO ENTERGY TEXAS, INC. THE RIGHT, PRIVILEGE AND FRANCHISE TO CONDUCT WITHIN THE CITY AN ELECTRICAL LIGHTING AND POWER BUSINESS, PROVIDING AN EFFECTIVE DATE UPON ACCEPTANCE IN WRITING BY ENTERGY TEXAS, INC.

Mr. McCorquodale presented the Council with an introduction to this item, stating that this item was tabled at a previous meeting as council wanted some information for the downstream user in terms of any cost increases. He explained that he had confirmed that there would be NO change in the cost to the end user.

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

18. Consideration and possible action regarding a nomination for the Montgomery County Emergency Communication District (MCECD) Board of Managers.

Mr. McCorquodale presented the Council with an introduction to this item and explained that the communications district is seeking to appoint someone in Shenandoah or City of Conroe. Mr. Tramm was on the board and intends to serve his term out. He went on to note that the Council need not take any action if it chose.

Councilmember Carol Langley moved to take NO ACTION on this item. Councilmember Casey Olson seconded the motion. Motion passed (3-0).

#### **DEPARTMENTAL REPORTS:**

19. City Administrator's Report
20. Finance Report & Quarterly Investment Report
21. Sales Tax Report
22. Police Department Report

23. Municipal Court Report
24. Utility Report
25. Public Works Report
26. Utility Operations Report
27. Engineers Report

Each Department Head and Agencies provided their monthly update report in detail for City Council.

Councilmember Casey Olson move to approve the Department Head reports. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

**EXECUTIVE SESSION:**

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property),551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

## **Council went into Executive Session at 8:04 PM**

## **CITY COUNCIL RECONVENED AT 9:11 PM**

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

28. Sections 551.071 (consultation with attorney)  
551.074 (personnel matters)  
551.087 (deliberation regarding economic development negotiations)

No motion was made for the item 28 on this agenda.

29. Consideration and possible action on an appointment to fill the unexpired term for City Council Place 5 ending in May 2023.

Mayor Byron Sanford invited Ms. Patricia Easley and Mr. Stan Donaldson to present to the City Council their desires to occupy the vacant elected official seat for position 5, providing some background on themselves.

City Council hear their presentations.

Councilmember Cheryl Fox moved to nominate Patricia Easley to the position 5 of City Council to serve the remaining term up to May of 2023. Councilmember Casey Olson 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 Bryon Sanford** spoke about the meeting he had with the MISD School Superintendent, and they shared goals with each other as well as a vision for the City as a whole. He went on to note that there are businesses within Montgomery that needs chefs, or cosmetologists. Dr. Morris has stated that he will be sharing this information and websites to the teens and work on having internships locally.

**ADJOURNMENT**

Councilmember Olson moved to adjourn the meeting. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

ADJOURNMENT 9:22 PM

Submitted by: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Nici Browe, City Secretary

\_\_\_\_\_

Byron Sanford, Mayor