

**Notice of City Council  
MINUTES  
April 26, 2022, at 6:00 PM**

**CALL TO ORDER**

Mayor Sara Countryman called the meeting to order at 6:00 p.m.

Present:	Sara Countryman	Mayor
	Carol Langley	City Council Place #1
	Kevin Lacy	City Council Place #2
	T.J. Wilkerson	City Council Place #3
	Julie Davis	City Council Place #4
	Byron Sanford	City Council Place #5

Also Present:	Richard Tramm	City Administrator
	Dave McCorquodale	Assistant City Administrator
	Nici Browe	City Secretary & Director of Administrative Services
	Alan Petrov	City Attorney
	Chris Roznovsky, PE	WGA Consulting, City Engineer

**INVOCATION**

Councilmember Byron Sanford provided the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Jacob Irving – 11710 Grandview Drive, Montgomery. Addressed City Council as to a new business in the City of Montgomery.

Mr. Irving introduced himself and stated that as a 16-year-old he has a vision for his future. He is currently a junior at Lake Creek High School and participates in the CTE Program. He has been planning for a business for the better of the City, he has worked countless hours on planning and organizing his dream as well as being in the top 5% of his class maintaining high grades. The business name is “Pop Pops Dandy Dog”. A Business named and in honor of his grandfather who owned a restaurant in the 1980’s in Lewisville, Texas.

Mr. Irving went on to describe the menu he planned to serve to the community from a clean mobile food truck. He has been granted permission by the owner of 404 Caroline Street to locate his food truck there, he just needs to obtain the necessary permits and he is ready to open for June 2022.

He concluded his address to Council by stating he is not here to make waves or open old wounds; he is a teenage entrepreneur and wants to serve the families in Montgomery.

### **CONSENT AGENDA:**

### **CONSIDERATION AND POSSIBLE ACTION:**

1. Recognition of Montgomery resident Ryan Kadlubar in honor of his achieving the rank of Eagle Scout.

Mr. Richard Tramm introduced this item. Mayor, Sara Countryman then read the proclamation honoring the great achievement of becoming an Eagle Scout.

Mayor Countryman also handed him a Texas Flag that had been flown over City Hall on the day he was inducted into the Eagle Scout designation – April 19, 2022.

Mayor, Council, staff and all in attendance gave Ryan Kadlubar a round of applause and standing ovation.

2. Consideration and possible action to approve an Ordinance of the City of Montgomery, Texas amending its Municipal Budget for the Fiscal Year 2020-2021, Budget amendment No. 1; providing a repealing clause and a Texas Open Meetings Act Clause; and providing an immediate effective date.

Mr. Richard Tramm introduced this item. He informed City Council that as typical at the wrap up of the audit a budget amendment was required for finalization.

Councilmember Julie Davis stated Exhibit A, is confusing, as the amounts shown are way off and would like some additional explanation.

Mr. Tramm explained that one of the line items exceeded adopted budget, such as computer technology.

Mayor Countryman asked how it was possible to exceed budget in excess of \$55,000.

Mr. Anthony Lasky, Senior Accounting Clerk stated that the format is incorrect on the attachment and would excuse himself to pull the correct report and provide the correct budget amendment amount.

Mayor Countryman asked Mr. Tramm if he had reviewed the exhibit prior to distribution as it concerned her.

Mr. Anthony Lasky provided Mayor and Council with the correct budget amendment amount of \$324,123.

Councilmember Julie Davis moved to approve the budget amendment in the amount of \$324,123.

Councilmember Byron Sanford seconded the motion. Motion passed (5-0).

3. Consideration and Possible Action regarding the Annual Financial Report for the fiscal year ending September 30, 2021, as prepared by Belt Harris Pechacek, LLP.

Darla Dear from the City's Auditors, Belt Harris Pechacek, LLP presented the highlights of the City's audit and noted that the City received an "Unmodified Opinion", which is an excellent result.

Mayor Countryman inquired if in Darla's opinion the City is in a good position financially.

Ms. Dear responded, yes absolutely.

Mayor and Council thanked Ms. Dear for her presentation and the audit.

Councilmember Byron Sanford moved to accept the audit as presented. Councilmember Kevin Lacy seconded the motion. The motion passed (5-0).

4. Consideration and possible action on applicants for Place 3 on the Planning & Zoning Commission.

Mr. Richard Tramm informed Council that at Council's request from the last meeting, this item has been brought back for consideration and the applicants were requested to attend.

He noted that only two of the three applicants were in attendance.

Mayor and Council requested that each candidate address them and give a brief presentation on their desires, background and vision for the City.

Mr. Daniel Gazda addressed City Council.

Mr. Timothy Davis addressed City Council.

Councilmember Julie Davis informed Mayor and Council that she will recuse herself from discussing and voting on this item, due to the relationship between her and Mr. Davis, applicant.

Councilmember Byron Sanford moved to approve Mr. Daniel Gazda to the position of Planning & Zoning Commissioner Place 3. Carol Langley seconded the motion.

The motion was a tie vote (2-2-0) with Mayor Countryman voting Aye. Motion Passed (3-2) Councilmember Julie Davis abstained from the vote. Councilmember Lacy and Mayor Pro Tem Wilkerson voted against.

5. Consideration and possible action on Porter Farms Public Improvement District Presentation.

Mr. Ken Schott with Waterstone Development Group, the development company for Porter Farms provided a brief presentation and handout to council for this item. He advised council that this development was originally touted to be affordable housing, however, like the rest of the nation, materials have risen vastly therefore the prices of the homes will increase also.

Mayor and Council discussed with the developer options and concerns regarding the entrance and exit on road 149, square foot for each lot, home pricing, and the privacy fencing as well as medians.

Mr. Schott provided Mayor and council with the information that if approved tonight to go forward with the PID that they could expect construction to be complete within the year. Weather events are traditionally causes of holdups.

Mr. Tramm informed Council that the item tonight was for the developer to seek a direction from the City to go forward and annex and put a PID there.

Mayor Pro Tem Wilkerson asked about the trees and what could be done with them.

Mr. Roznovsky explained that even with the placement of underground utilities they can keep the trees.

Councilmember Kevin Lacy moved to approve moving forward with the PID. Councilmember Byron Sanford seconded the motion. The motion passed (5-0).

6. Consideration and possible action on the acceptance of public infrastructure and commencement of the one-year warranty period for Town Creek Crossing Section One.

Mr. Tramm introduced this item and informed Council on the staff's recommendation on acceptance.

Mr. Jonathan White, Squared Engineering spoke to City Council regarding the infrastructure and responded to questions from council.

Mr. Chris Roznovsky assisted Mr. White in responding to council's questions.

Councilmember Byron Sanford moved to accept the Infrastructure of Town Creek Crossing Section One. Councilmember Kevin Lacy seconded the motion. The motion passed (5-0).

7. Consideration and possible action on a variance request to storm water conveyance requirements of City of Montgomery Design Criteria Manual for the Hills of Town Creek Section Five development.

Mr. Richard Tramm introduced this item and explained the details on the variance request, developer wanting to use polypropylene pipe instead of concrete for drainage.

Mr. Chris Roznovsky provided City Council with detailed and comprehensive details and explanation about the usage of the pipe industrywide, how the County of Montgomery approves its use per their design criteria, however the City's Subdivision rules and regulations negate its use and still looks to concrete or corrugated metal.

Craig Vickery, ADS the manufacturer of the propylene pipe introduced himself to Mayor and council and provided information regarding the product, its use elsewhere within the United States and where they are at in the approval process with TXDOT and stated that they have the DOT approvals. He provided an extensive overview of how the pipe would be installed, and that any failure is usually due to incorrect back fill. He and Mr. White explained regarding the "Mandrel test" and how it is performed to find any potential deflection issues.

Councilmember Byron Sanford stated that he felt there was not yet enough data for him to comfortably go forward and use this product instead of the traditional materials.

Mayor, Council, Mr. Roznovsky and Mr. Vickery had an extensive discussion of its uses, county use thus far, the fact it is new technology, cost comparison vs quality comparison.

Councilmember Byron Sanford moved to deny the variance request. Councilmember Julie Davis seconded the motion. The motion passed (5-0).

8. Discussion and consideration of mid-year cost of living adjustment for City staff.

Mr. Richard Tramm introduced the item and explained that when this was first addressed it was at the beginning of what looked like a trend towards increased inflation. It was decided to bring it back six months later. He added that he has looked at the Consumer Price Index and felt that the increase of 8.5% over the last 12 months was significant. He went on to provide the increases being considered or have occurred at local cities nearby and similar to the City of Montgomery. He concluded his presentation by recommending an increase of COLA of 5.5% for all staff.

City Council discussed this item, with Councilmember Byron Sanford urging management to look into utilizing the HGAC as they are a very good source of monies, and in the preparation of their budget could see the large inflation that has occurred.

Councilmember Sanford continued by saying he was not comfortable giving it across the board, and felt the exempt staff, which are mostly management should be performance goal based.

Councilmember Julie Davis said she was struggling to not give it across the board, it should be for all staff.

Councilmember Byron Sanford moved to approve the 5.5% COLA increase for all nonexempt staff, retroactive from April 17, 2022, and to bring back a plan for review in approximately 30 days for the Exempt staff.

Richard Tramm confirmed that 30 days out would make it the Council meeting of May 24, 2022.

Councilmember Davis seconded the motion. The motion passed (5-0).

**DEPARTMENTAL REPORTS:**

9. City Administrator's Report.
10. Sales Tax Report
11. Municipal Court Report
12. Public Works Report
13. Finance Report
14. Police Department Report
15. Utility Operations Report
16. March 2022 Utility Report

Mayor and Council listened to each department report, seeking clarification and questions with concerns on items such as, Grant Works Home Grant program, Municipal Court Citation count, Lift pump concerns, sewer taps and charges, pool drain and sewer charge, MISD event and Public Works crews removing trash post event. Water quality conditions of past and present.

Councilmember Kevin Lacy stated that he wished to discuss the grant for the police units and that he voted against it, as he misunderstood the process in which they would be obtained.

Mayor Sara Countryman asked the City Secretary and the City Administrator if she could have the supplementals on the Montgomery Grove, which was discussed at the March 8, 2022, Council meeting added to the minutes on the website.

Councilmember Julie Davis stated that today there are various supplements to the agenda packet, could those be added to the agenda on the website also.

17. City Engineers Report

Mr. Chris Roznovsky provided an exhibit to Mayor and Council. He discussed the GLO Project and that would be a Pre-construction meeting on April 12, and they are in the pre-televising stage right now. He discussed the Water Pump No. 3 Generator project and that they are finalizing details now.

He then went on to address the Pulte Homes development and the City has authorized him to conduct a feasibility study. He provided council with additional details that he had received on this project and sought further direction from council on the feasibility study parameters.

Mr. Roznovsky also provided reports on the relocation of the pole and the collaboration for that by TXDoT and Entergy, and emergency management planning.

Councilmember Bryon Sanford stated that he would like someone to keep an eye on what is being done with the TXDoT median projects as the last thing the City needs is clutter.

Mr. Roznovsky explained that the City already has approval from TXDoT to landscape the median, at the City's expense and maintenance thereof.

Mr. Dave McCorquodale added information with regards to the median stating the delay and issues thus far is having crews maintain as they need a minimum of 300ft each side for safety.

Councilmember Julie Davis moved to approve the departmental reports. Councilmember Byron Sanford seconded the motion. The motion passed (5-0).

**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 of Chapter 551 of the Government Code of the State of Texas.:

> 551.071(consultation with attorney),

> 551.072 (deliberation regarding real property)

**Council went into Executive Session at 8:18 P.M.**

**CITY COUNCIL RECONVENED AT 8:40 P.M.**

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

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

Councilmember Byron Sanford moved to approve moving forward with the supplemental agreement with the approval and review of the City Attorney. Councilmember Kevin Lacy seconded the motion. The motion passed (5-0).

**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.

Councilmember Byron Sanford asked staff what the two solar type receptors were on two poles on Lone Star Parkway.

Police Chief Solomon advised the council that these were the License Plate Readers and at the next City council meeting he will be providing them all with a report on their effectiveness.

Councilmember Julie Davis asked staff about the bridge on Lone Star Parkway where there is a wash out. Mr. Tramm responded that the attorney and staff were talking with the Commissioners Office on it.

Mayor Sara Countryman led a discussion about Bleyl Engineering not responding with regards to the four way stop and went on to discuss the disadvantages of being split into two precincts and not knowing where to go to, as neither precinct considers us.

Councilmember Julie Davis addressed staff regarding a large Pecan Tree in from of Caroline House, and that it is in the City ROW and is within the power lines causing safety concerns, especially as we approach hurricane season.

Mayor Sara Countryman asked staff if the City had received the statues promised for Cedar Brake Park.

Mr. Tramm responded that he will follow up on that, as he had not been aware of receiving them.

Councilmember Julie Davis stated that she hears that Porter Farms doesn't think there will be a traffic impact and can the City ask TXDoT to begin a traffic study on FM 149.

Mr. Dave McCorquodale stated that they will have a preliminary discussion with TXDoT.

**ADJOURNMENT**

Councilmember Julie Davis moved to adjourn. Mayor Pro Tem Wilkerson seconded the motion. The motion passed (5-0).

**ADJOURNMENT 8:49 P.M.**

Submitted by: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Nici Browe, City Secretary

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Sara Countryman, Mayor.