



**City Council
Regular Meeting Minutes
April 22, 2025**

OPENING AGENDA

1. Call Meeting to Order.

The City Council Regular Meeting of the City of Montgomery was called to order by Mayor Countryman at 6:00 p.m. on April 22, 2025, at City Hall 101 Old Plantersville Rd., Montgomery, TX and live video streaming.

With Council Members present a full quorum was established.

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| Present: | Mayor | Sara Countryman |
| | Mayor Pro-Tem | Casey Olson |
| | Council Member Place 1 | Carol Langley |
| | Council Member Place 4 | Cheryl Fox |
| | Council Member Place 5 | Stan Donaldson |

2. Invocation.

Council Member Donaldson gave the invocation.

3. Pledges of Allegiance.

Mayor Countryman led the pledges of allegiance.

PUBLIC FORUM

Mayor Countryman stated one request to speak was received. It will be reviewed on a later agenda item.

PRESENTATION

4. Proclamation proclaiming May 2025, in Montgomery, Texas, as Water Safety Month.

Mayor Countryman proclaimed May 2025 as Water Safety Month and presented the proclamation to Building Inspector Hanna and Code Enforcement Officer/Planning & Zoning Administrator Tilley.

CONSENT AGENDA

Item 7 of the Consent Agenda was pulled for separate discussion.

- 5. Deliberate and take appropriate action on the City Council Workshop Meeting Minutes of March 24, 2025.**
- 6. Deliberate and take appropriate action on the Quarterly Investment Report for First Quarter 2025.**

Motion: Council Member Fox made a motion to accept consent agenda items 5 and 6, as presented. Mayor Pro-Tem Olson seconded the motion. Motion carried with all present voting in favor.

- 7. Deliberate and take appropriate action on entering into an agreement with Sourcewell and Participating Entity to provide access to Sourcewell's Cooperative Purchasing Program.**

Council Member Donaldson told Chief Solomon he misunderstood this requisition form. Chief Solomon said I do not think we were ready to enter into an agreement with him as well. City Attorney Petrov said let me tell you what this is. Sourcewell is a cooperating purchasing group just like the HGAC has the BuyBoard, and the Association of School Districts has a group that you can become a member of at no cost. That is what we are suggesting now, that you become a member of the group at no cost. By doing that, they do the public bidding for a multitude of things. It goes through the advertising process, gets back competitive bids, and sets up the contracts so that when you are ready to purchase something, if you are purchasing something and it is over \$50,000, the City has to advertise and go through the month long bidding process and advertising in the paper and all that. Or, you can purchase through one of these cooperatives who have already done that ahead of time as they have set prices. They might sell things like playground equipment or they might sell services like architectural services or building services. By entering into the agreement with the cooperative purchasing group, that obligates you to do nothing. You just have to become a member and are then able to use that service in the future. The Chief had mentioned possibly going through Sourcewell to procure some architectural services. This does not require you to do that, but it gives you the option to use them if you choose to do it in the future. You do not have to enter this now, but at some point if you want to use them you will have them. I have cities that are members of this group and in my opinion, it does not hurt to be members of a couple different groups. It gives you options for purchasing and generally, there are no costs to it. Mayor Countryman said it is like a purchasing mechanism. Chief Solomon said as we talked about last time, it will give us a ton of options. We are going through RFQ's and we just went through one. Those things are taking us anywhere from 35, 40, sometimes 50 days and then we have to come back, bring everybody in for a bid, and by that time, we have lost a lot of ground. When I started looking in to Sourcewell and then I talked to Mr. Fleming who actually lives here in Montgomery, I just thought it would probably be a good idea for Council to consider. Mayor Pro-Tem Olson said absolutely. It gives us an opportunity to move things a little quicker. Council Member Donaldson said I am fine, as long as we can stay competitive and save money.

Motion: Council Member Donaldson made a motion to accept entering into an agreement with Sourcewell and Participating Entity to provide access to Sourcewell's Cooperative Purchasing Program. Council Member Fox seconded the motion. Motion carried with all present voting in favor.

REGULAR AGENDA

8. Deliberate and take appropriate action on Villages of Montgomery (Dev. No. 2502) Escrow Agreement.

City Engineer Chris Roznovsky stated in your packet starting on page 31, you will see a letter from us followed by an executed escrow agreement. This is the project Villages of Montgomery. Back in September of 2024, a feasibility study was completed and presented. There is a new partner in the development, so they are changing the name of the escrow agreement to the new entity and that is what this item is. What this does, this escrow agreement is really for the upfront cost for the potential development agreement which we talk about in the next agenda item, variances, and things like that that need to come through the process. As they develop their plans and they decide phasing etc., there will be additional deposits for inspection and etc. that is just early for that at this stage. This is just a portion of the deposit. Really, it is putting the name into Parkside Capital versus Devpoint who was the original. Mayor Countryman asked not much change other than just the name? City Engineer Roznovsky said so we will talk through that, but definitely on the next item. The overall concept of development is the same. There have been obviously some tweaks to the land plan that even from what is in your packet that we will share and go through, but other than that, the same general concept. Mayor Countryman said just making sure they were not scrapping everything and starting new. City Engineer Roznovsky said the land plan difference between what is in your packs now is it just takes away the connection to College Street and so all traffic goes out through Caroline and SH-105.

Motion: Council Member Donaldson made a motion to accept Villages of Montgomery (Dev. No. 2502) Escrow Agreement. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

9. Deliberate and take appropriate action on the Villages of Montgomery (Dev. No. 2502) authorizing City Staff and Consultants to begin coordination on MOU.

City Engineer Roznovsky said there is a video that will go over the highlights of the development and some renderings of the proposed development, so I think we will start there. To summarize what the action tonight will be is review it, ask questions, and provide additional feedback. This development is quite different than other developments you all have had in the City. We are looking at alley load, we are looking at smaller lots, smaller front setback because you will see in the video the type of product that they are proposing

is different than the normal traditional single family that you all have. The goal tonight is to give initial feedback, give staff the directive to prepare the MOU to keep the development process going, but we will start with the video. Mayor Countryman told the Councilmembers I will send it to you on your phone if you can watch it if that is easier for you from this angle.

City Engineer Roznovsky said again, the purpose of tonight, the developers are here to answer questions that you have with the development. Ultimately, what the ask is and is going to be is through the development agreement, you will see a draft of an MOU that was prepared by them, but has not been reviewed by staff. Generally, there is not a whole lot to it, but they will be looking for flat area variances to go down to approximately 4,950 square feet, side yard setback variances to go down to five foot versus 10, lot width variances to go to 45 foot from your 75 foot minimum, and then front setback variances to go to 10 from 25. Again, as you saw on the video there on the screen, the development is different than the traditional single family that you will have in here. Are there any immediate questions you have for myself or the developer? Mayor Pro-Tem Olson said I have one and the reason is the College Street change. What is the reason? Why would we cut that out? Council Member Langley said we do not want it on College Street. Mayor Pro-Tem Olson said anytime you can connect more community, the better off you are, but I just want to know the reasoning. Mr. Wade Nelson said I do not think it is necessary because of the connection to Caroline. Mayor Pro-Tem Olson said we only have one in and one out. Mayor Countryman said no, there is SH-105 too, so there is Caroline and SH-105. Mr. Nelson said there are multiple ways on SH-105. Mr. Jonathan White, L Squared Engineering said they will also be widening Shepperd down to SH-105 as well to bring it to the full width where it tapers back into a small road. Mr. Nelson said and you have boulevard access off of SH-105. Council Member Donaldson said the boulevard access and Caroline Street are the only two. City Engineer Roznovsky said after it is complete, Caroline and the boulevard access on SH-105. Mr. White said there will also be interconnectivity through commercial, so there will be accesses to the commercial properties along SH-105. Mayor Countryman asked how about connecting to the property, the development behind what is proposed? Is there a possibility? Council Member Fox asked Mr. White to describe to me where this property actually is located. Mr. White said across from the Lone Star Cowboy Church. This would be the main boulevard and basically the main access. Mayor Pro-Tem Olson said it is on the other side of Solomon Electric. Council Member Fox said I am looking at it, but I guess I am not comprehending it all the way to College Street. Mayor Countryman said it is extending Caroline. There are two detention ponds on the west side after Shepperd and then the neighborhood, and then there is a detention pond as the other end cap and green space to the farthest west. Council Member Langley asked is the detention pond still in the in the plan? City Engineer Roznovsky said yes, that is correct. There are two. I know you cannot see this, but there are two detention ponds on each side. The smaller ones are closer to the exit on the east

side of the development, and the larger ones are on the west. I think Council Member Fox asked about the connectivity we developed to the back. The Tri Pointe development wraps around the detention pond on the other side of the creek, but it does not bound the size of this development. Mr. White said there is likely going to be maybe a golf cart/pedestrian type of access between both developments, but there is an idea of a crossing. It would be a little bit of an engineering challenge, but they can open the door for some connectivity from Tri Pointe through here. Council Member Fox asked are you taking Thomas Printing and all that too? Mr. White said no, they are staying out. Council Member Donaldson asked do we have any problems with emergency vehicles? Fire trucks or ambulances? Mr. White said we will coordinate all that with the Fire Marshal's Office, but typically as long as there are two points of access for them. We have a boulevard entry on SH-105. There is also going to be some interconnectivity through the commercial as much as possible, so there will probably be additional curve cuts on SH-105 commercial properties, and then you will have the connectivity to Caroline and then that comes down to Shepperd which will have to be approved as well for SH-105 connection. For the Fire Marshal's Office, as long as it has two points of connection, they usually do not have a problem. Mayor Pro-Tem Olson asked how wide are the streets? Mr. White said 28 feet for all the internal streets. I think the alley ways are 18 feet. Mayor Pro-Tem Olson said I was just trying to understand what the boulevard widths were. Mr. White said I think it is 25 and 25, so two lanes on either side of the median. I think the right-of-way on the whole front is 50 feet wide. I think the one on the southeast side, I think our drain impact analysis showed that that detention actually was not required. I will go back and verify that, but that could potentially be turned into a park. Council Member Donaldson asked Mr. Hanna if he has a comment. Mr. Hanna said with this density and narrow roads, we certainly want to see a proposal about some sort of multi-purpose fire sprinkler, fire suppression system in place. Mayor Pro-Tem Olson said that is my comment about the density. It is extremely dense and it is all rear parking in the backs of the homes. If the streets 28 feet seems really big, for normal density, this is extremely tight and high density. What are the concerns for any kind of parking? Mr. Tom Cox said the 45 foot, those have three car garage on them. They will be 3,500 to 4,200 square foot homes. They are sizable. Council Member Donaldson said they are what I would call patio homes. Mayor Pro-Tem Olson said if you have ever gone to New Orleans and you take a trip down Lake Charles Street, it is very, very similar. Mayor Countryman said there is a neighborhood in The Woodlands called French Quarter. They are not as wide, but they are really long. They are not like a postage stamp footprint, they are a longer footprint. Council Member Fox said like the ones in Shenandoah. Mayor Countryman said yes. City Council Member Donaldson said one other point. The dorms look like they are going to be traditional craftsman style homes. Is that going to change or is that going to be pretty much the norm all the way down the road? Mr. Tom Cox said they will be two-story and probably 75 percent brick. They will have front porch living and a lot of them have a second floor balcony. Council Member Donaldson said I like the idea. I think it blends in

well with the style of homes that are around the park and because that is an extension of that area. I think it will be nice. I just wondered if they are going to stick a modern glass structure in there.

Mayor Countryman asked Mr. Cox what is the price range of these homes? Mr. Cox said we think these will start probably in the mid sevens. Mayor Pro-Tem Olson asked Mr. Hanna when it comes to high density, close when we push the build lines in like that, it has been a while, but Texas code, something about the fire code, I know the interior with the sprinklers, but the exterior because the homes are so tight, when you have a five foot build lines and a two-story home, your eaves are about three feet apart. Mr. Hanna said right. The magic number is five foot total separation. If you get encroaching into any of that, then you have to make special provisions. Some sort of one hour firewalls or, the alternative a lot of developments will go with is some sort of as I said, a multi-purpose fire suppression system in lieu of those firewalls. Mayor Pro-Tem Olson said I just remember the firewall thing when they get that close. City Engineer Roznovsky said these are five. Council Member Langley asked it has not gone to Planning & Zoning yet has it? City Engineer Roznovsky said no. It has been quiet. This is the first stop, to get in front of Council, get the support, get authorization, and get the MOU in place as well. This still will have to go through the variance process, so they will have to go to Planning & Zoning, and they will have to go to Council to get any variances approved. The thought is before going through that time and expense, get an MOU in place and make sure all parties are in general agreement with the way the development moves forward before that time and investment is put into place. Mayor Countryman said we talked about this before. This is similar to what was discussed prior to the change with the size of lots. City Engineer Roznovsky said yes. The general concept of what was done in the feasibility study and this are very similar. There is commercial, but kind of a mix of commercial and single family use has changed. There was during the feasibility studies more of the western portion of this property was a commercial business park. Some are alley load and some are traditional. Mr. Nelson said that was driven really by interest levels. It became apparent that it was more driven by residential than with the commercial. Mayor Pro-Tem Olson said to me, it is just a better layout than on the end, but that is just my opinion. Mr. Nelson said it is really built all around connectivity, getting connectivity to downtown. Mr. Jake Rucka, Parkside Capital said some of you might not have heard, but Parkside Capital has been around for almost 20 years. We are in equity land fund. The way our fund works is we only buy one or two deals a year and we concentrate heavily on those deals. We are not going to come in here as a major developer and it is just another deal on the table for us. We are brought into situations like this to be meaningful, impactful developments, so we listen whenever it is brought to us to say, "we want the connectability to downtown, we are going to extend downtown on this side, we will keep the rest of the commercial over on the east side of town, but here we want to keep that small town charm." The way that Parkside does that is we do not just dig a hole in the ground. We try to amenitize our detention ponds with

walkability trails, golf cart paths, whatever is allowed at that point. Gazebos. We want to really bring the community into our developments. Parkside with only having one or two deals a year that we do, we have to leave an impactful stamp on each development. We primarily have been within Pearland, Katy, Magnolia, and some of these smaller towns, not so much Pearland and Katy, but it still acts as a small town even though it is not. That is where we bring our expertise in is working with the MUD, working with other developers, but then within the area, going to the developer north of us here and getting them to add a connectability to our park going through our neighborhood with maybe golf cart trail, getting into downtown and supporting those small businesses. That is one thing that when it was brought to us, we were very careful with who we partner with because our being small, we cannot have a say in our relationship with local municipalities. When Gracepoint brought this to us and said we have this idea and we want to be a partner of it, really they turned Parkside away and then came back and turned to Parkside because they know Parkside, we do what we say we are going to do. I know that might sound cliché, but if you ask any of the smaller municipalities, that is a statement we will stand on. There is no tomfoolery with us. How we run our business, we cannot afford to do that. We do not have 100 deals that we do every year, only one or two, so we cannot have that. When we say when we come into the City of Montgomery and try to bring a meaningful development to it, we mean it. We are going to be all hands on deck. We are a small operation, but we do not play small. We have a lot of consultants that we hire, so we actually play a little bit bigger than we are, but it is me, Brett, John Moody, and Lauren, and so it is four of us. We know when it comes to deals like this, we know every aspect of that deal because each of us holds a different hat, but we all play together. For the citizens of the City of Montgomery, if you say something, we are going to listen to it and we are going to really try and incorporate that into the development. Having partners like Gracepoint that has a good sense of community here, and has done good things here, I think it is going to play a big dividend for the City itself. Mayor Countryman said I love the walkability and the golf cart. We are a golf cart community and keeping that in mind and that connectivity. You have done your homework and that is key. That is something that we want to make sure that everything is connected for that walking space and golf cart. When this originally came to Council, one of the first things I think Council was excited about, I know I was, is these people can actually just drive down to our downtown on a golf cart or walk down there for an easy walk in the evening to go to dinner and come back. It keeps people in our town and staying in our historic downtown. That is where Council and city hall is focused on giving a facelift so it is good. Mayor Pro-Tem Olson said I like the product. It is different than what we see normally. I think it is a good product.

Council Member Langley asked City Engineer Roznovsky, you said that this memorandum of understanding has not been where? City Engineer Roznovsky said staff provided the draft and got it to us. We wanted something in front of you all, so there is still some cleaning up, but the major points in it, there is nothing that is glaringly obvious that is against what

you typically see. There are a couple of the points in your packet on page 32. The variances that we talked about if not approval of, but more of just like we did for the most recent one, kind of acknowledgement of understand that these are going to have to be required to make this develop work. They have there in provision for consent for them to create or annex into a MUD. It gives them the ability for that financing tool, is one of the items in here on item three on page 48 of your packets. The next one on here is that they are understanding that they are going to complete water and sewer permits as required, extensions, upsizing. If you remember from the feasibility study, they are going to put a gravity sewer line along SH-105 to get back down to where the lift station currently is. Mayor Pro-Tem Olson said we have some stuff we have to do for the SH-105 widening. City Engineer Roznovsky said yes. Mayor Pro-Tem Olson asked is that built into this? City Engineer Roznovsky said kind of. We will see where the timeline is. On that project, we sent an exception request a few weeks ago trying to get TxDot to waive some of those requirements. But anything, if we are asking them to extend a new sewer line, we would have them provide an easement along the frontage, so anything TxDot does, this would be an easement and a TxDot required right-of-way. At that point, they would pay for that relocation if it is not in the right-of-way. A short/long answer is anything that they do will be an easement, not a TxDot right-of-way. If there are any relocations etc. that are required for them, that would also take into consideration what TxDot is doing. Once we get the final determination from TxDot and how this project moves forward, we can better coordinate those two aspects together. Mayor Countryman said I know we are meeting with TxDot here next week or shortly. Rumor has it now they are not going to expand in town. They are going to start at Lone Star Parkway and then go out west. Have you heard that? City Engineer Roznovsky said I have not. The latest correspondence with them as of earlier this week, we were talking about the relocation of utilities in the middle of town. It could change. It is likely there is going to always be a change. Council Member Donaldson said one of your items on the engineering report tonight says that TxDot is going to postpone a lot of the work on SH-105 until 2027 or even 2028. City Engineer Roznovsky said they keep on moving a lot of the timelines and the let dates for projects. Not that they are completely off the list, but they are phasing and moving things back all across there. Mayor Countryman said I think FM 149 became a bigger priority. Mayor Pro-Tem Olson said yes, to get south. Mayor Countryman said which I agree.

Motion: Council Member Donaldson made a motion to accept taking appropriate action on the Villages of Montgomery (Dev. No. 2502) authorizing City Staff and Consultants to begin coordination on MOU. Mayor Pro-Tem Olson seconded the motion.

Discussion: Council Member Langley said I want to make sure that item number seven stays in the MOU.

Motion carried with all present voting in favor.

10. Deliberate and take appropriate action on the Reserve of Mia Lago (Dev. No. 2411) authorizing City Staff and Consultants to begin coordination on MOU.

City Engineer Roznovsky said this development is very similar in terms of timeline. We actually presented this feasibility study on the same day in September 2024. They are also now back to rediscuss and try to move this project forward. A couple things on this project happening in the background. If you remember, this property was in the City of Conroe's ETJ. They went through the ETJ exclusion process, got removed from the City of Conroe, and Conroe could not provide service. They had no utilities in the area and so they removed the property from the Conroe's ETJ, so right now it is not in the ETJ. For tonight, the exact same thing as we just talked about with this development. This is to discuss the draft of the MOU, and provide comments and feedback on the proposed development. I will point out a couple differences in their ask, it is not what they are asking for here. What they are asking for here is very different than how the development we just talked about, and authorizing staff to produce a full MOU and come back to you at a future meeting. On this one then, once you have that MOU, we also will have the annexation process. There are variances and all kinds of steps to go through, so this is definitely not the last time or the first time you are going to hear about this.

This property is the Mia Lago development. This is access off of Lone Star Bend, in Mia Lago Drive. There is a 75 acre or so track in that area where this is being proposed to be located. What they are asking for is they are looking to do a single family development. The biggest difference is large lot and they are requesting to do septic on lots versus public city sanitary sewer. They have three-quarter acre or so lots that they are proposing on their site. The feasibility study that was done mentioned both options and has been on the table since it started. Providing sewer service is an option. They would have to install a lift station and sanitary sewer lines, etc. This is their big ask. They are not looking for lot sizes or anything like that. There might be some radiuses of terms depending on final land, but the big ask here is on the actual set of terms to the property. When you look at the MOU for this one, they have 51 lots. Everyone agrees to volunteer annexation. They are only requesting public water service, and they are requesting to be able to use septic on each lot to serve the development. The other Mia Lago development is also on septic. They only have public water. This is next door to that. Other than that, all your other true developments in the City are on public sewer and public water. Mayor Pro-Tem Olson said the only caveat I guess to that would be for them to provide us a written document saying that their HOA, once they dump it, will not come back to the City 10 years from now begging for a sewer system. Mayor Countryman asked can we do that? The developer said yes. City Engineer Roznovsky said this one is again relatively straightforward, but is a big change for the septic versus not. If you all are open to it, that is the feedback we need. That will allow us to draft up the MOU with those terms in it, adding the language about the

HOA or requesting making sure it is clear that if you do not have service, you will not have service, and then we can move forward for this one which would be for annexation.

Motion: Mayor Pro-Tem Olson made a motion to accept appropriate action on the Reserve of Mia Lago (Dev. No. 2411) authorizing City Staff and Consultants to begin coordination on MOU. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

11. Deliberate and take appropriate action on the Montgomery Summit Business Park and the recommendation ending the One Year Warranty and Releasing the Maintenance Bond.

City Engineer Roznovsky said this item is for the Montgomery Summit Business Park edition at the northwest corner of Buffalo Springs and FM 1097, the new retail building that was built a year or so ago. If you remember, they had a public storm sewer along the frontage or parking area. At that time, you all entered into a one-year warranty period. On April the 7th, we did a one-year warranty inspection. We inspected the pipe, the manholes, etc. We found enough deficiencies. It is a very small scope of work, and so our recommendation is to officially end the one-year warranty period, release the maintenance bond, and City will take over future maintenance.

Motion: Council Member Donaldson made a motion to accept to take appropriate action on the Montgomery Summit Business Park and the recommendation ending the One Year Warranty and Releasing the Maintenance Bond. Mayor Pro-Tem Olson seconded the motion. Motion carried with all present voting in favor.

12. Deliberate and take appropriate action on the Flagship Blvd. Storm and Paving Replacement and the recommendation on ending the One Year Warranty and Releasing the Maintenance Bond.

City Engineer Roznovsky said this was a city funded project to replace a storm sewer that was collapsing down Flagship, causing all the issues with the paving. That project was completed. We had a one-year warranty inspection back on December 5, 2024. The contractor took a long time to get those warranty items addressed. He has addressed the punch list, and in your packet you will see a copy of that punch list. There was some very minor hairline cracking. We had them do a resealing around the inlet and we are moving to replace a section of curb that was broken, and cleaning up some joints that needed to be cleaned up and resealed. He completed all those and if you go through the items, you will see photos. I know they are small on those pages. We will gladly answer any questions you have. We have reviewed the work that he has completed and have no issues.

Motion: Council Member Donaldson made a motion to accept to take appropriate action on the Montgomery Summit Business Park and the recommendation ending the One Year

Warranty and Releasing the Maintenance Bond. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

13. Deliberate and take appropriate action on a request to install temporary event banners on city-owned property located in the Historic Preservation District.

Code Enforcement Officer/Planning & Zoning Administrator Tilley said this is a request to install the temporary event banners on city owned property. On page 87 of your packets, you will see a picture of the location that they are proposing to put the event banners on. Traditionally, we do not approve banners on city owned property only because we do not want to set a precedent for placing banners on city owned property. I think Mrs. Kambra is here. She has examples of the banners and maybe the temporary event signs that she is proposing on the property. The recommendation is that we do not approve the installation of those event banners only because it is on city owned property. It is in the Historic District and it would have had to go through Planning and Zoning, but the event that is being held will be that week before Planning and Zoning is going to have their meeting, so it would have been too late for that. Otherwise, just to keep neutral of promoting events and then keeping that specific corner clean of signs, it would really help with at least enforcement keeping any signs off there. It would not work for us to pull a car washing sign off of that, and then leave an event sign in that same location. Council Member Fox said but it is Sip n Stroll and do not they coordinate with the City? Code Enforcement Officer/Planning and Zoning Administrator Tilley said they have event permit applications. Council Member Fox asked so there is no partnership with the City and Sip n Stroll? Mayor Countryman said yes there is. Council Member Fox said I thought that was a City event actually. Mayor Countryman said no. Mrs. Drummond has taken over the event. There is a partnership because of the roads and Public Works Director Muckleroy's crew helps set it up. There is a part that the City provides and there is a part that Mrs. Drummond provides. Council Member Fox said not too terribly long ago it was totally a City event at one time. Mayor Countryman said yes. Is this LED sign working again? Public Works Director Muckleroy said yes. Mayor Pro-Tem Olson said that is my question. Why would we put a sign in front of another sign? Why not just put it on the LED sign? Mayor Countryman said because it was not working for a long time. Mayor Pro-Tem Olson said I know. We should fix it. Mayor Countryman said it is not just that easy. It is very outdated and there were issues with it. Council Member Langley asked if it is fixed now? Public Works Director Muckleroy said it is fixed now. Council Member Langley asked does she have time to get her application in for the use of that sign? Code Enforcement Officer/Planning & Zoning Administrator Tilley said from my understanding, she requested that, but she did not get approval. Mrs. Drummond said I did not get approved to be on the electronic sign because it has not been working. Council Member Langley said it was not working at the time. Correct. Mrs. Drummond said I mentioned getting the banners that we could advertise and in the interim process, I purchased the banners, I purchased the signs, and now the digital

sign is working, but the banners were very tasteful. They are not crazy. As far as anyone else putting signs out there, if these are bandit signs and they are picked up, I understand that. But, it is a City sanctioned event. I am not having a garage sale. I am not having a sale in my shop and trying to get people to come to my shop. I am advertising an event that benefits everyone in the City, not me personally. It benefits everyone in the City. For the banner being over the road, how is this much different? Mayor Pro-Tem Olson said that was my next question. Mrs. Drummond said the banner over the road has been lost. The banner that was purchased has somehow disappeared. I will tell you, it is \$500 to have that banner installed over the highway and it is \$500 to have that banner removed. It is an extra expense if the company that you hire through one of our sign companies does not do it properly and another company has to go out and fix it. Ninety percent of the time, it is flipped and you cannot read it anyway. I think that is distracting. Council Member Fox said and that has happened. Mrs. Drummond said yes, it has happened every year. Every year that we put the banner over the highway, you have to get the approval through TxDot who does not always do it. Then, there is the calendar for the City where the Antique Fest always fell in between whoever was having an Easter celebration. It just depended on when Easter fell. Quite honestly, I did not have the budget to purchase that large banner, so I went with what I could afford. Mayor Countryman said I definitely see the need for signage. We have a lot of traffic. There is traffic coming downtown, but the destination would be one of the restaurants or to grab a glass of wine. Council Member Fox said honestly, for the digital sign, if you are in that lane on the north side, you can read it, but if you are in the other lane and there is a car behind you, you cannot read it, but you could actually visually see the banner. Mrs. Drummond said it would be something different. That was also a thought. People stop paying attention to the digital sign because they think they have read it and they have seen it, and it is broke, so it has been playing the same things over and over and it has not changed. I was just trying to make the event more visual for people that do not know anything about what is going on in Montgomery. Mayor Pro-Tem Olson asked is it just Sip n Stroll signs? Mrs. Drummond said I have Sip n Stroll that will be there on Thursday, and then the Antique Festival happens next week. It will be up for a week and a half. Council Member Fox said the Antique Festival has been here Mayor Pro-Tem Olson for a while. Mayor Pro-Tem Olson said no, I am not bashing the event. Council Member Langley asked is it exactly like the one you have in the packet? Mrs. Drummond said yes. This is it. Council Member Fox said I think it is a good looking sign. Council Member Langley asked when you applied to the City for the digital sign, you did not get approval because the sign was broke or you did not finish turning it in? Mrs. Drummond said I think the ask for the digital sign was verbal and then it was not working. Council Member Langley said what I am trying to get at is this function should qualify to be on the digital sign. Mrs. Drummond said yes, and Sip n Stroll was on it. Council Member Langley said then you say that we do not want all kinds of banners there that is true, but I would not qualify as an individual to put in an application to get on that digital sign and qualify for it.

Mrs. Drummond said exactly. Council Member Langley said I want to make sure this function did qualify to go on the digital sign. Mrs. Drummond said from the past, every time I have ever asked to be on the digital sign, I have never been denied with an event that was going on. That has not been an issue. The issue was that it was not working so there was not a way to install anything new on the sign or make changes. Mayor Countryman asked how long would your yellow Sip n Stroll sign be up on the road? Mrs. Drummond said for the Sip n Stroll I planned on just putting it up on Thursdays. I was just trying to advertise it that day like a reminder situation. Council Member Fox said when you are saying that, you are really actually talking about the Historic Downtown District. Mrs. Drummond said yes. Council Member Fox said we are talking about the businesses in Montgomery, not an individual. Mrs. Drummond said yes. Chief Solomon asked do you put the Sip n Stroll sign up every Thursday? Mrs. Drummond said that was my plan. I did not want to leave it up. This one I was hoping to leave up for a lengthier period of time. The Sip n Stroll is easy to just put it up and take it down every Thursday when the event happens. Chief Solomon asked did you take over the Sip n Stroll from when the last event person was here? Mrs. Drummond said yes. Mayor Pro-Tem Olson said we have given it back. Code Enforcement Officer/Planning and Zoning Administrator Tilley said since the electronic sign is working now, Sip n Stroll can be back on the electronic sign. Mayor Countryman asked is there a way on Thursdays you can just keep the Sip n Stroll up there and have it flashing like the time and temperature to Sip n Stroll time and just on Thursdays? Code Enforcement Officer/Planning and Zoning Administrator Tilley said it scrolls through a list. Mayor Countryman said I understand. Can you take that list down to those two just so you could be there like a true advertisement all day? Code Enforcement Officer/Planning and Zoning Administrator Tilley said I do not have control. Mayor Countryman asked can you just take it to Sip n Stroll and then the time and temperature and just have two screens that flip? Public Works Director Muckleroy said yes you can. You can set each individual screen to run for a certain time. You can block others out and make other ones run exclusively for a short time. Nicole programs all of this in and it automatically does it. She sets the time and day. We can make those changes. Council Member Fox said they are talking about making the changes but to me, having the Sip n Stroll sign, the yellow sign, I think it just garners more attention and definitely for the Antique Festival because it is something we are all trying as a group I think to get more business downtown because it is our Historic Downtown. I know that it is against the ordinances possibly, but I think that we should have some kind of consideration for the fact that this is going for a group of businesses downtown. Code Enforcement/Planning and Zoning Administrator Tilley said if we are putting it in the Historic District, keep in mind that the Planning and Zoning Commission is required to approve that. The Planning and Zoning Commission meeting is after this event, so short of having a special meeting to talk about the placement of the banner, I do not know if Alan had a chance to take a look at the single exception in the ordinance about temporary signs in the Historic District. It says that there is an exception, but was that an

exception of being able to place temporary signs in the Historic District, or was the exception that in the Historic District, temporary signs are not regulated? Mayor Countryman said it is not clear. Council Member Langley said tell me why it is coming before me tonight? If I want to vote on it and say I want them there, are you still telling me that it has to go to Planning and Zoning? Code Enforcement Officer/Planning and Zoning Administrator Tilley said that is because it is in the Historic District. Council Member Langley said so it does not matter what I say, so why did it come before me tonight? Code Enforcement Officer/Planning and Zoning Administrator Tilley said because it is on city-owned property. Let us say that we pick city owned property that is not in the Historic District. Then you would be able to say okay, we will allow it on city owned property. The main part is that it is on city owned property. The catch is that it is in the Historic District also. Council Member Langley asked what about the banner at the community building when the Lions Club puts up that banner every Saturday for bingo? Code Enforcement Officer/Planning and Zoning Administrator Tilley said that had been there forever. If you want to address all of the temporary signs in the Historic District we can. Council Member Langley said no. Code Enforcement/Planning and Zoning Administrator Tilley said that has been there traditionally. Council Member Fox asked and First Saturday? Code Enforcement Officer/Planning and Zoning Administrator Tilley said and First Saturday. They have traditionally had that at the community building because that is the location of the event. The option of placing it on commercial private property, not on city property, is there you have the gas station, but again, that is in the Historic District which would have to go to Planning and Zoning, but you have Brookshire Brothers across the street. That is not in the Historic District. Mayor Countryman asked so what makes the campaign signs anything different than like the Antique Festival? Mayor Pro-Tem Olson said campaign signs are protected by the state. That is the difference. Council Member Fox said I do not think we should grant this. Mayor Pro-Tem Olson said for the Antique Festival, the temporary Antique Festival, it is once a year we put it up. The only reason we are putting it up is because when she wanted to get on the electric sign, it was not working, so she went and bought the banner. The Sip n Stroll is a continuous event, so she has every opportunity to use the electric sign, so I think we hold her to the electric sign on the Sip n Stroll. We give her the opportunity to use her banner because she went to the expense to do it and we could not provide the service at the time. That is the only exception because we could not provide the service at the time. Next year when that sign is still working, I am going to say no. Council Member Fox said we will talk about it next year. Mrs. Drummond said next year I will save the money and put the banner over the highway. Council Member Fox said to me, it may not be in the ordinances, but on the other hand, I think it is a benefit for the City. I think it is something because I will always tell you that there is a lot of times that people say I had no idea you all had Sip n stroll, but now we all have all those signs down the side of the road that says we have farmers market. Visually, because I am a visual person, visually if I see something I will say yes, I need to go. Mrs. Drummond said that

was my whole thought. I was just trying to get people to notice. There was a lady that came last Thursday that lives behind Brookshire and she never even knew that it was even going on. She came because she saw the yellow sign. Council Member Fox said that digital sign is not a really great sign. Mayor Pro-Tem Olson said it is not. Mayor Countryman said it is terrible. Mrs. Drummond said I did request that we bring this to your attention because I felt like I was not getting anywhere. Council Member Langley said in our packet it looks like there is a red Sip n Stroll banner that you have. Mrs. Drummond said I do, but you all do not want to do that. Council Member Langley said I am not discussing that because I do not want it up there every Thursday. Mrs. Drummond said we are not doing a Sip n Stroll banner at all. Sip n Stroll will be on the sign like you mentioned. Am I allowed to put out the yard signs at Sip n Stroll or no? Mayor Countryman said I imagine that would be okay. It is at the event. Thank you for reviving it and bringing it back. There is starting to be more foot traffic than there has in the last couple of years. Council Member Fox said and the street is closed. If they say why have you close the street, well there is a sign that says Sip n Stroll, so you know what it is closed for.

City Attorney Petrov said I think that your sign code is poorly written. There is a provision that talks about special event signs. You could read that as allowing the City Council the authority to grant the permission to use special event signs.

Motion: Council Member Fox made a motion to accept item 13 as presented.

Discussion: Public Works Director Muckleroy asked if Council could make a clarification. Mayor Pro-Tem Olson said yes please. Public Works Director Muckleroy said just from a public works standpoint, the rule that we go by is whether it is in the right-of-way or not. Make sure you specify whether you are allowed on the right-of-way or only on private property. Council Member Donaldson said and only this year because I am like Mayor Pro-Tem Olson. I would approve it just because of the situation and the timing and because we have not really had an Antique Festival for two years and we need to get it started back up. It just needs to be properly put where it is not a hindrance to traffic site. I would approve it for just this one time.

Council Member Donaldson seconded the motion with the amendment that the Antique Festival for this year only in the Historic District, outside of the right-of-way, is not a hindrance and that the Sip n Stroll should be advertised on the LED sign placement and at the event. Motion carried with all present voting in favor.

- 14. Deliberate and take appropriate action regarding reducing the utility tap fees for Walker Montgomery CDC, a 501c3 development corporation, building the last of four single family dwellings at Gulf Coast Estates Section Two which is a qualified affordable housing project.**

Code Enforcement Officer/Planning and Zoning Administrator Tilley said typically utility tap fees for new single family residences in the City are \$4,020, but in 2022 the utility tap fees were discounted for the first three homes that were built in that subdivision. This is a subdivision at the end of Baja Road and it was reduced to \$1,235 per house. What we are requesting is that we extend that discount to the last final, the fourth house at the end of the road. Council Member Langley said when this says utility tap fees, that is the water and the sewer. Code Enforcement Officer and Planning and Zoning Administrator Tilley said yes. Council Member Langley asked for this price? Code Enforcement Officer/Planning and Zoning Administrator Tilley said for this price, yes. Public Works Director Muckleroy said when we talked about this originally, why I was comfortable with it, the original intent was to do all of them. It is just not in writing anymore and that is why she is bringing it back. When we put the sewer taps in, we went ahead and put them all in at the same time. The county was coming in and painting Baja and we went ahead across the road and put them all in ahead of time so that they were done. We did not have to dig up the road again to tear it up, so price on that was already taken care of. All we have to do on this one is one water tap. We can do it in house because it is a short tap. You will save some money on it, so the cost will cover it and that is why I am comfortable with it. Mayor Pro-Tem Olson asked none of these taps fall under the Dobbin-Plantersville right? Public Works Director Muckleroy said no. This is the last one.

Motion: Mayor Pro-Tem Olson made a motion to accept action regarding reducing the utility tap fees for Walker Montgomery CDC, a 501c3 development corporation, building the last of four single family dwellings at Gulf Coast Estates Section Two which is a qualified affordable housing project. Council Member Fox seconded the motion. Motion carried with all present voting in favor.

15. Deliberate and take appropriate action on a Resolution calling for a Public Hearing to grant a Special Use Permit for 0.7059 acres of land situated in the John Corner Survey, Abstract No. 8 [A.K.A. 21049 Eva Street, City of Montgomery, Montgomery County, State of Texas] for a fast food restaurant with common drive thru lane for June 24, 2025 at 6:00 p.m. to be held at the City of Montgomery, City Hall, 101 Old Plantersville Road, Montgomery, TX 77316.

Code Enforcement Officer/Planning and Zoning Administrator Tilley said the first call for a public hearing was tabled by Council at the March 25th Council meeting. I think it was pending additional information that would come in. On April 1st we did take it to the Planning and Zoning Commission. They also tabled their decision to make a recommendation to Council. The decision will be revisited at the Planning and Zoning meeting scheduled for June 3rd, pending receipt of any additional information. The reason we are requesting for a public hearing for the June 24th City Council is that it would give time for the June 3rd Planning and Zoning decision and to be able to record that, send out notification to announce the public hearing for that June 24th public hearing on City Council. Council Member Langley asked City Engineer Roznovsky after the Planning and

Zoning gave these requirements, needing additional information, have you heard from the developer? City Engineer Roznovsky said I have not heard from Jack in the Box since the Council meeting where it was tabled. I do not think any others had correspondence with anyone at Jack in the Box since that time. Mayor Pro-Tem Olson said I am not going to deny them an opportunity to speak, so I will make a motion.

Motion: Mayor Pro-Tem Olson made a motion to approve Resolution 2025-10, a Resolution to call a public hearing to grant a special permit for the land situated in the John Corner Survey, Abstract No. 8 [A.K.A. 21049 Eva Street, City of Montgomery, Montgomery County, State of Texas] for a fast food restaurant with common drive thru lane for June 24, 2025 at 6:00 p.m. to be held at the City of Montgomery, City Hall, 101 Old Plantersville Road, Montgomery, TX 77316. Council Member Donaldson seconded the motion. Motion carried with 3-Ayes and 1-Nay vote by Council Member Fox.

DEPARTMENTAL REPORTS

16. Public Works March 2025 Monthly Report

Public Works Director Muckleroy asked if anyone had any questions. Mayor Countryman said I have gotten some really good feedback on your team and your guys as of late, so great job. We hear a lot of bad feedback usually and so it is nice to get good feedback, so great job and great leadership. Council Member Fox said you do have an amazing crew and good leadership. Public Works Director Muckleroy said for sure, I have a good crew.

17. Utility Operations March 2025 Monthly Report

Mr. Phillip Wright, Hays Utility said we feel pretty accurate about our flushing that we did this last month, so that gets us up in the 95 percent range. We have done a tremendous amount of flushing, continuing to deal with water quality, and making sure that people get the best quality of water that they can. We had a call today that we were responding to and did some additional flushing, like 10 minutes before this meeting started, so we are just continuing to try to make sure that the City of Montgomery has the best water quality that we can. Mayor Countryman said I see the accountability at 93.53. Did you mean 93 and not 95, just for the record? Mr. Wright said yes. Mayor Countryman said great job, huge improvement. Mr. Wright said everything is in compliance with the wastewater treatment plant.

18. Discussion on Engineer's Monthly Report

City Engineer Roznovsky said on the first page is water plant number two improvements. You did receive pay estimate number six in the amount of \$337,500 for that project. They are finalizing the well and they are getting ready to do their 36-hour test on May 9th. That runs a whole lot of water, and so we coordinated with the property owner to the back that

owns the seven acre property at the end of Louisa. We have a plan with her, she is on board, and so the water will make its way out and through the ditch on her property.

City Engineer Roznovsky said the next item on page two, your sanitary sewer rehab project, we did receive payment number six for \$83,160. We are still working on some final items with the contractor and he is finally getting close.

City Engineer Roznovsky said skipping down to item four, waterline extension for the Old Plantersville Road. We are still working with BNSF. We have been going back and forth with them for six weeks just trying to schedule their inspection crew. As of yesterday, it sounds like we are all squared away, but they have not given us a date yet. That is the last thing remaining on that project. Council Member Donaldson said I am surprised I do not see any forms set out there yet for the homes. City Engineer Roznovsky said I know they pulled their first couple of permits, but last time I was out there, they were busy working on the fencing and the wall. I know they pulled permits, but they have not started yet.

City Engineer Roznovsky said permit amendments are underway for both and expect a final one any day now for the Town Creek plant and the Stewart Creek plant, which was authorized at the last meeting, so we are working on that amendment as we speak.

City Engineer Roznovsky said for the downtown street improvements project, we are continuing to work with Ardurra and MEDC on that project. One thing that they are pulling together now is more details and some material samples for the decking along the west side of the road so we can set up a meeting with property owners to go through the materials, and then working with the city attorney on the use agreement of that to get that work completed.

City Engineer Roznovsky said your wastewater plant expansion that is being designed by Halff is continuing along. We should have the preliminary engineering report here in the next few weeks as they continue through design. We have gone back and forth with some site plan options, and everything there is going well.

City Engineer Roznovsky said on water plant number four, we are negotiating the contract with staff and with Baxter & Woodman. On that project, they sent us over a draft proposal late last week, so we are going back and forth and making sure the scope and fees are in line.

City Engineer Roznovsky said moving on to page three in our report. Lift station number 10 improvements project is the Taylor Morrison funded project that should be ready in the next month. Just a reminder, that included lift station improvements, as well as a natural gas generator on that site. Mayor Pro-Tem Olson said before you go farther, we skipped over the downtown streetscape improvements where it says you are coordinating with MEDC and Ardurra. Where are we on that? City Engineer Roznovsky said we met with a

couple downtown property owners. We met with Ardurra. Ardurra has put me on an updated schedule and scope based on just the one way. The steakhouse was not open to the drive-thru. Again, I need to get back with you on that. What they are focusing on now is the decking, the decking layout and materials, so we can meet with those property owners. The timeline that we discussed with MEDC based on when we had met with the downtown property owners for the FM 149 project years ago, they will start construction after the holiday season and so that is where the schedule is right now, to build the project late fall, have contracts in place, and then start construction first of the year after the holiday season is the timeline to not impact holiday sales as much as possible.

City Engineer Roznovsky said item 12, lift station five relocation and item 13, we will tie those together. Those are both the Tri-Pointe projects. Both those are underway and should have those designs complete and ready to bid in July respectively for those projects.

City Engineer Roznovsky said for College Street drainage, we are wrapping up that design and ready to bid that next month, pending GrantWorks tests. Since this is an ARPA funded project, there is additional hoops to jump through, as we discussed, so GrantWorks is working through the environmental review of that and the booster pump number three edition project to be able to bid out both of those.

City Engineer Roznovsky said item 16 is the one item that is in your budget we have been talking about monitoring. We are watching the erosion at Plez Morgan and it is now starting to undercut those culverts, so we are preparing a scope and proposal cost estimate based on where it is and will bring it back to you next month to get that project underway. Council Member Donaldson asked do we have enough time to wait until next month still? City Engineer Roznovsky said it is going slow. The actual process itself will be pretty quick, but we can bring it up at the next meeting. Council Member Fox said I have not looked at it since it rained yesterday, but it was looking bad the other day. Mayor Countryman said Public Works Director Muckleroy, I know you are keeping an eye on it too, right? Public Works Director Muckleroy said yes. Council Member Fox asked did it look a whole lot worse since the rain yesterday? Public Works Director Muckleroy said I have not looked at it since yesterday. City Engineer Roznovsky said they usually send the drone and record all that erosion. Related to this, I had a meeting with MISD last week because the erosion was getting close as we talked about through the design process in a couple spots, and so we are working through some options with them. Mayor Countryman asked is there any grants out there that we can apply for to help us with this? City Engineer Roznovsky said we will look and see. There is not a lot of them. A lot of the flood related grants are tied to flood reduction. A lot of times, it is an erosion issue, not necessarily a flooding issue, but we will continue to look and see if there are some options there.

City Engineer Roznovsky said regarding item 17, The Crossing at Montgomery, we are just waiting on deposits from the developer. That is the project over here on the Stowe property right next to the railroad tracks.

City Engineer Roznovsky said moving on to page four of our report, we have a section which summarizes where the development agreements stand that are active. A couple ones that are not on this report because it just happened today, is we had three pre-development meetings since this agenda came out, for a proposed shop next to CVS and in The Shoppes development, south of CVS. We also had the developer, you remember the HEB track, there was the non-HEB portion, that developer has reached out to the City and we had a meeting with him earlier today to start that development process, as well on College Street, one of the Ray properties is looking to subdivide to make homes on it. Mayor Countryman asked are any of these potential developments derived from Retail Strategies, or are these people just calling us? City Engineer Roznovsky said not that I am aware. They did not say, but it does not mean they were. They came to us.

City Engineer Roznovsky said we will skip over the plan and plat reviews listed, but one thing I will note. On the Montgomery Bend section four, this is just a reminder that they are waiting until they get a single install, but their home sales are slower than they have projected, so they are delaying those feature sections and keep pushing those back until home sales pick back up. Council Member Fox asked are you saying that they are saying their sales have not been what they expected? City Engineer Roznovsky said yes, what they projected in volume of sales. They are delaying their future sections and pushing back a couple months.

City Engineer Roznovsky said on page six of the report, you will see updates. We are still working with Redbird on the lift station, as well as the final walk-through of their infrastructure. Those are ongoing.

City Engineer Roznovsky said on page seven, regarding TxDot Atkins Street drainage improvements, we received an update from them yesterday that they have received the bids and they are evaluating the bids for the erosion repair of Atkins Creek for that first 200 or so feet of Atkins Creek and FM 1097. We have asked them to clarify their final scope because we have some old plans and old schematics from them and we are just waiting on that response and the actual time of it. At least it is moving forward and they have bids on it.

City Engineer Roznovsky said we talked about earlier the access management on Grimes County to Shepperd Street. We have the stakeholders meeting on May the 13th to get an update from them.

City Engineer Roznovsky said for Lone Star Bend and Lone Star Parkway improvements, we did have a meeting with the County and they are working on an interlocal agreement

for the installation and funding of a temporary signal at Lone Star Bend and Lone Star Parkway.

City Engineer Roznovsky said for the Stanley Lake interconnect, we attended this board meeting back on April the 11th to discuss the project again with them and that is also having a call with the developer late last week. Both are still in favor moving forward with the project and cost sharing. One thing that Stanley Lake had initially asked and we are working through with them, is for it to be metered interconnect, which the original proposal and original discussion was a non-meter interconnect. This is emergency only and it is not used a lot. That meter and vault is a \$175,000 item. This will drastically change it because they want a dual meter. They want one meter that goes this way and one meter that goes that way. We bid one a while ago. It evolved into 10 inch meter which was a \$175 line item which puts the feasibility of this out. They were open to non-metered, so we are working on some information for them to see. We will have to re-evaluate the cost benefit if we do have to put in that meter because the whole private cost was \$200,000 over. This doubles the cost to do that, but the developer was open on still participating, so we are working back and forth with him on the cost share. Mayor Countryman asked like 90/10 cost share? City Engineer Roznovsky said right. He had a higher portion, so I think the City share, and I am going off memory, was \$50,000 it would cost and he would bear the majority of it because he has the majority of the line. This meter throws a wrench in it, so we are working through it as we speak.

City Engineer Roznovsky said we have regular updates that we have workshops tentatively scheduled for next month, as well as we are required to do impact fee reviews. Since you have had a couple annexations, there is going to be an impact fee update. We are taking that draft land use assumptions to Planning and Zoning as they act as the Capital Impact Advisory Committee next month, so we started that impact fee update process with them.

City Engineer Roznovsky said the final item on here is you all have been asking about the development in the ETJ on the south side of town, south of Spring Branch Road. They were provided and given notice that they are outside of city rules. They have not gone through any city requirements. As of earlier this afternoon, they submitted a request for ETJ, so they are working through that process. It has not been reviewed yet. Mayor Countryman asked City Attorney Petrov what happens with that if we take no action like we did at the other ETJ, and then he continues to build, and then legislation changes and now that does not matter anymore, and now they are still in our ETJ, and he has done everything not according to city code? City Attorney Petrov said then they would be in violation of our building requirements, but that is a risk that they take that they can remove themselves from the ETJ and then proceed, which under current law they can do. Council Member Fox said but if it does not go that way and they have already completed everything, could they be shut down? Would they be subject to a fine, would we have to rip it out? City Attorney Petrov said they would be subject to a fine. Council Member Fox said but even if

you gave them a fine, would they have to correct anything? Mayor Countryman said if it is not according to our code, I would imagine they would have to rip and replace and put it in accordance to our code. Council Member Fox asked could we force them to do that? City Attorney Petrov said that would be the argument I would make certainly. Mayor Countryman asked do you know where that legislation is? City Attorney Petrov said the issue is now with the courts and I have not seen an update recently. It has been taking longer than I expected. Mayor Countryman asked are we still active south of FM 1097 on Atkins Creek by the one developer? City Engineer Roznovsky said within the past 30 days, yes. I believe that they were given notice by an officer stopping and noticing the citation. The last couple days that I drove by the machine is still there. I have not seen them working. Mayor Countryman said I was just curious. It looked like an ant mound for a while there, even though they were asked to stop. Council Member Donaldson asked how did TxDot determine they were going to go back 200 feet on the Atkins Creek drainage? City Engineer Roznovsky said they actually acquired that right-of-way in feet. They own approximately 200 feet give or take, from a visual standpoint to that dirt mound. Where that dirt mound is approximately, is actually now a TxDot right-of-way that they own that land. That is their typical when they are doing those stream improvements projects, they go 200, 300 feet downstream. Council Member Donaldson said I would be interested to know how much that is going to cost. City Engineer Roznovsky said right, and also the scope. The original plans that we had showed sloped culverts underneath the roadway, but they have since installed brand new culvers that are not sloped, so that was our question. What is the scope you are going back with because you would assume they are not going to be able to rip that out, they just did around it, but until we see what was actually bid upon, I do not know. Council Member Donaldson said that was the original plan to take those out and put two 7x10s in. City Engineer Roznovsky said yes, two sloped large boxes, line the channel on both sides of the concrete, and then help dissipate the energy which would at least stabilize that first section and gets us to a more manageable path. Public Works Director Muckleroy said they were going to do that with the emergency repairs, but they could not find the box culverts anywhere near to be able to go ahead and do it.

19. Municipal Court Report March 2025

Court Administrator, Kimberly Duckett said for March 2025 the citations were \$228 and the revenue was \$45,004.03.

20. Financial report for the period ending March 31, 2025

Finance Director Carl said on your report, I told you that this is the first month that we have the split out for CCPD. The other note is regarding the ad valorem tax. We are doing great on collection and everything is moving along. I will update you on the business that you had asked about previously where we had identified we have been receiving sales tax from them. We expect that there could potentially be a recovery from audit, but that would

be somewhere down the line, but we are receiving regular sales tax. Mayor Countryman said we had not been receiving it, but we are now. Finance Director Carl said correct. It has been resolved. Mayor Countryman said thank you for being diligent on that.

Council Member Donaldson said I want to know you said the debt service is budgeted at 100 percent, but we have only got a 96 percent collection rate. Finance Director Carl said debt service is one of those weird things. In your calculation, we do not have any wiggle room on debt service. Debt service is set by what we owe annually in debt service. When we budget for the debt service collection, we have to budget it at 100 percent because there is no cushion in there. Whereas, when we budget the maintenance and operations on the ad valorem, we reduce that to a 96 percent collection because we keep in mind that we may not get 100 percent collection and too, refunds with people who protest their property value. Now what happens on your debt service side is there are times where we have additional money into debt service, and so those debt service reserves help offset any of those differences that are made. It is kind of a flaw in the way that the calculation works. I wish I could say that we can change that, but I do not think we can change that. The good news is it is not usually a really significant amount. If we anticipate it being a significant amount, we would look at additional sources of revenue. Now remember, we can use other sources of revenue to help go towards that debt service, but you cannot use debt service money for anything other than debt service. You will see that we had debt service payments and so that is why we are a little lopsided in fund 500 right now, just because we have a lot of outgoing money.

21. March 2025 Police Department Report

Lieutenant Belmares asked if anyone had any questions for him to answer. Mayor Countryman said one of my big concerns with Home Depot coming to town was theft and sucking up our resources, and I am understanding that they are sucking up our resources. They said they would determine when they need to bring in someone. I know they have theft prevention which says you can still walk out the door and nothing is going to happen to you. At what point do they hire someone to come in? Lieutenant Belmares said they do have an agent that works their loss prevention who is pretty savvy. What we are seeing with Home Depot is when an offense is taking place, we are getting phone calls after the fact and then we are getting the case provided to us with video and all the details of the suspect. Then, we are having to follow up to identify the suspect, do an investigation, and issue warrants. There has been some talk about just providing more coverage in and around the area. Our response time is very quick within the City. If we get the call sooner, we are more likely to engage the suspects as they exit so that we can make contact with the suspects and arrest them. I will coordinate with the staff there and see if we can find a solution where we can prevent this and put a stop to it at that point in time, instead of after the fact having the resources and trying to put more manpower and time in to identify the

suspects. Mayor Countryman asked is there any chance we can mandate them to put an off duty officer on and pay the officer so that you have somebody on site to quickly respond? Lieutenant Belmares said I do not know that. I do not think we can mandate them. Mayor Pro-Tem Olson said based on their company policies and some of our laws, they cannot remand someone against their will right? Off duty officer or not. Lieutenant Belmares said the other thing to consider is I think just from a standpoint for Home Depot, it is safer for them and their position that if we engage a suspect at a later point that is off their property, it provides a more safe environment as opposed to there was a critical incident because of a \$120 drill that gets picked up. That could be a potential reason why they are not having law enforcement or plain clothes officers working inside there. They have this gentleman there that he puts a good packet together and they have good video. The resources they provide us gives us quite a bit of intel for us to follow up and end up filing the case. We have found a couple of cases here back to back that were linked to the same individual on cases, so we are clearing them, and the information they are giving us is there for us to work. Council Member Fox said just out of curiosity on the service calls from the month of March, 237, how many were at Home Depot? Lieutenant Belmares said that number I do not know. They do have a system that their inner call system with the 911, we have had quite a few false 911 calls to their establishment. We have talked to them about it, about changing their dial up service because it starts with the 9 and then to dial 1, so we have been getting some of those calls. We have spoken with their management and they have spoken with their team of employees there to try to minimize those calls. Mayor Pro-Tem Olson said my daughter works in loss prevention for a large retailer, and it does not matter which retailer you bring in. There are calls and videos constantly. If it is a large retailer, you have theft. It does not matter which one you bring in. When we get Academy, guess what? Mayor Countryman said I am not saying it does not bring it in, I am saying it is sucking our resources. That is the part, the resources. It is not saying that this Home Depot should not have this. I am just saying we run thin. We have, I will say, the best law enforcement agency in the state, but at the same time, we still are a small town and we have the number of officers on the street that we have. Lieutenant Belmares said we have a lot of growth, so we are going to have some growing pains as well.

22. Building Official Report for March 2025

CBO Building Official Rick Hanna said Kristen provided a report, but I was not able to get Shavauna and Kristen together to generate a report that I like to see that gives you some numbers and values, so we are going to try to work on that next month. Apparently our system, because we do more inspections than we charge for, it is hard to get those numbers to jive, but I will tell you we are busy. You asked about Redbird Meadows. I went through there a little bit ago. J. Patrick Homes has sent forms to put plumbing grounds in, but one of the caveats of these guys coming in is they come in pushing and pushing, wanting to give us this, and give us this, but there is no water out there, so they are not able to get

water in their plumbing grounds for me to do an inspection. I did send them an email, so hopefully they respond back tomorrow. My understanding is they have their building permit and their plumbing permit, so they have started and just finished the Weekly's review. Perry Homes also sent their package, so now all five of them have got the process going. For example, David Weekly, they are sending in their closing statement. They have not even bought the lot yet, and they are scheduled to close on April 15th. Like I said, you get all this pushing and the City is moving, and they are dragging their heels. When you talked about Montgomery Bend, they just submitted either 12 or 14 new plans, so I think sales are picking up a little bit because I see more occupied houses out there, so we are still cranking along and moving things. Does anyone have any questions? Mayor Countryman asked how is your swimming pool initiative coming along for safety? Building Official Hanna said I was anxious to get this, and hopefully I can get somebody in the media to maybe get some publicity about water safety next month. I have one or two cleaned up, but what I am doing now when somebody submits an application for a swimming pool, I make them understand on the front end that they are going to have their pool barrier, so in several cases, they have had to go to a different contractor, renew their plans, and I want to see an actual proposal of putting up a fence. Now that I have that proclamation, that is my plan now to start sending that to some of these folks to say this is a really important thing. We had one that had not put anything up yet. At least some of the fences they are not the right height, but this guy did not have anything, so that is my point to go after next.

Motion: Mayor Pro-Tem Olson made a motion to accept the monthly departmental reports. Council Member Fox seconded the motion. Motion carried with all present voting in favor.

COUNCIL INQUIRY

Mayor Countryman said she did have a question earlier for Code Enforcement Officer/Planning and Zoning Administrator Tilley and will put it on the record asking about short time rental properties. Should we direct all questions to you? Code Enforcement Officer/Planning and Zoning Administrator Tilley said yes. Mayor Countryman said I will send along the information.

EXECUTIVE SESSION

23. Closed Session

City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- A. Section 551.074 Personnel Matters for the purpose of discussion and deliberations regarding the appointment, employment, evaluation and duties of a City Administrator.**

At 7:44 p.m. Mayor Countryman convened the Montgomery City Council into closed session pursuant to provision of Chapter 551 of the Texas Government Code, in accordance with the authority contained in A. Section 551.074 Personnel Matters for the purpose of discussion and deliberations regarding the appointment, employment, evaluation and duties of a City Administrator.

24. Open Session

City Council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

A. Section 551.074 Personnel Matters for the purpose of discussion and deliberations regarding the appointment, employment, evaluation and duties of a City Administrator.

At 8:03 p.m. Mayor Countryman reconvened the Montgomery City Council into an open session pursuant to provision of Chapter 551 of the Texas Government Code to take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Motion: Council Member Fox made a motion for Council not to exceed \$250 to have flowers from Pecan Hills delivered for the celebration of Lone Star Cowboy Church's 25th anniversary that happens on April 27, 2025. Mayor Pro-Tem Olson seconded the motion. Motion carried with all present voting in favor.

CLOSING AGENDA

25. Items to consider for placement on future agendas.

No items to consider for placement on future agendas.

26. Adjourn.

Motion: Mayor Pro-Tem Olson made a motion to adjourn the Regular Meeting of the City of Montgomery at 8:05 p.m. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

APPROVED:

Sara Countryman, Mayor

ATTEST:

Ruby Beaven, City Secretary