

MINUTES OF REGULAR MEETING

October 26, 2021

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Countryman declared a quorum was present and called the meeting to order at 6:04 p.m.

Present:	Sara Countryman	Mayor
	Carol Langley	City Council Place # 1
	T.J. Wilkerson	City Council Place # 3
	Julie Davis	City Council Place # 4
	Byron Sanford	City Council Place # 5

Absent:	Kevin Lacy	City Council Place # 2
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Also Present:	Richard Tramm	City Administrator
	Dave McCorquodale	Assistant City Administrator
	Susan Hensley	City Secretary
	Caleb Villarreal	City Attorney

INVOCATION

Byron Sanford gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Efrain Lucas, 501 Louisa Street, Montgomery, Texas, said he wanted to express his concern he had about business. Mr. Lucas thanked T.J. Wilkerson for coming out because he was the only one interested to bring their business back on October 5, 2021. Mr. Lucas said the water was shut down that day and no one even made a phone call or gave an apology. Mr. Lucas said they are not informed about what is happening downtown. Mr. Lucas said some City Council members take advantage of their position. Mr. Lucas said we are one community and we should stop playing favorites and should fix everyone's streets. Mr. Lucas said you should have more respect for businesses downtown, they are a small business. Mr. Lucas commented that McCown Street was in need of repair.

Mr. Bill Clevenger, 388 Berkley Drive, Montgomery, Texas, said two weeks ago Mr. McCorquodale reported that he did not receive any information presented to the Planning and Zoning Commission regarding the coffee trailer. Mr. Clevenger said he wanted to have it on record that he and Mr. McCorquodale drew that information in Mr. McCorquodale's office. Mr. Clevenger said it says coffee trailer and was supposed to be presented to the Planning and Zoning Commission the following week, but it was removed from the docket. Mr. Clevenger said he was disappointed.

Mr. Clevenger said they moved to Montgomery in 2012 and came into the City limits in 2013. Mr. Clevenger said his wife Paula grew up on a dairy farm and always marveled at the fact they could not get ice cream in and around Montgomery.

Mr. Clevenger said he and his wife run several businesses. Mr. Clevenger said they work extremely hard. Mr. Clevenger said they have been criticized for their hard work. Mr. Clevenger said they have had drones flown over their home, pictures taken inside of their home, their privacy disrespected, chastised, remarks made, stories made up that he bought a lot in town for \$10.00, labeled squatters, and that they do not pay their taxes. Mr. Clevenger said all they wanted to do was open up an ice cream stand on a piece of property they invested \$121,500 paid in cash.

Mr. Clevenger said you should see how many people come from all around to visit the ice cream and coffee trailers. Mr. Clevenger said some people just come because they like the idea of community. Mr. Clevenger said a couple in their seventies come and visit three or four times a week from Willis and have their son meet them there every Saturday from League City so they can share ice cream.

Mr. Clevenger said there are so many more important issues going on in this community other than an ice cream stand.

CONSENT AGENDA:

1. Matters related to the approval of minutes of the October 12, 2021, Regular Meeting.

Julie Davis moved to accept the minutes as presented. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action regarding acceptance of the Report and adoption of the Strategic Plan 2021 presented by Ron Cox Consulting.

Mr. Ron Cox, Ron Cox Consulting, said he appreciates the work every City Council member does and how they have stepped out to make decisions on behalf of this community, and everyone should be applauded. Mr. Cox said we all have issues and challenges and perhaps working through some of these which were identified in the Strategic Plan will help in the long run for your community.

Mr. Cox said he also wanted to thank City staff for their work. Mr. Cox said Mr. Tramm and the staff worked well with him before, during, and after the Council planning session. Mr. Cox said they did great work and thinks you will be impressed with the product they provided.

Mr. Cox said on September 11, 2021, a meeting took place to discuss council governments and then create a planning session. Mr. Cox said they used a strategy called the SWOT Analysis, which is strength and identifying strengths and weaknesses. Mr. Cox said out of those weaknesses what opportunities did they have and what is hindering them from doing the things they need to do. Mr. Cox said from the strengths they identified initiatives and strategies. Mr. Cox said it was a busy and enjoyable day and he appreciates being able to help work through it.

Mr. Cox said overall they started this process in August and had the government and planning session in September. Mr. Cox said he came back twice, on September 28, 2021, and again on October 12, 2021, to meet with City staff.

Mr. Cox said they discussed governance in terms of four different legs of the stool/chair. Mr. Cox said effective leadership, meaningful communication, and understanding rules and fulfilling expectations, and proactive visioning and planning.

Mr. Cox said they started this process in discussion with each other asking why you ran for this position and what attributes you bring individually. Mr. Cox said each of the City Council members had their reasons for running. Mr. Cox said they also talked about their attributes with the idea that individually they come from their own circles and areas of influence, yet when together must work as a group. Mr. Cox said the things they might want to do individually sometimes are affected by the way the rest of the group may think about it. Mr. Cox said the dynamic of how you work together defines your governance model. Mr. Cox said how well you lead and how will you lead these are the descriptions you gave in the session about how you will lead not individually but collectively as a group.

Mr. Cox said they also discussed communication. Mr. Cox said it is sometimes more difficult in an environment that is as structured as a City Council meeting to have good dialogue but that is where you are supposed to have it. Mr. Cox said you have to use your time wisely, be informed, be prepared to be able to communicate well with each other.

Mr. Cox said they discussed expectations of each other and out of that discussion came two different initiatives. Mr. Cox said the first one was to review and revise the rules of procedure that have been in place for some time. Mr. Cox said secondly, in a very large perspective look at the regulatory ordinances as a group and begin to look at those things as a package as opposed to one at a time to see how they relate to each other, to see whether or not they are up to date and what the current environment has in front of you and whether or not those ordinances are lacking. Mr. Cox said those expectations also translated into goals.

Mr. Cox said expectations of the staff were also discussed in being consistent, fair, professional, and communicating with integrity. Mr. Cox said staff now knows what the

expectations of City Council are and will be working toward making sure they meet those expectations for you. Mr. Cox said they covered leadership, communication, expectations, vision, and planning.

Mr. Cox said they discussed what are the key elements of your vision for this community and what they would like to see for Montgomery when it grows up. Mr. Cox said for a City that has been in existence since 1837 one might say the City has grown up. Mr. Cox said he would suggest it is probably not ever going to be grown up. Mr. Cox asked what do you strive for, what is the ultimate goal. Mr. Cox said a list of primary elements includes people as a priority, the infrastructure, and lifestyle, but you need good infrastructure to serve that lifestyle.

Mr. Cox said they will review those goals and grow and change in progress to meet the needs of the majority. Mr. Cox said families are important and as a close community we have Texas pride. Mr. Cox said leadership should be transparent and accessible in the vision and the City honors the historical significance of this community.

Mr. Cox said that is the vision, but how do you do that and asked what is the City's mission. Mr. Cox said to him this embodies the mission of community which is to improve the quality of life for the citizens. Mr. Cox said that is what a City is about, to do things, to have projects and set goals that improve the quality of life for the community.

Mr. Cox said with the governance model built and with the vision and mission discussed, then they move into the planning session. Mr. Cox said the governance discussion was among City Council members themselves but then when the planning session started there was a combined group of City Council and City staff together.

Mr. Cox said they did a SWOT Analysis for weaknesses, opportunities, and threats and then in the planning process, the ultimate objective was to establish initiatives, goals and objectives, action steps, timelines, identify partners and then have staff take a leadership role in the implementation process and identify areas of emphasis so they can be prioritized and identified more easily.

Mr. Cox said in regard to the Staff Implementation Plan, each of the vision elements or areas of emphasis you identified four areas of emphasis and identified initiatives and in some cases goals and objectives underneath those. Mr. Cox said those areas of emphasis are quality of life, communication, infrastructure, and organizational excellence. Mr. Cox said to see how this cascades down, page one shows the vision of element one is quality of life that has a guiding principle to improve the City's perception appeal to tell a story in a positive manner that improves the quality of life for the community. Mr. Cox said on the left-hand column four goals were identified. Mr. Cox said under those goals are specific objectives and some of the objectives you identified as well so he took the liberty to arrange them in an order that seemed logical so you may see some of those things that were on the original sheets that were worked on that day. Mr. Cox said City Council then worked with staff to create the action steps. Mr. Cox said each of those action steps has been identified as a way to begin the implementation process for those goals that have been identified. Mr. Cox said then there is a column for partners which is not quite complete. Mr. Cox said staff is identifying partners, those people groups or organizations they can work with to help them get a product back to you in terms of implementation of that goal. Mr. Cox said that could be TxDOT, HGAC, the County, the Chamber of Commerce, or any economic development corporation and could be any of these identified partners because we realize there is a limited staff with limited resources so they identify and use everyone they can to begin a project.

Mr. Cox said they took responsibility for particular goals and that is not to say they complete everything within the package they may be assigned to do but they are the lead and they would get those partners and drive the process. Mrs. Cox said when it comes back to reporting time they would report their progress back to you.

Mr. Cox said each of these areas of emphasis, quality of life, communication, infrastructure, and organizational excellence have goals, objectives, action steps, partners, timelines, and lead appointments.

Mr. Cox said someone who has taken responsibility will then report back to City Council where the reporting will likely be on a quarterly to semi-annual basis.

Mr. Cox said everyone did a great job of developing a governance model to identify issues, challenges, and weaknesses and putting that on paper so everyone can see them and work toward them with great accountability.

Mayor Countryman said she thinks this exercise was worthwhile and thanked Mr. Cox for his guidance and help as it was definitely necessary. Mayor Countryman said there is a lot of good, rich information in the report that allows them to have the framework to move forward.

Julie Davis said if she read this correctly this is a two-part step where they approve the report and then decide on a strategic plan. Mr. Tramm said the first step is to accept the report. Mr. Tramm said the next step is to consider adoption of the Strategic Plan. Mayor Countryman asked if they could accept them together or individually. Mr. Cox said yes.

Julie Davis moved to accept the report as presented. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

Julie Davis said she has a couple of concerns regarding the Strategic Plan that there are a lot of empty spots that are to be determined such as the vision statement. Julie Davis asked by approving the Strategic Plan that has a lot of "to be determined" what does that mean to them. Julie Davis asked that whoever is assigned this task gets to fill it in. Mr. Cox said no, those areas that are of a strategic nature of the vision and the mission that we did not get to that so they will commit to doing that the next time they meet. Mr. Cox said the action plan and the details associated with that can be a staff responsibility.

Mr. Tramm asked Mr. Cox if saying the next time they come together does he mean the next time they meet with him. Mr. Cox said yes. Mr. Cox said the next time they meet will be for the planning session. Mr. Cox said they did not have time to get further into the details, but what he wanted to do was identify those things that they did not finish and that way when they meet again a second time in the future then they will work on those things. Mayor Countryman asked why not plan a second meeting now instead of waiting another 10 years. Mr. Cox said that would be good. Julie Davis said she has a problem with accepting the Strategic Plan with a lot of blanks.

Mr. Tramm asked if this is something City Council would like to look at doing soon. Mayor Countryman asked maybe within 90 days, end of January. Mr. Tramm said he will start by communicating with Mr. Cox and get back to City Council.

Mr. Cox said he did not mean to say they were omitted from a negative perspective, but it is just areas they did not finish. Mr. Tramm said this is something City Council may not like to take action on now but wait until the process is complete.

Julie Davis moved to table the Strategic Plan 2021 until the end of January. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

3. Consideration and possible action regarding adoption of the following Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2021-2022; PROVIDING A REPEALING CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Mr. Tramm said last month it was discussed to have a possible budget amendment presented for the funds freed up by paying down the balance of the MEDC loan early. Mr. Tramm said the funds that were being used to pay the MEDC loan were not budgeted funds; they were used from the fund balance and not budgeted funds. Mr. Tramm said the prior action did not free up budgeted funds that can be reassigned. Mr. Tramm said the funds for that would come from higher than anticipated future tax revenues. Mr. Tramm said City Council elected to use what was described as the surplus funds from the fund balance to pay that down. Mr. Tramm said that was continued in planning from staff through the first three months of this year's budget. Mr. Tramm said when City Council elected to pay the loan down early those funds came out of the fund balance and since they were not assigned funds there were no funds just readily available to be moved.

Mr. Tramm said there are two options for City Council to consider. Mr. Tramm said the way that fund balance grows is they had sales tax revenues that were above projections. Mr. Tramm said either City Council could take no action and then as those funds grow go ahead and assign them or go ahead and amend the portions of the budget that apply.

Mr. Tramm said he looked at the sales tax revenue for the most recent three months and those were a different period than used for the budget workshop. Mr. Tramm said it already indicated to him those are continuing to be higher than were projected. Mr. Tramm said they projected around a 15 percent increase and rounded that number off from the last fiscal year to the current fiscal year. Mr. Tramm said they are pushing 20 percent right now and are seemingly on a strong track. Mr. Tramm said in order to do that with the funds they need to be identified as simply revenue rather than a single expense.

Julie Davis said she thinks just clarifying that it was not in the original budget was where she was lost because she thought it was included in this budget. Julie Davis said she also knows on September 14, 2021, they voted and approved to move all additional sales and use tax funds to capital improvement infrastructure. Julie Davis said whether you take it out of this budget or not it is going to go into capital improvement infrastructure. Mr. Tramm said he does not have the information in front of him and would have to refer back to them but, assuming what Julie Davis is saying is correct, yes it would be a redundant step.

Byron Sanford said the bottom line for him is the difference between option one and two is they do not have any way of really knowing how much money they may be able to gain in this whether they pay now or accumulate over time. Mr. Tramm said you do not know what the revenue amount is until you collect it.

Julie Davis said the motion from September 14, 2021, says they are accepting this item as presented that any overage is specifically set aside for capital improvement infrastructure. Julie Davis said this motion was specifically for consideration to adopt a sales tax ad valorem sales tax rate at \$.2588/\$100. Julie Davis said so anything over and above that sales tax usage would go to capital improvement infrastructure per their vote on September 14, 2021.

Mr. Tramm said he does not exactly understand what Julie Davis is referencing. Mr. Tramm said she is talking about the sale tax but that item sounds like it is a property tax item. Julie Davis said yes it is and she apologized as it is property tax.

Julie Davis said that creates another whole set of questions because this is sales tax and not property tax. Byron Sanford said they are mixed in together. Mr. Tramm said he will meet with

staff and review that portion of the minutes for September 14, 2021, related to this specific item.

Julie Davis moved to accept line item #1, from item #3.

Discussion: Mr. Tramm said for clarification, Julie Davis is referring to the discussion on the agenda sheet regarding those two items. Julie Davis said yes.

Julie Davis moved to accept recommended option #1 instead of option #2 to amend the income category of Sales Tax from \$2,200,000 to 2,305,576 and for Sales Tax ILO Property Tax from \$1,100,000 to \$1,152,789.

Discussion: Julie Davis said option #1 gives them a guarantee that the \$180,000.00 is going to be allocated for capital improvement infrastructure. Julie Davis said at some point they need to discuss any overage of sales and use tax to go toward capital improvement infrastructure. Byron Sanford said it seems like option #1 or option #2 they still get the surplus funds. Julie Davis said taking no action is not going to guarantee the sales and use tax is not going to go toward capital improvement infrastructure. Byron Sanford said he wants to guarantee that it does. Julie Davis asked if we take no action and that extra income they save comes out of sales tax and not out of property tax then that sales and use tax is not reserved for capital improvement infrastructure. Mr. Tramm said that is correct, but City Council can always set it for the future. Mr. Tramm said it is essentially up to City Council if they want to make this designation now on the money coming in to designate it or do you want to wait for the money to come in and then designate it later. Mr. Tramm said it is a matter of timing which is up to City Council's preference.

Byron Sanford said but now there is more updated data to execute option #1 now than before. Mr. Tramm said correct. Mr. Tramm said he always tries to be on the conservative side and be realistic when making those projections. Mr. Tramm said because we have three months more of data that is above that line, he is that much more comfortable saying that money, while not there now, that money will be there within that timeline.

Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding ending of one-year warranty period and release of maintenance bond for the Shoppes at Montgomery Retail Center Waterline Project.

Mr. Tramm said this is regarding the one-year warranty period to set to officially end and to release the maintenance bond for the Shoppes at Montgomery Retail Center Waterline project.

Mr. Chris Roznovsky, WGA Consulting Engineers, City Engineer said this is a reminder whenever a public infrastructure is put in the developer will put up a maintenance bond with the City and the acceptance of that project covers a one-year warranty period. Mr. Roznovsky said when they reach the one-year period they do an inspection and the developer is responsible for any issues that arise and if they do not that is why there is a maintenance bond.

Mr. Roznovsky said this was a relatively small project which is between Starbucks and the retail strip. Mr. Roznovsky said the reason for this is it will extend ultimately back to Buffalo Springs Drive to serve the rear pad sites for this development and also create a loop.

Mr. Roznovsky said on October 13, 2021, they held a one-year warranty inspection for the Shoppes at Montgomery Retail Waterline, and no issues were found.

Mr. Roznovsky said their recommendation is to officially end the warranty for the project and release the maintenance bond.

Mr. Roznovsky said what they do at the one-year warranty inspection is go and operate the valves and make sure they are closed as they should be, make sure the paint on the hydrant is still in good shape, and make sure the valves can be found.

Byron Sanford moved to officially end the one-year warranty period and release the maintenance bond for the Shoppes at Montgomery Retail Center Waterline Project. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action regarding presentation of Utility and Economic Feasibility study for the Porter Farms development (Dev. No. 2101).

Mr. Roznovsky said 45 days ago the developer requested feasibility studies so items #5 and #6 feasibility studies were both authorized at that time. Mr. Roznovsky said the first one is for Porter Farms development located at FM 1097 and FM 149. Mr. Roznovsky said the second one will be for Hills of Town Creek Section 5. Mr. Roznovsky said there are a lot of similarities as both of these feasibility studies will be done at the same time.

Mr. Roznovsky said besides 26 acres in total, partly within the City limits, partly out, there will be annexation required. Mr. Roznovsky said the part of it already in the City is zoned residential.

Mr. Roznovsky said they have 98 lots on this site and their game plan is changing. Mr. Roznovsky said they did receive a revised plan on Monday and they are now down to 91 lots, but that will be a moving target until they actually get to the preliminary plat stage of this development.

Mr. Roznovsky said they are running close on capacities and will talk about those more in the report.

Mr. Roznovsky said an estimated summary of their costs includes lift station improvements, impact fees, and based on their full development of these 98 lots at a \$225,000 evaluation, it is a \$22,000,000 development which would generate \$84,000 tax revenue for the City.

Mr. Roznovsky said the developer is looking at 50-foot lots so there would be a variance for lot size. Mr. Roznovsky said based on the current plan they are looking at a lot width variance, a lot depth variance, and a lot area variance. Mr. Roznovsky said this is the developer who came and presented a couple of options such as if the City wants to go for a larger lot with higher dollar homes versus more of an entry-level home price.

Mr. Roznovsky said one other thing to note is the City has an open space requirement. Mr. Roznovsky said the developer is requesting to use less than the 5,000 square foot lot minimum and the ordinance requires they provide a one-to-one compensating green space. Mr.

Roznovsky said for every square foot less on the lot they need to provide an open area green space reserve.

Mr. Roznovsky said the developer has mentioned he is probably going to be coming to the City for an agreement for developing and/or some type of financing mechanisms such as a PID or something similar. Mr. Roznovsky said one thing they discussed with Mr. McCorquodale; Director of Planning & Development was what might be an alternative if they cannot provide that green space is to look at sidewalks along FM 149 to Homecoming Park to provide a designated safe walking path to Lincoln Elementary.

Mayor Countryman asked if it would begin at the light at FM 1097 and FM 149 and over to the crosswalk. Mr. Roznovsky said it would be down to the light and cross at the intersection. Mayor Countryman asked if you would have to go down FM 149 and around the Community Center or is Mr. Easley going to allow the City to go through his property. Mr. Roznovsky said that has been part of the discussion and he knows those properties are currently for sale so there may be an opportunity there to get an easement to be able to connect the Park.

Mayor Countryman asked what is the average cost of these homes. Mr. Roznovsky said \$225,000.

Julie Davis asked if the developer does not get their variances as they expect, how significantly would this change the estimated annual tax revenue. Mr. Roznovsky said the lot count is going to go down but his lot price is going to go up. Mr. Roznovsky said he does not know what type of home product he would use. Mr. Roznovsky said yes, it would change the valuation and usage if he does not have a variance.

Byron Sanford said one thing they should consider if he is not mistaken is the starter homes, smaller lots, and given the variance, there are peripheral benefits such as sidewalks and the developer paying for the water. Byron Sanford said adjacent and future developments can see that as a plus to build adjacent to these structures. Byron Sanford said we should not get so concerned about lot size versus tax dollars and not see the other benefits this brings. Mr. Roznovsky said right, this opens up an area where there are not many new residential

developments in this section of the City. Mr. Roznovsky said as the developer discussed when he presented to City Council he mentioned looking at the option of extending further north.

T.J. Wilkerson asked if there are two entrances off of FM 149. Mr. Roznovsky said yes, they are proposing two entrances off of FM 149, and in this land plan they have a second entrance going down Thomas Street, which is a private street. T.J. Wilkerson said it would be close to that hill. Mr. Roznovsky said correct. T.J. Wilkerson said there is a lot of traffic coming over that hill and that is an accident waiting to happen. Mr. Roznovsky said yes, there is still a lot to be worked out.

T.J. Wilkerson asked if this property has been closed on yet. Mr. Roznovsky said he is not sure if the developer has.

Julie Davis asked if the developer wants to purchase other property around that area. Mr. Roznovsky said that is correct. Mr. Roznovsky said what he was waiting for is lots continuing north. Julie Davis said she is curious if he would go east and connect out to Buffalo Springs. Mr. Roznovsky said the issues with that were the creek in between and the access. Mr. Roznovsky said if he heads further north with some of those tracts there is an opportunity there to get to Summit Park Drive.

Mayor Countryman asked if the developer would want to go north, would he want to annex that as well. Mr. Roznovsky said yes.

Byron Sanford asked regarding what T.J. Wilkerson was saying if there are concerns with an access there and the same builder wants to go north, can they discuss a safer option on the front side. Mr. Roznovsky said yes. Mr. Roznovsky said they could remove Thomas Street and have just the two entrances on FM 149, but then leave a reserve on the north side of the tract so if it does develop there is always a reserve that can be turned into a public row to go north.

T.J. Wilkerson said you may want to mention to the developer that a lot of people are uneasy about the surveyors walking in their backyards without being notified. Mayor Countryman

asked if the landowner is responsible for notifying the residents. Mr. Roznovsky said the landowner and the developer. Mr. Roznovsky said they will advise them.

Mr. Roznovsky said as of today the City has a capacity of 568,000 gallons a day with 900 connections. Mr. Roznovsky said when the construction of the water plant improvements projects is complete it will increase the capacity of the City's water system to 2,500 connections based on TCEQ rules.

Mr. Roznovsky said the current average daily flow in the City is approximately 365,000 gallons per day (gpd). Mr. Roznovsky said inclusive of existing connections, ultimate future projected connections within current platted developments, and developments that are currently in design, the City has committed approximately 630,000 gpd. Mr. Roznovsky said in between now and then and the next development they will talk about that booster pump capacity may be better served at a future water plant.

Mr. Roznovsky said based on the numbers, they do not expect they will be exceeding the capacities they currently have been at until after 2025 which gives them the time to get the facilities in place.

Julie Davis asked if this developer is looking to build out in the next two years. Mr. Roznovsky said yes and that is with what we have today without this development. Mr. Roznovsky said with this development and also with the Kammerer tract and Hills of Town Creek Section 5, and everything that is currently in the works. Mr. Roznovsky said that puts the City at 800,000 gpd which uses 140 percent of the pumping capacity and 97 percent of the connection capacity, which will take them through to 2024.

Mayor Countryman asked if what Mr. Roznovsky is saying is in 2025, and then 2024 that is the load the City will have on the current infrastructure, so when do they need to start getting ahead of that. Mr. Roznovsky said that is also what they are currently doing is aside from the feasibility study is updating the master plan and presenting that back to City Council, taking the projections for 2025 and taking it out further, because they need to plan for future years. Mr. Roznovsky said as they build it they can continue to keep adding on to it which makes it more efficient. Mayor Countryman asked if it would be more efficient for the taxpayers, the

City, and the developers. Mr. Roznovsky said all of the above. Mr. Roznovsky said it is setting it up so they are right at the capacity for what they need, for what they have, and what they foresee coming, but utilizing the impact fees they are collecting from the new development and timing it out. Mr. Roznovsky said they could go build a new facility that will be able to handle everything that could ever happen in the City, but the revenues are going to pay for those and the impact fees are development driven. Mr. Roznovsky said they want to develop far enough into the future for the capacity to continue, but not so far ahead that things are sitting unused or the capital expenditure is not getting paid back. Mayor Countryman said or if they experienced another 2008 and everything comes to a complete halt and they are left sitting on expensive capital improvement that is collecting dust.

T.J. Wilkerson asked if Mr. Roznovsky said there were four acres in the City limits. Mr. Roznovsky said on page 77 of the report the strip outside the red box shows the four acres that are outside the City limits.

Mr. Roznovsky said as far as actual water going to the site there is an existing 6-inch line on FM 149 that is not large enough to serve this development. Mr. Roznovsky said their recommendation is to upsize that from FM 1097 to the tract's northern boundary from a 6-inch to a 12-inch. Mayor Countryman asked how old is that line today. Mr. Roznovsky said he does not know how old the 6-inch line is but it is one of the older lines, and the 12-inch line is 10 to 15 years old.

Julie Davis asked if an 8-inch line would serve the 98 homes, would it serve future development if the developer decides to buy more. Mr. Roznovsky said their recommendation is to take the 12-inch along FM 149 and then loop an 8-inch line through the development to serve the 98 homes. Mr. Roznovsky said if in future discussions it is determined the development will be expanding then they will have to look at resizing it or if it has access further up FM 149, or possibly connecting it to Summit Park Drive as well.

Mr. Roznovsky said currently there are two wastewater treatment plants with one currently in use and the other decommissioned, but they have been keeping the permit up because it is easier to renew and modify a permit than try to obtain a new one. Mr. Roznovsky said the

City's permit capacity for the action plan is 400,000 gpd and right now it is averaging at 183,000 gpd.

Mr. Roznovsky said without these new developments 427,000 gpd has been committed to everything built out or 107 percent of existing permitted capacity. Mr. Roznovsky said in adding this tract, the Kammerer tract, and Hills of Town Creek Section 5 the City will have committed 572,000 gpd or 143 percent of existing permitted capacity. Mr. Roznovsky said regarding requirements for a permit, the City has a 75 percent rule and after three consecutive months of hitting 75 percent, you have to be initiating engineering and financial planning.

Mr. Roznovsky said one thing to note in their projections is they are projected to 2023 based on the connections and are operating under that so there is a bit of a buffer from what they are projecting versus what the actual funds are which is good because we want to have a buffer.

Mr. Roznovsky said the timing of all this including these developments would be in 2024 with hitting the 90 percent number so they need to be in the construction of a facility. Mr. Roznovsky said they need to get started with this process by next year.

Mayor Countryman asked with 2024 at 90 percent, is there a way they could change that to 2023. Mr. Roznovsky said they have very aggressive projections from these developers especially when they are considering some of the larger developments that take time to complete. Mr. Roznovsky said there is always a way. Mayor Countryman asked if Mr. Roznovsky is confident with two years. Mr. Roznovsky said as they get to these points there are options to look at if needed. Mr. Roznovsky said if the process goes faster there are short-term fixes to get them through. Mayor Countryman said the short-term fixes can end up costing a lot more money in the end. Mr. Roznovsky said exactly, and that is why they want to try and get ahead of it.

Mr. Roznovsky said with everything City Council has been discussing regarding setting aside extra funds and the capital plan, now that impact fees have been in place and the developments are now catching up and not paying those impact fees and with the Hills of Town Creek with revenue slated for those projects is getting generated. Mr. Roznovsky said for example, like the Kammerer tract. Mr. Roznovsky said one thing they discussed with them is the option of

the timing of the payment for the impact fees and looking at the timing of that to help advance funds on some things to be able to get the ball rolling because if you wait until they are connecting we would be out of time.

Mr. Roznovsky said in relating to the sewer and how they would connect, the closest line is on FM 149 but that tract from a topography standpoint is higher at FM 149 and falls off as you head toward the east. Mr. Roznovsky said we do not want another lift station so their recommendation to the developer is to take it down to FM 1097 by gravity to connect to the existing 12-inch line there which then goes on to Lift Station #9 and #10. Mr. Roznovsky said when they do that Lift Station #10 will have exceeded its capacity and that would be the developer's responsibility to fund those improvements. Mr. Roznovsky said they have a rough cost of what needs to be done and there are a handful of other developments in this area that have had discussions about moving forward and instead of spending funds to take it to 500 gpm today if the next couple of tracts we are going to move it further, then let us take it to 700 gpm.

Julie Davis asked if the developer would have an option if they do not want to run the extra pipe and pay for the lift station to run it to FM 149 instead of FM 1097. Mr. Roznovsky said the only way they could do that is to put in their own lift station but the City would have to agree to accept and maintain it. Mr. Roznovsky said we are trying to reduce the number of lift stations we have and if there is an option to not do that they are going to push as hard as they can to do so.

Mr. Roznovsky said the developer will need to conduct a drainage study to provide retention on-site and follow all the required rules and regulations.

Mayor Countryman asked if this is going to impact Town Creek and Anders significantly with all the concrete coming in. Mr. Roznovsky said it will be the little tributary that runs behind Summit Business Park.

Mr. Roznovsky said regarding paving and traffic one thing they looked into was the most recently adopted thoroughfare plan by the County and there are no conflicts with the current land plan.

Mr. Roznovsky said water and wastewater impact fees total \$356,000 and that is based on the table in Exhibit E of the report which is based on the number and size of the meters. Mr. Roznovsky said the projected tax revenue is approximately \$84,000 a year based on their current land plan.

Carol Langley asked if the developer has seen this feasibility plan or he does not see it until after this evening. Mr. Roznovsky said he has seen it and it was delivered to him last Friday, but they have not received feedback yet. Carol Langley said for some reason she thought the developer's houses were lower priced. Mr. Roznovsky said his understanding of what the developer was saying is that 18 months ago the houses would have been priced lower, but with the price increase on that same product today it takes it to the \$225,000 range. Carol Langley said she was shocked when he said \$225,000.

Julie Davis said originally she thought the price range was \$150,000-175,000 but two weeks later the developer had said based upon the inflation cost of lumber and materials the homes were going to start at \$225,000.

Mayor Countryman asked if \$225,000 is entry-level for a home now. Julie Davis said yes. Byron Sanford said that is very close to Hills of Town Creek.

Mr. Roznovsky said the action for this item would be for City Council to accept the study only.

Julie Davis moved to accept Agenda Item #5 as presented. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

6. Consideration and possible action regarding presentation of Utility and Economic Feasibility study for Hills of Town Creek Section 5 development Dev. No. 2102).

Mr. Roznovsky said there is a lot of the same information from the previous item number. Mr. Roznovsky said for the projections they included both of these together and Kammerer so the numbers will be the same.

Mr. Roznovsky said this is a 16.5-acre tract with 72 single-family homes. Mr. Roznovsky said the total cost between escrow and impact fees is \$310,000 and does not include any of the onsite improvements. Mr. Roznovsky said projected taxable revenue is \$68,000 which is based on a \$250,000 home price.

Mr. Roznovsky said the development's proposed lot width is 50-foot, lot depth 100-foot, and lot area 5,000 square feet, and variances to the City's current ordinances will need to be requested and considered. Mr. Roznovsky said the lot is currently zoned Commercial (B) and will need to be rezoned to Residential (R-1).

Mayor Countryman asked if the developer is asking for the same lot size as the other neighborhoods. Mr. Roznovsky said yes.

Julie Davis said she is concerned there is no secondary entrance or exit for this area of homes. Julie Davis asked if there is a plan for a future stadium road exit. Mr. Roznovsky said the City will need to have a follow-up with the County because this is on the County's Thoroughfare Plan which shows Emma's Way going through it. Mr. Roznovsky said there is a secondary road that cuts east and west and connects Emma's Way behind the MISD property. Mr. Roznovsky said his main concern is going further east it connects to FM 149 right at the sewer plant and creek.

Byron Sanford said he is concerned with game night and channeling the traffic back through. Byron Sanford asked if this is something that would be covered later and allow for it. Mr. Roznovsky said if it connects now it could have game traffic going through the neighborhood and to Emma's Way versus going out through Lone Star Parkway.

Julie Davis asked if they are going to put 72 more homes in that area and are going to create an exit on Lone Star Parkway then are we looking at TxDOT to conduct a traffic signal evaluation for Lone Star Parkway and SH 105. Mr. Roznovsky said they have not had that discussion.

Mayor Countryman asked if this curve is part of Lone Star Parkway and if it is outside the City. Mr. Roznovsky said that portion of Lone Star Parkway is not within the City's limits. Mayor Countryman asked if the only way to annex it would be if anyone develops on the west side. Mr. Roznovsky said the same thing could be done as when they annexed a portion of SH 105. Mayor Countryman said or they could do a CCN for all the water on that side and then annex. Mr. Roznovsky said correct.

Julie Davis asked if the updated County Thoroughfare Plan could be sent out. Mr. Roznovsky said yes.

Mr. Roznovsky said the water portion is a similar situation to what they had before in terms of capacities. Mr. Roznovsky said regarding where and how it will be served they have two recommendations. Mr. Roznovsky said the first would be to take the 12-inch line along Emma's Way and continue it on to serve Lone Star Parkway in the future as well as take it through the neighborhood to Lone Star Parkway.

Mayor Countryman asked if they were still considering a tower. Mr. Roznovsky said this would be the site for the tower. Mr. Roznovsky said the difference between this one and Porter Farms, Kammerer tract, or Red Bird Meadows is location. Mr. Roznovsky said Porter Farms is directly across from the water plant site and this one is a long distance from the water plant site.

Mayor Countryman asked if this water tower is like a drum or three or four legs with the tank up top. Mr. Roznovsky said there are many options and will be determined.

Mr. Roznovsky said this tract's sewer line does not have problems and there is already an eight-inch sewer line on Emma's Way which is adequate to connect to.

Mr. Roznovsky said they will need to update the drainage study to determine the flow. Mr. Roznovsky said one thing they do not account for is a detention pond on their site. Mr. Roznovsky said if the drainage study shows they need additional capacity to mitigate the flows they will need to accommodate that to mitigate the runoff.

Mr. Roznovsky said based on the 72 lots and the impact fee table the total is approximately \$260,000. Mr. Roznovsky said their home sale price of \$250,000 gives them an \$18,000,000 valuation which generates approximately \$68,000 in ad valorem tax at full build-out assuming they hit the values.

Julie Davis asked how many years is it for the build-out in this section. Mr. Roznovsky said it will begin at the end of 2022 and build-out between there and 2025.

Carol Langley asked if the developer has also seen this plan. Mr. Roznovsky said yes. Mr. Roznovsky said the developer had the same questions about the thoroughfare plan and the waterline because he knows the City has a provision in the Ordinance where the City requires upsizing the line and cost-sharing and we would pay Delta between the bid price between an eight-inch and a 12-inch line. Mayor Countryman asked if they did a 12-inch line would there be any considerations or negotiations they could make. Mr. Roznovsky said yes.

Julie Davis moved to accept Agenda Item #6 as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

7. Consideration and possible action regarding correcting place numbers for recent Planning & Zoning Commission reappointments.

Mr. Tramm said this was up for consideration on September 28, 2021. Mr. Tramm said when these members were reappointed their place numbers were listed incorrectly and need to be corrected.

Carol Langley moved to approve new place numbers for the Planning & Zoning Commission. Byron Sanford seconded the motion, the motion carried unanimously. (4-0)

8. Update on revisions to Chapter 64 of the City Code of Ordinances – Peddlers, Solicitors, and Vendors.

Mr. Tramm said this is to receive further clarification from City Council regarding mobile food unit regulations before finalizing the draft ordinance. Mr. Tramm said in addition to

mobile food unit revisions, the staff is also reviewing amendments to street (and other) festivals and door-to-door solicitation.

Mr. Dave McCorquodale, Assistant City Administrator said he would like to review a couple of questions for City Council on page 104 of the packet regarding mobile food units. Mr. McCorquodale said they heard everything from two calendar days, some four and six days, and a recommended semi-permanent. Mr. McCorquodale said his recommendation is to be consistent with the County and require two calendar days.

Mayor Countryman said you are recommending two calendar days. Mayor Countryman said she also heard back from other business owners and staff that it would be too hard to keep up with that and would a coding officer be the one to enforce the code. Mayor Countryman asked if you have multiple trailers in town, how would anyone be able to keep up with that.

Mr. McCorquodale said when you have a long calendar period and use the six days that would mean you never have to move because anytime anyone comes out to ask they could reply no I was gone on Sunday, as an example. Mr. McCorquodale said two calendar days seems to be the key to being effective as everything else falls into place such as the land use and zoning. Mr. McCorquodale said for clarity stay consistent with the County. Mr. McCorquodale said the County did not just come up with these rules as just as much thought and more went into establishing their rules. Mr. McCorquodale said that is not to say you cannot have a restaurant or food business if you do not move every 48 hours.

Mayor Countryman said she thinks too when you are layered with multiple governments and guidelines which you must adhere to, one gets into a position of well the County says two but the City says four.

Mr. McCorquodale said regarding the bathroom issue, the City says 400 feet, and the County says 300 feet. Mr. McCorquodale said to be consistent with the County it would seem they need to stay with 300 feet.

Byron Sanford said it is unnecessarily confusing as they discussed before about simplicity and consistency. Byron Sanford said he thinks it would work also for future vendors in and out of

the City that they would know ahead of time what to expect in going from one city to the next. Byron Sanford said when you extend beyond the two days you begin to start stretching there even more and begin to cloud that idea of being too permanent and not to impede traffic. Byron Sanford said it is an issue of safety for him and he supports the consistency of the two days. Byron Sanford said the enforcement of this policy is where one goes in and says what is the spirit of this person's intent on day number three. Byron Sanford said if there is leniency then they would handle that with code enforcement but make sure there is consistency with the policy. Byron Sanford said he thinks being consistent covers them as a City in terms of being guilty of doing something that is not safe, sound, or consistent. Byron Sanford said he agrees with keeping the 300 feet and keeping two days.

Mr. McCorquodale said with these couple of questions he wanted to get a sense of direction from City Council because any direction they can provide will be very useful when staff comes back to try and bring an ordinance that City Council wants.

T.J. Wilkerson asked if after 48 hours they have to leave. Mr. McCorquodale said yes. T.J. Wilkerson asked when they would be able to return. Mr. McCorquodale said after two calendar days and there has to be one calendar day in between. Mr. McCorquodale said using a mobile vendor permit was never designed to open a permanent business. Mr. McCorquodale said the staff's recommendation is to have clarity in treating mobile vendors consistently with the same rules of the County.

Byron Sanford asked Mr. McCorquodale to clarify door-to-door solicitation. Mr. McCorquodale said their current door-to-door sales do not require any background check, only a driver's license, and business name.

Mayor Countryman asked if door-to-door solicitors obtain a badge from the City so we know they have checked in. Mr. McCorquodale said right now they have a permit. Mr. McCorquodale said that is something they would like to discuss and clarify. Mr. McCorquodale said as an example, the City of Shenandoah issues a badge so you know they have had a background check. Mr. McCorquodale said most of the newer neighborhoods have deed restrictions that do not allow door-to-door solicitation. Mayor Countryman said that does not mean it does not happen. Mr. McCorquodale said that is true. Mr. McCorquodale said he

has been in the City for 16 years and he has not seen a lot of door-to-door solicitation. Mayor Countryman said with movement coming in this is something they want to get ahead of. Mr. McCorquodale said they do not want people to be able to take advantage of others. Mr. McCorquodale said if they do not have something in place you would need to go back and find out who these folks are.

Byron Sanford asked if they would include this in the ordinance. Mr. McCorquodale said yes it is already included but there are a few rules they could add that would give the residents more security in knowing that if a person walking up to their door has a badge on they have been vetted by the City. Mr. McCorquodale said the extreme would be saying there is no door-to-door solicitation allowed. Byron Sanford said he does not think they want to go that far but thinks it would be helpful to citizens, patrol officers, and schools to be aware that solicitors need to have a badge on to protect everyone. Byron Sanford said he thinks it would be helpful to include that information.

T.J. Wilkerson asked if this ordinance would be tied to the Historical District. Mr. McCorquodale said it would include the entire City. T.J. Wilkerson asked if he was going to set up a hot dog stand in his front yard would he need to move it every two days. Mr. McCorquodale said if you had a mobile vendor permit. Mr. McCorquodale said if you wanted to open a business as a permanent business there is a process to follow to open a business. Mr. McCorquodale said if you come in and say you want to be a mobile vendor, and it turns out you are not mobile, there needs to be a process for a mobile vendor.

Julie Davis asked what prevents Mr. Bill Clevenger from doing a special use permit since under special use permit there is an ice cream store listed as one of the caveats for special use. Mr. McCorquodale said a special use permit is a zoning tool that is tied to land use. Mr. Caleb Villarreal, City Attorney said a special use permit is for a designated area that allows the user to come before City Council and give City Council the latitude to make a discretionary call. Mr. Villarreal said in this case if City Council believes that having a food truck in the Historic District goes against the comprehensive Zoning Ordinance, then by law City Council can say no or yes, no problem. Mr. Villarreal said a special use permit is brought before City Council. Mr. Villarreal said if you go to the use table it tells you what can go where for residential, industrial, etc. Mr. Villarreal said a special use permit is brought before City Council and City

Council can consider several factors. Mr. Villarreal said that is straight from the Local Government Codes. Mr. Villarreal said City Council has that discretion.

Mayor Countryman asked if it goes through the Planning and Zoning Commission first. Mr. Villarreal said it goes through the Planning and Zoning Commission. Mr. Villarreal said Planning and Zoning Commission makes a recommendation to City Council but it is all based on staff recommendation.

Mr. McCorquodale said on page 105 of the report it talks about food truck parks and that is where this discussion of special use permits comes in. Mr. McCorquodale said to amend the zoning ordinance to say food truck parks in the Historic District requires a special use permit. Mr. McCorquodale said the Historic District is different because of the very nature of the Historic District there are much tighter lot lines and parcel sizes.

Julie Davis said Mr. McCorquodale said himself they are writing ordinances that are good for the entire City and that zoning would take over for the Historic District. Julie Davis said this is not a conversation about zoning. Julie Davis said this is just a conversation about ordinances for the whole City and asked if this was correct. Mr. McCorquodale said he is not sure he understands the question. Julie Davis said her understanding is that we are discussing writing an ordinance that affects the entire 4.7 square miles of the City limits of Montgomery. Mr. McCorquodale said yes, for every ordinance that we write. Julie Davis said the words Historic District play no part in this ordinance whatsoever. Mr. McCorquodale said not in the vendor ordinance. Mr. McCorquodale said the zoning ordinance and Historic District are in Chapter 98.

Julie Davis asked if Mr. Clevenger wanted to apply for a special use permit and would go before Planning and Zoning and City Council, would he have a final answer whether this ordinance regarding peddlers, solicitors, and vendors was in play or not. Julie Davis asked if one would supersede the other. Mr. McCorquodale said Mr. Clevenger could not say he wants a special use permit because he does not want to follow the rules of the mobile vendor ordinance. Julie Davis asked if Mr. Clevenger was not following the rules right now. Julie Davis asked if he complies because we issued a permit. Mr. McCorquodale said yes he has a permit.

Mr. Villarreal said if they enact the special use permit in the Historic District, to operate the truck in that district based on that use, he has to come before City Council to have a special use permit issued. Mr. Villarreal said they are intertwined and we are talking about specifically that district. Mr. Villarreal said Mr. McCorquodale is saying if you amend Chapter 98 Table of Permitted Uses and make it a special use permit required to be in that district for a mobile food vendor, then any mobile food vendor who wants to operate in the Historic District would have to come before Planning and Zoning and City Council to be approved. Mr. Villarreal said that is just Chapter 98 and is specific to the Historic District.

Julie Davis asked to confirm what the codes are for Chapter 98. Julie Davis said there is R1 and R2 which she assumes are both residential, B is business, ID is industrial, I is institutional, and CC is City Council.

Julie Davis said the ice cream store is permitted in the business district. Julie Davis asked if Mr. McCorquodale is suggesting they need to amend now in addition to solicitors, peddlers, and vendor mobile food trucks that we now need to amend special uses to include a Historic District as well and take that out separately from the business district. Mr. McCorquodale said no. Mr. McCorquodale said if someone wants to open up a food truck park in the Historic District they have to obtain a special use permit. Mr. McCorquodale said a food truck park is where you operate these food trucks that are going to aesthetically look like mobile food trucks but they are never going to leave and we are going to treat it like a development. Mr. McCorquodale said when a restaurant opens it is in the same place all the time. Mr. McCorquodale said with restaurants there is parking, grease traps, and utilities. Mr. McCorquodale said the mobile food vendor permit and what their conduct is, is related to the zoning aspect of it, but you are not going to use the zoning code to make exceptions for a mobile food vendor.

Julie Davis asked if Mr. Clevenger wrapped his ice cream trailer with a porch and cover and it became an ice cream store, are we in a completely different ball field. Mr. McCorquodale said it would not be in the normal development process. Mr. McCorquodale said he would need to come to the City and present his plans as there is a development process. Mr. McCorquodale said if someone wants to set up a business permanently they need to understand there has been a process in place for years on how to do that. Mr. McCorquodale said if you

try and find a loophole to not adhere to the same set of rules as everyone else does when they open up a business that does not seem like the spirit of the ordinance.

Julie Davis said she is trying to find a solution for a problem that has become out of hand that we, as a City, can say we are going to invest in these people. Julie Davis said whether we agree or disagree on anything about Mr. Clevenger, he has purchased land, he pays taxes, and he is trying to run a business there. Julie Davis said he has spent lots of money on a trailer and property and she does not know where the communication issue is but, two days, six days, 300 feet, 400 feet, special use permit, you are saying we have had a plan in place as a City that is as archaic and as old as the City is, but clearly, we do not.

Mr. McCorquodale said he disagrees. Mr. McCorquodale said the issue is this is the second food vendor who wants a mobile food vendor permit but has no intention at all to be mobile.

Julie Davis said there was the snow cone trailer that was on SH 105 for a long time. Mr. McCorquodale said yes. Julie Davis said she does not know if they had a permit. Mayor Countryman said they did have a permit.

Mr. McCorquodale said in his opinion they have a situation where do we want to allow these mobile food vendor permits to be used as a permanent business in one place. Mr. McCorquodale said if you do then it is certainly in your ability to do that.

Mayor Countryman said she does not think we make an ordinance based on one business. Julie Davis said she agrees. Mayor Countryman said but you continue to discuss the one scenario but not the entire City and the ordinance of the entire City. Mayor Countryman said if someone invested, they certainly appreciate the investment. Mayor Countryman said it may have not been the best investment or a sound investment, but whatever your opinion is of it, it should not matter at all. Mayor Countryman said whether it was the best investment in the world it should not matter because at the end of the day there is an ordinance that needs to be updated in the way the City is conducting business and we have to look at it wholly from boundary to boundary and not just one specific scenario and that is where the discussion lies.

Julie Davis said her questions were revolving around special use permits and that is the issue for the one specific scenario. Julie Davis said that was her question because it is specifically listed as an ice cream store.

Julie Davis said she does agree they should write the ordinance for the entire City but disagrees with the timing this is being brought up. Julie Davis said she would rather see a special use permit given and he can succeed or fail on his own and would rather it be a year from now because she would not want it to be this huge City controversial issue between the Mayor and Mr. Clevenger. Mayor Countryman said there is nothing with her. Mayor Countryman said you need to check yourself, Ms. Davis. Mayor Countryman said she has no vendetta. Mayor Countryman said what she wants is a City that runs well and everyone abides by the laws with any ordinances that are put forth. Byron Sanford said he agrees too. Mayor Countryman said if you want to go with that narrative that is your decision, but she takes this very offensively and does not appreciate it. Mayor Countryman said for the record there is nothing valid to your statement. Byron Sanford said he seconded that.

T. J. Wilkerson asked if the Historical District has rules and guidelines they adhere to. Mr. McCorquodale said generally the Historic District guidelines all reference the architecture. Mr. McCorquodale said they did not contemplate writing in food trailers as being permanent fixtures. Mr. McCorquodale said everything in the Historic District is going to be about the architecture and that is what you are going to write about and that is what you want to protect.

Byron Sanford said there is a reason you did not do that because no one walks around saying let us go to historic (any town) and look at all the wonderful food trucks we grew up with. Byron Sanford said this is updating an ordinance to deal with an issue that has presented itself.

Mr. Villarreal said an ordinance would apply to the entire City, but a special use permit for the Historic District comes before City Council. Mr. Villarreal said to keep in mind that City Council can impose reasonable restrictions on that special use. Mr. Villarreal said these rules apply to everyone in the City. Mr. Villarreal said with the special use permit you adopt that special use permit ordinance and you can restrict the hours and make even further restrictions that are reasonable. Mr. Villarreal said you can give it more latitude or make the hours from 8:00 a.m. to 12:00 p.m. or 12:00 p.m. to 4:00 p.m. two or three days a week. Mr. Villarreal

said City Council is allowed that latitude because that is what a special use permit is. Mr. Villarreal said it is not just adopting a special use ordinance, it will allow you to incorporate reasonable, rationally based restrictions with that special use. Mayor Countryman said what they are talking about is a foundation to build off of. Mr. Villarreal said yes. Mr. Villarreal said when you amend Chapter 98 and make it to where you need a special use permit to be in the Historic District, City Council can impose restrictions or none at all.

Julie Davis asked if there is a zoning ordinance currently for the Historic District that says food trucks can or cannot be in that area. Mr. Villarreal said no there is not. Mr. Villarreal said it has residential, commercial, and industrial but there is no historic. Mr. Villarreal said when they first started the process he thought if they were doing this to just make it a special use permit for only the Historic District so it comes before City Council, City Council votes on whatever their pleasure may be, and that is what City Council is for. Mr. Villarreal said but there is no Historic District in the Permitted Use Table.

Byron Sanford said since this is about updating, he thinks the City needs to stay consistent with what is here with the County which is the best starting place and best place to go. Byron Sanford said with regards to the current permits that are in place, one has until January and the other has until December. Byron Sanford said any grace that needs to be applied and that affects the current people, give the grace to them, but they still need to come in and say they need an extension. Byron Sanford said he is not for taking another six months or a year but thinks they have what they need to be consistent. Byron Sanford said currently it is half a parking lot. Byron Sanford said he has no possible innovation in him where it would be a good idea to put anything there that is permanent and, for that matter, anywhere in that small four-block by three-block area. Byron Sanford said he has been consistent from the beginning and if there is compassion, stay with what you gave to begin with, but in the end, they need to know what you temporarily gave until they can figure it out and in his mind, they have figured it out and this is it and he likes it as it is.

Mr. Villarreal said if this does not work they can always bring it before City Council and amend hours. Byron Sanford said he is not worried about hours because what you said makes perfect sense. Byron Sanford said this is consistent with the County and when they go to pull arbitrary numbers out, it is just that. Byron Sanford said once you start down the arbitrary what

you do for one person you have to do for another, and then all of the sudden the mobile thing is completely gone. Byron Sanford said then you have horror stories of cities that did not get ahold of this and they are setting up everywhere and staying and then it is a problem with regulations. Byron Sanford said if we are going to enforce a code, let us get an enforceable code, otherwise, the code is no good.

Mr. McCorquodale said he feels he has direction and said one last reminder is the draft ordinance they bring to the next meeting can be amended as City Council sees fit.

DEPARTMENTAL REPORTS:

9. City Administrator's Report for September 2021 – Mr. McCorquodale, Assistant City Administrator said he would like to say everyone did a spectacular job while Mr. Tramm was out of the office during the past week.

Mr. McCorquodale said staff plans to bring City Council a year-end budget amendment for the FY 2020-21 budget at an upcoming meeting.

Mr. McCorquodale said advertising for the financial auditor began on September 22, 2021, with the submittal deadline on October 28, 2021. Mr. McCorquodale said he anticipates City Council selecting a firm at the November 9, 2021 meeting.

Mr. McCorquodale said he would like to invite City Council to the MEDC special meeting on Monday, November 1, 2021, at 5:30 p.m. for the Downtown Design presentation. Mr. McCorquodale said to please plan to attend if you can because MEDC would like City Council to adopt the Downtown Plan because that is how they obtain downtown grant funding. Mr. McCorquodale said if a city does not have a Downtown Plan in place, many of the State programs will not issue a grant.

Mr. McCorquodale said they did not have any action items for Planning & Zoning but discussed the same items from City Council's meeting on the Kammerer estates and a general overview of MUDs. Mr. McCorquodale said Planning & Zoning Commission does not play a role in the approval of a MUD, but they need to understand how they work.

Mr. McCorquodale said MEDC met on October 18, 2021. Mr. McCorquodale said Planning & Zoning canceled their meeting for this coming Tuesday because it is election Tuesday.

Mr. McCorquodale said they had a good meeting with Precinct 1 and are working with TxDOT on transportation improvements around the City.

T.J. Wilkerson said on National Night Out no one said anything about the history of the event and his son thought someone should talk about the history.

10. Public Works Report for September 2021 – Mr. Muckleroy, Public Works Director asked if anyone had any questions directly related to his report.

Julie Davis asked if there was a water leak at Memory Park. Mr. Muckleroy said no that was last month. Julie Davis said she noticed the usage is considerably higher. Mr. Muckleroy said no it is not, it is normal for this time of year and they are still below average for the year. Mr. Tramm said they had two days of rain, the first and last day of the meter reading of the month from the 17th to the 17th, and the remaining days in between were dry.

Byron Sanford asked if the property in front of the Hills of Town Creek is a development property. Mr. Roznovsky said it is the same property owner as the Hills of Town Creek.

Mayor Countryman said there have been several times within the past three months the City has received feedback regarding Cedar Brake Park about the condition of the equipment, malfunctions, and missing hardware. Mayor Countryman asked if they are experiencing a higher volume of equipment issues than in the past or are they talking about the same thing. Mr. Muckleroy said they have addressed all the concerns regarding sharp corners and chains, but does not remember exactly how many there were. Mr. Muckleroy said there was nothing out of the normal. Mayor Countryman said she would like to commend his team and Charlie Diggs who did a great job cleaning up after the Fall Festival.

T.J. Wilkerson asked if, when they did the work on the waterline, did the City hang notices on the doors. Mr. Muckleroy said yes. Carol Langley said it was a letter on their mailboxes or it was laid by the front door. Carol Langley said some of them were on the door handles. Carol

Langley said they brought it into Jim's Hardware. Mr. Muckleroy said when they can make contact they do. Mayor Countryman asked if it would be better to use tape and tape it to the door of the business instead of sticking it in the door. Mayor Countryman said she understands that can easily get lost. Mr. Muckleroy said one of the things they have done is fold a piece of paper and staple it around the door handle. Mayor Countryman asked if they had any issues at that point with people not knowing the water was going to be turned off. Mr. Muckleroy said usually not but they still get an occasional person who says they did not receive a notice. Mayor Countryman asked if it was turned off 15 minutes. T.J. Wilkerson said when they called him it was around 7:00 p.m. and he came up and talked with them and apologized. Mr. Muckleroy said Friday there was a mishap and they turned it off early doing a test and they should not have done that. T.J. Wilkerson said maybe they should have done it Monday night when most of the restaurants are closed to prevent people from being without. Mr. Muckleroy said it was definitely on the contractor for turning it off early because it is usually done at 10:00 p.m.

T.J. Wilkerson asked if they had a blueprint of the old waterline. Mr. Muckleroy said some of it is hidden. Mr. Muckleroy said whatever is being done more valves are being added and they know what controls what now. Mr. Muckleroy said either the day of or a couple of days before his men will go out with their crew in the field to see where to store them and see what does what so he is not sure where the confusion was and honestly do not know why they were having to test to see if it would shut down when it was already done beforehand. Mr. Muckleroy said if they ever call them and need assistance they will go out. Mr. Muckleroy said they tried to resolve it as soon as possible because they knew you had been over there to talk to them.

11. Police Report for September 2021 – Chief Solomon said, regarding National Night Out they should have had talked about the history of it and what it is all about. Chief Solomon said they will have something spectacular for everyone next year.

Chief Solomon said for the Fall Festival there were 10,000 plus people. Chief Solomon said someone mentioned these guys that are doing these events are a little extra and a little extreme. Chief Solomon said he thinks you have to be a little extra and a little extreme. Chief Solomon said as long as he is here it will continue to be that way which means using the right amount

of security. Chief Solomon said when they had the festival in the field they returned around seven kids to their parents because they got lost. Chief Solomon said the other night with over 10,000 people they did not have to return any kids to their parents because they took the extra precaution to have police in that area and had people in those areas along with VIPs. Chief Solomon said the VIPs are doing a very good job with them and they help them out at night and they had two different shifts. Chief Solomon said when someone talks about being extreme when it comes to security, he is going to be extreme. Chief Solomon said he has secured stadiums for President Bush and has done many rallies for KKK and has done this for years. Chief Solomon said if anyone knows how to do this, he does. Chief Solomon said as long as he is here they will continue to do it this way. Carol Langley said it was great.

Chief Solomon said he came to City Council a few months ago to talk about a grant for a de-escalator simulator and they were approved for the grant 100 percent.

Mayor Countryman said the VIPs at National Night Out also helped and they did a great job too and were the ones that really cleaned up. Chief Solomon said the VIPs are going to be at all the events now including the citizens' police academy classes. Mayor Countryman asked when the next class will begin. Chief Solomon said it will be in April but they will not put a notice out until July for people to sign up.

T. J. Wilkerson said Chief Solomon was out on Saturday and was able to see the traffic on FM 1097. Chief Solomon said the speed limit on FM 1097 needs to decrease to 40 mph. Chief Solomon said last Tuesday he stopped someone who was speeding on FM 1097.

12. Court Report for September 2021 – Mrs. Kimberly Duckett, Court Administrator said for the Court Report for September they collected \$34,747.41 in revenue. Mrs. Duckett said the overall fiscal year revenue was \$409,608.88.
13. Utility Report for September 2021 – Mr. Tramm said there were \$22,532.00 collected for permits. Mr. Tramm said the most notable item is the City received a franchise fee for Entergy which they originally sent to the wrong address. Mr. Tramm said Entergy has corrected the address.

Byron Sanford asked what are the records request copy fees for. Mr. Tramm said the vast majority of that was money received from Mr. Bill Clevenger for his records request.

Mayor Countryman said they sold a lot of flags and is that for the new residents coming in. Mr. Tramm said that is a good amount as it is \$5.00 for a single flag or \$9.00 for the bundle.

Julie Davis said she noticed there were 22 accounts in arrears with 10 disconnections. Julie Davis asked if they know about the disconnections and if there is any way the City can help. Mr. Tramm said those disconnections were due to move-outs and non-payments which are write-offs at the end of the year. Mr. Tramm said they do maintain a list should those people come back to the City. Mr. Tramm said they have looked into trying to go through the elections route.

Mr. Tramm said when customers do have trouble paying their bills we do work with them and try to avoid disconnecting their account. Mr. Tramm said if needed, they give them an extended timeline to pay. Mr. Tramm said there is a written agreement between the City and the customer for payment extensions.

14. Water Operations Report for September 2021 – Mr. Mike Williams, Vice President of H2O Innovation, said for the district alerts there was only one power issue that was not related to a storm this month. Mr. Williams said a check valve was replaced at Life Station 3 and all other listed items were minor issues.

Mr. Williams said flow for August through September was 5,345,000 gallons and daily peak flow on September 14, 2021, was 285,000 gallons. Mr. Williams said the average daily flow was 172,400 gallons with 43 percent of permitted capacity.

Mr. Williams said all samples in the effluent report were in compliance for September.

Mr. Williams said the total water sourced was 16,857,000 gallons and sold 16,097,000 gallons with a 97 percent accountability. Mr. Williams said there were 1,050 total connections.

Mr. Williams said they did complete the manhole inspection review.

15. Finance Report for September 2021 – Mr. Anthony Lasky, Senior Accounting Clerk presented his report to City Council.

Mr. Lasky said he labeled the TexPool account in the construction fund as the American Rescue Plan so those funds will be separated.

Mr. Lasky said in the operating fund there is six months reserve, MEDC has just over two years reserve, and the utility fund has one year reserve.

Mr. Lasky said sales tax collected for September was \$273,783.75 of which \$205,337.81 was for the operating fund and the remainder in MEDC. Mr. Lasky said they received \$274,762.64 for October.

Mr. Lasky said for the end of the fiscal year revenues were \$5,282,937 which is 37 percent over revenues. Mr. Lasky said expenditures were \$4,584,935 which was 17 percent over. Mr. Lasky said the City was 20 percent over in revenues for the fiscal year.

Mayor Countryman asked if there is a deadline for expenditures for TML. Mr. Lasky said he believes it is January.

Mr. Lasky said he did deposit the funds for the Mobility Investment and the Infrastructure Investment into separate TexPool accounts which will be on the next report under the construction fund.

Julie Davis asked if they will be listed as TexPool or will they be listed as the capital improvement infrastructure. Mr. Lasky said they will be on the fund as TexPool.

16. City Engineer's Report for October 2021 – Mr. Chris Roznovsky, City Engineer presented his report to City Council.

Mr. Roznovsky said all the items for the Downtown Waterline Replacement Project are complete. Mr. Roznovsky said the final inspection was October 19, 2021, and the contractor is working through the punch list items that were identified.

Mr. Roznovsky said the contractor will begin demolition any day now for the Water Plan No. 3 Improvements Project.

Mr. Roznovsky said regarding the GLO Projects, they are still working through some of the scope issues at Ander's Branch as a result of the environmental analysis and preliminary design.

Mr. Roznovsky said the FM 1097 Speed Study is still under TxDOT review.

Mr. Roznovsky said for the FM 1097 and Buffalo Springs Drive Traffic Signal Warrant Analysis they did receive confirmation from TxDOT saying they agree with the analysis and the project has been assigned to a TxDOT consultant for design. Mr. Roznovsky said they have requested, but not received, a schedule for design and construction.

Mayor Countryman asked when you say funding will the City be responsible or TxDOT. Mr. Roznovsky said they followed up, asking about the timing and if TxDOT has funding in place and they have not received a response.

Mayor Countryman asked if we are getting things on time since there has been a change in the roster. Mr. Roznovsky said they have a good working relationship with all the TxDOT-related activities in the City.

Mr. Roznovsky said they are reviewing the SH-105 and Buffalo Springs Drive Traffic Signal Warrant Analysis and will have the results of the analysis at the November 9, 2021 meeting.

Mr. Roznovsky said they did receive a plat review for Hills of Town Creek, Section 4 to amend plat lot lines on the northern end of the property.

Mr. Roznovsky said they are continuing to have issues with the one-year warranty inspection for Hills of Town Creek, Section 3 regarding holding water in the streets as the water is not draining as it should.

Mr. Roznovsky said they are meeting with the developer with Redbird Meadow next week to discuss their timeline and necessary infrastructure improvements.

Mr. Roznovsky said as a reminder regarding the 2022 Sanitary Sewer Cleaning and Televising Phase 1 Project, the plan is still in place to bid this in December, have contracts in place the first of the year, and start construction in February 2022.

Mr. Roznovsky said the Texas Pollutant Discharge Elimination System (TPDES) permit renewal is still ongoing and expect to submit the renewal application to TCEQ.

Mr. Roznovsky said for the FM 149 and SH-105 northbound right turn lane the project has been delayed due to utility relocation delays.

Mr. Roznovsky said as part of the last legislative session on SB3 which was passed regarding emergency preparedness, one of the requirements is that all public water providers have to submit their facilities to be critical loads. Mr. Roznovsky said they submit a letter to the retail provider and electric service provider to the office of Emergency Management, State office of Emergency Management, and the PUC. Mr. Roznovsky said the second part of SB3 of the emergency preparedness plan is a set form provided by the TCEQ that lists all the steps and facilities and what you do during an emergency. Mr. Roznovsky said the deadline is March 1, 2022, and to be implemented by July 1, 2022.

Julie Davis moved to accept the Departmental Reports as presented. Byron Sanford seconded the motion. The motion carried unanimously. (4-0)

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. (There are no items at this time.)

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No action was taken.

COUNCIL INQUIRY:

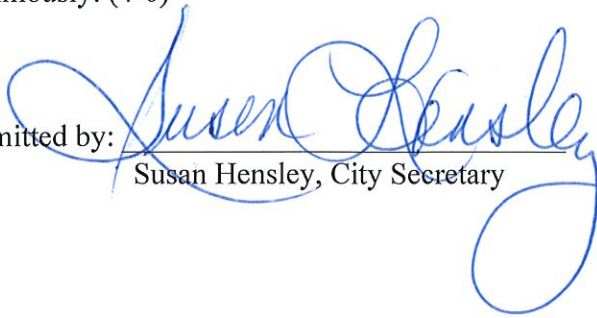
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation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

Mr. Tramm said he just returned from vacation and would like to express his thanks to all the department managers and the Assistant City Administrator for all their hard work while he was gone.

ADJOURNMENT

Byron Sanford moved to adjourn at 8:28 p.m. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

Submitted by:



Susan Hensley, City Secretary

Date Approved: _____

Mayor Sara Countryman