

**City Council Regular Meeting
MINUTES**

May 28, 2024 at 6:00 PM

CALL TO ORDER

Mayor Pro Tem Olson called the meeting to order at 6:00 p.m.

Present:	Casey Olson	Mayor Pro Tem
	Carol Langley	City Council Place #1
	Cheryl Fox	City Council Place #4
	Stan Donaldson	City Council Place #5
Absent:	Sara Countryman	Mayor
Also Present:	Gary Palmer	City Administrator
	Caleb Villarreal	City Attorney
	Chris Roznovsky	City Engineer
	Diana Titus	Deputy City Secretary

INVOCATION

Councilmember Stan Donaldson provided the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No member of the public addressed the City Council.

CONSENT AGENDA:

1. Approval of the following minutes:
 - (a) City Council Meeting minutes 04-23-2024
 - (b) City Council Meeting minutes 05-14-2024

Councilmember Carol Langley moved to approve the consent agenda as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

CONSIDERATION AND POSSIBLE ACTION:

2. Public Hearing concerning amending Article III, Impact Fees of Chapter 90 "Utilities" of the city code of ordinances by adopting new impact fees for water and wastewater improvements attributable to new development.

Mr. McCorquodale said no public comments were received.

Mayor Pro Tem Olson opened the public hearing and asked if there were any comments. No comments were received and Mayor Pro Tem closed the public hearing.

3. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, PROPOSING THE CREATION OF A CRIME CONTROL AND PREVENTION DISTRICT; CREATING A TEMPORARY BOARD OF DIRECTORS; APPOINTING PERSONS TO SERVE AS A TEMPORARY DIRECTORS OF THE PROPOSED DISTRICT; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Chief Solomon said this is the ordinance for the creation of the Crime Control District which is the first thing that needs to be voted upon and secondly they will vote on the members.

Mr. Palmer said at their workshop they talked about the elements of the Crime Control District and there are certain steps they need to take as the Chief referred to. One of which they have to adopt an ordinance to enact this process. Once this is done they will appoint a temporary board of directors. He said this issue can only be approved by referendum. Tonight you are creating the ordinance to move forward with it and have the election the referendum in the fall if approved then that temporary board will either become a permanent board or you will appoint a permanent board and move forward with creation of the district.

Mr. Palmer said tonight Council is being asked to approve the ordinance and the next item would be to appoint the members of the temporary body.

Councilmember Carol Langley asked if they have time to do all of this before an election in November. Mr. Palmer said yes. Councilmember Carol Langley asked if the County holds it or the cities hold it. Mr. Palmer said the County. Councilmember Carol Langley asked what is the cost. Mr. Palmer said at the moment he does not know.

Councilmember Stan Donaldson moved to approve the ordinance to establish the Crime Control and Prevention District. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

4. Consideration and Possible action on the appointment of a Temporary Board of Directors for the Crime Control and Prevention District.

Chief Solomon stated the temporary board members are Richard Cox, TJ Wilkerson, Lt. Joel Gordon, Sara Countryman, Casey Olson, Carol Langley, and Stan Donaldson.

Mr. Palmer said Council can make a motion to approve the entire list and pass it that way or they can do it one at a time.

Councilmember Cheryl Fox moved to accept the board that has been presented in total. Councilmember Stan Donaldson seconded the motion. **Motion Passed (3-0).**

5. Consideration and possible action regarding approving expenses for transmission repairs on 2012 John Deere backhoe.

Mr. Mike Muckleroy, Public Work Director stated the backhoe stopped working in February as the transmission needs a complete replacement. He said it is cheaper to purchase a refurbished transmission than it is to have the existing transmission refurbished. He said the line item only has \$4,000 in it for the year. He spoke with the Finance Director about it and she is completely comfortable with public works that at this point still have not quite hit the 50 percent mark on expenses and expenses will be under for the year and revenues are projected to be over for the year. The Finance Director is comfortable with the extra \$20,000.

Mayor Pro Tem Olson asked if this is the actual budget amendment or is that something else.

Mr. Muckleroy said the Finance Director said she would not do a budget amendment at this time and would just wait until the end of the year. He said this is abnormal but they typically budget \$4,000 a year for equipment expenses.

Councilmember Stan Donaldson moved to accept approving expenses for transmission repairs on the 2012 John Deere backhoe not to exceed \$24,000. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

Councilmember Carol Langley asked if it will have some type of warranty. Mr. Muckleroy said he will get that information.

6. Consideration and possible action on renewal of a Special Use Permit granted to Candace Welsh for a micropigmentation tattoo business located at 401 College Street Suite 110-B, Montgomery, Texas 77356.

Mr. McCorquodale said as a zone use it is still the same as a tattoo shop which is why it has a special use permit. The permit is up for renewal and there are some suggestions on some things to remove. He said there was a comment from Council a couple weeks ago about trying to reduce red tape where they can.

Mr. McCorquodale stated the first item they are asking to remove is no more than one additional person other than residents that are living on the property. It is a commercial business and no one is living there and if she employs three people candidly he does not know that that is a burden on the City or anyone else as she is in a commercial suite. Regarding the bonding and insurance there is not a requirement by the state that she maintain that. We do not ask or require any insurance or bonding from any other business in the City. With every business open, it is very likely all of them are carrying commercial liability however it is not mandated by the City. This is only a suggestion but it feels like we are singling someone out because they had to come ask. He said he cannot find a reason for why this is a riskier business type than any other business type out there. The third item was regarding a special inspection of the property. He stated the City does not need a special inspection provision. If they believe there is risk to health, safety, or welfare then they have the right to look at it. Lastly is the renewal clause. He said to him it feels like it is a burden on an applicant to say you can only practice business in this city five years at a time and you get to come back and ask a brand new group of people every five years to renew it. Mr. McCorquodale said if they are going to clean items up or renew it, these are items for consideration.

Councilmember Carol Langley asked regarding the five year do they have some other special use permits that come up for renewal. Mr. McCorquodale said they have historically added an expiration on special use permits. He said this is the first one he has renewed in all the years he has been involved and is the first time he recalls a special use permit being renewed.

Councilmember Carol Langley asked about the firewood people. Mr. McCorquodale said he operates as a vendor. Councilmember Carol Langley asked not a special use permit. Mr. McCorquodale said yes. Councilmember Carol Langley said she knows the firewood vendor needs to come back every so often. Mr. McCorquodale said yes. He said he is not sure if you are effectively always on a site are you really a vendor or a business.

Mr. McCorquodale said with this item it is a renewal action. They do not have to go through the public hearings or the special use process. He said the applicant did mention expanding her business service and they would have to amend it if she expanded services but right now she is only looking to renew.

Councilmember Casey Olson asked if the permit calls out eyelashes and eyebrows specifically. Mr. McCorquodale said it says it is extending to the eyebrow and extending to the eyelid. Section One states it includes the eyelid up to and including the eyebrow. He said she asked about expanding into medical tattoos. There is no way to expand what she does but they do have the ability to take out some things that seem to be a little more burdensome.

Councilmember Cheryl Fox asked if she has a cosmetology license which they require. Mr. McCorquodale said she has to have a state license and she has a tattoo license from the state. Councilmember Cheryl Fox said sometimes they inspect. Mr. McCorquodale said yes.

Councilmember Carol Langley asked if they have one by Chick-Fil-A in that shopping center and if she had the same conditions. Mr. McCorquodale said yes and more than likely she does. Mr. McCorquodale said if it were up to him he would start to phase these conditions out.

Councilmember Stan Donaldson asked how much is a special use permit. Mr. McCorquodale said initially it is \$500.00 but there is no cost with the renewal because there is no legal notice or an ordinance. This is just a simple Council action so there is no cost involved. Councilmember Stan Donaldson said this is then just a procedure, not for money or anything. Mr. McCorquodale said it is a renewal. On one hand it is procedural to keep her in compliance with the City zoning ordinance but is a little more than procedural in that you are going to grant her the permission to keep operating.

Councilmember Casey Olson said the way it is stated with the terms of the permit he does not have any issues with it.

Councilmember Stan Donaldson moved to accept the renewal of the special use permit granted to Candace Welsh for a micropigmentation tattoo business. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

Councilmember Casey Olson moved to amend that motion and include the recommendations as presented with the following conditions with the bullet points. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

7. Presentation and acceptance of a Feasibility Study for a proposed 16.75-acre commercial development at the southeast corner of the intersection of Eva St./SH105 and FM2854 by HEB Grocery Company LP (Dev. No. 2402).

Mr. Roznovsky said this development sits on a 30-acre piece of property and this is pertaining to 16 of those acres. The entire property is being developed but HEB is only 16 acres. There is a separate developer for the remaining 15 acres that would come back for feasibility at that time. HEB is proposing their normal shopping center of grocery store, car wash, and fuel center on the property and any pad sites would be by the separate developer. As part of HEB's agreement with the seller they plan to provide the detention and do the mass grading across the entire 30 acre parcel and then in the future the developer will extend utilities and develop those pad sites.

Mr. Roznovsky said there are two utility extensions required to be extended so currently water and sewer both end at the corner of FM 2854 and SH 105 on the southeast corner. They would extend them both east to get to their easternmost boundary which then that previously mentioned second development would keep on extending the utilities to cover the rest of that parcel. They would take a portion and the rest will be on the next development.

Mr. Roznovsky said water and sewer capacity is starting to get tight as you have all these potential developments coming. They need to continue water plant expansions and the sewer plant expansion which you have awarded that contract for the design of that project continuing those along as these developments progress.

Mr. Roznovsky said in regard to costs they are looking at around \$70,000 of water impact fees, \$56,000 of sewer impact fees, and \$140,000 for offsite extensions and costs including the engineering design. The total is \$280,000. For this development there is a \$12 million build out value. If they do come back for any type of development agreement or reimbursement, sales tax would be evaluated at that time. He said if you look at your sales tax and what you have in your tax base there is \$45,000 a year in ad valorem tax. One thing to note on the water and sewer impact fees is those are estimated based on the new rates.

Mr. Roznovsky said HEB will not commit to a timeline but it is their understanding they want to move forward with the mass grading stormwater detention project relatively soon but not commit to an actual timeline on the actual store itself. Also, there is a historic marker of Charles B. Stewart on the property and HEB does plan to give some type of homage, monument on site.

Mr. Roznovsky said traffic and transportation is all TxDOT driven. The TxDOT driveways are on FM 2854 and SH 105 and TxDOT will be requiring those permits, applications, and impact analysis by HEB.

Mr. Roznovsky said there are no plan thoroughfares through this site, it is already annexed into the City, and as far as they know today there are no expected variances on the property.

Councilmember Casey Olson asked what is the commercial setback for that residential neighborhood that is to the south of them. Mr. Roznovsky said that would have a 25 foot setback with a visual barrier and your visual barrier is either a landscape buffer, a vegetative buffer, or a wall. Councilmember Casey Olson asked but not a wood fence. Mr. Roznovsky said a wood fence would be counted as a visual barrier, it does not change that 25 foot setback but as far as the visual barrier goes it is either a 15 foot thick vegetative barrier or a fence. This is something that is part of the development agreement with them which will be required to paper up the extensions, having discussions about additional barriers and additional foliage adjacent to the residential property.

Councilmember Stan Donaldson asked if they are discussing just the 15 acres right now and the water. Mr. Roznovsky said correct. Councilmember Stan Donaldson asked if they have enough capacity with the existing facilities to provide water for the 15 acres. Mr. Roznovsky said as the developments continue to build out you need to continue to build your facilities. As you are right now, if you stopped expanding facilities and all developments went forward, even the ones that are still preliminary, no. If you just look at the developments you have today you are close but they would still recommend continuing to increase that capacity. Councilmember Stan Donaldson said he knows there is no timeline and that is what makes it confusing and hard to visualize. Councilmember Stan Donaldson said for the whole development then we have got to have our infrastructure in place, have water well number two up and running and we have to run the sewer line and have the new wastewater sewer plant up and running in order to provide service for this whole property. Mr. Roznovsky said correct. Councilmember Stan Donaldson said just from a construction standpoint if we had to do that it would be more expedient for them to do everything we need to do right off the bat or just run the sewer line for the 15 acres because they do not know the timing. Mr. Roznovsky said he would break them out into two separate pieces. The utility extensions 100 percent their timeline the only people they serve is them. As far as a sewer plant capacity you are already moving forward with those. He said obviously what they do not know is the timing of all the developments. In their projects and when they look at the build out, based on the developer schedule when should all these homes hit because that is really a lot of the driver in your connection count. It is a timing game and the emphasis of this report and all the previous feasibilities are still the same. We cannot slow down on building out our facilities and our plants and expanding but it is always that balance game of having it in time that we have the capacity there versus too early and we are over spending and do not have the revenue coming in.

Councilmember Cheryl Fox moved to accept the Feasibility Study for the 16.75-acre commercial development at the southeast corner of the intersection of Eva St./SH105 and FM 2854 by HEB Grocery Company LP. Councilmember Carol Langley seconded the motion. **Motion Passed (3-0).**

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

Mr. Roznovsky said this is approval for the water, sewer, and drainage plans for the third section of Montgomery Bend which will be the final sections of this development. This is the Pulte development on FM 1097. Sections one and two just received power this week.

Mr. Roznovsky said section three has a total of 85 lots which all follows the land plan and everything that is in their development agreement. They have reviewed it to meet all of your ordinances. Any requested variances have been obtained previously and they recommend approval of the plans. As a reminder, this is just approving the construction plans. This is not accepting the infrastructure. There is another step that will come back to you to actually accept infrastructure into the City which will allow them to obtain building permits and start building homes.

Councilmember Stan Donaldson moved to approve WSD&P construction plans for Montgomery Bend Section Three. Councilmember Carol Langley seconded the motion. **Motion Passed (3-0).**

9. Consideration and possible action on approval of WSD&P construction plans for Montgomery Bend Section Four (Dev. No. 2203).

Mr. Roznovsky said this is very similar to the last item. This has 67 lots and these are the final 67 lots of the neighborhood. One thing to note that is different is based on their agreement with TxDOT and how they tie in, they had to do the improvements of adding the turn lanes that are in. Before they start building homes they have to install a signal at that intersection. This is just getting started on the drainage and streets. Before it will be accepted it will be a condition they get the signal up and activated before they obtain building permits.

Councilmember Casey Olson asked is that conditioned in any of our agreements or is that just with the State. Mr. Roznovsky said no it does not need to be a condition of this. You are just approving only what you have control over and before they recommend acceptance which allows them to get building permits that will be part of it.

Councilmember Stan Donaldson moved to approve WSD&P construction plans for Montgomery Bend Section Four. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

10. Consideration and possible action on acceptance of approximately 240 linear feet of public storm sewer on Reserve A of Montgomery Summit Business Park (Dev. 2206) and commencement of the one-year warranty period.

Mr. Roznovsky said page 164 shows an exhibit that is highlighted showing a storm sewer line. Before this site was developed there was an open ditch that ran across their site which conveyed the drainage from the culvert at the street across and then down to the channel. Part of their development site is the channel they put in a storm sewer instead so they are able to build their parking lot across it. It is public water that is going through so it is a public storm sewer. They are looking today for Council to accept the storm sewer into a one-year warranty period which would end April 10, 2025. It will be the City's storm sewer going forward after that. Any issues

coming up during this one-year warranty time is on the contractor and owner and developer to address. As they get near the one-year warranty date they will do an inspection.

Councilmember Casey Olson asked if there is a preliminary punch list. Mr. Roznovsky said this project has been done for a while. They had some inlet cleanup to do and then getting the as built plans because they had made a modification closer to Buffalo Springs where it was originally designed with one type of build they changed it to another because it functioned better. He said he does not have that punch list.

Councilmember Casey Olson said this is storm water so it goes into our storm system. Mr. Roznovsky said correct. It comes from the roadside ditch coming down Summit Park Drive so it is that public water that goes through to the creek. Councilmember Casey Olson asked if they have inspected where it dumps to the creek. Mr. Roznovsky said yes this is upstream on the other side of FM 1097 where the sewer is. Councilmember Casey Olson said they do not want a problem on both sides of FM 1097. Mr. Roznovsky said correct.

Councilmember Stan Donaldson moved to accept approximately 240 linear feet of public storm sewer on Reserve A of Montgomery Summit Business Park and commencement of the one-year warranty period April 10, 2025. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

11. Consideration and possible action on calling a Public Hearing to be held on July 9, 2024 regarding a proposed amendment to Chapter 98 of the City Code of Ordinances.

Mr. McCorquodale said a few meetings ago they had an application for a special use permit for a proposed outdoor event venue. The direction from Council was to consider allowing that use by right. In other words they did not call that public hearing and did not want the application moving forward. Instead Council gave direction to staff to see what it would take to add it. The action for tonight is to simply call this public hearing for July 9th.

Councilmember Carol Langley asked if that is a normal City Council meeting. Mr. McCorquodale said it is the first council meeting of the month. Councilmember Carol Langley asked if it will be advertised in the Conroe Courier. Mr. McCorquodale said yes. Councilmember Carol Langley asked if they have to send out letters. Mr. McCorquodale said to send out letter with the text amendment like this that would affect all zoning districts there is not a requirement if we change everything that would apply to an entire zoning class just that we can notice is a practical way to notify.

Councilmember Carol Langley said they are calling it an accessory use. Mr. McCorquodale said yes. The idea behind the accessory use is an accessory to a primary use; the idea or the intent behind that is to not have a five acre basic vacant parcel out there that someone can just turn into an outdoor event venue. This would be incidental with some type of a business that already exists on the property. Councilmember Carol Langley asked if the ones that are using it that way now and do not have another use are they grandfathered in. Mr. McCorquodale said to him it is like Chandlers which is effectively like a restaurant yet they are holding events inside that building it does not feel like it is an event venue necessarily. It would be like if you have a site that has every feature that you need that was a former restaurant to host dinners and such inside of a building where activities and small engagements are held. This would allow folks who already have an existing business of any type if they are permitted if they want if they had an outdoor patio or an inside meeting room to be able to hold small events that are not necessarily related to their business but would be for whatever event they wanted to have.

Councilmember Casey Olson asked Mr. Villarreal if he sees any issues pertaining to what Councilmember Carol Langley's referring to where the business is basically his primary

business to be used as an event center venue because they do have that one that sits downtown that says it right on the sign when you drive by it.

Councilmember Carol Langley said she knows Hodge Podge Lodge was a restaurant and now it is not as only special events are held there. Mr. McCorquodale said he operates under a special use permit that was granted to the owners before them before it was transferred so that is a bad one to compare to.

Councilmember Casey Olson said there is a business on the corner right there at Caroline that says right on the sign event venue. Councilmember Carol Langley said it is not open unless you rent it to hold a shower or a wedding party.

Councilmember Casey Olson asked if this would qualify that since it is not an independent business outside of a venue. Mr. Villarreal said he needs a little more context on the situation you are describing. Councilmember Casey Olson said there is a business right now on Caroline that is a venue and that is all it is. It does not have a primary business as the primary business is to be a venue so this would disqualify that because it is not accompanying another business, it is the business. Mr. Villarreal said you may want to tweak the definition to make it more broad. Mr. McCorquodale said what they are trying to prevent is that one to two acre parcel owner who thinks if they put an arbor out there they have a wedding venue and that is not the intent of what they are trying to do. They are trying to allow a use that would not impact public services and also would not be the development of just raw land without going through any type of permit or process.

Councilmember Casey Olson said he gets the intent but asked how do they word it. Councilmember Carol Langley said it says primary permitted use and that does not have a primary permitted use. Mr. McCorquodale said if you call this public hearing he will promise to sort that out. Councilmember Casey Olson mentioned to Mr. Villarreal they may need some assistance with the wording. Mr. Villarreal said he thought they were just creating an event venue type of line item so he does not recall seeing that specific definition. He said all they are doing is calling the public hearing. Councilmember Carol Langley said she wants to make sure they all understand why they are calling the public hearing. Mr. Villarreal said it is the only option they had because they did not want to go the SUP route. He said it was either the SUP which they did not move forward with and then this is amending chapter 98 Table of Permitted Uses. Mr. McCorquodale said they can craft the legal notice to let people know exactly what the public hearing is about. It will not have the exact definition but will say to consider adding this as a use to the Table of Uses. Councilmember Casey Olson said they need to make sure it is worded correctly because they understand the intent but if it is not stated right anyone can come along and do what they want. Mr. Villarreal said he will work with Mr. McCorquodale and maybe have more than one option to present to Council.

Councilmember Cheryl Fox moved to call a public hearing to be held July 9, 2024 regarding a proposed amendment to Chapter 98 of the City Code of Ordinances. Councilmember Carol Langley seconded the motion. **Motion Passed (3-0).**

12. Consideration and possible action on A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS APPROVING A LOCAL ON-SYSTEM IMPROVEMENT PROJECT AGREEMENT WITH THE STATE OF TEXAS, ACTING THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR CERTAIN IMPROVEMENTS TO THE SH 105 & BUFFALO SPRINGS DRIVE INTERSECTION, DESIGNATING THE CITY ADMINISTRATOR, OR DESIGNEE, AS THE AUTHORIZED OFFICIAL TO ACCEPT, REJECT, AMEND, OR TERMINATE THE AGREEMENT; AND MAKING THIS RESOLUTION A PART OF THE AGREEMENT.

Mr. Roznovsky said Council approved this resolution. Prior, TxDOT did not think it was specific enough and did not say the name of the intersection so they wanted more specifics in the resolution. Now it says specifically for that intersection and it authorizes your City Administrator to sign. This is just slightly different wording requested by TxDOT.

Councilmember Carol Langley moved to approve the resolution as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (3-0).**

DEPARTMENTAL REPORTS:

13. Utility Operations Report - Hays Utility North.

Mr. Brian Lucas stated overall accountability is at 95 percent. There were no complaints and they completed the repair on the wastewater treatment plant right before the council meeting last month and were able to make sure they made it within permit.

14. Public Works Report.

Mr. Muckleroy said he would be happy to answer any questions related to the report. There were none.

15. Police & Code Enforcement Report.

Chief Solomon said he would like for Council to remember tomorrow the graduation of our Citizens Police Academy and are welcome to attend at 6:00 p.m. at Pizza Shack.

Councilmember Casey Olson asked when the power was out the other day did they have any calls with too much going on with half the town being dark. Chief Solomon said they did not have a whole lot of calls. He said they mainly noticed just SH 105 where a lot of the businesses had lights out.

16. Court Report.

Ms. Duckett stated citations were 174 and collections were \$33,717.99.

Councilmember Carol Langley asked if April was a larger amount and did warrants come in. Ms. Duckett said they had some warrant phone calls and they have been doing some warrant collections but it was basically their normal month and pretty close to the same amount. Councilmember Carol Langley said compared to last year it was quite a bit more but not compared to last month. Ms. Duckett said hopefully people are making a lot more money in 2024.

17. Financial Report.

Mr. Palmer stated Ms. Carl was not available to present the report but would take whatever questions there were to Ms. Carl for answers. Councilmember Casey Olson said as a whole they look pretty good and are still staying under budget. Mr. Palmer said all funds are still looking good.

Councilmember Carol Langley asked who is Axon Enterprises. Chief Solomon said it is for body cameras.

Councilmember Casey Olson said about 517 percent increase from last year on sales tax. It looks good.

18. City Engineer's Report.

Mr. Roznovsky said they did receive bids on the water plant number two improvements project. The bids came in high and they are going through with contractors to figure out as they had only two bidders. They will come back with a recommendation on how to proceed on that project within budget.

Mr. Roznovsky said Lone Star permit amendments are still ongoing. They talked with Lone Star today and those are likely on their next agenda for approval.

Mr. Roznovsky said regarding the FM 1097 sewer relocation project they have received that survey back and are finishing up design of that project. The property owners next door are open to granting the easement they need. This is an emergency to repair so they will be able to shorten the bidding time a bit. He would expect likely next week or the following week they will get bids. Councilmember Casey Olson asked if this is the one that came up unexpectedly unplanned and they were looking in the budget to make sure they could cover it. Mr. Roznovsky said yes. Councilmember Casey Olson said it failed and they have to do it one way or the other so if they do not have a budget they need to find a project they can cut.

Mr. Roznovsky said both of the sewer rehab projects are ongoing. For phase one the weather has been holding up and some equipment issues should be wrapping up next month. The phase two project they expect to get started in mid-June.

Mr. Roznovsky said lift station number ten improvements project is seven percent complete as of the last pay estimate however since then that line is now in service so they are just doing some clean up items and decommissioning the old line which is the Pulte funded project.

Mr. Roznovsky said construction work started on the Buffalo Springs Drive and there are no issues so far. They do not expect any at this point. They have been coordinating between them and the signal contractor and they are on the same page. Right now it sounds like the majority of the work will be done prior to the signal contractor having materials and being on site.

Mr. Roznovsky said MISD C building plans were approved and the agreement is in MISD's court regarding the cost sharing. Lone Star Cowboy Church plans were approved at the end of April for their driveway project and the fuel station for MISD so this is a redo of the bus barn. They are now down to potentially requesting additional tree variance for that property.

Ongoing construction related to the Pulte Montgomery Bend development they finally got the power energized in the first section of the development so they should have power to the lift station by the end of this week.

The Redbird first phase development is expected to start the week of June 10th.

Councilmember Casey Olson asked regarding the water issues with Redbird for the well when is that proposed to be. Mr. Roznovsky said they are constructing the waterline that goes by the high school and are also dedicating the well site. They have talked with staff and started the RFQ to send out to get engineering qualifications for the design of the water plant. They have not deeded the site over but they have talked with the developer and he will deed it whenever the City is ready.

Mr. Roznovsky said one thing that has been on this agenda which will not be after this is your Emergency Preparedness Plan. In February of 2022 it was required to be submitted to TxDOT. They were finally approval on April 17, 2024.

Councilmember Stan Donaldson said he believes he heard Mr. Roznovsky say last month they were going to include putting water plant two and three on bleach and does not believe that was in the initial price of redoing the well. He wants to know how much additional costs are they going to pay to transfer that well to bleach. Mr. Roznovsky said he will need to check on that. Councilmember Stan Donaldson said he is still concerned about access. He said there is supposed to be an easement and they cannot find it on the maps anymore. Also, he does not

know if the historical property that has been for sale has been sold but whoever buys it that is going to interrupt what he perceives right now as their easiest way of getting a drilling well back into that property because right now he cannot visualize how they are going to get the new well drilled. Mr. Roznovsky said the new well is closer to Houston Street. If you go down Houston Street where it dead ends into the City property is where the well is located and part of the bid package is to rehab that road that is not existent to bring a new gravel and stabilize it for access. There is also an easement to the western side of the property that Public Works has helped that property owner for use temporarily during construction. As far as the Historic Society property is concerned, which is where a lot of the access has been, with the new kind of configuration the primary access point will be off the end of Houston Street. Mr. Palmer said that is Mr. Cheatham's property.

Councilmember Carol Langley moved to approve the department reports as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

EXECUTIVE SESSION:

Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code of the State of Texas.

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in:

Sections 551.071(consultation with attorney), Buffalo Springs.

19. Buffalo Springs Drainage Issues

Mayor Pro Tem Olson adjourned into Closed Executive Session at 7:11 p.m.

Mayor Pro Tem Olson reconvened into Open Session at 7:33 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No motions were made during executive session discussions.

COUNCIL INQUIRY:

No inquiries were made at this time.

ADJOURNMENT

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

The meeting was adjourned at 7:34 P.M.

Date Approved: _____

Submitted by: _____
Diana Titus, Deputy City Secretary
Diana Titus, Deputy City Secretary

Mayor Pro Tem, Casey Olson