

**City Council Regular Meeting
MINUTES**

July 11, 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 |
| | Nici Browe | City Secretary & Director of Administrative Services |

CALL TO ORDER

Mayor Byron Sanford called the meeting to order at 6:03 P.M.

INVOCATION

Mayor Byron Sanford provided the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Julie Denison 114 Anna Springs- Ms. Denison voiced her disapproval of the request for item # 3 on the agenda. She is concerned that it is in her backyard, when she purchased her property, she was told it was residential and always remain residential. She went on this property is residential and should not be changed to commercial and it would open the door for others and there could end up with a gas station, or a strip joint, beer joint. Dumpsters would be added, attracting vermin. I don't hold ill will for the gentleman, but he should have done his homework before purchasing the property.

Ms. Denison went on to state that she had heard from the grapevine that he had claimed a Homestead exemption on the property. Not fair. She is asking the city council to take care of its existing city residents and deny this application.

Norega, 14259 Liberty- Mr. Norega stated he was here to offer his thanks for all of the assistance he has received from Mr. Dave McCorquodale and Lieutenant Joe Belmares. Former Councilmember TJ Wilkerson also assisted with them all acclimating him and his family to the city and providing guidance to start his business. Lt. Belmares went above and beyond for us.

He presented Chief Solomon in Lt. Belmares' absence a plaque of appreciation for being a good steward of the city and providing excellent customer service.

Waffa Evey – 101 Dina Lane – Ms. Evey discussed her frustration for the length of time seeking clarification from the city regarding an above ground pool. She had been dealing with a young lady in the front office. She referred me to the HOA, but the HOA are saying I need to get with the city. I have emailed, called and am not getting anywhere. Who is in charge of the permits? She added she truly wants to do things the right way.

Mr. Gary Palmer provided her with his business card and stated they would meet to discuss it and get the issue resolved.

CONSENT AGENDA:

1. Consideration and approval of the revised minutes of the City Council Regular Meeting 05-23-2023.

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

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action on a parking variance request from Home Depot USA, Inc.

Dave McCorquodale, Planning & Zoning Director introduced this item to the City Council and provided some historical information about the parking variance request.

Mr. Jordan Corbitt, Home Depot USA, Inc provided the city council with a presentation outlining the variance request and the reasons behind the request.

He went on to provide a comprehensive discussion on Topography, Landscaping (Screening), roadway, and Façade of the site. He also addressed the recommended conditions of the Planning & Zoning Commission.

Mr. Corbitt responded to all of the city council's questions. [A full video of this discussion can be located at: www.montgomerytexas.gov, under agendas/minutes].

Councilmember Casey Olson moved to table this item until the July 25, 2023, meeting. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

3. Public Hearing and consideration and possible action on:

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO EVAN BALLEW FOR USE OF 14640 LIBERTY STREET, MONTGOMERY, TEXAS 77356 FOR A PROFESSIONAL REAL ESTATE OFFICE; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.

Mayor, Byron Sanford opened the public hearing at 6:40 P.M.

Mr. Evan Bellew, the applicant, provided a response to Ms. Denison's claims regarding Homestead exemption stating that it is not true, he has not filed an exemption period, and explained his business will be in operation 8am – 4 pm as a professional office for real estate.

He went on to explain his desire to have a business in his hometown especially the downtown area and wanted to serve the citizens of Montgomery. He has been a fire fighter and in public service in Magnolia, he has pride in his hometown and wants to live and work in it.

He stated that he wanted to be a good neighbor, and would clean the property up, fresh paint and removal of a dead tree, he would follow all setbacks, lighting requirements etc.

The City Council asked Mr. Bellew the following questions:

- If you wanted to be downtown, why didn't you buy downtown?
- If your business is commercial, why buy residential?
- It appears you are using the property currently, without the permit.
- Plenty of vacant commercial properties downtown.

Councilmember Sara Countryman stated that all she would like to see is that he follows the rules.

Mr. Bellew responded that is why he is here; the SUP is a tool to keep me within the frames of what it is you as the council place upon me.

Mayor, Byron Sanford closed the public hearing at 6:59 P.M.

Councilmember Casey Olson moved to deny the SUP. Councilmember Sara Countryman seconded the motion. **Motion Passed (4-1)**. Councilmember Carol Langley voted against the motion.

4. **Consideration and possible action on the application for a City Alcoholic Beverage Permit for Ryan Liquor.**

City Secretary, Nici Browe explained that the applicant had been in prior to the end of the year and was having a terrible time with a "negligent" agent who ran off with his money. She stated that she had put him in touch with a contact at the TABC, who in turn placed him with a reputable agent. The process then proceeded. She went on to say the City Secretary must sign the TABC application before they accept it as a complete application.

The city is now only one of less than a handful of cities who still require city council approval of the city permit. The agent just missed that his customer did not come into the city and obtain the city permit after TABC rushed his application through.

Staff are recommending approval of the permit and will be looking at updating the ordinance and application to make sure that there are no future misunderstandings with regards to obtaining the City Permit.

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

5. **Consideration and possible action regarding the Certificate of Substantial Completion and Certificate of Acceptance for the Downtown Sanitary Sewer Rehabilitation Project.**

Ms. Katherine Vu, City Engineers WGA informed the city council that the developer has now completed the final punch list and is ready for the certificate of substantial completion and acceptance of the downtown sanitary sewer rehab.

Councilmember Sara Countryman moved to accept the Certificate of Substantial Completion and Certificate of Acceptance as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

6. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ARTICLE VI, "OPERATION OF GOLF CARTS ON PUBLIC STREETS", OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mr. Gary Palmer, City Administrator explained that this item will come back to the city council as it is not yet in an adoptable form.

Chief Anthony Solomon provided the city council with background as to the need to adopt the amendment to the Golf Cart Ordinance.

No action was taken on this item.

7. Consideration and possible action on accepting applications for an open position on the MEDC Board of Directors.

Mr. Dave McCorquodale introduced this item and explained that this is merely an administrative request in order to make the city council aware of the process for seeking applications for an open position on the MEDC.

Councilmember Sara Countryman moved to approve the advertisement and receipt of applications for the open position on MEDC. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

8. Consideration and possible action on approval of construction plans for Montgomery Bend Section One (Dev. No. 2203).

Mr. Chris Roznovsky, City Engineer explained that this item had been tabled at a previous meeting to obtain some additional information. He provided the city council with a full timeline of events, an overview of the project and outcomes of all meetings on the project thus far.

Video of the city council's concerns and questions can be viewed at www.montgomerytexas.gov, under agendas/minutes.

Councilmember Casey Olson moved to approve the construction plans for Montgomery Bend Section one as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

The City Council adjourned into Executive Session at 7:30 P.M.

The City Council reconvened into Regular Session at 7:43 P.M.

9. Consideration of and Possible Action on the Proposed Amendments to the Approved Redbird Meadow Development Agreement.

Mr. Gary Palmer introduced the item on Redbird Meadow Development and deferred to the team representing them.

Ms. Annette Stephens, Legal Counsel introduced Perry, owner of the development and Micha from LGA, engineering for the project.

A full video transcript of the discussions can be found at www.montgomerytexas.gov, under agendas/minutes.

Mr. Palmer stated that it would be best to workshop this when we have less time restraints and suggested a workshop with himself, legal counsel, city council and the Redbird team. He added he would look at calendars and be in contact with all parties to coordinate.

Alan Petrov, City Attorney reminded all parties that the Open Meetings Act must be complied with and a 72-hour posting requirement is mandatory.

No action on this item.

EXECUTIVE SESSION:

Adjourn into Closed Session in compliance with Section 551.01 etseq. Texas Government Code, to wit:

Sections 551.071 (consultation with attorney: Town Creek-Atkins Creek Hydrology Issue update).

551.072 (deliberation regarding real property).

City Council Adjourned into Executive Session at 8:26 P.M.

City Council Reconvened into Regular Session at 9:17 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No motion.

COUNCIL INQUIRY:

Councilmember Casey Olson asked that staff remember to take a look at the Alcohol Beverage Ordinance.

Councilmember Sara Countryman asked if the city still offers new residents opening new utility accounts a flag?

City Secretary, Nici Browe responded that she was not aware of that program but would look into it as it is a good idea.

ADJOURNMENT

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

ADJOURNED: 9:19 P.M.

Submitted by: _____
Nici Browe TRMC, City Secretary

Date Approved: _____

Byron Sanford, Mayor