

**City Council Regular Meeting
MINUTES**

November 14, 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: Dave McCorquodale Assistant City Administrator

	Alan Petrov	City Attorney
	Diana Titus	Deputy City Secretary

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Mr. Foy Day, Commander of the new VFW Post 12223 located at 2500 Lone Star Parkway wanted to inform the city they have started a brand-new family-oriented post in the community which focuses on Americanism and working with the elderly.

Ms. Merriam Walker of 608 Old Plantersville Road provided council with a written statement (a copy attached to the formal approved minutes) saying she has lived here for 23 years and currently serves on the Planning & Zoning Commission. Ms. Walker said she would like to bring to the Council's attention the need for stricter consequences and a means to enforce said consequences.

Ms. Walker stated that currently there are issues with paint color, lighting, ground covering, fencing, re-builds, property lines, parking, noise, and vague explanations for variations. Loose drawings and plans are received for our review and our request to bring back drawings, plans, landscaping, fencing, and vegetation to scale are not adhered to. She then added that we use our city ordinances and historical guidelines to ensure our city stays within its historical culture.

Councilmember Cheryl Fox said a lot of people move into town and do not really understand the historic district or even where it is, maybe when someone applies for water and the address shows as being in the historical district, is there any way information could be given to them that would outline what is required to live in the historic district or have a business there.

Ms. Walker said they do have information to give people but whether they receive them, read them, or acknowledge them is another question. She went on to say literally at every meeting she asks if they know the historical district guidelines.

Mr. John King, a registered professional land surveyor, said he retired here six months ago with his wife. Mr. King said he would like to discuss the topic of pickleball. Mr. King said he and his wife started playing pickleball quite a while ago and sees this as something lacking in this city especially as pickleball has been named the fastest growing sport in the United States by the Sport and Fitness Industry Association and by 2023 it was estimated to have over 4.8 million players.

Mr. King said the key issue is availability of property and, most important, financing for such a project. Mr. King said the actual sizes for the courts are 30 feet by 60 feet and the cost is quite expensive as a tennis court would be between \$25,000 and \$50,000. He went on to state this is a request to the City of Montgomery to possibly coordinate with other entities and see what the possibility is to have either property or financing made available.

CONSENT AGENDA:

Councilmember Sara Countryman said that it was laborious to review and hard to remember from September 19th. She added that she would like to ask they do not have seven more meeting minutes to have to review in the future.

1. Approval of the following:
 - (a) City Council Workshop Minutes 09-19-2023
 - (b) City Council Workshop Minutes 09-25-2023
 - (c) City Council Meeting Minutes 09-26-2023
 - (d) Special City Council Meeting Minutes 10-02-2023
 - (e) City Council Meeting Minutes 10-10-2023
 - (f) City Council Workshop Minutes 10-23-2023
 - (g) City Council Meeting Minutes 10-24-2023

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

2. Consideration and possible action on a Service Agreement for Building Plan Review and Inspection Services between the City of Montgomery and Rick Hanna CBO Partners, LLC.

Mr. McCorquodale said the agreement is in place and said changing the name and structure will take effect January 1, 2024, for the yearly agreement.

Mr. Rick Hanna said the contract has provision for automatic renewal if no changes are made.

Councilmember Casey Olson moved to approve Item #2 of the Consent Agenda as presented. Councilmember Sara Countryman seconded the motion. **Motion Passed (5-0).**

CONSIDERATION AND POSSIBLE ACTION:

3. Acceptance of the Planning & Zoning Commission Final Report regarding the city-initiated rezoning of 203 Prairie Street from R1-Single Family Residential to B-Commercial.

Mr. McCorquodale said it is recommended to rezone the property to B-Commercial, and that this item must be accepted before calling a public hearing.

Councilmember Sara Countryman moved to accept the rezoning as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

4. Convene into a Public Hearing regarding the preliminary report on the city-initiated rezoning of the property commonly known as 203 Prairie Street, Montgomery, Texas.

Mayor Byron Sanford **OPENED** the Public Hearing at **6:16 P.M.**

Councilmember Sara Countryman stated she has the original inspection report for this property and the inspection report from May where the Code Enforcement Officer highlighted all the issues and deficiencies. She continued by adding that she was Mayor at the time this property was purchased and was told the property was in excellent condition, however, they never saw the inspection report and it was misrepresented.

Councilmember Sara Countryman said as a taxpayer she knows the city took out a \$1.7 million loan and she is not appreciating the fact they were misled to make such a purchase and stated in the future she would like to ensure they have all documents presented when purchasing land.

A public comment was made by Carl Broush who lives next door to 203 Prairie Street. Mr. Broush said it would be a great place for city parking for downtown businesses and to make it part of the downtown historic district.

Councilmember Casey Olson asked if the property is in the historic district.

Mayor Sanford responded it was.

Ms. Stephanie Clevenger asked to clarify the property location.

Mayor Sanford said the property is north of 203 Prairie Street right behind the steakhouse.

Councilmember Carol Langley asked if they received any letters.

Mr. McCorquodale responded that they had not.

Mayor Sanford **CLOSED** the Public Hearing **6:20 P.M.**

5. Consideration and possible action on AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.225-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER A-8, COMMONLY REFERRED TO AS 203 PRAIRIE STREET, MONTGOMERY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

Mr. McCorquodale said this is the ordinance needed to make the rezoning of the property official.

Councilmember Casey Olson asked to clarify, the last three items of the agenda all have to do with rezoning of the same property.

McCorquodale said yes.

Councilmember Casey Olson moved to rezone the property to class B-Commercial and adopt the ordinance in accordance with 203 Prairie Street location map as Exhibit A. Councilmember Stan Donaldson seconded. **Motion Passed (5-0).**

6. Consider Appointment of John Fox to Planning & Zoning Commission Place 1.

Mr. John Fox said he worked with The Woodlands Corporation and is a board member of the Woodlands Design Standards Committee with 45 years' experience in homebuilding and land development adding that he was also a former mayor of Montgomery and councilmember.

Councilmember Sara Countryman moved to appoint John Fox to the Planning and Zoning Commission Place 1. Councilmember Casey Olson seconded the motion. **Motion Passed (4-0-1)**

Councilmember Cheryl Fox did not vote (abstained) on item #6.

7. Presentation of a proposed 96-acre estate lot single-family residential development as submitted by Devpoint, LLC.

Item #7 has been withdrawn.

8. Consideration and possible action on calling a Public Hearing to be held on December 12, 2023 at 6:00 pm related to a rezoning request for approximately 3 acres of land near the intersection of Clepper Street and C.B. Stewart Drive from B-Commercial to I-Institutional.

Mr. McCorquodale said The Woodlands Methodist Church, the potential purchaser has asked to give a presentation regarding their request.

Pastor Jeff Olive who serves as the Pastor of new church development for The Woodlands Methodist Church gave his presentation. Pastor Olive said the church was founded in 1978, has 14,000 members with three locations and their mission as a church is to reach people for Jesus and help those in need.

Pastor Olive said part of the vision for the church is to start three new worship communities within the next three to five years this is part of what they have been doing in their work recently in Montgomery with another church which was launched in Oak Hills Junior High School off of Keenan Cutoff Road on Sunday mornings.

Pastor Olive said they are now looking for a permanent location and considering the 14-acre property at the corner of Clepper Street and C.B. Stewart Drive across from Ransom's Steakhouse, however, this particular property has some timelines and challenges for them which they may not be able to meet.

Mr. Mike Christopher, Project Manager for the church said they are under a feasibility period that expires in late December and said one of the challenges is a portion of the property is zoned commercial and would need to be zoned institutional the other challenge is the property was platted as a restricted reserve for commercial only in which they would need to do a replat of the property.

Councilmember Cheryl Fox asked how this would be done with Ransom's because Ransom's sells alcoholic beverages.

Mr. Christopher said they are grandfathered, and they would be willing to sign a required waiver.

Councilmember Casey Olson said because Ransom's was there first, the church would have to adjust their location to keep 300 feet away.

Councilmember Sara Countryman said currently it is under a Planned Development (PD) that expires in January.

Mr. McCorquodale responded that the actual zoning of the PD will not change the development, but the PD zoning will stay that way until the city changes it.

Councilmember Casey Olson asked if they could do a contingency and agree to rezone on contingent that they move forward otherwise it would not rezone.

Mr. Alan Petrov, City Attorney said that is a possibility.

Councilmember Sara Countryman asked if there are any other considerations to consider.

Mr. Alan Petrov, City Attorney said to keep in mind this meeting is just calling for a public hearing.

Mr. Christopher said if the churches could be in the commercial zone that would give more flexibility.

Councilmember Casey Olson asked if the problem with that would fall on the tax.

Mr. Petrov said just changing the zoning would not change the tax as it would be taxed on actual use of the property.

Councilmember Stan Donaldson asked if the entire parcel is 14-acres and just three acres needs to be rezoned.

Mr. Christopher said yes, the three acres need to be zoned institutional.

Councilmember Stan Donaldson said it looks like there are three structures on the preliminary drawing and asked if they know what size sanctuary they want to build and how many people will it seat because that will determine how much parking will be available.

Mr. Christopher said they are only looking at a 10-acre site so they will have enough room to expand.

Councilmember Carol Langley moved to hold a public hearing on the rezoning request to be held on December 12, 2023, at 6:00 p.m. at City Hall. Councilmember Casey Olson seconded the motion.
Motion Passed (5-0).

9. Consider Amendment to the Personnel Policy to Remove Cost of Living Allowance (COLA Restrictions).

Mr. McCorquodale said it is his understanding they are removing the conditions that COLA would have to be across the board for all employees. He continued stating it allows for any employee and believes this will be tied to the compensation study that will be done this year.

Councilmember Casey Olson stated in order for them to follow through with the COLA they passed earlier with the budget if they have to adjust the policy.

Councilmember Stan Donaldson said he would rather table this item because he does not know what exactly Mr. Palmer is changing.

Councilmember Casey Olson said the biggest change was they had to change the policy from stating across the board or they could select.

Councilmember Sara Countryman moved to table item #9 until further information is provided. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

10. Consideration to Approve a Resolution to Join the Houston-Galveston Area Council (H-GAC)

Mayor Sanford said he has been working to redevelop relations with H-GAC and had a good preliminary meeting with the highest up to try to establish relations enough to where they can get consideration for their needs. He went on to say they are going to follow up with another meeting going around town with various staff.

Mayor Sanford said for now he is in contact with other area mayors and economic development corporation representatives to try and establish a network of people who have the same considerations for their transportation, revitalization. He noted that Montgomery County as a whole is not well represented and especially their end of the County and what they are trying to do is get put on the map.

Mayor Sanford said the meeting he will be having is scheduled for December 15th and should be a big part of the future economic developer's task will be to keep this going as it is a full-time effort to get Montgomery's needs front and center to the people who may be able to help them with the money.

Councilmember Sara Countryman asked who is responsible for this relationship moving forward and who will be going to the meetings and be the face of Montgomery at H-GAC.

Mayor Sanford said for now it will be himself and Council.

Councilmember Cheryl Fox asked what the cost is.

Mayor Sanford said he was not sure of the cost.

Councilmember Casey Olson said because they are on the other side of the whole region from where the meetings are generally held, is there a requirement of how many meetings they can or cannot miss?

Mayor Sanford said no it is strictly representation as you see fit.

Councilmember Sara Countryman moved to table item #10 until further information is provided. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

EXECUTIVE SESSION:

Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code of the State of Texas.

551.072 (deliberation regarding real property) – 905 Stewart Street and 213 Prairie Street

Council Convened into Executive Session at 6:57 P.M.

Council Reconvened into Regular Session at 7:37 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Consideration and possible action from items discussed in executive session.

There were no motions made.

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.

Councilmember Casey Olson said he spoke with Chief Solomon regarding Ms. Walker's concerns with Planning and Zoning regarding enforcing stricter consequences for violations within the historic district. Councilmember Casey Olson said there are ordinances that will allow us to fine them and suggests that they do. Councilmember Sara Countryman said she agrees.

Councilmember Sara Countryman asked Chief Solomon if they have a new Code Enforcement Officer.

Chief Solomon said no.

Councilmember Sara Countryman said she watched the Planning and Zoning meeting and there was a new Code Enforcement Officer introduced she then asked Mr. McCorquodale who was the person he introduced as the Code Enforcement Officer.

Mr. McCorquodale responded that he introduced the Utility and Permit Technician and said she also has a certification in code enforcement.

Councilmember Sara Countryman asked if that was the water utility lady and if so, why is she giving code enforcement advice to Planning and Zoning.

Councilmember Sara Countryman said she had a resident contact her who went on the City website to use their GIS services and it asked for a login from a company called Quiddity. She went on to say that she contacted Quiddity who is Jones and Carter and spoke with Matt who told her he contacted Mr. McCorquodale three months ago to let him know the GIS agreement was expiring. Councilmember Sara Countryman said Mr. McCorquodale has all the files on the thumb drive and asked if he could put that on the city website because there are a lot of people who use it.

Mr. McCorquodale said no they need to find another GIS provider to be able to upload the data.

Councilmember Sara Countryman asked if someone is needing GIS service what is being done for that.

Mr. McCorquodale said they need to submit a public information request.

Councilmember Sara Countryman stated there is no parking for the Cajun restaurant and they have not obtained a variance for it. She asked how they are having a restaurant with no parking.

Mr. McCorquodale said if they want, they can rule on whether or not this business has the right to open at all.

Councilmember Sara Countryman asked if the owner has been advised of the City's parking ordinance.

Mr. McCorquodale said he is not sure what would be done to create space for parking because there is no space for parking.

Councilmember Sara Countryman said they need to adhere to their ordinances no matter the situation as the ordinances must still be followed.

Mr. McCorquodale said he will check with the attorney and if a variance applies, he will bring it back to Council.

Councilmember Sara Countryman said for trash administration fees they approved that 2.5 percent would be added on to Waste Management, adding that fees have been added but her last two bills have not had the 2.5 percent city administration fees printed on there. She then said they based their budget on these fees and asked if they knew when those fees are going to be added.

Mr. McCorquodale said he has nothing to do with that, but he will find out and make sure he gets an answer and would meet with Mr. Palmer, Ms. Carl, and Ms. Browe.

Councilmember Cheryl Fox asked Mr. Petrov how they will move forward with getting the term of Council from two years to three years on an election ballot.

Mr. Petrov said that would take an action item from Council to set it up as a proposition on the next regular election.

Councilmember Cheryl Fox asked if they need to have an action item on the next agenda where they vote for or against it.

Mayor Sanford said you have to decide to move in that direction and then a public hearing needs to take place.

Councilmember Casey Olson said the goal would be to avoid removing the entire Council every three years, they would need to without interrupting a term.

Councilmember Cheryl Fox said in a two-year term not much gets done but a three-year term you could change them out and it would not disrupt everything in Council.

Councilmember Casey Olson said if they get it changed to three, they still will have half the Council changed out in three years.

Councilmember Stan Donaldson said the only way to solve this problem is for the people that are running to keep running.

Mr. Petrov said often times there is the procedure to draw straws for who gets the shorter term and who gets the longer term, he will double check the election code to see if that is still what the procedure is. He stated the last time he had a city that did this they went from two-year terms to four-year terms, which was a bit easier than three years.

Councilmember Sara Countryman asked the Code Enforcement Officer Ms. Corinne Tilley if it is possible if they can have ordinances when they are discussing properties and things like that to make sure historical ordinances and other ordinances are considered.

Councilmember Sara Countryman asked Ms. Tilley if she can she look for any holes or anything they can get ahead of for instance the church, which she likes they are coming to Council to introduce themselves and let Council know what their ideas are then we can say here is all the information you need to know up front and the things that need to be considered.

Councilmember Sara Countryman said that all begins at Planning and Zoning before it gets to Council. She then asked if the Code Enforcement Officer could go to the Planning and Zoning Commission and let them

know all the ordinances and considerations, they need to take part in before presenting it to Council because they need to satisfy those conditions.

Councilmember Sara Countryman said these are the things they need to make sure are done and when they come in front of Council the Code Enforcement Officer can confirm what Council is approving, they know is within the ordinance guidelines.

Councilmember Casey Olson said even if Ms. Tilley did not attend the Planning and Zoning meetings, she could just review the agenda and address the items that may have code issues.

Mr. Chris Roznovsky, City Engineer said in the site planning phase it is relatively easy because they review everything when there are new buildings, green build sites and things like that where the ordinances are covered. He added that the gray area and a lot of the issues are downtown, the historic district, rebuilds and modifications. Mr. Roznovsky concluded these are the areas that need clarification in regard to ordinance guidelines.

Councilmember Sara Countryman said they have most issues with downtown and wants to make sure everything is considered and approved all up front especially when it is pertinent or in the historic district zone, maybe Ms. Tilley could come and present on that item.

Ms. Tilley asked if Councilmember Sara Countryman would like for her to review what is submitted.

Councilmember Sara Countryman said yes to ensure the ordinances are being followed.

Councilmember Sara Countryman asked Chief Solomon if it is possible for Ms. Tilley to review items on the agenda when it is pertinent or in the historic zone.

Chief Solomon responded yes.

Mayor Sanford said the Planning and Zoning Commission were unclear about the direction of the side lights. Mayor Sanford said last night he drove by, and it looked nice and said if it leaves Planning and Zoning it is not brought to Council unless it is right.

Councilmember Carol Langley asked whose idea it was to change the email.

Councilmember Cheryl Fox said Jake with OCS said Gmail was primarily personal and moving to Microsoft made it more business oriented.

Mayor Sanford informed Council he has no plans to run for re-election this next year and will be following the Lord's will for his life.

ADJOURNMENT

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

Adjourned at: 8:00 P.M.

Submitted by: Diana Titus
Deputy City Secretary

Date Approved: _____

