

**City Council Regular Meeting  
MINUTES**

**May 23, 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
	Diana Cooley	Deputy City Secretary
	Katherine Vu	WGA, City Engineer

**CALL TO ORDER**

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

**INVOCATION**

Mayor Byron Sanford provided the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

1. Mayor Byron Sanford administered the Oath of Office to the following duly elected officials from May 6, 2023, City of Montgomery General Election:

Carol Langley – City Council Place 1

Sara Countryman – City Council Place 3

Stan Donaldson – City Council Place 5

2. Recognition of outgoing Councilmember: Patricia Easley

Mayor Byron Sanford stated Councilmember Patricia Easley was not able to attend the meeting but will be presented with a plaque acknowledging and appreciating her service to the City this past year.

3. Consideration and possible action to elect the Mayor Pro Tem for the term of one (1) year as provided by Texas Local Government Code 22.037 (b).

Councilmember Cheryl Fox moved to elect as Mayor Pro Tem Casey Olson for a term of one year as provided Texas Local Government Code 22037 (b). Councilmember Carol Langley seconded the motion. **Motion passed (5-0).**

### **VISITOR/CITIZENS FORUM:**

No visitors addressed City Council.

### **CONSENT AGENDA:**

4. Approval of the following:

- (a) City Council and Zoning Board of Adjustment meeting minutes 04-25-2023

Councilmember Carol Langley moved to table item 4(a) due to the date of the minutes being incorrect. Councilmember Cheryl Fox seconded the motion.

**Motion passed (5-0).**

- (b) Special City Council meeting minutes 05-15-2023

5. Utility Billing Report

Councilmember Sara Countryman asked what the miscellaneous is on the utility general fund report. Councilmember Sara Countryman said it use to be segregated out. Councilmember Sara Countryman asked if the community center is getting a lot of traffic and if so, they need to make sure they have the right improvements or do they need to add things or is it printed out once a month.

Mr. Dave McCorquodale said they can make that change.

Councilmember Sara Countryman asked where the miscellaneous money goes and asked if it goes to general fund. Mr. Palmer said yes it goes to the general fund.

6. Sales Tax Report

Councilmember Casey Olson moved to approve items 4(b), 5 and 6 on the consent agenda as presented. Councilmember Carol Langley seconded the motion. **Motion passed (5-0).**

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

7. Consideration and possible action on the application for a City Alcoholic Beverage Permit for H-Bistrot.

Mr. Gary Palmer said Mr. Steve Hari owner of H-Bistrot approached the City regarding the application for this permit. Mr. Gary Palmer said Mr. Steve Hari needed to obtain the State permit first before applying for a permit from the City. Mr. Gary Palmer said Mr. Steve Hari did not come back to the City to obtain the permit. Mr. Gary Palmer said Code Enforcement spoke with Mr. Steve Hari and he has applied and is now in full compliance with our ordinance. Mr. Gary Palmer recommends approval.

Councilmember Sara Countryman said she has never seen someone open without having approval before coming to council. Councilmember Sara Countryman asked if it was us that failed.

Mr. Gary Palmer said as far as he knows we told Mr. Steve Hari he needed to obtain the permit from the State first and then reapply with the City as part of our application process. Mr. Gary Palmer said Mr. Steve Hari did that, but he never came back and finished the application with the City.

Councilmember Sara Countryman said she spoke with Mr. Steve Hari earlier in the day and it was a different story than what she was told.

Mr. Steve Hari presented his information and stated he submitted his application to the City Secretary in January and his assistant submitted the application to TABC. Mr. Steve Hari said he followed through with the process and did everything he was required to do. Mr. Steve Hari was not aware he needed to provide the City with his TABC license in order for the City Secretary to issue the City permit.

Mr. Gary Palmer said it was a miscommunication as Mr. Steve Hari was to return to the City with his TABC permit and never did and therefore, a permit was never issued by the City. Mr. Gary Palmer said City Council needs to issue the permit.

Councilmember Carol Langley moved to approve the City Alcohol Beverage Permit for H-Bistrot. Councilmember Casey Olson seconded the motion. **Motion passed (5-0).**

8. Consideration and possible action on Certificate of Substantial Completion, commencement of one-year warranty period, Certificate of Construction Completion, and acceptance of the Water Plant No. 3 Generator Addition project (GLO CDBG-DR Contract No. 19-076-017-B366) Water Facilities.

Mr. Dave McCorquodale, Planning and Development Director said the installation of the backup generator project is now complete and the documents included are part of the closeout process.

Councilmember Casey Olson asked if the punchlist was completed. Mr. Chris Roznovsky, City Engineers - WGA stated there was a fuel range issue that happened after the punchlist was completed and installation panels are still being worked on. Councilmember Casey Olson asked why they would accept the warranty and start the warranty period before they actually repair all the items. Mr. Chris Roznovsky said the warranty starts at Substantial Completion which was deemed back in February when it was operational. Mr. Chris Roznovsky said it was put in service, set up and available for use back in February, which is when the warranty period starts. Mr. Chris Roznovsky said accepting and closing out the project which was what GLO has as a timeline does not change a contractor's obligation as he still has to complete the work in the contract which is done and continue to service for the one year for anything that comes up.

Councilmember Sara Countryman moved to approve item #8 as presented. Councilmember Carol Langley seconded the motion. **Motion passed (5-0).**

9. Consideration and possible action on the Grant Completion Report for GLO CDBG-DR Contract No. 19-076-017-B366.

Mr. Dave McCorquodale stated that this report derives from the grant manager and is awaiting confirmation on the beneficiaries being 110 or 122.

Mayor Byron Sanford said he has been corresponding with Mr. Dave McCorquodale and both have been keeping him in the loop and there was a timeline they were aware of. Mayor Byron Sanford stated he was double checking, and he does not see a problem with this.

Councilmember Sara Countryman asked if this closes out the GLO Project. Mr. Dave McCorquodale said it does not officially close it out as it is just a step along the way.

Councilmember Carol Langley asked if it is just a Grant Completion Report.

Mr. Dave McCorquodale said this is one of the documents GrantWorks Project Manager, Ana Sanchez-Gomez has to submit to the GLO to close the project out. He explained that GLO has a strict timeline and process to follow.

Councilmember Stan Donaldson said he is thoroughly opposed to signing documents that are incomplete and the only reason he will let it go this time is because the Mayor said it was an insignificant thing. He went on to say the Mayor said he wants every "T" crossed and every "I" dotted, this project has been going on for an entire year and are coming to the end of it, they still cannot complete a document. Councilmember Stan Donaldson said someone created the documents and put it in there for a reason. Councilmember Stan Donaldson said he does not think it is good practice to sign documents that are not completed, but he is willing to pass on it because of the Mayor's intervention.

Councilmember Carol Langley asked if this is actually GrantWorks and not GLO telling us we need to do this tonight. Mr. Dave McCorquodale said that is correct. Mr. Dave McCorquodale said this is not coming from the GLO. Mr. Dave McCorquodale said this is a document our Grant Manager is completing and filling out to submit to the GLO.

Councilmember Casey Olson asked what the public hearing is about. Mr. Dave McCorquodale said the Project Manager said a public hearing is required to close out a grant based on your citizen participation plan that is submitted at the beginning of the grant. Mr. Dave McCorquodale said he is not familiar with it as he was not around when it was submitted. Mr. Dave McCorquodale said the public hearing will be held on June 1, 2023.

Councilmember Casey Olson moved to approve the Grant Completion Report. Councilmember Carol Langley seconded the motion.

Councilmember Carol Langley said she knows how the deadlines are on the grants and was not comfortable with the Project Manager waiting until Friday afternoon. Councilmember Carol Langley said if she had thought the Project Manager was where she could reach her, she would have spoken with her.

**Motion passed (5-0).**

10. Consideration and possible action authorizing the City Administrator to approve expenses to replace a booster pump and motor at Water Plant 3.

Mr. Mike Muckleroy said the booster pump failed at Water Plant No. 3 and had received three quotes from three different companies. He added that the replacement is actually cheaper than rebuilding the pump and he is recommending replacing the motor because it is right at the 50 percent mark of the cost to replace it versus rebuild it.

He went on to say that with the summer months coming they did look at the possibility of having it rebuilt, however the timeline was too extensive.

Councilmember Carol Langley asked where Water Plant No. 3 is located. Mr. Muckleroy said on FM 1097 by Plez Morgan and Business Park Drive.

Councilmember Casey Olson asked if the pumps are interchangeable between stations. Mr. Mike Muckleroy said they are not. Mr. Mike Muckleroy said the three pumps that are on site at that plant are the same but they are not the same as Water Plant No. 2.

Councilmember Casey Olson asked if it would pay to rebuild it and keep it as a spare. Mr. Mike Muckleroy said it is possible but the rebuild price is actually more expensive. Councilmember Casey Olson said they could buy a new one and rebuild one for 50 percent and keep it as a spare but it is because of the lead times. Mr. Muckleroy confirmed to rebuild the pump is more expensive replacing. Mr. Muckleroy said the motor itself is \$2,361 to repair and the cost of the new motor is a little over \$5,000.

Councilmember Sara Countryman said it says the quote is good for 30 days and asked if they lock in the price when they say go or do they receive the price when it is delivered. Mr. Muckleroy said as soon as they tell them to go they lock in the price.

Councilmember Casey Olson said the budget amount of \$250,000 struck him as odd. Mr. Mike Muckleroy said that is the repair and maintenance budget this item will come out of.

Councilmember Sara Countryman asked if this went out to RFP. Mr. Muckleroy said it did not, they received three quotes on it.

Councilmember Stan Donaldson asked if every water well has a booster pump. Mr. Muckleroy said yes, multiples. Councilmember Donaldson asked what the booster pump does. Mr. Muckleroy says it supplies the pressure to the system. Councilmember Donaldson asked if it is a necessary item that needs to be replaced right away. Mr. Muckleroy said yes. Councilmember Donaldson asked if they would need to rent one. Mr. Muckleroy said it would be smarter to rent one with the summer months coming. Mr. Muckleroy said if it was the end of summer and they were going into winter they would feel a lot more comfortable in just relying on the two that are there but with the heat of the summer coming and demand going up, it would definitely feel better having all three of them there.

Mr. Chris Roznovsky, WGA City Engineer said the way it is designed is the plant and equipment is designed to have one pump with the largest pump out of service which is required by the State.

Councilmember Sara Countryman asked if the rental charge is in the report. Mr. Muckleroy said they have not received the price for a rental charge. Mr. Muckleroy said this is just to approve the purchase of the new and get the process going. Mr. Mike Muckleroy said they are working on the pricing of a rental.

Councilmember Stan Donaldson asked if they are going to need to have another company install it. Mr. Muckleroy said they will have the company they would rent it from to install it. Mr. Muckleroy said it would be part of their services.

Councilmember Carol Langley moved to authorize the City Administrator to approve the expenses to replace a booster pump and motor at Water Plant No. 3. Councilmember Cheryl Fox seconded the motion. **Motion passed (5-0).**

11. Consideration and possible action on Change Order No. 4 and the Certificate of Acceptance for the Water Plant No. 3 Improvements project.

Mr. Chris Roznovsky, WGA, City Engineer said there were two water plant projects going on at the same time at Water Plant No. 3, the GLO funded project and the TWDB (Texas Water Development Board) funded project. Mr. Roznovsky said the TWDB project was deemed substantially complete in August 2022 and since then the contractor has been getting into as-built drawings and negotiations for the change order for a decrease of \$48,662 to the contract. Mr. Roznovsky said the decrease total is due to damage that occurred to one of the cooling towers. Mr. Roznovsky said this amount is being taken out of the contract total. Mr. Roznovsky said the two items for tonight are approval of Change Order No. 4, which is a decrease of \$48,662.93 that reduces the total contract amount from \$1,028,675.76 to \$980,012.83. Mr. Roznovsky said this project is complete with the Certificate of Acceptance officially deeming the project complete. Mr. Chris Roznovsky said this was already in substantial completion and the one-year warranty was already set so in the next few months there will be a one-year warranty inspection with the contractor.

Councilmember Sara Countryman moved to approve the motion to Change Order No. 4 as presented and accept the public water infrastructure. Councilmember Cheryl Fox seconded the motion. **Motion passed (5-0).**

12. Consideration and possible action on a Resolution supporting the City of Montgomery's Application to TxDOT's 2023 Transportation Alternatives Set-Aside Call for Projects.

Mr. Dave McCorquodale said the City submitted two years ago for a TxDOT grant for two sidewalks. Mr. McCorquodale said we were told we got very close but did not get awarded for either project, however, in a follow-up meeting with TxDOT they provided the city with reasons for the lack of award: the scope of the project, the number of beneficiaries or the number of folks it served, as well as lack of having something in a formal plan. Mr. McCorquodale said to go after some of the grant funds one needs a planning document or something that is approved that you can point to and say this is

an important feature for our city as we've thought and planned for it and now, we are applying to get it funded to build it.

He then went on to say that earlier this year when TxDOT announced their Call for Projects, he spoke with Mr. Ryan Londeen who serves on the MEDC who is an engineer with Halff & Associates and has a grant team that would love to give some thoughts on what the city is considering applying for.

Mr. McCorquodale said the reality of the numbers is if this is not in a plan, you can have the best project in the world and it can be exactly what you need, but you will not get it funded as 20 percent of the scoring criteria is based on whether or not there is a formal plan and document that has the project in it, stating you need to be able to score every possible point and the only way to do that is with a plan.

Mr. McCorquodale said staff are proposing that they develop an active transportation mobility plan that will identify non-roadway pathways and trails. He stated it is an 80/20 match and based on the estimate they should plan on a \$120,000 project which would put the City's match at \$24,000. He did note that obviously that is not in the budget this year. Mr. McCorquodale said there are timelines for these plans. If you approve these plans, they will come back in the budget cycle to ask for the money for the plan. Mr. McCorquodale said the resolution is part of the detailed application and affirms the City understands they would be responsible for 20 percent of this plan document cost.

Councilmember Carol Langley asked who was going to create the plan. Mr. McCorquodale responded they would go out for an RFQ. Councilmember Langley asked if they have time for this. Mr. McCorquodale said yes in terms of the staff time that it needs. Councilmember Langley asked if they have time to do the plan if this is approved tonight. Mr. McCorquodale said the overall timeline for the grant is June 5<sup>th</sup> when the detailed applications are due and believes they award projects in late September or early October.

Councilmember Casey Olson said they basically have two years to get their act together before they can apply again.

Councilmember Stan Donaldson said according to what he has read this money is for non-roadway projects and asked if that was correct. Mr. McCorquodale said it is and it does fund sidewalks, trails and crosswalks, things that are non-motorized transportation.

Councilmember Casey Olson moved to adopt the resolution according to the City's application to TxDOT's 2023 Transportation Alternatives Set-Aside Call for Project. . Councilmember Carol Langley seconded the motion. **Motion passed (5-0).**

## **DEPARTMENTAL REPORTS:**

### 13. Municipal Court Report

Ms. Kimberly Duckett, Court Administrator provided council with the monthly court report. Ms. Kimberly Duckett said the court collections for April 2023 citations are 91 and the revenue was \$24,358.01.

Councilmember Carol Langley asked how the new employee was working out. Ms. Kimberly Duckett said she is doing wonderfully and catching on very well.

14. Public Works Report

Mr. Mike Muckleroy, Public Works Director presented the monthly report. Councilmember Sara Countryman inquired about the six-foot long potholes on Liberty Street. Mr. Muckleroy responded that a month ago the school called to inform them, and they waited until TxDOT showed up to show them what they had found. TxDOT did a temporary repair which is understandable, but to replace the culverts is a big undertaking and is going to end up with a road closure and a detour. He went on to say that when it surfaced again TxDOT came back out and we were told TxDOT was having trouble securing a contractor to perform the work for a permanent repair. Mr. Muckleroy said he will relay information if they see it starts to fail.

Councilmember Sara Countryman asked Mr. Gary Palmer if the City will take over if it takes two years to get it mitigated. Mr. Gary Palmer said he thinks it would be a discussion with TxDOT to see if they would even allow the City to do that.

Councilmember Cheryl Fox asked if a timeline was given. Mr. Muckleroy said there was not.

Councilmember Casey Olson asked about Clepper Street and the way it is collapsing by Jim's. Mr. Mike Muckleroy said a company they worked with last year called Pave reviewed the damage which included some work on Clepper and Caroline and were given an estimate of \$494,000. Mr. Muckleroy said they are getting more quotes from different companies and said they do not have that in the budget for this year to do it.

Councilmember Casey Olson said they need to make a note in their budget workshop and that the road has been layered and layered and they may have to go to the substructure of it to keep it from collapsing over and over again it needs to get fixed. He concluded his comment with instead of having to fix it continually every three to four years maybe they should look into replacing it in pieces.

Councilmember Sara Countryman asked Mr. Gary Palmer if this is something they could partner with MEDC on since it is in the central business district. Mr. Gary Palmer said it is possible. Mr. Muckleroy said he believes MEDC does have a \$200,000 line item in the budget for infrastructure. Councilmember Casey Olson said they need to make sure and bring it up during budget.

Councilmember Carol Langley asked if the County does any type of asphalt repair. Mr. Muckleroy said it is something they have requested before and they just need to work on that relationship, Interlocal does not say they have to come and do it, but they can ask... Mr. Mike Muckleroy said they would also need to make a resolution for it.

Councilmember Cheryl Fox said when you go to repair the road, a major part of that road was when the elementary school was there and all the buses were driving down that road. Councilmember Cheryl Fox said surely when it is repaired this time we will



make sure we will not step over a dollar to pick up a dime and make sure it is something that will see us way into the future.

Mr. Muckleroy said they are working on quotes now and he can ask for a quote just on Clepper, so he at least has a number.

Councilmember Cheryl Fox asked if there are any other roads in the city with that much disrepair. Mr. Muckleroy said there are several roads and Buffalo Springs and Plez Morgan are included. He stated he did find a company called Robotics that will give you an assessment. - you do the assessment yourself with a smart phone in the dash and drive around the city then send the information to them and they will provide an assessment there is a one-time \$5,000 fee and you pay \$1,200 a year to maintain the inventory.

Councilmember Casey Olson asked if there is already an assessment. Mr. Mike Muckleroy said he is in the process of working through the agreement with them.

Councilmember Sara Countryman asked if we have spoken with other cities who have used it to get feedback. Mr. Muckleroy said he has not spoken with anyone at this point, and they have not signed up for anything yet. Mr. Muckleroy said he thinks the biggest savings are that they are not sending a \$125,000 rig out to drive around for a few days.

Councilmember Carol Langley thanked Mr. Muckleroy for getting the City sign downtown fixed.

Councilmember Casey Olson wanted to thank Mr. Muckleroy's crew for fixing the pipe in the creek.

Mayor Byron Sanford said in honor of Public Works Week the City Council would like for Mr. Muckleroy to take his crew out at his discretion to lunch and would like to give Public Works a round of applause for all their hard work.

15. Utility Operations Report (H2O)

The H2O representative stated there was one district alert for April 7<sup>th</sup> due to a high wet well at lift station 5. The H2O representative said upon investigation rags were found causing the pumps not to operate on auto. The H2O representative said the rags were removed and the pumps were put back on auto.

The H2O representative said the daily peak flow for the month was 787,000 gallons and the daily average flow was 265,400 gallons which is 66 percent of permitted capacity.

Councilmember Sara Countryman asked if 75 percent capacity is when they start looking at getting another water tower. The H2O representative said yes for the wastewater treatment plant.

The H2O representative said for the water report they pumped 11.04 million gallons and accounted for 10.926 million for an accountability rate of 94 percent.

Mr. Muckleroy said the efforts that were made today on the tie end for the force main were not just public works, it was coordinated with H2O, and they played a huge part in it.

16. Police and Code Enforcement Report

Chief Solomon asked if anyone had any questions. Councilmember Sara Countryman said there were nine accidents reported and asked if any of those accidents were in a particular location. Chief Solomon said they were not and that accidents have decreased a lot from last year.

Councilmember Casey Olson asked what the employee status is for his department and if they have lost any more employees. Chief Solomon said there are now four officers in training and three of the men have prior experience. Chief Solomon said they will be sending their first police officer to the Academy on the 30<sup>th</sup> and will be their first experience in taking a rookie right out of college and putting them in the Police Academy. Councilmember Casey Olson asked if we pay for that. Chief Solomon said yes it is 600 dollars. Chief Solomon said they will pay them while in the Academy and after they pass the Academy, they will go from there.

Mayor Byron Sanford said he thought he saw a new flock camera. Chief Solomon said the flock camera has been removed. Chief Solomon said TxDOT moved some of the cameras so they had to come back out and put them up so it looks like they moved them a bit over. Chief Solomon said it will not interfere with the reading of license plates.

17. City Engineer's Report

Ms. Katherine Vu presented her report stating the Capital Project Water Plant 3 project was addressed earlier in the agenda, as were the GLO Projects. She went on to state the 15-year infrastructure plan, a draft analysis has been submitted to the TORC who are reviewing it and has a scheduled meeting the next week to go over the analysis report. The intent is to address all questions and then present them to the city council at the June 13, 2023, council meeting.

Downtown Sanitary Sewer Rehab we did receive the first estimate payment of \$99,864.00 this includes reading and reviewing all their post rehab videos. A final walk through is scheduled in the morning.

2023 Sanitary Sewer Rehabilitation project was split into two phases; however, the 2<sup>nd</sup> phase is going to be broke into a different project so the manhole repairs and other items in phase 1 can be started sooner.

Bidding: Bid opening Thursday May 25, 2023, which we can bring to your June 13<sup>th</sup> meeting. Before the project bids we did prepare a final pre bid cost estimate: \$501,000 and the budget was \$500,000 and will cross into two fiscal years.

Councilmember Casey Olson asked “Jeff” in the audience with all of the rain if he had seen any flooding in his back yard again.

Jeff responded that he did not.

Ms. Vu moved on to the Athletics complex improvements advising they are finalizing the review of plans.

She went on to say there were not a lot of plat reviews this month. She added that Montgomery Bend Construction, and they are continuing their mass grading, detention and off-site water lines. She provided a picture of the tie in at Terra Vista Circle.

TxDOT changes, they did receive the draft drawings for the Atkins Creek improvement.

Councilmember Sara Countryman asked if TxDOT are aware that the property is for sale, which could potentially become more concrete which means more water run off for the creek causing additional erosion.

Ms. Vu stated she was not sure if they were aware but felt confident, they would be keeping an eye on that.

Emergency Preparedness plan, this was submitted to the state last year and they never received any comments back, in the interest of Hurricane Season beginning June 1<sup>st</sup>, please take a look at your plan and make sure all contact information is UpToDate.

Lonestar Bridge Repair. This contract was awarded to Rubble Contractors at the Commissioners Court meeting on May 9<sup>th</sup>. The County has not yet requested the City's share of the project but is expecting that soon.

Councilmember Sara Countryman stated that she was at the meeting, and they stated that the City's share is \$100,000 and asked Ms. Vu if the city had any say in who the contractor would be and if we were involved in any of this?

Ms. Vu responded that they did not, however, they were allowed to review plans, and the country addressed their comments, so there was involvement in the preliminary process.

Councilmember Sara Countryman asked if we had the plans from Commissioner Walkers Office.

Mr. Chris Roznovsky confirmed they have the plans.

Councilmember Carol Langley asked if Ms. Vu knew where the contractor was based.

Councilmember Sara Countryman responded that they were located in Willis, Texas.

Some discussion took place regarding the locality of the vendor (*inaudible/ many voices*) and Councilmember Carol Langley stated that she was not happy.

Councilmember Sara Countryman stated that is why she says the city should have had some say in who the contractor was to be if they were paying for a share of this, at least a voice at the table.

Ms. Vu concluded her report with TWDB, which is an annual report and requirement. This is a long list of documents and reports which have to be submitted prior to May 1<sup>st</sup> and she wanted to inform the council that they submitted this on April 28<sup>th</sup>.

Councilmember Sara Countryman stated she had an additional question over the Lonestar Parkway Bridge: She reported that this is a case of massive erosion which has been documented for some time, if something fails who is responsible is it the City or the County as the City has a \$100,000 obligation to this project. We have had no voice and she wishes to make sure we are not liable, as that situation is serious in her mind. She continued if that bridge fails and someone gets hurt or dies, she knows that is a County Road but as we now have money invested, we are partially responsible.

Caleb Villarreal, City Attorney stated he would need to go back and refresh himself with the interlocal agreement, typically we would NOT be responsible as it is a county road, unless there is a clause that says we would be responsible which he doubts there would be, the city is not responsible.

*(inaudible/many voices talking at the same time)*

Chris Roznovsky clarified that the language in the original agreement was vague and ambiguous, and responsibility could have been laid to the city, therefore was revised to remove that.

Councilmember Cheryl Fox said if the county has awarded the contract the contractors would have a bond which would be used if the bridge failed.

Councilmember Sara Countryman stated that she hasn't seen any paperwork.

*(Inaudible multiple voices)*

Chris Roznovsky clarified the county's bond requirements.

Councilmember Cheryl Fox asked Mr. Roznovsky to ask for a copy of the bond documents.

Councilmember Sara Countryman stated what about the bids, did you as engineers see any of the bids?

Chris Roznovsky stated he received the bid summary which shows the five or so bids and the bid amounts.

Councilmember Casey Olson stated he had a question about the project upon completion, does the City have a say whether or not we can accept it.

Chris Roznovsky responded he would have a look at the agreement again, but he believes the city is a funding partner, but the contract was through the county, therefore the final say is at the county level, however, he would touch base on that tomorrow.

Mayor Sanford stated that he and other members of Council have taken pictures of the erosion and it is formidable and very concerning, you are hearing the heart of all of us and the citizens. We want to make sure who is taking responsibility there and that the work is done right.

Chris Roznovsky provided the council with the ranges of the bids.

Councilmember Carol Langley confirmed with Ms. Vu that they will be onsite to begin the work any day now.

18. City Administrator Report

Mr. Gary Palmer read through his report stating that they did complete the annual audit and is now posted to our website. He went on to update the council on the recruitment of the Finance Director position and the role of Carl Currie from SGR as the Interim Finance Director.

He advised the council that he met with the Historical Society and the Chamber of Commerce to discuss relationships past and how to make it work for the future. He also noted that he is beginning to meet with local businesses as well to forge a good relationship with the city.

Mayor Byron Sanford thanked Mr. Palmer for his report and his relationship building. He went on to say he has welcomed being kept up to date with legislative items and knows that the war is certainly ongoing with efforts to remove powers from local government. Cities need to be able to decide and regulate what is best for themselves.

Councilmember Carol Langley moved to approve the Departmental Reports.

Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

**EXECUTIVE SESSION:**

Adjourn into Closed Session in compliance with Chapter 551, et seq. Texas Government Code, to wit:

551.071 Consultation with Attorney – Town Creek Hydrology Issue; and

551.071 Consultation with Attorney – Redbird Development Agreement

**City Council convened into Executive Session at 7:26 P.M.**

**City Council reconvened into Regular Session at 8:35 P.M.**

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

Councilmember Sara Countryman moved to do nothing with item #1 (551.071 Town Creek Hydrology) and to approve the discussion of item 2 (551.071 Redbird Development) from executive session. **Motion Passed (5-0).**

**COUNCIL INQUIRY:**

Councilmember Casey Olson stated he does have some concerns over item 12 of tonight Resolution supporting the City of Montgomery’s Application to TxDOT’s 2023 Transportation Alternatives Set-Aside Call for Projects. He added that he has briefly met with Dave on this, and it has to do with trails and walkways, our issue is we have a project but not a plan, maybe with some changes we could call the whole thing a walkway, we didn’t get chance to finish our discussion but what do you think about turning the McCowan project with this into a grant?

Mr. McCorquodale said his biggest challenge would be changing the preliminary application, it could be put in a place holder for a mobility plan. Changing the application after the fact would be difficult.

Councilmember Casey Olson stated he thought they were two different submittals.

Mr. McCorquodale’s response was inaudible as not near a microphone.

**ADJOURNMENT**

Councilmember Carol Langley moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. **Motion passed (5-0).**

**ADJOURNED: 8:39 P.M.**

Submitted by: \_\_\_\_\_ Date Approved: \_\_\_\_\_  
Diana Cooley, Deputy City Secretary/ Nici Browe City Secretary

\_\_\_\_\_  
Byron Sanford, Mayor