



**City Council
Regular Meeting Minutes
July 08, 2025**

OPENING AGENDA

1. Call Meeting to Order.

The City Council Regular Meeting of the City of Montgomery was called to order by Mayor Countryman at 6:00 p.m. on July 08, 2025, at City Hall 101 Old Plantersville Rd., Montgomery, TX and live video streaming.

With Council Members present a full quorum was established.

Present:	Mayor	Sara Countryman
	Mayor Pro-Tem	Cheryl Fox
	Council Member Place 1	Carol Langley
	Council Member Place 2	Casey Olson
	Council Member Place 3	Tom Czulewicz
	Council Member Place 5	Stan Donaldson

2. Invocation.

Council Member Donaldson gave the invocation.

3. Pledges of Allegiance.

Mayor Countryman led the pledges of allegiance.

PUBLIC FORUM

Mr. Ben Metoyer, Vice President, KEM Outdoor Advertising said I stand here before you to gauge the City's interest in partnering with my company to develop a community/commercial message board at the gateway of the City. We are a development company and would like to build a double digital billboard sign very near the city limits. In exchange for this special use, we would give the City use of one of the eight digital faces to advertise their public message or any other city sponsored event such as a fundraiser for the firefighters or a blood drive for the victims of the West Texas floods. We would of course own, operate, and pay for the complete construction, permitting, and maintenance. It would be at no cost to the City to utilize this service. It would be for the life of the sign, so it is not a limited agreement. With that, I will turn it over to the Council if you all have any questions or concerns. Mayor Pro-Tem Fox asked do you have a business card? Mr. Metoyer said I absolutely do. Council Member Czulewicz asked have you secured the location? Do you have an arrangement ready? Mr. Metoyer said we have a verbal agreement with the property owner. I told them I would come to Council and explore this option before we sign any

agreements. Mayor Countryman asked do we have a sign ordinance for signs on the ground for our monument signs? We have the LED sign here at the center of SH-105 and FM 149 which actually, we are considering an upgrade and that would be something that would be of interest. Also, you stated one side would be for the City. What would be on the other side? Mr. Metoyer said one side would be one of the eight faces. In order to recoup our investment, we would sell the other seven faces to commercial businesses in the community or home builders, developers or whomever advertises. We are a family owned company, so we are not going to put anything inappropriate up there. Mayor Pro-Tem Fox said I am familiar with your company because Farmers Insurance used them a lot. Mr. Metoyer said we have been doing billboards in Texas for over 30 years and I have been doing it here in Montgomery County for 20 years. I am not looking to make waves or upset anybody. I would just like to add and enhance the messaging in this community.

Council Member Olson asked City Attorney Petrov if they would need to go in front of Planning and Zoning? Mayor Countryman said they would need to talk to Code Enforcement Officer and Planning/Zoning Administrator Tilley about our ordinances to ensure Code Enforcement Officer and Planning/Zoning Administrator Tilley and City Administrator Brent Walker know that what they are offering is something that the City can even use. Mr. Metoyer said again, I am open to exploring this option. If the City and the Council are not agreeable, then we are not going to do all the heavy lift. If that is something of interest, then we most definitely will engage the City, engineers, and architects. Mayor Countryman said we really appreciate you coming. Thank you very much.

PRESENTATIONS

4. Presentation and discussion of a proposal by the Communications Tower Group, I, LLC (CTGI) for the installation of a cell tower on City owned property with a potential land lease agreement.

Code Enforcement Officer and Planning/Zoning Administrator Tilley said I have a representative here from CTGI. His name is Mr. Brandt Dozier and he will explain what he is proposing with this cellular communications tower. It is going to be different than the tower that you are used to seeing.

Mr. Brandt Dozier said I am a contractor for CTGI and just honestly looking to enhance the cellular coverage within the city limits northwest of the City. I believe the proposal is going to be on the facility where they will be building a police or training facility. I am not sure what it is. Code Enforcement Officer and Planning/Zoning Administrator Tilley said it is for later in the future. Mr. Dozier asked to approach Council with handouts. What you all are going to be looking at is the first one is the city limits of Montgomery from an aerial view. If you notice inside the city limits, unless I am wrong, there are no cell towers up. The second one should be showing the seven towers outside the city limit, but where we are proposing, the tower is going to be in developments where new neighborhoods are developed. The new school is there and a ton of other things are going in there. Of course, the third is going to be the three properties that are owned by the City that we are looking at. First obviously, being the future development of the City of Montgomery.

Mayor Countryman asked is it going to be over there off of FM 149 where potentially the shooting range will be? Mr. Dozier said yes. One of them show the actual tower where it is being proposed. Mayor Pro-Tem Fox asked could you say where that is located again, please? Mr. Dozier said I do not have a strong address because it is just a piece of land owned by the City of Montgomery, but if you follow FM 149 before you get to Lone Star Parkway, it is on the southwest corner of that. City Engineer Chris Roznovsky said the old wastewater treatment plant across from the church. Council Member Olson asked do you have a picture of the tower itself? They said it is a different design. Mr. Dozier asked have any of you driven through Walden? That is one we just actually built in Walden. A little bit about cell tower is when you put these antennas inside of an enclosure and they do not have any spacing, they overheat. They just do not work very well. It is like a small cell or a data system. A macro site is one of the reasons you have seven towers outside of the City is because we do not lack towers. What we lack on all three carriers is capacity. Montgomery and a lot of the towns around here are growing, which is fantastic. But what is happening is if you have, per se, T-Mobile, you get into the middle of Montgomery and your T-Mobile is as slow as molasses. AT&T is the same way. You get certain spots. So, with all the development that is going on, we thought staying away from the other towers and also in that northeast corner where I know there is a lot of developments going along with schools and businesses, it would be an appropriate place to put a 195 foot tower so that all three carriers could be on it. If you want to and the police facility is built there, I would negotiate into the ground lease to put your equipment on there as well, free of charge.

Council Member Langley asked Code Enforcement Officer and Planning/Zoning Administrator Tillery in our sign ordinance, do we still have a requirement on the height of signs? Does this fall under signs? Where does this fall because in years past when they would come to us, it fell under signs. Code Enforcement Officer and Planning/Zoning Administrator Tilley said we have a telecommunications ordinance and it has height regulations and it has distance requirements from residential. He has the guidelines of what all the safety requirements are. We do have specific ordinances for telecommunications. Council Member Langley asked how old is that? Code Enforcement Officer and Planning/Zoning Administrator Tilley said it has been in there for quite some time. I can check on the actual date that it was added into the ordinance. Because it is not a sign, it does not fall under the definition of a sign. I would not be able to use that ordinance, but because we do have a specific ordinance on it, we would follow those recommendations. Mr. Dozier said really what I am here for is just to answer questions. This is merely Q&A or getting a feel of what could happen, what will happen. The last thing I will end on before if you have any more questions is, I am not sure Montgomery County or the City of Montgomery is on FirstNet. It is an emergency response system. When AT&T goes on the tower, and I am sure they will, obviously the emergency responders respond anytime someone is calling, calls are shut down and go straight to emergency, so it also helps in those cases.

CONSENT AGENDA

- 5. Consideration and possible action on the City Council Regular Meeting Minutes of May 13, 2025.**

6. Consideration and possible action on the City Council Workshop Meeting Minutes of May 22, 2025.

Motion: Council Member Olson made a motion to accept the consent agenda items 5 and 6, as presented. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

REGULAR AGENDA

Mayor Countryman requested that Agenda Item 18 be discussed before Agenda Item 7.

7. Consideration and possible action on a Resolution calling for a Public Hearing to be held on July 22, 2025, on an application by Texas First Bank for a Special Use Permit on 1.1681 acres of land out of restricted reserve "C" in Block 1 of Montgomery First, a subdivision in the John Conner Survey, A-8 [A.K.A. 19940 Eva Street, City of Montgomery, Montgomery County, Texas 77356] for the financial institution with a two lane drive thru and a drive up ATM with dedicated lane.

Code Enforcement Officer and Planning/Zoning Administrator Tilley said this property at 19940 Eva Street is the property between Wendy's and Christian Brothers. The property is zoned B-commercial. We currently do not have a financial institution in our table of uses. We do not have a financial institution with drive-through lanes and a drive up ATM, and that is why they are requesting a special use to cover all of that. For the use in the B-commercial because we do not have it in our table of uses, the most similar uses are the professional offices. Those are normally permitted in the B-commercial and by using that as the similar use, we are saying that in the B-commercial, then financial institutions should also be in that B-commercial. This will be a call for the public hearing for that special use permit. The Planning and Zoning Commission committee have already heard this. You will see it attached in their report that they do recommend approval.

Motion: Council Member Olson made a motion to approve Resolution 2025-17, a Resolution calling for a Public Hearing to be held on July 22, 2025, on an application by Texas First Bank for a Special Use Permit on 1.1681 acres of land out of restricted reserve "C" in Block 1 of Montgomery First, a subdivision in the John Conner Survey, A-8 [A.K.A. 19940 Eva Street, City of Montgomery, Montgomery County, Texas 77356] for the financial institution with a two lane drive thru and a drive up ATM with dedicated lane. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

8. Consideration and Possible Action on the acceptance of a Utility and Economic Feasibility Study Amendment on the BCS Capital development (Dev. No. 2415).

City Engineer Chris Roznovsky, WGA said starting in your packets from page 63, if you remember back in January, you all accepted a feasibility study for the original 32 acre BCS development. There has been a lot of discussion since then. There was the MOU that has

been approved by the City and a lot of ongoing discussions and meetings regarding this project. Back on May 27th, they requested, and you all authorized, an update amendment to be performed to that feasibility study as the developer put the additional six and a half acres neighboring this property under contract and has since closed per my understanding on this parcel. What this memo does is we are just covering the first pages. The attached is the original study. We are just focusing on what has changed, what is new, and answering questions from there. What this additional six acres does is now they have the entire frontage from CB Stewart to Buffalo Springs, everything between those two roads except for Ransom's itself. Everything else on that property is part of this development. What they are proposing, you will see an updated site plan in your packet, is still the big boxes in back and pad sites along the front. Right now, the only users they have lined up is Academy and Texas Roadhouse which has been discussed before. The rest are just prospective pad sites at this time. No commitments on those developers. The estimates in here are based on what we know. Water and sewer is based on equivalent usages for same size buildings, assuming some restaurants, some retail, and different types. As we know more, obviously we are able to tighten up those projections. What is also included in the entirety of the 38 acres is the multi-family portion on the northern end, which they are currently working through the rezoning process of that portion of the site. All that being said, when it comes to water, one of the main differences between what they had originally proposed versus today is in the original proposal. We had them stopping the water line along SH-105 at their property boundary which did not include all the way to CB Stewart. Now that they own across, the change is requiring them to extend it the additional way to get all the way to CB Stewart to close that water line at their cost since they now own all the way across. From a flow standpoint, they have added a lot. We are looking at about 16,000 additional gallons a day based on the high level conservative estimates we have. When it comes to capacity, a very similar discussion we had last time, and have been discussing, they all have initiated design and permitting of a future water plant. We have pumps going on, as well as a sewer plant, so all those kind of projects are underway. As we continue to say, there is a lot of development coming to the City. We try to be conservative, but as things move and shift, we try to keep those up to date because it is close and it is tight on capacity. We still are in a good spot today. Depending on the timing of the developments, we will see how things fall in. Right now, for this development in this study, we are expecting that they were having the first connection starting in September of next year. Based on conversations, that pushes to the first part of 2027. That helps with our timing of capacity. Mayor Countryman asked when you say 16,000 gallons, is that taking into consideration the multi-family, or is that just the retail? City Engineer Roznovsky said that is everything. That is the entirety of the site. The multi-family, the retail, based on the estimates. Mayor Countryman asked no chance that any of the pad sites on the front will be a car wash? City Engineer Roznovsky said it is zoned B-commercial, so it would be allowable use. As of right now, that has not been mentioned as a potential. Council Member Czulewicz asked does any of this change the 380 agreement we already discussed? City Engineer Roznovsky said they have not requested any changes to the 380 agreement. On the next item of the agenda, which our recommendation is to table, they have provided comments to their development agreement that we received earlier this afternoon. We met with them and we are reviewing their comments to go back and find common ground. As of right now, they are not asking for an increase in the amount of reimbursement.

City Engineer Roznovsky said the sewer side is very similar. Obviously larger tract, larger usage. Again, same thing is they were stopping the utility extension at their property line. Instead, now they have to take it all the way to CB Stewart, including the removal of lift station 12, so we could take a lift station off the system and lower by gravity, which saves us operational costs to do so. On water and sewer, we also mentioned here about an additional sewer line extension up Buffalo Springs instead of along CB Stewart just based on how the property naturally falls, it makes more sense. They are going through some options about routing that through the site to better serve and produce the total footage. The City has done that before and other similar developments like this of having a public line that runs through the middle to serve these users, but that will be part of the development agreement. So, they provide an exhibit of exactly what they are asking for the City to be public so everyone is clear. Council Member Czulewicz asked at what point in time will we be able to determine whether it is going to be asphalt or concrete? City Engineer Roznovsky said that is my next bit. The original study had them bringing Buffalo Springs to make it concrete like the rest of Buffalo Springs up to CB Stewart. It mentioned in that study, potentials to the northern end of CB Stewart north of Clepper because at the time, their only frontage onto CB Stewart was from the multi-family parcel. Now that they have driveways for the commercial, for the multi-family, there is a lot more traffic. Our recommendation is they need to do a traffic impact analysis and fund a geotech report to come up with that ultimate recommendation for CB Stewart. Buffalo Springs needs to be concrete. That scope does not change, but CB Stewart, because depending on which way the traffic flows projected in the actual loading, I think that based on our cost estimates, the concrete roadway will likely be more cost effective because of the soil conditions. Essentially, where you have to have double the amount of base on the asphalt road than we do on the concrete, that amount of material and excavation just pushes the price, where concrete in this situation looks to be more effective. Ultimately, our recommendation is saying once they finalize their site plan to determine which way their trucks are being directed in and out of the site because that is the main thing that we are concerned about. One is the volume of the passenger cars, but two, the loading of the trucks to serve and stop at all these stores. What does that study show or where that traffic distribution is going to be? Then, what does the geotech report say is the ultimate recommendation to say that? We have it in here for a reason. We want to see what the actual studies are telling us to make that final recommendation on the scope of road. Council Member Czulewicz asked would that study make a determination in whether or not a right turn lane on SH-105 turning north on Buffalo Springs would be required? Because if you do not, you are going to wind up with more traffic on CB Stewart than on Buffalo Springs because you are not going to sit there and wait for the light. City Engineer Roznovsky said I will ask specifically about that one. I know they have submitted to TxDot for their new driveways onto SH-105, which TxDot will consider additional turn lanes as part of that impact in that study that they submitted. I do not know for sure if that included onto Buffalo Springs and what goes through the site, but that is something that we will ask for clarification. Mayor Pro-Tem Fox asked how is that all going to turn out with the church? Have they started their project yet? I think it is 14 acres. City Engineer Roznovsky said if we look on one of the exhibits, it shows the overall utility plan. The church has a waterline portion. Our recommendation is both. They each pay their per share for one project because it is cheaper to have one design, one contract,

one contractor, and do it all as one to save both of them overall cost. My understanding from the church is they had been provided the updated cost estimate. They have the development in their hands. When I last talked to them a few weeks ago, they were hopeful to start moving dirt this fall. I think they are wanting to move forward, but we have not heard back on the agreement. Mayor Pro-Tem Fox asked are they going to have to do a traffic impact study also? City Engineer Roznovsky said we did not have that as part of the church. They have reduced the size of the building. Mayor Pro-Tem Fox said they are going to be using CB Stewart as well. City Engineer Roznovsky said that is correct. Part of it was it was already a platted development as part of the Lake Creek Village development portion. Part of it is also the church has reduced the footprint of their building, so they have reduced the size. The actual amount of traffic is a lot less than they originally thought.

Mayor Countryman said I am looking at the water usage and the projections, and today it looks like we are currently just under 600,000 and that is almost to 2026, but when you look at the projections to 2027, we are doubling that and at that time when we double it, water plant four completion is to hit, correct? City Engineer Roznovsky said correct. Mayor Countryman asked what if there is a hiccup and water plant four completion and these numbers are astronomical and we are doing double of what we are doing today just in 18 months? What does that look like? Is there an emergency plan? What do we do because now, we are approving it today for future use. City Engineer Roznovsky said what it looks like is two big numbers. One, our projection is going to be conservative. It is going to be based on what we actually see. And two, it could be a slowdown in some of these developments and requesting extensions and going back and pushing these things out a little further. We have buffer like we talked about last time built into our projections, and also, just the pace that these developments are coming along. We all know there has been a lot of historical growth, too, but when you look over the past couple years, it is a relatively flat trend that just skyrockets with all these new developments. We are still in the position today that we are in a good spot, but it has to be in continual conversation as these projects move forward, as the timing gets solidified, where can we push, where can we get the projects going forward. One thing we are discussing is on the water plant project specifically, how do we break it up? Let us get the well drilled now while the rest of the design is being completed to get that cycle moving quicker. Mayor Countryman said we can throttle growth, but I do not want to throttle too much to where our developers are upset, screaming and yelling because we cannot deliver. City Engineer Roznovsky agreed. Council Member Czulewicz asked do we have any idea what time it would take from start to finish to build the water tank? City Engineer Roznovsky said it is a yearlong. Council Member Olson said that is a project that has been on the books for a while. City Engineer Roznovsky said on the water plant specifically, you have already gone to Lone Star and obtained the permit for the well, so that saves you a lot of time. The construction of what we are looking at now is how do we phase out the construction so we are not waiting until it is all complete? Let us get the well drug, drilled and in service, and then let us get the tanks and everything else up and online. Mayor Pro-Tem Fox asked is it still the same location? City Engineer Roznovsky said yes. Old Plantersville. Council Member Czulewicz asked is there any latitude from the time that we have 2,500 connections to when the water tank has to be done? City Engineer Roznovsky said no. The requirement is that you have not had the 2,500. Council Member Czulewicz said that is tough. Council Member Olson said there is a multi-family

development. Have we heard from them lately? The one going in behind Pizza Shack. City Engineer Roznovsky said I have heard from them. They had requested to be on the agenda a couple months ago. They were reevaluating their development plans, looking at potentially some frontage of the street being different from the multi-family in the back. It has probably been close to a month since that last discussion and they were still modifying that plan in order to come back to the City to request that. Council Member Olson asked was that the group that we were looking at maybe helping us do the meter to tie into? City Engineer Roznovsky that is correct. Council Member Olson said if we could make a deal, we could also use that to get us by. City Engineer Roznovsky said correct. Again, all the capacities are based on average level. You have a 2.4 leaky factor on all of them. Right now, the proposed interconnect was an emergency interconnect, but it does not mean that you cannot request for a temporary and gives us a couple months of service while we close the gap.

City Engineer Roznovsky said overall, going to page five of this amendment, you will see the updated estimate of infrastructure cost. There is that range in there for CB Stewart like we talked about. If it is half the road, all the road, concrete or asphalt. Then, you look at their updated development cost. They are looking at a total at full build out, assessed value of \$166 million which would generate roughly \$600,000 and have more tax at full build out. This does not have anything with sales tax in it. When they come back for the discussion regarding the development agreement, obviously, revised sales tax numbers are adding six and a half acres of commercial and changes that action. City Engineer Roznovsky said this is just acceptance of the study.

Motion: Council Member Olson made a motion to accept a Utility and Economic Feasibility Study Amendment on the BCS Capital development (Dev. No. 2415). Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

- 9. Consideration and Possible Action regarding the approval of the Development Agreement between the City of Montgomery, Texas and with BCS Capital, LLC, for the development of approximately 38 acres located along the frontage of SH 105, between Buffalo Springs Drive Nd CB Stewart Drive. (Dev. No. 2415).**

Motion: Council Member Olson made a motion to table item #9 until the July 22nd City Council meeting. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

- 10. Consideration and Possible Action regarding authorizing the City Engineer to begin design of the Lawson and Simonton Waterline Loop project (the “Project) subject to receipt of deposit from Superior Properties of Texas, LLC.**

City Engineer Chris Roznovsky said part of the development agreement was for them to fund the City to design and construct their waterline replacement on Simonton and looping that around to Lawson. What is in front of you is the authorization for the City to begin that design work subject to receipt of a deposit from the developer per the development agreement. What is in here is the full design, construction, material testing, survey for the project with an estimate time of 186 days to complete the work. The summary of the fee is

located on page 163 of your packets. Following that, you will see an exhibit on page 164 showing the scope of the project. As a reminder, this is the same exhibit that was part of the development agreement.

Motion: Council Member Donaldson made a motion to authorize the City Engineer to begin design of the Lawson and Simonton Waterline Loop project (the “Project) subject to receipt of deposit from Superior Properties of Texas, LLC. Council Member Czulewicz seconded the motion. The motion carried with all present voting in favor.

11. Consideration and Possible Action on the Montgomery Bend Section 3 WSD&P Plans (Dev. No. 2203).

City Engineer Chris Roznovsky said back on May 28th, 2024, Council approved the construction plans for Montgomery Bend Section 3. Home sales were slower than they were expecting, so the construction of section 3 has not yet occurred. They have submitted a request to reup their approvals. What is allowed is a one-time reapproval. We looked at the plans, compared them to the recently adopted ordinances, and there are no significant changes that affect their design. Our recommendation is to go ahead and reapprove the plans from Montgomery Bend Section 3. Based on information by the developer, they are expected to bid and award that contract this month to start section 3 of the project. Section 3 includes 85 lots.

Motion: Council Member Olson made a motion to approve the Montgomery Bend Section 3 WSD&P Plans (Dev. No. 2203). Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

12. Consideration and Possible Action on the Montgomery Bend Section 4 WSD&P Plans (Dev. No. 2203).

City Engineer Roznovsky said this is very similar to the last item. Montgomery Section 4 is 67 lots. They are not continuing to bid this and start construction right away. Based on home sales, they expect to do so end of the year, first of next year to get started with construction. One thing I will note on section 4 is part of their agreement, part of their TIA with TxDot is they have to install a traffic signal once they reach 250 watts. That break point is I think two lots into section 4. We have told them this before that the City will issue the building permits in section 4. They have to have that traffic signal completed in accordance. Mayor Pro-Tem Fox asked how many houses? City Engineer Roznovsky said 250. Council Member Olson asked is that signal on FM 1097? City Engineer Roznovsky said yes, FM 1097. Mayor Countryman asked is it the acquisition of us saying okay to this, or is it that they are actually building on the lot for that light to go there? City Engineer Roznovsky said the communication with them was based on when they record the final plat of section 4 because they cannot sell the lots until they plat, and so they could start construction, but they would not be able to do their final plat until the signal is in place. Mayor Countryman asked is that signal going to be on that curve? City Engineer Roznovsky said correct. Mayor Countryman asked how many wrecks are we expecting? I am assuming there is signage on both sides before we hit the light. City Engineer Roznovsky said I do not know what is on their plans.

I would assume there are. Those are through TxDot, but I would assume, based on this location, there would be signs warning of the approach to that light. Council Member Czulewicz said that is not too far from the Buffalo Springs light. Mayor Countryman said yes, but it is up a hill and around a corner. Mayor Pro-Tem Fox said yes, but it is a bad corner. Council Member Olson asked are they not moving FM 1097? Mayor Countryman said not in this lifetime. City Engineer Roznovsky said there have been discussions about rerouting FM 1097 to line up with FM 1097 west. Mayor Countryman said we asked about it at the TxDot meeting and it is not even on their 20-year plan. At first it started to come back, but why do we need to fly over FM 149 going to nowhere, back up to FM 149? When you do FM 1097 east to west, it takes you back through the forest. They are not going anywhere. I think those plans have kind of been slow killed.

Motion: Council Member Olson made a motion to approve the Montgomery Bend Section 4 WSD&P Plans (Dev. No. 2203). Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

13. Consideration and Possible Action on the Acceptance of the Public Infrastructure within Briarley Phase 1A Section 1 and authorize the City Administrator to sign the Certificate of Acceptance (Dev. No. 2006).

City Engineer Roznovsky said the next three items are very similar. Each one are individual sections so there are individual punch lists for each. Generally, where they stand is all about the same. The main items that were remaining for this item was the driveway connection to Old Plantersville and Kammerer Drive. As of this afternoon, that has been completed, including the papers and the asphalt connection to Kammerer. The other items that are outstanding, there is one manhole lid in one of the sections that is not to the City of Montgomery's standard. It still works, but it is on back order to get the one City of Montgomery lid switched out. The meter boxes that were installed were normal size, not the jumbo size. As of this afternoon, there was at least three guys and trucks switching out those meter boxes, with the intent of all those will be done prior to any meters needing to be set. They are actively working on it. Then, the normal items that are not done by this point in time, those items are your sidewalks which get sold to home builders. The trees and vegetation are going in right now. The street lights listed on here are not complete. Most of those have been installed. They are just not all fully complete. That is one thing to buy the one year warranty to confirm they are in and they are in the locations that they are supposed to be. Our recommendation is to go ahead and accept section one and move forward with allowing them to get building permits to start those homes. Just to be abundantly clear, the items that are not 100 percent complete, your acceptance does not change the requirement to complete those items.

Motion: Council Member Olson made a motion to Accept the Public Infrastructure within Briarley Phase 1A Section 1 and authorize the City Administrator to sign the Certificate of Acceptance (Dev. No. 2006). Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

14. Consideration and Possible Action on the Acceptance of the Public Infrastructure within Briarley Phase 1A Section 2 and authorize the City Administrator to sign the Certificate of Acceptance (Dev. No. 2006).

City Engineer Roznovsky said if you look in your packets on page 218 or 219, you will see an exhibit of where this is. Same items are in place. They are wrapping up these final items just like I mentioned in the last section. One thing I did not mention on the last item is they have put up their maintenance bond for all of the cost of the construction. Mayor Countryman asked are there more homes in this section? It looks slightly larger, but I cannot tell. Mr. Matt Banks, Johnson Development said they are all generally the same, plus or minus.

Motion: Council Member Olson made a motion to Accept the Public Infrastructure within Briarley Phase 1A Section 2 and authorize the City Administrator to sign the Certificate of Acceptance (Dev. No. 2006). Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

15. Consideration and Possible Action on the Acceptance of the Public Infrastructure within Briarley Phase 1A Section 3 and authorize the City Administrator to sign the Certificate of Acceptance (Dev. No. 2006).

City Engineer Roznovsky said on page 223 you will see an exhibit of where this is and part of the overall development. The same thing with the meter boxes. They have grouted and sealed the manhole which is not shown complete on the punch list in your packets. Meter boxes are underway and then all the other items are for the warranty. We have the maintenance bond in place. Council Member Olson said I know this question applies to all three of these with the sidewalks. Are they going to install the sidewalks after? Do we get another year on the sidewalks? City Engineer Roznovsky said we discussed with the city attorney and checking them with the home builders and making those inspections at that time. As far as the extending of warranty, I cannot remember where we left off on that conversation with the attorney if we got to that point. We were focusing on making sure we had the catch that they were put in correctly since they are not done and we inspect them at the one year, but I will circle back on that later on.

Motion: Council Member Olson made a motion to Accept the Public Infrastructure within Briarley Phase 1A Section 3 and authorize the City Administrator to sign the Certificate of Acceptance (Dev. No. 2006). Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

16. Consideration and possible action on a First Amendment to Wastewater Pump and Haul Services Agreement between the City of Montgomery, Texas, and JDS Old Plantersville Road LLC, and to authorize the City Administrator to sign the agreement.

City Engineer Roznovsky said I will introduce the background of where the lift station probably stands which necessitates this agreement, and then I will let City Attorney Petrov

and city staff answer questions on the agreement itself. As of today, the lift station is operational on permanent power. What is not operational is the generator. The generator startup is scheduled for Thursday of this week, the 10th and then they have a gas tank on site. This is going to be a natural gas generator while they wait for the natural gas line to come in and be able to make the full connection. The reason this item is in front of you, is our recommendation is not to accept the lift station since the generator is not operational. In the event of a power outage, the pump and haul agreement would be in place that there is enough flow that Johnson development would be responsible for the cost of having the sewer pump and hauled out of the system. Natural gas is going in as we speak. They are working on it. There is probably not going to be significant homes in that development until the first part of next year. So by the time there is actual flow, the likelihood is the generator is in place and everything is operational. City Attorney Petrov said this is really an amendment of an existing agreement. Other than the number of building permits that can be issued and the locations, none of the terms have changed. If you will recall about two months ago, you approved a similar agreement to allow them to submit building plans for six model homes. This expands that from the six model homes that was very specific to those, to any home site within these three sections. Other than that, all the terms are the same. Council Member Olson asked ultimately, how many homes are we looking at that will be built to have the risk of having to be pumped and hauled? City Engineer Roznovsky said 180 homes. If power goes out, the generator is not operational, and all 180 homes are built, that is obviously a lot of flow. To answer your question on how long they had between, it is such a varied number on the amount of flow at that time, but it is a large system. It is a deep system, so there is a lot of capacity in there to hold in the event of a power outage with the lift station not operational. Mayor Pro-Tem Fox asked at the rate they are building houses right now, what do you think the probability would be? City Engineer Roznovsky said I think the likelihood is that the generator is online prior to any substantial building of homes. Startup is Thursday. It will have a natural gas tank, so it will be usable as a generator at that time. You do not have generators at all your lift stations. Natural gas is going in to make that permanent connection. Mr. Banks said I would probably say being super conservative, knowing they are in the community right now installing lines, at least 60 to 90 days and it is probably end of the year, first part of the year before we have a finished home for somebody to actually move into. Mayor Countryman said another faction too, just for consideration, this is MidSouth and not Entergy, correct? Mr. Banks said correct. It is MidSouth Power or SiEnergy. Mayor Countryman said MidSouth has an excellent reputation of staying live when other providers go down. City Engineer Roznovsky said the other thing to note is there is a natural gas tank on site for the generator to use, but cannot start up until Thursday and full acceptance. Council Member Czulewicz asked how long would the generator run on the tank? Mr. Banks said good question. I will get the answer for you. I do not know. Mayor Pro-Tem Fox asked how large is a tank? Mr. Banks said I do not know that off the top of my head, but I can get that answer for you. City Engineer Roznovsky said it could definitely be determined because the lift station does not need to run all the time, especially in these first phases of development. It is running a couple times a day because there is not a lot of flow that is going to be there. Council Member Langley said because the other houses are model homes only, right? City Engineer Roznovsky said correct. The first six that were in the original agreement. Council Member Langley asked the homes that are there now, those are model homes? Nobody is living there? City Engineer

Roznovsky said correct. Mr. Banks said nobody is living there. They do not allow anybody to use those facilities.

Motion: Council Member Olson made a motion to accept a First Amendment to Wastewater Pump and Haul Services Agreement between the City of Montgomery, Texas, and JDS Old Plantersville Road LLC, and to authorize the City Administrator to sign the agreement. Council Member Langley seconded the motion. Motion carried with 4-Ayes and 1-Nay vote by Council Member Donaldson.

17. Consideration and Possible action regarding entering into an interlocal agreement with Montgomery County for a temporary traffic signal at Lone Star Parkway and Lone Star Bend.

Public Works Director Muckleroy said they are estimating about \$65,000 for the temporary. Keep in mind, this is the temporary signal. They intend to fully fund the permanent one with the road bond when the widening happens. They are asking up to 50 percent. It is a pretty straightforward agreement. I did speak to him earlier today and he is looking at end of September for completion on this. Council Member Olson asked would that fall in this fiscal year's budget? Public Works Director Muckleroy said it is close. If it happens by the end of September, yes. But if it goes past October one, it could go in it next year. Council Member Olson asked if it falls in this year, are we good because this is not something we budgeted for? Public Works Director Muckleroy said it is not, but we have the contract labor street line item. It is 250 for the year. We still have about 180 left in it. I have purposely been waiting on this agreement, not knowing how much of it was going to be affected. Council Member Donaldson asked how much do you want to pay? Council Member Olson said we are going to pay half of the 65. Public Works Director Muckleroy said half of the actual cost. They are providing an estimate of 65, but the agreement they sent over does say up to 50 percent of actual cost. Keep in mind you can make whatever recommendations you want to the attorney.

Motion: Council Member Olson made a motion to enter into an interlocal agreement with Montgomery County for a temporary traffic signal at Lone Star Parkway and Lone Star Bend for 50 percent, not to exceed \$32,500.

Discussion: Public Works Director Muckleroy said I will refer to City Attorney Petrov on the process. I am sure we need to send it back over and get their blessing on it again. Council Member Olson asked their estimate, right? Public Works Director Muckleroy said estimate they are basing it on an estimate, but it does say actual cost, so that is the kicker. City Attorney Petrov said we can write in that number and send it back. Mayor Countryman asked can we just say not to exceed \$35,000 to give that buffer in the event it is \$100 more than what we have approved here? Council Member Olson said sure. Public Works Director Muckleroy said I think you are smart to put on it not to exceed. Council Member Olson said I would like to amend my motion.

Amended Motion: Council Member Olson made a motion to enter into an interlocal agreement with Montgomery County for a temporary traffic signal at Lone Star Parkway

and Lone Star Bend for up to 50 percent, not to exceed \$35,000. Council Member Donaldson seconded the motion. Motion carried with Motion carried with all present voting in favor.

18. Consideration and possible action on a Resolution of the City of Montgomery, Texas, adopting the Nationwide Deferred Compensation Plan; and Further providing for effective date, severability, and finding and determining that the meeting at which this resolution is adopted was open to the public, that the public notice of time, place, and the subject matter of the public business to be considered was posted as required by law.

City Secretary Ruby Beaven said presented before you is a 457 Deferred Compensation Plan. Right now, the City of Montgomery has a pension plan for TMRS. The Nationwide plan is an optional platform available for employees if you choose to elect this for the employees to have as an optional form of retirement. There is no cost to the City of Montgomery at all. It is still funded by the employee and paid for by the employee. Since I have come on board, I have had several people ask me about an option like this, so with listening to the employees, I bring this forward to you. Tonight, we have Syria Cribbs with Nationwide in the audience who can answer some questions and also on Zoom with me is Jose Garza Jr. to answer any direct questions you may have about this. What I can tell you is that, as I said, it is no cost to the City of Montgomery. It is self-funded by the employee. Council Member Langley asked who pays the fee they are going to charge monthly to the City? Does each employee pay a portion of that or is there no fee from this company to do this? Most of them have a monthly fee. Mr. Garza said there is no fee in terms of no direct item fee. The fees are all built into the mutual funds themselves. The investment portion consists of about 30 different mutual funds. All of them have expense ratios just like any other fund if you go directly to a fund house and buy them there. These will also have an administrative service charge associated with each fund and that is built into the price per share of the fund. Those that would like to participate in this retirement plan will pay that fee. Therefore, the City themselves does not have to. We do not operate on commission or anything like that. Our main job is simply to provide service and education and ultimately help people save and plan for retirement. We have been in the public sector business for years. We are the largest 457 plan administrator in the country. We have over almost four billion in assets that our company owns. We have a rep that will be coming and servicing the City of Montgomery in person if that is what the employees choose, or we can do it virtually like I am coming to you today, which I wish I was there by the way. Hopefully, that helps answer the question, but I am happy to answer any more or provide any more details on the investments and how the program does work.

Motion: Council Member Olson made a motion to accept Resolution 2025-18, a Resolution of the City of Montgomery, Texas, adopting the Nationwide Deferred Compensation Plan; and Further providing for effective date, severability, and finding and determining that the meeting at which this resolution is adopted was open to the public, that the public notice of time, place, and the subject matter of the public business to be considered was posted as required by law. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

19. Discussion on H.B. 1522 Open Meetings Notice and the impact on agenda processing.

City Secretary Beaven brought this to the agenda to give you an update on House Bill 1522. This is in relation to open meetings notices. This bill requires government entities to post agendas and meeting notices at least three business days before the scheduled date of the meeting, ensuring there is adequate time for review and for preparation for discussion. This goes into effect on September 1st. What that means is the day of the posting and the day of the meeting do not count. There is no longer 72 hours. It is three business days before. Again, this is just to let you know that these changes are coming. Leadership had a meeting internally to discuss this so that they are aware of this coming down the pipeline. We want to start implementing this now so we can iron out any kinks before September 1st comes into effect. That way you are staying in compliance with their posting of the agendas and transitioning with the new scheduling. If you have a City Council meeting on Tuesday, July 22nd, the agenda needs to be posted the week before on Wednesday, July 16th, which means the agenda cutoff deadline is Wednesday, July 9th, so it really pushes things up for us. Something that the leadership team did note is that the monthly reports that are provided on the second meeting of the month, they are requesting to start moving that to the first meeting of the month. They are asking for the July 22nd monthly reports that are presented at the end of this month to be pushed to the first meeting in August so we can start the transition process. We did not want you to be taken off guard that they are not on the agenda, and we wanted you to know why we are doing this so that way we can stay in compliance with posting regulations. Mayor Countryman said this is ridiculous. I met with Mr. Will Metcalf. This just pushes back business for us. We cannot do general business six weeks out. You have to get it on the agenda. It is absurd, but I know it is already passed. We cannot do anything about it. That is my two cents. Mr. Walker and I are going to meet with him. I am really upset about this because we are going to be doing special meetings weekly now because we cannot get business done in a timely manner. It is awful. Council Member Olson said special meetings still have to have three-day notice. Mayor Countryman said yes. Council Member Olson said that is not changing anything. Mayor Countryman said yes, it does change a lot. Council Member Olson said what it does is it makes you plan into the future. It is the same thing we do in the corporate world. We plan 12 weeks out. Mayor Countryman said but here some of the items got on the agenda last minute because stuff comes in, and if you have to tell a developer who has just purchased the property, you have to wait until the next meeting, probably the next meeting after that. It is just not efficient for city business. When I texted Mr. Metcalf to express my disdain about the post going into effect, he said that he is open to talking about it because I do think on the budget piece I can see that portion, but not to do general business. Six weeks to eight weeks in the future is not efficient for us. We have to be up a lot quicker and I do not want to be special meeting to death every week. Council Member Donaldson said I am missing the point. To me, it is only moving it up two more days. Mayor Countryman said no, it is not. Today is a meeting. This would have been that last Wednesday, all of the information had to be to Ruby, but prior to that, all of this stuff happens a week to a week and a half prior to that, so that the engineers and the attorneys and all department heads can get back. Then, if they are sitting there going back and forth, which happens a lot, now you are pushing it down the road and it could be up to eight weeks. Where today, they counted it as the weekend, as part of the 72 hours. So,

we posted on Friday to meet on Tuesday, but now, they are not allowing the weekends. He said you do not count Wednesdays and you do not count Tuesdays. So, the 72 hours is the Thursday, Friday, and Monday. Council Member Donaldson said the only thing I am misinterpreting is the time it takes for departments to report because I thought they reported just before the due date. You are saying they have to report what they have got to do two weeks before it actually posts, right? Mayor Countryman said yes, and if you miss that window, then you are now kicked out until another two weeks down the line. Council Member Donaldson said they are moving it to the first meeting of the month just to give them more time. Mayor Pro-Tem Fox said to get their schedule to start flowing by September 1st. Finance Director Carl said for the meeting coming up on July 22nd, we are required to have everything in by tomorrow. I do not even have the bank reconciliations wrapped up for June, so I cannot possibly put together a finance report. We are still trying to go through all of the month end items and all the daily operations. That is why for those type of reports, it is just not possible for us to be able to meet that deadline. Typically, the way that it would work is when you know the finance report is coming, I would have until next Wednesday to be able to get that to Ruby, but for her to be able to have the time to go through the agenda and make sure all the content is there and get it over to legal, we just do not have the time anymore to do that. I know the same is true for public works with the operator's report because we cannot even get the data until next Monday. That is why it has to be pushed out. It is unfortunate, but we wanted you to at least be aware. Mayor Countryman said Mr. Metcalf said he would be willing to talk about amending the whole thing like, give me your feedback, see what we can change, and they are certainly open to looking at that. Finance Director Carl said in looking at the budget aspect that is in there, we already followed that. So, one of the things that it talks about is that your budget has to be posted on your website or part of the packet. We post that on our website, so as soon as we have that proposed budget, it goes on the website and it is there for the 30 days. The other piece that it talks about is the piece in your property tax calculation, comparing the average value, what your tax rate would be last year, and what your tax rate would be for next year. They already do that. It is already part of the calculation worksheets that comes from the tax office, so I was a little confused by that. I feel okay with those things. It is just this timeline and how it is going to shift some of the reporting you will get. Mayor Countryman said based on the answer he gave me, there have been bad actors and local governments across the state taking advantage of vague and open-ended language and current public postings. A few bad people have impacted the whole entire state.

20. Consideration and Possible Action on the Escrow Agreement by and between the City of Montgomery and the Developer (“Mavis Southeast LLCD”) and authorizing the Mayor to sign.

City Engineer Roznovsky said in your packet you will see a copy of the development application, followed by a site plan and an exhibit showing where this is. This is a proposed tire, brake, and light auto repair shop behind CVS, south of CVS, running on FM 2854. This is already applied in development. There is already utilities there, so there is no feasibility study required. This is just the approval of the escrow agreement which they will then put up funds to cover the City's cost of administration, legal, and engineering fees to review and approve the plan. Council Member Donaldson said I have a question about the mapping. I

see their plan, what they are going to set behind CVS, but when I go to the map that shows the property, it is a lot more property than they are going to use. City Engineer Roznovsky said that is the current parcel boundary, that whole thing, but they are subdividing off. If you look at the site plan that shows the building, you will see the heavy dash line around it. They are pulling that portion off of that current boundary. Council Member Donaldson said they are just not using all of it. City Engineer Roznovsky said correct. I think the developer will retain that portion. They will pull off the frontage. Mayor Countryman asked is this a franchise? It says the owner lives in New York? City Engineer Roznovsky said I believe it is. This is not a one off store. It is the first in Texas. Council Member Olson said there are a lot of firsts around here.

Motion: Council Member Donaldson made a motion to accept the Escrow Agreement by and between the City of Montgomery and the Developer ("Mavis Southeast LLCD") and authorizing the Mayor to sign. Council Member Olson seconded the motion. Motion carried with Motion carried with all present voting in favor.

COUNCIL INQUIRY

Code Enforcement Officer and Planning/Zoning Administrator Tilley said I wanted to follow up on Council Member Langley's question regarding the telecommunications tower. It was not since 2004. It was actually added to the building regulations under chapter 18 in 2016. Chapter 18 starts in article 5, section 18-124 where it starts with authorized permits and it describes location and setbacks. Council Member Olson asked does it have a height restriction? Code Enforcement Officer and Planning/Zoning Administrator Tilley said there is. It cannot be within 200 feet of any residential use. The height of the tower cannot exceed 75 feet if the tower is located 200 or more feet and less than 250 feet from any residential use, it can exceed 100 feet if the tower is located 250 feet or more, and less than 540 feet from any residential use or the height of the tower shall not exceed 120 feet if the tower is located 540 feet or more from any residential use. Only monopole towers shall be allowed within 540 feet of any residential use. They will definitely make adjustments because of the location of that one house that is close to the entry. Mayor Countryman asked is there residential coming in west of there that is going to impact it? I know north of there is commercial, but west? Code Enforcement Officer and Planning/Zoning Administrator Tilley said I think north of there is still industrial. Mayor Countryman said I mean residential to the west. Code Enforcement Officer and Planning/Zoning Administrator Tilley said residential to the west will make sure they have distance requirements. Council Member Olson asked do we still cap out at 120? Code Enforcement Officer and Planning/Zoning Administrator Tilley said we do, but of course there is always the option of variances and I will take a look at what kind of variances.

EXECUTIVE SESSION

21. Closed Session

City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

A. Section 551.072 Deliberations about Real Property regarding 213 Prairie Street and a potential lease agreement.

At 7:17 p.m. Mayor Countryman convened the Montgomery City Council into closed session pursuant to provision Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.072 Deliberations about Real Property regarding 213 Prairie Street and a potential lease agreement.

22. Open Session

City Council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

A. Section 551.072 Deliberations about Real Property regarding 213 Prairie Street and a potential lease agreement.

At 7:45 p.m. Mayor Countryman reconvened the Montgomery City Council into an open session pursuant to provision of Chapter 551 of the Texas Government Code to take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Item A: No action taken.

CLOSING AGENDA

23. Items to consider for placement on future agendas.

No items to consider for placement on future agendas.

24. Adjourn.

Motion: Council Member Czulewicz made a motion to adjourn the Regular Meeting of the City of Montgomery at 7:45 p.m. Council Member Olson seconded the motion. Motion carried with all present voting in favor.

APPROVED:

Sara Countryman, Mayor

ATTEST:

Ruby Beaven, City Secretary