

**Notice of City Council and Board of Adjustment
MINUTES**

April 25, 2023 at 6:00 PM

CALL TO ORDER

Mayor Byron Sanford called the workshop to order at 5:00 p.m.

Present:	Byron Sanford	Mayor
	Carol Langley	City Council Place #1
	Cheryl Fox	City Council Place #4
	Patricia Easley	City Council Place #5
Absent:	T.J. Wilkerson	City Council Place #3
	Casey Olson	City Council Place #2
Also Present:	Gary Palmer	City Administrator
	Nici Browe	City Secretary & Director of Administrative Services

INVOCATION

Mayor Byron Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Sara Countryman, resident spoke to the council in regards to the minutes for the City Council meeting 04-11-2023. Ms. Countryman stated that she had been doing some research lately and going through the minutes of the meetings and was having a hard time locating what she needs, for instance even tonight the minutes for the summer youth program, there were approximately 17-18 questions asked and if you wanted to find the answer or search for it you couldn't as the minutes say details were given but not what kind. She added that if we could give more detail like what was said because if you go back and watch the video versus the minutes it is like there is two different meetings. If anyone wanted to search by word, or items they were unable to and feel that having copious notes in there on the item would afford folks to easily find it and feel like you were part of the meeting. She concluded by stating that she really would like to ask for more detail.

CONSENT AGENDA:

1. Approval of the following Minutes:
 1. Regular City Council Meeting 04-11-2023
 2. City Council Workshop 04-11-2023
 3. Joint City Council, P&Z and MEDC Workshop 04-17-2023

City Council & Zoning Board of Adjustment Meeting 04-11-2023

Mayor Byron Sanford announced that as was discussed in the visitor comments, he too had a question this past week and used his memory to reply, so maybe the city secretary could redo the minutes and present at a later meeting.

Councilmember Patricia Easley moved to table the minutes of the City Council meeting 04-11-2023 for revision and bring back at the next meeting 05-09-2023. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

Councilmember Carol Langley moved to approve the minutes for the City Council Workshop 04-11-2023 and the Joint City Council, P&Z and MEDC workshop 04-17-2023 as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

2. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and A&R Eclectics, LLC (Dev. No. 2301).
3. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Montgomery ISD for Lincoln Elementary site renovations (Dev. No. 2302).
4. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Montgomery ISD for Montgomery Elementary site renovations (Dev. No. 2303).

Mr. McCorquodale presented these items.

Councilmember Carol Langley inquired if the school had turned any plans in yet. Mr. McCorquodale responded that the engineers do have plans for the school projects and this escrow agreement will now kick off the review process.

Councilmember Carol Langley clarified with Mr. McCorquodale that they follow the codes just like everyone else.

Mr. McCorquodale responded that is correct they do.

Mayor Byron Sanford stated that he had spoken with the school officials, and he hopes that they will help us much as possible with the sidewalks. He inquired if there were sidewalks on the plans.

Mr. McCorquodale responded that currently there are no sidewalks planned on MLK with the documents that he has seen submitted.

Mayor Byron Sanford stated well they have the money for it just so we know and can look for the sidewalks and hope it comes to fruition.

Councilmember Carol Langley moved to approve the consent agenda items 2-4 as presented. Councilmember Patricia Easley seconded the motion. **Motion Passed (3-0).**

CONSIDERATION AND POSSIBLE ACTION:

5. Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a revised variance request to Section 98-122 of the City Code of Ordinances related to rear yard requirements for 128 Dina Lane.

Mr. McCorquodale stated that this item is a Zoning and Board of Adjustment (ZAB) item and due to the requirements of the ZAB, in order to take any action on this item there needs to be four fifths of members in the seats at the meeting. He added as we only have three councilmembers present tonight this item will have to be tabled until May 9, 2023, City Council Meeting.

Councilmember Carol Langley moved to table the ZAB item to May 9, 2023, City Council Meeting. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

6. Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2022-2023; 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. McCorquodale presented this item and stated that this amendment only focuses on the Capital Improvements it does not draw down the reserves or affect the financial position of the City. He referred Council to the exhibit and explanation on the item cover report.

Mayor, Byron Sanford agreed and stated that this is purely a shift of monies into the appropriate funds.

Councilmember Patricia Easley moved to approve Budget Amendment # 2 as presented. Councilmember Cheryl Fox Seconded the motion. **Motion Passed (3-0).**

7. Consideration and possible action regarding the bid results for the "Flagship Boulevard Storm Sewer and Pavement Replacement" project.

Mr. Chris Roznovsky presented the item and stated that as he had talked about at the prior meeting, they got bid results in for the project and during that time the morning of they got notice about the use of funds for Lone Star Parkway / Buffalo Springs, which freed up a significant amount of capital, which you just approved in your budget amendment.

Mr. Roznovsky continued that in the budget amendment that you just approved it allocated \$589,908 for the Flagship Blvd. project, the low bid on this project was \$573,043.50, therefore, it is their recommendation to proceed with the contract as presented and proceed with the work and award the contract to "Civil Environmental Engineering Services". He added that in the packets the council will see a recommendation from him on Pg. 63 and has not worked with contractor in the past nor the second low bidder, they did however, conduct reference checks on both and they were close, and both had mixed reviews. With both being close in reviews and bids the recommendation is to go with the lowest bid.

Mayor Byron Sanford said that all things considered they are equal therefore, so go with the lowest.

Mr. Roznovsky responded that is correct.

Councilmember Carol Langley inquired where Civil Environmental Engineering Services were based out of.

Mr. Roznovsky said he could not recall right at that minute, would get back with that information.

Councilmember Carol Langley stated that at the top of their worksheet it says the budgeted amount was \$175,000 and now we are trying to approve \$573,000.

Mr. Roznovsky stated that was correct.

Councilmember Carol Langley continued by asking if we underestimated this job.

Mr. Roznovsky stated that there were a couple of things at play here, so first when the original budget was done there was \$250,000. And as we were going through and reducing items in the budget at workshop time this was one of those where we reduced, in order to leave funds for other projects. The other thing was the scope of the work was also not clear at the time of budgeting because the actual videos of all the pipes had not yet been received. Therefore, there was a scope change from budget to proceeding with design of the project.

He continued by stating that there were some items that came in high based on our estimate, specifically the concrete pipe, which came in twice as expensive, that is due to supply chain demands and where the price is today for that large concrete pipe. That was the main driver in the scope.

He also added that there were some other items that are in the bid that were supplemental items that we intend not to use that will bring the price down, for example one of those pipes in the corner for replacement, in the drawings that it should be far enough back that we wont need to replace that section of pavement that is not in horrible shape, that equates to close to \$50,000.

Mayor Byron Sandford stated that at the end of day that location is really awful, you have three different levels of concrete, just awful. The sad reality is the supply chain and cost are what they are now, but we absolutely have to do things right and have quality materials.

Mr. Roznovsky stated that this is going back with different material pipe, different insulation method than what was used back then, thicker concrete to hold up to the amount of truck traffic that is on that street.

Mayor Byron Sanford he was curious did Flagship come along when Brookshire's came?

Mr. Roznovsky responded that it was constructed in approximately 2004-2005 which is the date on the plans and to his understanding was the same period of time that the whole shopping center was coming in.

Councilmember Carol Langley stated that the road is used a whole lot more than was thought back twenty years ago.

Councilmember Carol Langley moved to authorize the City Administrator to execute a contract with Civil Environmental Engineering Services LLC in the amount of \$573,043.50. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

DEPARTMENTAL REPORTS: to

8. Sales Tax Report

A representative of SRI the city's contractor for Sales Tax reporting presented the Council with a detailed report of the Sales Tax within the City and informed them the city is at 7% above last year in Sales Tax receipts.

9. Utility Operations (H2O) Report

A representative from H2O presented the Council with a comprehensive report on the usage of Water/Sewer services.

10. Utility Billing Report

Mr. McCorquodale presented the utility billing report hitting highlights from the report in the Council packet.

11. Public Works Report

Mr. Mike Muckleroy presented the Public Works report and invited the council to ask anything with regards to his report and he would provide clarification. No member of council questioned the report.

Mayor, Byron Sanford stated he would like to thank Mike and all his staff for their responsiveness to the community when issues are discovered.

12. Police & Code Enforcement Report

Chief Solomon provided the Police and Code Enforcement report for the Council.

Mayor Byron Sanford inquired with Chief that with the new officer he hired this week, is he getting closer to full staff? He noted that there appears to be a greater presence in the city, especially with the new traffic initiatives.

Chief Solomon responded that they are getting closer and yes, the traffic initiative is very good and provides a good presence.

13. Municipal Court Report

Ms. Duckett provided the Municipal Court Report highlighting the citations and revenue with Court Fee collections.

14. City Engineer's Report.

Mr. Chris Roznovsky provided the Council with a comprehensive update on all current and future plans and projects within the city.

Councilmember Carol Langley inquired if the engineering only had one point of contact with the school for all of the concurrent projects happening at MISD.

Mr. Roznovsky responded that there is one point of contact for the school but for the projects there are three different consultants, so he tends to reach out to those for the particular project they manage.

Councilmember Carol Langley asked Mr. Roznovsky to confirm that on the map within the packet there is a note stating Home Depot, is it still going to be that. There were trucks there so did not know if they were working on it.

Mr. Roznovsky responded that yes, they still claim to be Home Depot.

Mr. Mike Muckleroy informed the Councilmember that the two trucks were there doing soil samples.

15. City Administrator Report

Mr. Gary Palmer stated that he did not have one at this time.

Councilmember Cheryl Fox moved to approve the Department Reports as presented.
Councilmember Patricia Easley seconded the motion. **Motion Passed (3-0).**

EXECUTIVE SESSION:

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

Sections 551.071(consultation with attorney),

551.074 (personnel matters), and

551.087 (deliberation regarding economic development negotiations)

City Council adjourned into Executive Session at 6:41 P.M.

City Council Reconvened into Regular Session at 7:24 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Consideration and possible action on items from Executive Session.

Councilmember Patricia Easley moved to authorize the City Administrator to issue a separation agreement and General Release documents to the Senior Accountant. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

COUNCIL INQUIRY:

Mayor Byron Sanford read out a flyer from TML for the Region 14 meeting in Navasota May 12, 2023, and encouraged council to attend if they wanted to, and reach out to the City Secretary to register them.

ADJOURNMENT

Councilmember Carol Langley moved to Adjourn. Councilmember Cheryl Fox seconded the motion.
Motion Passed (3-0).

ADJOURNED: 7:34 P.M.

Submitted by: _____
Nici Browe, City Secretary

Date Approved: _____

Byron Sanford, Mayor