

**City Council & Board of Adjustment Meeting
MINUTES**

March 14, 2023, at 6:00 PM

CALL TO ORDER

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

Present:	Byron Sanford	Mayor
	Carol Langley	City Council Place #1
	Casey Olson	City Council Place #2
	Cheryl Fox	City Council Place #4
	Patricia Easley	City Council Place #5
Absent:	T.J. Wilkerson	City Council Place #3
Also Present:	Gary Palmer	City Administrator
	Nici Browe	City Secretary & Director of Administrative Services

CALL TO ORDER

Mayor, Byron Sanford called the meeting to order at 6:00 P.M.

INVOCATION

Mayor, Byron Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No citizens addressed City Council.

ANNOUNCEMENTS

- 1. Presentation of a Proclamation to Karis Klamer from the Montgomery High School celebrating "Theatre in our schools' month".**

Mayor Sanford presented a Proclamation to Ms. Karis Klamer. Ms. Klamer spoke to City Council and the audience and thanked them for their efforts to highlight the importance of Theatre in our schools.

- 2. Announcement of the official commercial and residential winners of our "Texas Independence Celebration Contest."**

Mayor Sanford read out the winners of the Texas Independence Celebration Contest and informed the winners that their prizes will be mailed out.

CONSENT AGENDA:

3. Approval of the Regular City Council Meeting Minutes of February 28, 2023.

Councilmember Casey Olson moved to approve the minutes as presented. Councilmember Carol Langley seconded the motion. **Motion passed (4-0).**

ZONING BOARD OF ADJUSTMENT:

4. Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a variance request to Section 98-286 of the City Code of Ordinances related to off-street parking requirements as submitted by MISD for a proposed 33.8-acre CTE and Agricultural Center school facility located on Lone Star Parkway west of Buffalo Springs Drive.

Mr. McCorquodale introduced this item and the applicant provided clarity to the reason behind the request.

Councilmember Cheryl Fox moved to approve the variance request as presented. Councilmember Patricia Easley seconded the motion. **Motion Passed (4-0).**

5. Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on an existing encroachment variance request to Section 98-239 of the City Code of Ordinances related to rear yard requirements as submitted by Cornerstone Community Church located at 14740 Liberty Street.

Mr. McCorquodale introduced this item and provided details on the request by the applicant.

Councilmember Carol Langley moved to approve the variance request as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (4-0).**

CONSIDERATION AND POSSIBLE ACTION:

6. Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING CHAPTER 82 "TAXATION" OF THE CITY CODE OF ORDINANCES TO ADD ARTICLE VI. "PARTIAL AD VALOREM TAX EXEMPTION FOR HISTORICALLY SIGNIFICANT STRUCTURES"; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY.

Mr. McCorquodale presented the ordinance and reminded council that this was discussed at a prior council meeting. He stated that he had reviewed and worked with the attorneys and the ordinance before council tonight was recommended for approval.

Councilmember Casey Olson moved to approve the ordinance as presented. Councilmember Cheryl Fox seconded the motion. **Motion passed (4-0).**

7. Consideration and possible action on Amendment No. 1 to the Development Agreement between the City of Montgomery and Redbird Meadow Development, LLC (Dev. No. 2206).

Mr. Gary Palmer presented this item and informed council that it would be his recommendation to listen to the developer and their request, but advised that staff wished to workshop the request and view the impact it may have throughout the city. He recommended to bring this item back at another time for consideration once the development team has made its review.

Ms. Annette Stephens, Mr. Perry Senn and Mica Kreikemeier provided a comprehensive presentation on the request and responded to in depth questions from council.

Mica Kreikemeier stated that the County Fire Marshal has reviewed the smaller width roads, and lot sizes and is comfortable with the proposed plans.

Perry Senn responded to questions with regards to egress to the development and stated that they will be resurfacing and providing repairs to the roadway, however, this won't occur until the end of phase III due to the damage construction traffic may have on any new surface laid down.

Mayor Byron Sanford asked what the impact would be on the revenue that was promised, would be now that the lot sizes are smaller and asked what the estimated sale cost of each size would be.

The Developers provided details and reminded council that all of this development would be in phases.

Mr. Chris Roznovsky, Engineer WGA reminded Council of the processes that had already taken place prior to tonight's meeting and that part of the development agreement is that the developer pays the fees upfront for a lot of the issues being discussed this evening.

Councilmember Casey Olson moved to table this item until the development team has workshopped the issues surrounding the proposed changes. Councilmember Cheryl Fox seconded the motion. **Motion passed (4-0).**

8. Consideration and possible action on Letters of No Objection for the proposed Montgomery County MUD's 223 & 227.

Mr. Bryan Yeates Attorney, Schwartz, Page & Harding LLP presented to council the two letters required to establish Mud Districts, that being MUD 223 & MUD 227. These will be presented to the legislature. He went on to assure council that this does mean they are consenting, this is merely a notification to the legislature that you do not object to the creation of the MUD's.

Councilmember Casey Olson moved to approve the issuance of letters of no objection for MUD 223 and MUD 227. Councilmember Carol Langley seconded the motion. **Motion passed (4-0).**

9. Consideration and possible action on acceptance of the Sanitary Sewer & Drainage Improvement on Dr. Martin Luther King Jr. Drive project (GLO CDBG-DR Contract No. 19706-017-B366) Sewer Facilities.

Ms. Katherine Vu, Engineer WGA informed council that the work on Dr. Martin Luther King Jr Drive for the Sanitary Sewer & Drainage project is now complete, the punch list items that were provided have been addressed and at this time WGA is requesting a letter of substantial completion of the project.

Ms. Vu went on to state that the warranty period will now begin and run through January 11, 2024.

Ms. Vu responded to questions and concerns regarding any issues and or problems that arise during the warranty period.

Mr. Roznovsky reminded council that there was a performance bond of 30% to be used for maintenance.

Councilmember Casey Olson moved to issue a letter of Substantial Completion and acceptance of the MLK project, which would activate the one-year warranty period. Councilmember Patricia Easley seconded the motion. **Motion Passed (4-0).**

10. Consideration and possible action on the replat of Restricted Reserve "H2" of the Amended Plat for Buffalo Springs Shopping Center Phase 2.

Ms. Katherine Vu, Engineer WGA presented this item to council. She provided council with the reasoning for the replat is that splitting into two parcels to allow Dutch Bros to finalize construction.

Council inquired if plans had been submitted for Dutch Bros at this time.

Ms. Vu responded that yes they had, however a certificate of occupancy could not be issued without the replat being recorded.

Councilmember Carol Langley moved to approve the replat as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (4-0).**

11. Calling a Public Hearing for a rezoning request from "R1"-Single Family Residential to "I"-Institutional for a 0.295-acre parcel of land located at 14740 Liberty Street as submitted by Cornerstone Community Church.

Mr. McCorquodale presented this item and informed council that as part of the zoning request process it is required that the city calls a public hearing. It is recommended that the public hearing be called for April 11, 2023, at 6:00 P.M.

Councilmember Carol Langley moved to call a public hearing for April 11, 2023. Councilmember Casey Olson seconded the motion. **Motion Passed (4-0).**

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

Mr. Palmer informed Council that he is requesting that there is no action on this item again, as the auditors were working to untangle some additional items. As soon as that is complete then the budget amendment will be brought back to council. Due to the timeline and State requirements to file the audit by March 31, 2023, he is recommending to table this item until March 28, 2023 Council meeting.

Councilmember Cheryl Fox moved to table this item until March 28, 2023. Councilmember Casey Olson seconded the motion. **Motion Passed (4-0).**

EXECUTIVE SESSION:

Adjourn into Closed Session in compliance with Section §551.001 etseq. Texas Government Code, to wit:

Section 551.071 (consultation with attorney)

Section 551.072 (deliberation regarding real property)

Council Adjourned into Executive Session at: 7:10 P.M.

Council Reconvened into Regular Session at: 7:44 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

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

No action was taken.

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.

No Council Inquiry.

ADJOURNMENT

Councilmember Carol Langley moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. **Motion passed (4-0).**

ADJOURNED: 7:46 P.M.

Submitted by: _____
Nici Browe, City Secretary

Date Approved: _____

Byron Sanford, Mayor