

**City Council Regular Meeting
MINUTES**

October 10, 2023, 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
	Sara Countryman	City Council Place #3
	Cheryl Fox	City Council Place #4
	Stan Donaldson	City Council Place #5

Also Present:	Gary Palmer	City Administrator
	Alan Petrov	City Attorney
	Diana Cooley	Deputy City Secretary

INVOCATION

Mayor Byron Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No visitors addressed the City Council.

ANNOUNCEMENT:

Mayor Byron Sanford read the Proclamation for World Teachers' Day.

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action on cancellation of the second council meeting for November and December.

November

2nd Meeting – November 28, 2023 (Thanksgiving 11-23)

December

2nd Meeting – December 26, 2023 (Christmas 12-25)

Councilmember Cheryl Fox moved to cancel the meetings for November and December for the second Council meetings as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

2. Public Hearing related to a request to locate a HUD-code manufactured home at 14692 North Liberty Street, Montgomery, Texas.

Mr. McCorquodale said this is an opportunity for anyone in the public to speak regarding the request. Mr. McCorquodale said there are three letters the requestor had given them today from neighbors for support which will count under the public hearing.

Mayor Byron Sanford **Opened** the public hearing at: **6:06 P.M.**

Ms. Scherhanda Hughes stated she is requesting to place a manufactured home on her property at 14692 North Liberty Street. Ms. Hughes said there is a home there currently which is not livable and will be demolished in order to place the manufactured home on the property.

Mayor Byron Sanford **Closed** the public hearing at: **6:07 P.M.**

3. Consideration and possible action on a request to locate a HUD-code manufactured home at 14692 North Liberty Street, Montgomery, Texas.

Mr. McCorquodale said the agenda report explains what the requirements are to locate a HUD manufactured home outside of a park. Mr. McCorquodale said Council has met one of those requirements, which is to hold a public hearing and said the other requirements must be met during the building permit inspection process.

Mr. McCorquodale said staff has no objection and recommends approval of the request.

Councilmember Sara Countryman said on the survey submitted it shows the property is one acre but the details state that it is .705 acres and asked if there is an updated survey to reflect the actual .705 acres.

Mr. McCorquodale said he does not know if Ms. Hughes has one but this is the one, she has provided.

Ms. Hughes said the church provided the survey.

Councilmember Sara Countryman said the survey provided shows 1.0568 acres which was provided in the packet they received but when she went to the County Appraisal District it shows .705 which is what they have in the notes, but the map does not match the notes.

Mr. McCorquodale said what the church had done was buy some of the northern end of it and said there is still more than enough side yard.

Councilmember Sara Countryman said she likes corresponding information to match, the house in the drawing gives a size of 56 feet long by 26 feet and four inches yet in the information provided on the agenda it says the size of the house is 56 feet by 28 feet. She then asked which it was.

Councilmember Stan Donaldson said that is the normal width for a double wide mobile home.

Councilmember Casey Olson said you are looking at the structure and not the actual measurement, the structure of the home is 26 by four and once you start adding everything else to move it down the highway it will be around 28 feet split in half as it would be 14 feet wide.

Councilmember Sara Countryman said that was not stated anywhere and she was just going off the information provided, adding that she is in support of the home but just wants to ensure what they are approving is what it states here.

Mr. McCorquodale said on **page 10** the floor plan of the home as well as the specs from the home came from the home manufacturer and the survey on page 17 came from the application.

Councilmember Sara Countryman said even on the model it shows 28 feet x 56.

Mr. McCorquodale said that is what he is reading on **page 10**.

Councilmember Casey Olson said once you start adding everything on you will be adding an additional four to eight inches on each side. He added that “26” is the post and when adding everything else to it, it will be bigger.

Councilmember Sara Countryman asked if they need to get a new survey.

Councilmember Casey Olson said the survey was provided to them by the homeowner and based off the measurements they used to qualify it there is more than enough room.

Councilmember Sara Countryman said she is all for that, but she just wanted the paperwork to match.

Mayor Sanford said Ms. Hughes stated several times there are things to be confirmed during inspection and that could be part of it, for instance the gas lines will be part of bringing that in so setting it up will not be a problem.

Mr. McCorquodale said this is not the actual permit you are approving tonight, but just an approval that would allow staff to be able to review and approve that permit.

Mayor Sanford asked if Ms. Hughes still qualified for this.

Mr. McCorquodale said yes.

Mayor Sanford said Ms. Hughes works at his church and everyone knows her, so it is not a problem.

He went on to say that he has been in contact with some groups, and they are going to oversee the removal through some organizations and the porch is not going to be a problem.

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

4. Consideration and possible action on the Final Plat for Montgomery Bend Section One.

Ms. Katherine Vu said Montgomery Bend is the development on FM 1097 to the east of Terra Vista and they are ready to present their final plat. She continued by informing the council that this went to Planning & Zoning last week for their review and was approved.

Ms. Vu said per their development agreement they are allowed to have 45-foot-wide lots with five-foot setback on the condition that no pertinences will be placed within the setback lines, they are keeping in line with that throughout their plat.

Ms. Vu stated that they have reviewed it in accordance with the other ordinances and have no objections to the plat. The applicant has turned in all other required documents and all have been delivered to City Hall.

Councilmember Stan Donaldson asked if they have the performance bond.

Ms. Vu said they do, they received both a performance and a payment bond for the contract that is currently ongoing. She went on to say part of doing the final plat while still in construction is that they submit a performance and a payment bond, and they will also submit when they go to accept the infrastructure a maintenance bond for 30 percent of the value of the infrastructure.

Ms. Vu said all three of those bonds have already been submitted to the city.

Councilmember Stan Donaldson asked how much money the bond is.

Ms. Vu said she does not remember off the top of her head but is calculated based on the actual construction cost that the developer is paying for the infrastructure that is going to be accepted by the city.

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

5. Consideration and possible action on a Proposal for Water Plant No. 2 Improvements submitted by the city engineer.

Ms. Vu said with Well #2 currently being out of service, what is presented in the packet includes a proposal from WGA to not only abandon the existing well and drill a new well but also take care of some improvements on site that have been needing to be done including but not limited to blasting and recoating the hydro pneumatic tank and other touch up coatings around the site as well as replacing the ground storage tank that is onsite with a same size ground storage tank.

Ms. Vu said what they are recommending since the City is still working through funding for construction of the project is to authorize design only which will take them all the way through plan approval and while the City is working on gathering funding and once the funding is available, they would come back for authorization to advertise for bids and continue on with the construction phase at that time.

Ms. Vu said their design phase services are \$109,000.00 in a lump sum amount and they are expecting 45 days for survey and 120 days for design including working with Lone Star for any permitting that may be needed to drill the new well.

Mayor Sanford asked if the entire timeline would be in the spring.

Ms. Vu said the whole timeline is around one year, which is what they expected and unfortunately it is not quick to get a new well put in.

Councilmember Casey Olson said they are looking to drill another well in the next three to five years and asked if they are completely replacing everything at well site #2.

Ms. Vu said that is correct.

Councilmember Casey Olson asked if that is the best place for the well to be redrilled.

Ms. Vu said even if well #2 had never gone down they would still recommend another well on the west side of town.

Councilmember Casey Olson said he understands that but is that the best place to put Well #2 since they know the foundation is already stressed and eroded which is why it collapsed. Ms. Vu added she does not know that the well collapsed necessarily only because of the formation as it is also a 40-year-old well with an undersized casing that is not used today as a much larger casing is used.

Ms. Vu said she does recommend putting it on this site so they can get the city back into a healthy water supply as it is a site that is readily available with facilities that are already available and said she does believe this is the best location for the well.

Mayor Sanford asked if what Ms. Vu was saying is that the age outweighs the location.

Ms. Vu said yes.

Councilmember Casey Olson said he knows a thing or two about wells and said he questions the formation structure being strong enough to withhold the pulling.

Ms. Vu said that will also come out during the hydrogeological report that Wet Rock is performing right now and if it turns out this site is not usable for the well, they are going to put it somewhere else.

Ms. Vu said they would not put a well in a place that is not usable. She asserted that as of today she has no reason to believe it is not a good site and definitely understands the concerns but also wants to get Wet Rock's study back.

Councilmember Cheryl Fox asked when they expect to receive the report back from Wet Rock.

Ms. Vu said it will be for a few more weeks.

Councilmember Casey Olson said his concern is approving this and spending money on something they are not sure they want to build there to begin with.

Councilmember Sara Countryman asked if they could approve it under the condition of seeing what Wet Rock has to say.

Councilmember Sara Countryman asked what the secondary site would be if they did not use the current location.

Ms. Vu said if for whatever reason this site comes back, and it is not usable then they would go to the west side of town. The Redbird Meadows is going to be dedicating a one-acre site to the city for a water plant and that is where they will start looking.

Ms. Vu said the first thing they would do is stop designing, come back to the Council and present the situation.

Councilmember Sara Countryman said they do not want to spend \$25,000.00 on design and then the site is not usable.

Councilmember Casey Olson said exactly, because they pay by the hour, and they design for a week or two weeks and then if they cannot drill there they have to start over somewhere else.

Ms. Vu said no it is a lump sum design fee.

Councilmember Casey Olson said he just wants to make sure it is the right place to put it.

Ms. Vu said she definitely understands the concerns. The first 45 days are for the survey, stating that if the survey would need to be put on the west side of town, they have a survey from Redbird Meadows anyway and if that needs to happen there are solutions and they are not at a dead end.

Mayor Sanford said he would recommend they put a contingency statement upon agreement of the hydrogeological report pending that expresses the concerns of the Council with the understanding they do have an alternative site with Redbird Meadows.

Ms. Vu said the land has not been physically dedicated to the city yet, but it is in an agreement and they have it survey ready to go but it just has not been conveyed to the City yet.

Councilmember Sara Countryman said more likely it looks like just approving the plan design but holding off until they receive the hydrogeological test results.

Councilmember Sara Countryman moved to approve the planning design contingent on Wet Rock's hydrogeological findings.

Councilmember Sara Countryman said she would like for Council to be able to see the test results.

Ms. Vu said they can certainly bring the results back to the Council. She said what she would recommend is to allow them to get their subconsultants kicked off so they can get them going on survey and that way they do not have too many delays.

Ms. Vu stated they have a year to get through before the well will be back online and she does not want to delay too much but understands Council's concerns as well.

Ms. Vu said they would not really get going on design until they have results back from Wet Rock.

Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

6. Consideration and possible action on calling a Public Hearing regarding the city-initiated rezoning request of the property commonly known as 203 Prairie Street, Montgomery, Texas. Rezoning from Residential to Commercial.

Mr. McCorquodale introduced this item and stated that the sale of the property was placed on hold while the zoning of the subject property was explored. He stated that tonight's action is to call a public hearing the same as if it were a member of the public asking for a rezoning action.

Councilmember Stan Donaldson said so what you are saying is we have to hold off selling the property until this process has been completed.

Mr. McCorquodale responded that it is best, as it is hard to go under option with a pending rezoning.

Councilmember Sara Countryman moved to approve calling the public hearing on November 14, 2023, at 6:00 P.M. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

7. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY ACCEPTING AND APPROVING AN ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR CITY OF MONTGOMERY PUBLIC IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR PAYMENT OF THE ANNUAL INSTALLMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mr. McCorquodale presented the item and explained that a PID levies an assessment which is a flat rate per acre. \$41,000 has been assessed by the County Tax Assessor. The form in the packet tonight requires a signature as it is a PID.

Councilmember Sara Countryman asked when the PID expires.

Mr. McCorquodale responded he believed it to be 15 years as a total time span.

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

8. Consideration and possible action on the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SIGNERS FOR ALL CITY OF MONTGOMERY BANKING ACCOUNTS WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

Ms. Maryann Carl, Finance Director, presented this item and explained that this was similar to what has been done in the past, this updates all signers on the bank accounts to reflect accurate users.

Councilmember Sara Countryman moved to approve the Resolution as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

Councilmember Sara Countryman stated that she had spent some time in City Hall and spent time with Ms. Carl and found it highly informative and eye opening. She went on to thank Maryann.

9. Consideration and possible action on the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE CREATION OF A NEW ACCOUNT AND THE SIGNERS FOR THE AFOREMENTIONED CITY OF MONTGOMERY BANKING ACCOUNT WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

Ms. Maryann Carl presented this item and explained that this is specifically for the escrow funds for Home Depot. It is to add to the existing accounts for the same users.

Councilmember Sara Countryman moved to approve the Resolution as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

EXECUTIVE SESSION:

The City Council did not go into Executive Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No Executive Session.

Councilmember Carol Langley made a motion to take an item out of order, hearing from a resident regarding water bills. Councilmember Casey Olson seconded the motion. Motion Passed (5-0).

Ms. Loren Treuil – Dina Lane, Montgomery spoke to the city council regarding the exceptionally high-water bills that her and her neighbors within Town Creek have been receiving. She stated that she has owned four homes before the one she is in now and never had \$300-\$400 water bills. Ms. Treuil stated that she had checked her rates, pulled all of the papers she could and says she has been overcharged over the last three months ranging from \$15.00 to \$60.00 the appendix A late charge was based off of doubling that I am told.

Ms. Treuil reads aloud “that the first two thousand gallons of water is \$16.00, the next two thousand gallons is \$2.75. She went on to state that she called the utility office who told her that the \$2.75 is per thousand not per 2000 gallons. The water bills for the whole neighborhood were extremely high, she cut down on watering, and even let her grass die, yet the bill was still high.

Ms. Treuil stated that she has some serious concerns in how the water rates are written and or being interpreted, she needs help and guidance as she already knows of at least one neighbor who is looking to move out of Montgomery as he cannot continue to pay such high water/sewer rates – receiving an \$834.00 water bill when the average in the state of Texas is around \$97.00 per month, adding that the sewage is the same rate as the water bill which doesn’t quite make sense.

COUNCIL INQUIRY:

Councilmember Sara Countryman stated that the previous speaker provided a perfect segway into what she would like to discuss. She stated that she had sent all of the council an email thread where a customer was seeking assistance and included the top two in her neighborhood who have cut back on their water, yet their bills have doubled.

Councilmember Sara Countryman spoke of two homeowners who had extremely high bills, one who quit watering which left them a crispy yard but is still very high. She has noted that even her own bill there has been an uptick, which appears to be in August, not sure if there was issues, if the meters are not reading and she would be happy to discuss these emails as she feels there will be an influx of these bills coming into city hall, and we should make sure we provide customer service for them too and let them know they are heard.

Councilmember Sara Countryman then stated that she encourages staff to not berate them or talk about them let's get a plan, what is our message and what are we going to do.

Councilmember Casey Olson stated that if we don't like the way our staff does business, they follow policy, then we need to change policy rather than berate staff because they are following the policies, is out of step. If we don't like our policies, then we are the ones that need to change them. Our policy does not have that in it, I agree we need to change it.

Councilmember Sara Countryman stated that she also thinks too that there should have been discussion of how we can help you, let's talk about getting you caught up, so you don't get your water turned off.

Councilmember Casey Olson said that he does not disagree, but they followed the rules that we gave them.

Councilmember Sara Countryman said sure, there are other ways to skin a cat.

Councilmember Casey Olson said but if they go outside of policy, then we are going to say oh wait you didn't follow policy why did you do that for them. NO, they follow policy if we don't like it is up to us to change it. If you want to berate someone you are looking at them (*indicating all of council*).

Councilmember Sara Countryman said hold on for \$50.00 and what if she paid an extra \$10.00 to prevent her water being cut off, was that option given.

Councilmember Casey Olson said Sarah, its not in the policy. We need to change it to make it able to be broken into payments, but to blame staff for following the rules that we gave them is incorrect.

Mayor Byron Sanford said he would like to substantiate that if they are following policy and we have all addressed this at some point it just seems inconceivable that we cut somebody's water off, he went on to say Gary, I would like for you to direct us to come back on this issue as this is the just the bottom of this issue, he feels like it is a customer service issue that is missing there, but we need to get the directives on that, therefore I agree with both parties here. He went on to say, with that said the exorbitant \$800 bills is ridiculous do we have a leak or something.

Councilmember Sara Countryman said Right, there is even a former council person with these issues and has looked and even paid \$200 for a plumber to check for leaks.

Mayor Byron Sanford said he had done some research and other cities have this issue (*inaudible, conversation between Councilmember Sara Countryman and Councilmember Cheryl Fox blocked full audio*)... Mayor Bryon said it seems to me the rates are set by somehow there is a reading problem as I don't know how in the world you could use that amount of water, as my highest bill is only \$140 when I drained by spa one time.

Mayor Byron Sanford continued by saying that one time he had a leak, he checked with Mike, Mike showed him, but we need to develop a relationship with these people with issues, and we need to be customer service friendly so as a mayor let's get a plan to diagnose these issues as he wouldn't stay if he had those top end bills.

Councilmember Casey Olson stated he wants to get back to the policy, we need to rewrite our policy that allows for some type of extension or payment plan.

Councilmember Carol Langley stated that at one time we had a policy that allowed that, and I don't know what happened to it.

Councilmember Sara Countryman asked when the last time the policy was updated.

Councilmember Cheryl Fox stated that she doesn't know how long ago, but at one time when Regina worked here you could make payments.

Mayor Byron Sanford asked Mr. Mike Muckleroy, Public Works Director how often people would get to that point.

Mike Muckleroy stated that we do have people that get cut off, and to speak for Nici as she isn't here, we do work with them as much as possible. What I will say is whenever a customer says flat out, they are not going to pay money that is owed as they don't believe, then that places it in a different situation.

Councilmember Sara Countryman spoke but was inaudible.

Mike Muckleroy continued by saying when you say I am not paying this and you can figure out what to do with it yourself, then that is a completely different situation and that is not the city refusing to work with them, that is the customer saying I am not paying and that is exactly what happened, she told the front desk....

Councilmember Sara Countryman said let's get to a payment plan, let me help you, let us get you caught up.....Councilmember *Carol Langley spoke therefore Councilmember Sara Countryman and Councilmember Langley's audio were inhibited.*

Councilmember Sara Countryman says instead of an email thread giving their experience, rather than how to help, that is what my point was. I don't need people going on, but something like Hey we are here to help you, we don't want your water cut off either, so what can we do, is it \$10.00 extra a month, if the cut off fee is \$50.00 let's get you under \$50.00.

She added let's have a conversation and be customer service oriented about it and she has talked to a few people who have been upset with their water bills and said they have called, and she appreciates that you Mike that you do your due diligence too with eye on water, but I do think we have an issue.

Mike Muckleroy says he goes through the usage with customers and every single time, or most of the time, its irrigation, the homeowner doesn't realize they are irrigating as much as they are. Occasionally a toilet flapper gets stuck, and we can't tell exactly, other than its easy to tell its irrigation, as it has a pattern.

Ms. Tureil spoke (*audio low not near a mic*) and said the meter (*inaudible*) was never over \$120.00 in Cypress.

Councilmember Casey Olson said that to get the sewer off of your bill you would need two meters, as for the water you use you get billed for sewer, having a separate irrigation meter would prevent that.

Mr. Gary Palmer stated he would take a look at the policy and current situations.

Mayor Byron Sanford stated that he had a meeting with the top directors at HGAC for two hours, then we got in a car and I showed them stuff, all of our needs, the hydrogeological stuff, the roads, I showed them everything, so we are now following up Friday with staff and himself on a zoom conference, then from

that one we are going to bring a group in that is specific to our needs, they are going to tour everything and classify what are our top needs, but whatever our top need is he wants the HGAC to do.

He went on to say that he has checked and when you look at the EDC Director position in the job description it has: “build relationships with TXDOT, HGAC etc.”, therefore it is not a part time deal.

The HGAC has money to give, but it is competitive therefore you are going to need to have a person on staff who is fully dedicated to seeking grants and networking.

ADJOURNMENT

Councilmember Stan Donaldson moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

Adjourned 6:58 P.M.

Minutes prepared from video/audio footage

Submitted by: Nici Browe, TRMC

City Secretary & Director of Administrative Services

Approved by: _____
Mayor, Byron Sanford

Date: _____