

MINUTES OF REGULAR MEETING

February 22, 2022

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Pro Tem T.J. Wilkerson called the meeting to order at 6:00 p.m. Mayor Pro Tem T.J. Wilkerson stated for the record Mayor Countryman and Councilman Kevin Lacy are absent this evening.

Present:	Carol Langley	City Council Place # 1
	T.J. Wilkerson	City Council Place # 3
	Julie Davis	City Council Place # 4
	Byron Sanford	City Council Place # 5

Absent:	Sara Countryman	Mayor
	Kevin Lacy	City Council Place # 2

Also Present:	Richard Tramm	City Administrator
	Dave McCorquodale	Assistant City Administrator
	Diana Cooley	Deputy City Secretary
	Caleb Villarreal	City Attorney

INVOCATION

Julie Davis gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action

on an item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Mayor Pro Tem T.J. Wilkerson said he would like to recognize Cohen Rogers who is with Boy Scout Troop 491 and is working toward becoming an Eagle Scout. Mayor Pro Tem T.J. Wilkerson said Cohen Rogers is working on obtaining his Communication and Citizenship in the Community Merit Badge.

Mayor Pro Tem T.J. Wilkerson said he thinks it is an honor to seek the position of an Eagle Scout and congratulated Cohen Rogers on his achievements.

Mr. Bill Clevenger, 388 Berkley Drive, Montgomery, Texas, said he came here this evening to point out the ugliness Mayor Sara Countryman has inflicted upon our community.

Mr. Clevenger said on the paper handed out to everyone is a comment made that was posted on his family's business Facebook page by Mark Shorten, The Laughing Jackass. Mr. Clevenger said this was a personal attack made by Mayor Sara Countryman to trash, harass, or ruin anyone or any business that does not conform to her way of thinking.

Mr. Clevenger said Mayor Countryman has created this ugliness in Montgomery and has transformed our community into a drama-filled swamp filled with ugliness. Mr. Clevenger said as the next election comes he implores the residents of this community to know that three candidates are on the ballot because Mayor Countryman wants to continue to have her way in this community. Mr. Clevenger said they are not on the ballot to make our community better and that is a fact. Mr. Clevenger said Byron Sanford, Cheryl Fox, and Casey Olson are not here to make our community better. Mr. Clevenger said they are here because Mayor Countryman wanted them to be on the ballot. Mr. Clevenger said a vote for them is a vote for Mayor Countryman. Mr. Clevenger said he truly hopes Montgomery County now sees who she is and is not elected as County Judge on March 1st.

CONSENT AGENDA:

1. Minutes for the Regular Meeting of February 8, 2022.

Julie Davis moved to approve the Consent Agenda as presented. Byron Sanford seconded the motion, the motion carried unanimously. (3-0)

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action regarding final acceptance and completion of the one-year warranty period for public infrastructure included in Hills of Town Creek Section Three (Dev. No. 1019).

Mr. Tramm said this item is coming back to City Council now that the work has been completed. Mr. Tramm said the engineer's memo is attached discussing the repairs that have been made by the developer to correct the ponding in previously identified areas of the streets in the subdivision. Mr. Tramm said City staff concurs with the engineer's recommendation and believes the streets to be in good condition and ready to be accepted by the City.

Mr. Chris Roznovsky, City Engineer said his memo stated it was contingent upon receipt of documentation of the transfer of the contractor's two-year warranty from the developer to the City. Mr. Roznovsky said they do have that in writing from both the developer and the contractor acknowledging that transfer of the warranty to the City.

Mr. Roznovsky said the packet shows photos of the street flooded before and after the repair.

Mr. Roznovsky said he does recommend accepting the infrastructure.

Byron Sanford said the pictures speak for themselves. Byron Sanford said he asked the whole neighborhood if anyone was unhappy with the work and no one was.

Byron Sanford said when they make the recommendation, to be clear, the two-year warranty is applied to the company. Byron Sanford asked if the language needs to change in the motion or can City Council pass this as an item.

Caleb Villarreal, City Attorney said his recommendation is City Council pass this as an item.

Byron Sanford moved to approve Item #2. Carol Langley seconded the motion.

Discussion: Julie Davis said she wanted to thank Stylecraft for making it right. Julie Davis said she knows City Council pushed, challenged, and stretched them. Julie Davis said City Council wants to be able to make it right for them too. Julie Davis said hopefully there are some learning lessons everyone has benefitted from.

The motion carried unanimously. (3-0)

DEPARTMENTAL REPORTS:

3. City Administrator's Report. – Mr. Tramm, City Administrator said he would like to highlight a few items. Mr. Tramm said the incoming City Secretary Nicola “Nici” Browe accepted the offer of employment with the City. Mr. Tramm said she will begin working full-time with the City on Monday, February 28, 2022.

Mr. Tramm said the Capital Improvement Planning documents have been distributed and the City Engineer will give an overview presentation on these items this evening. Mr. Tramm said if needed, they can schedule a Workshop to discuss and review these items in more detail.

Mr. Tramm said his report includes the update for the Montgomery Economic and Development Corporation for January. Mr. Tramm said it is the same information he covered last month because the February meeting was last night.

Mr. Tramm said Mr. Charlie Diggs presented a check last month for \$2,200 to the MEDC. Mr. Tramm said that was in return for MEDC's share of the ticket proceeds from the sponsorship.

Mr. Tramm said likewise, regarding the development report that follows there is also an update on the Planning and Zoning Commission meeting.

Mr. Tramm said this month he has started to include the information for the monthly records requests as he was asked by City Council to see more transparency regarding this.

Mr. Tramm said regarding the development report there is a high level of residential and commercial development in the City.

Mr. Tramm said Hills of Town Creek and Town Creek Crossing both will have many homes in the market this year.

Mr. Tramm said in commercial development, on the east side of the City there is Discount Tire which is currently in the preliminary engineering review phase. Mr. Tramm said this will be located on the corner of the north side of SH 105 and Buffalo Springs on the northeast corner. Mr. Tramm said part of that being completed will include a connector road in that is parallel with SH 105 behind the store allowing access for people coming from Buffalo Springs to Kroger without having to use SH 105.

Mr. Tramm said for January they have had no new homes completed but there were 10 new permits issued for single family homes in January.

Mr. Tramm said the City is utilizing \$2.8 million in Texas Water Development Board funding for infrastructure projects. Mr. Tramm said these projects include the Downtown and SH 105 Waterline which has been completed, Lift Station #1 which has been completed, and Water Plant #3 which is still underway but will soon be completed.

Mr. Tramm said the FM 149 turn lane work is expected to be completed in September 2022 due to TxDOT delays as well as Entergy contractors being tasked with hurricane repairs in Louisiana.

Mr. Tramm said they are planning to put in the Martin Luther King, Jr. Drive (MLK) sidewalks in the budget and also attempt to include TxDOT's 2022 Safe Routes to School program for grant funding. Mr. Tramm said the City has budgeted funds for that, but if they can obtain grant funding it will allow the City to use the funds already allocated in the budget to go toward additional sidewalks or other capital projects.

Mr. Tramm said the TxDOT SH 105 Access Management Project is the State's work in which they are adding direction in the turn lanes between Montgomery and Conroe toward I-45. Mr.

Tramm said this includes the eastern edge of Montgomery near FM 2854 where they are working on road widening and turn lanes, but will also be putting in concrete barriers and medians so traffic can only move in certain directions.

Julie Davis asked how long that project was in queue before it started. Mr. Tramm said he knows it was a very long time but does not know exactly how long.

Mr. Chris Roznovsky, City Engineer said he believes the first public meetings were in 2015 or 2016 and were funded from a federal safety grant which is why that project would have had some others because the State had a timeline to use those funds which he believes is now. Mr. Roznovsky said it goes all the way from Montgomery to Conroe.

Mr. Tramm said this is not the only area where they have done that. Mr. Tramm said he has seen reports where TxDOT is communicating with other communities along FM 1314.

Mr. Tramm said regarding the Clepper Sidewalk Project, the design plans are approximately 50 percent complete and should be finished within the month.

Mr. Tramm said regarding the Downtown Improvement Plan, MEDC did have a conversation last night related to planning timetables for the downtown improvements. Mr. Tramm said there will be more discussion on it next month. Mr. Tramm said he is certain for MEDC he will be coming back to City Council trying to coordinate both entities in looking at a direction for what part of the project MEDC may fund in partnership.

4. Sales Tax Report. – Mr. Tramm said Sales Revenue Inc., the City’s consultant will have a representative present for next month’s meeting.

Mr. Tramm said the last two months they have been working on the sales tax audit looking for companies that may or may not be on the tax rolls and recorded and then going back and researching at the Comptroller’s office. Mr. Tramm said they will have those results next month.

Mr. Tramm said page two of the report lists the top 25 sales tax filers for the most recent 12 months ending February 2022.

Mr. Tramm said page four lists the top 25 taxpayers for February and January 2022. Mr. Tramm said February is a quarterly filer report and January is a monthly filer report. Mr. Tramm said there will be some large companies seen on February's list and not January. Mr. Tramm said Kroger only files quarterly and over the last 12 months they are the City's number two sales tax generator and McCoy's files monthly so it is not just on size.

5. Finance Report. – Mr. Anthony Lasky, Senior Accounting Clerk presented his report ending January 31, 2022, to City Council.

Mr. Lasky said for the general fund there are six months of reserves with the bulk of it coming in with the ad valorem taxes.

Mr. Lasky said for the MEDC fund there is over two years reserve and almost a year's worth of reserve in the utility fund.

Mr. Lasky said for January the City received a sales tax of \$281,476.57 and \$38,500 in PID revenues. Mr. Lasky said the City did receive revenues of almost \$430,000 for the ad valorem taxes and the bulk of them should be collected as of now. Mr. Lasky said they will still see more coming in for February.

Mr. Lasky said for check #31911 for Ti Training, this was for a simulator for the police department. Mr. Lasky said there is a grant the City is expected to receive for \$42,075 and \$700 of it is not reimbursable, but the remainder is to be reimbursed.

Mr. Lasky said just over \$211,000 was for a portion of the sales tax in February. Mr. Lasky said he has been totaling it as it comes in at \$610,000. Mr. Lasky said \$153,000 will go to MEDC and the remaining \$457,000 will go into the general fund.

Mr. Lasky said for January this far there is over 40 percent collected in revenues that are budgeted. Mr. Lasky said as of January 31, 2022, there is 28 percent on expenditures.

Mr. Lasky said this will be the last report in QuickBooks and going forward the new system will be Incode.

Mr. Lasky said on Thursday he will be managing bond payments that are due next week.

Byron Sanford asked Mr. Lasky to explain why he is excited about the new system Incode.

Mr. Lasky said there are a lot of new things and great functions about the new system. Mr. Lasky said just to be on par with other cities like Shenandoah, Tomball, and Katy who all have Incode. Mr. Lasky said to be on that same level to report the same way they do will be much more beneficial. Mr. Lasky said there may be a small learning curve at the beginning but once they get the ball rolling it will be well worth it.

Julie Davis asked if there was an estimated time of arrival for the grant money for the simulator. Mr. Lasky said he is hoping it will be either next month or by April because the expenses must be filed by April 15th and it will be by the end of the fiscal year.

Julie Davis asked if it is guaranteed the City is getting it back. Mr. Lasky said yes, all but \$700.

6. Police Report. – Chief Solomon introduced the new Code Enforcement Officer, Corinne Tilley. Chief Solomon said Ms. Tilley has 23 years of experience not only in compliance and inspection but also code enforcement. Chief Solomon said Ms. Tilley spent the last three years in Bryan and before that she was in the City of Saint Paul, Minnesota.

Chief Solomon said he is very impressed as today Ms. Tilley found an illegal dumping site.

7. Court Report. – Mrs. Kimberly Duckett, Court Administrator said for January 2022 there were 94 citations collected and revenue was \$20,642.12. Mrs. Duckett said for the fiscal year for 2020 through 2021 the collections were \$409,608.88.
8. Public Works Report. – Mr. Mike Muckleroy, Director of Public Works said they had a very busy month with the storm that came through the City and lost a week's worth of time cleaning up. Mr. Muckleroy said they are finally caught up now and are back on track with their normal duties.

Julie Davis asked if any more trees have to come down from Cedar Brake Park. Mr. Muckleroy said yes. Julie Davis asked if he had an estimate on how many. Mr. Muckleroy said he believes there are three left.

T.J. Wilkerson asked if new trees will be planted. Mr. Muckleroy said yes they will.

9. Utility Operations Report. – Mr. Mike Williams, Vice President of H2O Innovation presented his January report to City Council.

Mr. Williams said the wastewater plant flow detail for December and January was 5,317,000 gallons, daily peak was December 19, 2021, with 334,000 gallons, and daily average flow was 171,500 gallons with a three-month average flow of 173,933 gallons with a 43 percent capacity for a three-month average.

Mr. Williams said all samples complied with the Effluent Monitoring Report for January.

Mr. Williams said they pumped a total of 8,587,000 gallons and sold 8,125,000 gallons with a 96 percent accountability.

Mr. Williams said they were able to maintain the Jasper and Catahoula Wells well within permit. Mr. Williams said accountability was at 96 percent and total connections were 1,092.

Julie Davis asked if Mr. Williams knows what caused the sewer backup at the trailer park. Julie Davis asked if the trailer park just had a massive water pipe leak in October or November.

Mr. Williams said it could be several things. Mr. Williams said when they jetted all the water rushes through. Mr. Williams said most of the time it is due to grease in the system along with flushable wipes. Mr. Williams said it is mainly what is being flushed down the drains, having nothing to do with maintenance or operation of the wastewater line.

Julie Davis said it is not specific to the trailer park though and it is not a sewer line that just feeds to them. Julie Davis said this is a line that is coming from upstream and flowing down.

Mr. Williams said a majority of the flow comes from the trailer park. Mr. Muckleroy said it does.

Julie Davis asked if the City ends up covering the cost of having the line jetted. Mr. Williams said yes.

Byron Sanford asked if Mr. Williams recalls when they had two samples of water that were impure, cloudy at the least, and even brown in some cases and said you might check on it.

Mr. Williams said they went through the current flushing program with Public Works and identified areas of expansion in the City which they will give more attention to and try and clear up those issues. Mr. Williams said they checked all the sampling points and everything is free of any type of bacteria. Mr. Williams said he thinks you will see a difference in the future due to the extra attention it is given.

10. Utility Report. – Mr. Richard Tramm said on page one the Due to MEDC \$2,200 is from Mr. Charlie Diggs.

Mr. Tramm said regarding the \$5,304.17 item listed as City Reimbursement – TML Risk Pool, every year based on insurance claims if the City is under a certain level, money will be refunded back to those within the Risk Pool and this is the amount received this year.

Mr. Tramm said the hotel fee for \$1,041 is from the Caroline House.

Mr. Tramm said the due to construction fee was received for the closeout on the CDBG projects.

Mr. Tramm said the franchise fee of \$2,163.76 was from Suddenlink.

Mr. Tramm said there were 36 new water accounts added during the month and 18 water accounts were disconnected.

Mr. Tramm said despite being a slower month in January for work with construction homes, we still have 63 permits that were issued.

Mr. Tramm said the Community Building irrigation usage was rather high and asked Mr. Muckleroy if he knew of the reason for it. Mr. Muckleroy said there was a leak.

11. Engineer's Report. – Mr. Chris Roznovsky, City Engineer said the Downtown Waterline Replacement Project is complete, and final closeout documents are being prepared.

Mr. Roznovsky said Water Plant No. 3 improvements pay estimate no. 1 for \$252,441 was received. Mr. Roznovsky said this was for work done December 31, 2021, so when you look at percent complete by time and value as of December 31, 2021 it was not and there was a

discrepancy. Mr. Roznovsky said since then as of the picture taken on February 9th they have the second cooling tower placed, the hydropneumatic tank placed, and the new ground storage tank constructed that was not there a month before.

Mr. Roznovsky said regarding the GLO Projects there has been a lot of back and forth recently between staff, GLO, and Grantworks working out final details of the projects to ensure everything is aligned to bid. Mr. Roznovsky said of the three projects that are listed, the Dr. Martin Luther King Jr. Drive Ditch Regrading and Sanitary Sewer Rehabilitation which includes Baja Road, McGinnis, and the lines by Lincoln Elementary, that project bid on February 16th. Mr. Roznovsky said they are still awaiting the General Land Office approval letter which they should receive any day and should be on City Council's March 8th agenda to award that project. Mr. Roznovsky said that bid came in at \$518,319 which was slightly under budget. Mr. Roznovsky said this GLO Project is a full \$2.3 million grant that covers all costs for these projects.

Mr. Roznovsky said the Water Plant No. 3 Generator Project is scheduled to pre-bid tomorrow and bid opening is next Wednesday. Mr. Roznovsky said this will add a second generator to the Water Plant No. 3 site. Mr. Roznovsky said they do have the approval letter on this project and will have the bids at the March 8th City Council meeting.

Mr. Roznovsky said all the TxDOT projects are still underway regarding the traffic speed analysis, the speed study, and all those items.

Mr. Roznovsky said the Sanitary Sewer Cleaning and Televising Project has been awarded and contracts were signed today. Mr. Roznovsky said they will have the preconstruction meeting next week with the contractor.

Mr. Roznovsky said regarding the Clepper Sidewalk Project, they met with staff this morning and made a final review of the plans, made some alignments as well as adding additional signage. Mr. Roznovsky said this should be ready to bid within the next few weeks. Mr. Roznovsky said probably the first week of April they will have bids for that project which will put it in construction and have it completed before the end of the summer.

Mr. Roznovsky said the 15-Year Capital Improvement Plan which was emailed out on February 8th included taking all the previous master plans and the transportation plan and adding in additional items to that plan. Mr. Roznovsky said also that includes development and

they have updated development projections now through 2050. Mr. Roznovsky said those projects were based on how we meet all the demand over the next 15 years. Mr. Roznovsky said they have since met with staff and have a couple of things they are adding to it. Mr. Roznovsky said they are adding in the MLK sidewalks. Mr. Roznovsky said there are some paving issues with Flagship Boulevard and this will be added to the list as well. Mr. Roznovsky said he thinks a workshop would be the best avenue to go over all the details.

Mr. Roznovsky said they looked at the City's impact fees and if you collect impact fees on all the projected development it would cover all the costs. Mr. Roznovsky said most of the projects on the list are developer-driven projects. Mr. Roznovsky said projects that are needed because of development either done by developers or funded by developers, a lot of the work can be accomplished with partnerships between the developers.

Mr. Roznovsky said there are no revised plans for Shipley's this month.

Mr. Roznovsky said they have received a preliminary plat for Porter Farms for review and will be presenting at the March 1, 2022 Planning and Zoning Commission meeting for review and approval.

Mr. Roznovsky said regarding Town Creek Crossing, Section 1, an inspection was performed on February 17, 2022, and found that not all punch list items had been completed. Mr. Roznovsky said they are working with the developer to address the remaining punch list items.

Mr. Roznovsky said the Hills of Town Creek, Section 4 warranty period will end on March 24, 2022.

Mr. Roznovsky said for the Kammerer/Redbird Meadow's development they are working with the developer's engineer to work on the timing of required capital improvements to coincide with the provided phasing plan and schedule.

Mr. Roznovsky said permit renewal for TPDES for both Stewart Creek and Town Creek wastewater treatment plants is still in review by the State.

Mr. Roznovsky said the Emergency Preparedness Plan is nearing completion and they will have it submitted this week. Mr. Roznovsky said once it is submitted to the State they will review it and then the City will implement it before July 1, 2022, the deadline set by the State.

Mr. Roznovsky said it states in the plan the City has 14 different options of how you provide service in an emergency. Mr. Roznovsky said the City has generators with fuel. Mr. Roznovsky said the plan lists who are all the suppliers for your chemicals, how much storage is on-site, the fuel, and how much demand you need.

Mr. Roznovsky said they did receive plans on Friday for Discount Tire and are in the process of reviewing them.

T.J. Wilkerson asked if Mr. Roznovsky had an update on the apartments on Plez Morgan.

Mr. Roznovsky said he has not heard anything directly regarding the completion time or expected opening of those apartments.

T.J. Wilkerson said he would like to thank the Chief, Mr. Roznovsky, and City Council for lowering the speed limit on FM 1097 to 45 mph from 55 mph.

Julie Davis asked if they need to make a motion with contingency for the workshop or just a motion as it stands.

Mr. Tramm said with regards to setting up the workshop, his recommendation would be to start with March 15, 2022, which would be the Tuesday in between the second and fourth City Council meetings. Mr. Tramm said he is open to any date that works for City Council.

Carol Langley stated she thinks March 15th is spring break week. Julie Davis said it is.

Byron Sanford recommended Mr. Tramm send an email to all City Council members and give them some suggested dates.

Mr. Tramm said he will offer several suggestions for next month.

Byron Sanford moved to accept the Departmental Reports as presented. Julie Davis seconded the motion. The motion carried unanimously. (3-0)

EXECUTIVE SESSION:

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), 551.072 (deliberation regarding real

property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

Mayor Pro Tem T.J. Wilkerson adjourned into Closed Executive Session at 6:50 p.m.

12. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following: Section 551.072 (deliberation regarding real property).

Mayor Pro Tem T.J. Wilkerson reconvened into Regular Session at 7:20 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

13. Consideration and possible action on real property matters discussed in Executive Session.

Byron Sanford moved to direct legal counsel and administration to approve the real estate contract. Carol Langley seconded the motion. The motion carried unanimously. (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.

Mr. Tramm said he will check on dates for the workshop and within 48 hours will email several dates to City Council.

ADJOURNMENT

Julie Davis moved to adjourn at 7:23 p.m. Byron Sanford seconded the motion, the motion carried unanimously. (3-0)

Submitted by: _____
Diana Cooley, Deputy City Secretary

Date Approved: _____

Mayor Sara Countryman