

**City Council Regular Meeting
MINUTES**

December 13, 2022, at 6:00 PM

CALL TO ORDER

Mayor Byron Sanford called the meeting to order at 6:00 p.m.

Present:	Byron Sanford	Mayor
	Carol Langley	City Council Place #1
	Casey Olson	City Council Place #2
	Cheryl Fox	City Council Place #4
	Patricia Easley	City Council Place #5
Absent:	T.J. Wilkerson	City Council Place #3
Also Present:	Dave McCorquodale	Assistant City Administrator& Planning Development
	Diana Cooley	Deputy City Secretary

INVOCATION

Mayor Sanford gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No members of the public addressed city council.

CONSENT AGENDA:

1. Approval of the following minutes:

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

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

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

Councilmember Carol Langley asked where this is located.

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

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

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

CONSIDERATION AND POSSIBLE ACTION:

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

Mr. Caleb Villarreal presented this item and explained that the Developer would need the consent of the City to create a MUD district.

Mr. Chris Roznovsky of WGA provided clarity on the project tract.

Councilmember Carol Langley moved to approve the resolution as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

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

(c) ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS TO VOLUNTARILY ANNEX BY REQUEST OF THE PROPERTY OWNER APPROXIMATELY 79.910 ACRES OF LAND LOCATED IN THE OWEN SHANNON SURVEY, ABSTRACT NO. 36, MONTGOMERY COUNTY, CONVEYED TO PULTE HOMES OF TEXAS, LP, AS RECORDED UNDER CLERK'S FILE (C.F.) NO. 2022124616 OF THE OFFICIAL PUBLIC RECORDS MONTGOMERY COUNTY (O.P.R.M.C.) INTO THE INCORPORATED MUNICIPAL BOUNDARIES OF THE CITY OF MONTGOMERY, TEXAS INCLUDING THE FOLLOWING: FINDINGS OF FACTS, EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

Councilmember Carol Langley inquired if the property owners within 200ft were notified and if the annexation was advertised in the local paper.

Mr. Caleb Villarreal responded that as it is not a zoning change no, notifications fir 200ft are not required. City Secretary Nici Browe confirmed that the annexation was advertised in the paper and that no responses had been received.

Councilmember Carol Langley moved to approve the Annexation Ordinance as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (4-0).

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

(a) Review of the Annexation petition by HCR Ventures, Ltd.

(b) Convene into Public Hearing on the petition to annexation.

Mayor Byron Sanford **opened** the Public Hearing at 6:21 P.M.

No members of the public addressed City Council.

Mayor Bryon Sanford **closed** the Public Hearing at 6:22 P.M.

City Secretary Nici Browe confirmed that the annexation was advertised in the paper and that no responses had been received.

Councilmember Carol Langley moved to approve the Annexation Ordinance as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (4-0).

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

Mr. Caleb Villarreal provided background on this item, stating this is the City authorizing the creation of a MUD dating back to a resolution of 2019, now that the developer is ready to proceed.

Chris Roznovsky responded to Council inquiry as to the exact location.

Councilmember moved to approve the ordinance as presented. Motion was seconded by Councilmember Cheryl Fox. Motion passed (3-0).

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

Chief of Police, Anthony Solomon introduced this item and reminded Council of the discussion that took place recently about the speed limit differences from East and West bound on FM105. He provided a detailed explanation of the varying speeds into and out of the school zone.

Councilmember Patricia Easily moved to approve the ordinance as presented. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

8. Consideration and possible action on: ANN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE RATES TO BE CHARGED FOR SOLID WASTE COLLECTION SERVICE INSIDE THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A PENALTY FOR FAILURE TO PAY ACCOUNTS; PROVIDING CONDITIONS UPON WHICH SERVICE WILL BE RESUMED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Chris Roznovsky, WGA City Engineer provided Council with detailed information on the Flagship Blvd. Storm Sewer & Pavement Replacement Project and showed a slide show of the televising results.

Mr. Roznovsky responded to Council questions and concerns.

Councilmember Cheryl Fox moved to authorize the City Engineer to begin work on the project as presented. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

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

Mr. Chris Roznovsky, WGA City Engineer provided detailed information of the project. He responded to questions and concerns and informed Council that their recommendations for awarding the bid go to CruiseTech in the amount of \$170,750.

Councilmember Carol Langley moved to award the bid for Downtown Sanitary Sewer Rehabilitation to CruiseTech in the amount of \$170,750. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

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

Mr. Chris Roznovsky presented this item to City Council and used another slide show to show the deterioration and collapse of the sanitary sewer. He responded to all concerns, and questions specifically to the location of the camera of the sanitary sewer.

Councilmember Patricia Easley moved to approve the City Engineer to begin work on the 2023 Sanitary Sewer Rehabilitation Project. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

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

Mr. Chris Roznovsky presented this item to council by stating that this improvement is to increase capacity. The cost is borne by the Developer, Pulte Group however, there is a notion in concept only at this stage that there could be a cost share between Pulte and Summer wind developer. Once Summer wind begin construction, they will need to utilize the same lift station.

Councilmember Carol Langley moved to authorize the City Engineer to begin work on the Lift Station No. 10 Improvement Project. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

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

Ms. Browe reported to Council that Mr. McCorquodale had left her this item to discuss and seek approval from Council. Typically, the holidays fall in conflict with 2nd Council meetings of the month, therefore, this year staff is seeking Council to cancel November 22 and December 27 Council meetings.

Councilmember Cheryl Fox moved to Cancel the November 22 and December 27 Council meetings. Councilmember Patricia Easley seconded the motion. Motion passed (3-0).

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

DEPARTMENTAL REPORTS:

14. City Administrator's Report.

Ms. Browe stated that Mr. McCorquodale has provided a report, if there are any questions, it is her hope that either the Engineer or Legal Counsel can provide an answer.

15. Utility Report.

Ms. Browe presented the Utility Report highlighting revenues, delinquent account recovery actions, permits issued and number of active utility accounts.

16. Sales Tax Report.

SRI, City's Sales Tax consultant presented the Sales Tax Report and stated that they would be at the first meeting in December.

17. Financial Report and Quarterly Investment Report.

Anthony Lasky, Senior Accountant provided a thorough accounting report for all City Funds.

18. Police Report.

Anthony Solomon, Chief of Police provided a detailed report on Police Department activity and that of the Code Enforcement Officer.

19. Municipal Court Report.

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

20. Public Works Report.

Mike Muckleroy, Public Works Director provided a comprehensive report of all activity within the Public Works Department and informed Council that he has hired a New Events and Recreation Specialist, Patricia Campuzano and that she will meet Council in the near future. He reminded Council that the position is funded between Public Works and MEDC.

21. Utility Operations Report.

Jacob Howard, H2O the City's Utility Operators provided Council with a report for the month and confirmed there was 93% accountability.

22. City Engineer's Report.

Chris Roznovsky, WGA City Engineers provided Council with updates on projects not already discussed in the meeting, such as the 50-year Infrastructure Plan, is being updated and is in phase 2. The Next page of the report is the Meadow Ridge Feasibility Study, TXDOT projects, Lonestar Parkway improvements at the Bridge.

Mayor Sanford inquired at this point that he is always being asked by those who get a ridiculous water bill that indicates a leak, is that right?

Mr. Muckleroy responded that the water meters never overread.

Councilmember Carol Langley stated to the City Engineer that November 10 at the High School, TXDOT will be hosting discussions with Grimes County and others is that correct?

Mr. Roznovsky responded that there is a meeting for phase 3 for widening of sidewalks.

Mayor Byron Sanford stated that it may be a suitable time to discuss the turn lane for the Fast-growing church, time to take our concerns to TXDOT.

Mr. Roznovsky responded that there is a Forum for that kind of item.

Councilmember Carol Langley moved to approve the Department Reports. Councilmember Cheryl Fox 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:

Section §551.001 – Personnel Matters

1. Appointment of the City Administrator position.

Council adjourned into Executive Session at 7:37 P.M.

Council Reconvened into Regular Session at 8:57 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

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

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

Councilmember Carol Langley moved to interview candidates for the City Administrator Position on November 14, 2022, and November 15, 2022, at 6:00P.M.

Councilmember Cheryl Fox Seconded the motion. Motion Passed (3-0).

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy, or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

Mayor Sanford stated that he and Council have the data for festivals, and there is a need to revisit putting fences up. We do not need to hinder our Brick-and-Mortar businesses more than we have done.

Mayor Sanford stated that he has been able to talk with TXDoT in Austin and got a more favorable response and has found a person that can initiate the removal of “the pole” for the Right Turn Lane.

The discussion also centered around the outage time, as some of our businesses need notice in advance, especially if there is a wedding occurring. He went on to say he has recommended early in a weekday. He stated that he would be calling back and requesting at least a week advance notice.

Mayor Sanford stated that Mr. Matt Fuqua of Flagship discussed rerunning the buses again especially for things like sip n stroll, or Saturdays, to prevent folks having to cross the dangerous highway.

ADJOURNMENT

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

ADJOURNED: 9:02 P.M.

Submitted by: _____

Date Approved: _____

Nici Browe, City Secretary

Byron Sanford, Mayor