

**City Council Regular Meeting
MINUTES
December 13, 2022, 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
	Cheryl Fox	City Council Place #4
	Patricia Easley	City Council Place #5
Absent:	T.J. Wilkerson	City Council Place #3
Also Present:	Dave McCorquodale	Assistant City Administrator& Planning Development Director
	Diana Cooley	Deputy City Secretary

INVOCATION

Mayor Sanford gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No members of the public addressed city council.

CONSENT AGENDA:

1. Approval of the following minutes:

Special Called City Council meeting 11-14-2022; and
Special Called City Council meeting 11-15-2022.

Councilmember Carol Langley moved to approve the minutes of the Special Called City Council meetings as presented. Councilmember Cheryl Fox seconded the motion. **Motion passed (4-0).**

2. Consideration and possible action on an Escrow Agreement by and between the City of Montgomery and RDM, Inc. / Lupe Holdings, LP / Lupe Tortilla (Dev. No. 2216).

Councilmember Carol Langley asked where this is located.

Mr. McCorquodale said it is located at the southeast corner of SH 105 and Buffalo Springs Drive.

Councilmember Carol Langley asked if it was an actual restaurant. Mr. McCorquodale said it is.

Councilmember Casey Olson moved to approve the Escrow Agreement consent agenda as presented. Councilmember Carol Langley seconded the motion. **Motion passed (4-0).**

CONSIDERATION AND POSSIBLE ACTION:

3. Consideration and possible action on renewal of the annual permit for Cedar Crest Mobile Home Park.

Mr. Dave McCorquodale presented the item, stating the Cedar Crest Mobile Home Park recently changed ownership and that currently the City's Ordinances does not allow for an annual inspection to obtain their annual permit. The new owners are working to significantly improve the conditions of homes within the park.

Councilmember Casey Olson moved to approve the Annual Permit for Cedar Crest Mobile Home Park. Councilmember Carol Langley seconded the motion. **Motion passed (4-0).**

4. Presentation on the proposed Superior Properties at Lonestar mixed-use development.

Mr. Dave McCorquodale presented the item and referred council to the explanation within their packet. He stated the location is at the Northwest corner of FM149 and Lone Star Parkway. He went on to state that the Developers were in attendance, as this is a development the City has not seen before, therefore he felt it would be a good idea for them to provide an overview of the proposed development and receive some feedback from you all before they enter into the engineering cycle.

Greg Phipps and Anthony Broussard provided council with an overview presentation of the development with 33 slabs for duplex's being 66 units in the first phase. Phase 2 would be 20 slabs for a total of 40 units. The Mixed use at the front of the Superior Properties would have their management unit there. Each unit has the master bedroom downstairs and flow through kitchen and a single bedroom upstairs or two if a three-bedroom home.

Mr. Broussard stated that the purpose was to bring a custom build to a multi-family facility, and the other key here is that Superior build and manage their own properties.

Councilmember Cheryl Fox inquired if they are all for lease or for sale.

Mr. Broussard responded that they are for lease.

Councilmember Casey Olson stated in your packet you state they are built to a high standard and yet still provide affordable housing, what is affordable?

Mr. Broussard responded that the two-bedroom run at \$1495.00 per month are \$1600-1700 price range.

Councilmember Casey Olson inquired if it was gated.

Mr. Broussard responded that it was gated and fully fenced, along with 24-hour surveillance cameras.

Councilmember Casey Olson asked what the Lot Size would be.

Mr. Greg Phipps responded that as there is no intention of selling these homes, it would be similar to a multifamily apartment deal, it's on a reserve.

Mr. Broussard stated that each unit, however, does have its own fenced and gated yard.

Council held a discussion with the developer on build lines and separation.

Councilmember Patricia Easley asked for clarification when they stated Mixed Use, what types of businesses would they be considering placing in there?

Mr. Broussard responded that it would have their Home Office there in one portion and sell the remaining to businesses that are local, or similar to what is in Conroe. *[Noise in chambers]*

Councilmember Easley inquired what the Zoning is there currently.

Mr. McCorquodale advised Council that currently it is zoned Light Industrial and will be rezoned to Multi family.

Council went on to discuss platting, entrances, building lines, separation, parking availability, zoning requirements, and streets with the developer as well as clarified the maps with Mr. McCorquodale.

No action taken on this item.

5. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Superior Properties, LLC for a 15.46-acre mixed-use development (Dev. No. 2215) and authorizing the city engineer to prepare a Feasibility Study.

Councilmember Casey Olson asked if this motion is not locking into this particular plan.

Alan Petrov, City Attorney advised Council that this is a feasibility study only, and even with the escrow agreement you are not locking into a specific plan.

Mr. Phipps provided assurance that they would work with the city on plans.

Councilmember Cheryl Fox asked where their current project is.

Mr. Phipps responded that it was in New Caney and provided the address.

Councilmember Casey Olson moved to approve the Escrow Agreement and authorize the City Engineers to prepare the Feasibility Study. Councilmember Patricia Easley seconded the motion. **Motion passed (4-0).**

6. Consideration and possible action on appointment of four MEDC Directors to serve a two-year term beginning January 1, 2023 and ending on December 31, 2024.

Mr. Dave McCorquodale introduced this item and advised Council that four positions on the MEDC are up for appointment, being two year terms. He advised Council that they could reappoint the same members or go out for applications.

Councilmember Patricia Easley moved to reappoint Rebecca Huss, Carol Langley, Jeffrey Angelo and Ryan Londeen. Councilmember Cheryl Fox seconded the motion. **Motion passed (4-0).**

7. Consideration and possible action on: AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING IT MUNICIPAL BUDGET FOR THE FISCAL YEAR 2021-2022; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; CONTAINING FINDINGS AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Mr. Dave McCorquodale presented the budget amendment for the last fiscal year. He stated that it was the 2nd and final budget amendment. He referred Council to the packet with the summary and Exhibit A with the details on it. The police department is still working on tracking down the numbers on wages. He asked Chief to respond if he desired.

Councilmember Casey Olson asked Chief Solomon if he was completely ready?

Chief Solomon stated that he was ready. He stated that firstly he was shocked when he got this at 4:30 am on Friday and could see that it was incorrect timesheet calculations resulting in overpayment of wages. He noted that he does not calculate timesheets, that is accountings responsibility. Chief informed council that he went to talk with Dave and let him know that the numbers are incorrect and asked where he got them from. Dave stated that Anthony Lasky the Senior Accountant provided them.

Chief went on to explain that on Monday morning he had a meeting with both Anthony Lasky and Dave McCorquodale. During the course of that meeting, he stated “I learned two things that were pretty shocking. One question I asked was how does this go into wages, as anything over 84 hours should go into overtime”.

Chief said that Mr. Lasky responded that Police was not the only department having this issue. Dave agreed.

My question was well then why is only the Police Department on this amendment. I also learned that they were not quite sure how to do the calculations on the timesheets. Dave said that they had Nici call the attorneys to find out how they were supposed to calculate.

Chief added that what brought this to his attention was a couple of months ago, Anthony Lasky walked into my office and asked me, should I pay this guy OT....I stated No, he should be paid straight time as he had either sick time or vacation time on there. So, when I looked at all the paperwork I said Anthony, it doesn't look like you guys know what's going on, I asked him for all the PD timesheets for last year. We took those timesheets and calculated them. You have copies of the timesheets in question in your packet. We came to 340.5 hours and took that number by the highest paid officer, at time and a half. That amount came to \$15,380.38 and those were the ones in question. Also, up here this report uses the term “roughly”; Roughly \$6400, on COLA it was actually \$52,087.29.

Chief went on to say that the report also presents Tilley's wages as \$30,000, Tilley has been paid 19 times, that is in the \$40,000 range. All of these numbers are wrong. “I asked these questions, and nobody could give me a straight answer”.

He noted that he knows this, he does not calculate timesheets, that's accounting, and why do we have to call the City Attorneys to know how to distribute wages, its in our policy. For Police Officers, when we go to a two week period, once we go over 84 hours, if there is a vacation or a sick time in there you get straight time, not time and a half. So those prices are wrong.

Chief said that his department went \$22,000 over on overtime last year, if you take that \$22,000 and add it to the \$15,380.38 you get \$37,380.38, where does the \$106,000 from? No one can tell me.

Mr. Dave McCorquodale responded “Chief, I know exactly where it comes from, that line item, the wages line item”.

Chief said OK, when you say wages line item.

Mr. McCorquodale responded that it comes from the actual number Anthony uses that is right out of the budget.

Chief responded well with timesheets after that is overtime not wages.

Mr. McCorquodale agreed and stated that they are two different categories. He went on to say, that he is not sure how Chiefs budget shows so far over in regular wages.

Chief stated that he would have had to hire at least two officers to attain that amount. In fact, he has an officer that left, if they were getting that amount of overtime, they would not leave.

He added that anything over regular wages (84 hours) is overtime, it is not to be put into wages. That \$15,000 of timesheets that have questions on them, should have gone into overtime, you cannot be putting them into wages.

Councilmember Casey Olson inquired what if any is our deadline to get this budget amendment complete?

Mr. McCorquodale stated that there isn’t a deadline this is something that typically is done ahead of the audit, however if you guys want to table it, that can be done and that would allow Chief and his staff to work with Anthony to find exactly where the numbers went and what the wages should be.

Councilmember Casey Olson said that good or bad, its likely going to take longer than a week, therefore let’s look at the first meeting in January 10th, or the 2nd meeting being the 24th.

Mr. Lasky announced that he absolutely could not make the first meeting as his son is due to be born, and he would try but may not make the 24th.

Chief stated that it is not just wages, its police vehicles etc., all listed on the report.

Councilmember Casey Olson suggested the February 14th meeting and stated he is just not comfortable in adopting a budget amendment until we have reconciled.

Alan Petrov, City Attorney stated that it is not that uncommon for a council to approve a purchase and to make a budget amendment at a later date, he reassured the Chief that for police vehicles, he did not see that being an issue.

Councilmember Casey Olson moved to table this budget amendment until February 14, 2023, Council meeting. Councilmember Patricia Easley seconded the motion. **Motion passed (4-0).**

8. Consideration and possible action on: ANN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE RATES TO BE CHARGED

FOR SOLID WASTE COLLECTION SERVICE INSIDE THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A PENALTY FOR FAILURE TO PAY ACCOUNTS; PROVIDING CONDITIONS UPON WHICH SERVICE WILL BE RESUMED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Sanford stated that he had heard Ms. Browe who is absent, is asking for a table until the next Council meeting.

Councilmember Carol Langley wanted to clarify that the rates by WM would not charge us prior to the next Council meeting.

Mr. McCorquodale confirmed. He added that Ms. Browe had this item complete before she went on vacation, during that time Mr. Burleigh had reached out and provided some additional information that she wished to go over and review, upon her return with flu and covid and asked time to review and present at the next meeting.

Councilmember Cheryl Fox moved to table the item until February 14, 2023. Councilmember Patricia Easley seconded the motion. **Motion passed (4-0).**

9. Consideration and possible action on sponsorship letter for proposed Silver Spur Lane connection to FM 1097 to serve the proposed Montgomery Bend Development (Dev. No. 2203).

Ms. Katherine Vu presented this item and discussed the need for the letter to send to TXDOT. The letter is not approving anything within the subdivision.

Councilmember Casey Olson moved to approve the letter of sponsorship for the Silver Spur Lane connection. Councilmember Patricia Easley seconded the motion. **Motion passed (4-0)**

10. Consideration and possible action on approval of the Certificate of Substantial Completion, commencement of the one-year warranty, and acceptance of the infrastructure for the Clepper Sidewalks project.

Ms. Katherine Vu presented this item, announced the project is complete and punch list has been addressed, and is recommending acceptance and the one-year warranty will commence.

Councilmember Casey Olson asked if the project is entirely complete?

Ms. Vu responded that there were a couple of cracks that they asked the contractor to seal, and they will be monitoring it during the warranty period.

Councilmember Casey Olson moved to accept the Certificate of Substantial Completion. Councilmember Patricia Easley seconded the motion. **Motion passed (4-0).**

11. Consideration and possible action on approval of the Certificate of Substantial Completion, and acceptance of the results for the 2022 Sanitary Sewer Cleaning and Televising project.

Ms. Katherine Vu presented this item, announced the project is complete, and is recommending acceptance.

Councilmember Patricia Easley moved to accept the Certificate of Substantial Completion and the results of the 2022 Sanitary Sewer Cleaning/Televising Project. Councilmember Cheryl Fox seconded the motion. **Motion passed (4-0).**

12. Consideration and possible action regarding Change Order No. 2 for the Sanitary Sewer and Drainage Improvements General Land Office grant project.

Ms. Katherine Vu stated that this project is also nearing completion and this change order is actually a reduction in the contract amount (\$13,601.00).

Councilmember Casey Olson moved to accept the Change Order as presented. Councilmember Patricia Easley seconded the motion. **Motion Passed (4-0).**

13. Consideration and possible action regarding acceptance of a sanitary sewer easement for Lot 6, Block 1 of Lone Star Estates.

Mr. McCorquodale presented this item and provided Council with details of the sanitary sewer easement. *[interference with audio by a councilmember moving papers over mic, unable to hear complete presentation by Mr. McCorquodale]*

Councilmember Carol Langley asked for clarification on the tap fees and tap inspection fees being waived.

Mr. McCorquodale and Mr. Rick Hanna provided clarification.

Councilmember Casey Olson moved to approve the Easement as presented. Councilmember Cheryl Fox seconded the motion. *[noise interference]* **Motion Passed (4-0).**

DEPARTMENTAL REPORTS:

14. City Administrator's Report.

Mr. McCorquodale stated that he would be happy to answer any questions on his report. He also noted that this would be his last report as Interim City Administrator, he went on to say it has been a challenging seven months but feels that he is leaving things in a better condition than he found them and wanted to say thank you to the outstanding staff that only helped him during this time.

15. Utility Report.

Mr. McCorquodale noted that the outstanding delinquent accounts process has been updated and have been turned over to collections after offering voluntary remediation.

16. Sales Tax Report.

SRI, City's Sales Tax consultant presented the Sales Tax Report and stated 6031 active tax payers. He provided a detailed report of taxpayers within the City of Montgomery.

17. Financial Report and Quarterly Investment Report.

Anthony Lasky, Senior Accountant stated he would go over the Quarterly Investment Report first as it was an unfamiliar report, he then provided a thorough accounting report for all City Funds.

18. Police Report.

Anthony Solomon, Chief of Police provided a detailed report on Police Department activity and that of the Code Enforcement Officer. He noted that the license plate reader has already led to hits of two stolen trailers and an outstanding warrant.

19. Municipal Court Report.

Kim Duckett, Municipal Court Administrator provided a detailed report of the Court Department, with a breakdown of cases, and revenues.

20. Public Works Report.

Mike Muckleroy, Public Works Director provided a comprehensive report of all activity within the Public Works Department and informed Council.

21. Utility Operations Report.

Jacob Williams, H2O the City's Utility Operators provided Council with a report for the month and confirmed there was 95% accountability.

22. City Engineer's Report.

Chris Roznovsky, WGA City Engineers provided Council with updates on projects not already discussed in the meeting.

EXECUTIVE SESSION:

Adjourn into Closed Session in compliance with Section §551.001 etseq. Texas Government Code, to wit:

Section §551.001 – Personnel Matters

1. Appointment of the City Administrator position.

Council adjourned into Executive Session at 7:25 P.M.

Council Reconvened into Regular Session at 7:33 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

23. Consideration and possible action on matters deliberated in Closed Executive Session.

Councilmember Carol Langley moved to appoint Mr. Gary Palmer as the new City Administrator for the City of Montgomery and issue the contract as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (4-0).**

COUNCIL INQUIRY:

Mayor Sanford stated he would use Council Inquiry to thank Dave and Ms. Browe as well as other staff for going above and beyond to expedite this process. A big thank you to Marsha from SGR as she did a fabulous Job.

He went on to wish everyone a Merry Christmas and New Year's.

ADJOURNMENT

Councilmember Cheryl Fox moved to adjourn. Councilmember Patricia Easley seconded the motion.
Motion Passed (4-0).

ADJOURNED: 7:35 P.M.

Submitted by: _____

Date Approved: _____

Nici Browe, City Secretary

Byron Sanford, Mayor