



**City Council
Regular Meeting Minutes
August 26, 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 August 26, 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
Council Member Place 1 Carol Langley
Council Member Place 2 Casey Olson
Council Member Place 3 Tom Czulewicz
Council Member Place 5 Stan Donaldson

Absent:
Mayor Pro-Tem Cheryl Fox

2. Invocation.

Council Member Czulewicz gave the invocation.

3. Pledges of Allegiance.

Mayor Countryman led the pledges of allegiance.

PUBLIC FORUM

My name is Brendan Hoffman. I live at 22530 FM 2854 in Montgomery, Texas. First, I want to start off by saying thank you for the professionalism that has already been shown. Every time I reach out, I receive thoughtful, detailed answers, and I want to recognize how much I truly do appreciate that. As I reviewed the ordinances, there are three key sections that guide why I am standing here today. In front of you, there is an exhibit with some highlights on it. On the last exhibit, there is a drawing that I put together that you can also reference. The first Section, 78-162, is all required setback. It states that where commercial property abuts single family residence, it must be a 25-foot vegetative set back. Within that setback, it specifies plantings. If there is no subdivision fencer wall, the standard is four shade trees, five

ornamental trees, and 20 shrubs for each 100 linear feet. Importantly, this means if a wall is provided, the vegetative component is still required unless reduction is approved by the Planning and Zoning Commission. The second is the definition of visual barrier. In the adopted ordinance it is defined as a continuous unbroken solid screen in either basic construction fencing or vegetation maturity. It must not be less than six feet in height above natural ground elevation and that is critical with non-vegetative barriers allowed up to eight feet and minimum thickness of one foot. Vegetation must be at least five feet in width and the ordinance is very clear that the improvement must create a true visual barrier. That definition rules out chain link fences which was actually submitted within the original set of drawings to the City. I also want to point out the sound ordinance under section 34-95 in commercial developments. The City cap noise at any time is 68 dB(A). A one foot thickness can block 20 to 50 dB(A) for sound transmission while trees reduce noise even at 100 foot in depth of only 4 to 5 dB(A). A wall can make the difference between compliance and violation with the City's ordinance. To understand the impact on the model developer traffic data related to my property in Exhibit D, the civil drawing shows 10 percent slope going down to a retaining wall. As I mentioned, the ordinance still requires that whatever is put in place is from natural ground elevation. I also met with Entergy to confirm that while no entity is permitted to plant trees within their aerial easement along the property line, a wall of eight feet in height is permissible. That means compliance will be required by law and physically feasible along the property line. My ask tonight is simple. I am asking that you enforce these ordinances. The setback requirement and visual area both require some accommodation of a wall or vegetation. Equally important is the City sound ordinance and it must be enforced to ensure that noise levels remain within legal limits that protect residential neighborhoods. By requiring compliance with both visual and sound ordinances, you preserve the intent of the ordinance to safeguard the quality of life of the residents of Montgomery. None of these ordinances that you would enforce would cost you any money. It is all the responsibility of the developer. Thank you for your time and consideration.

Dylan Parker, 20272 April Shower Drive. I am a resident who backs up directly to the proposed HEB. There have been a few particular items about this project brought to my attention that I may need further discussion. First is the 20-foot retaining wall that is supposed to be installed 20 feet horizontally from the back of my property line. Second, of that 20-foot horizontal, 10 of it is a part of the easement for Entergy. The third being a great change to a 10 percent down slope. The problem with the 20-foot retaining wall is I do not believe there is adequate distance for it to be installed perfectly. I am a contractor and I do this on a daily basis. You are not leaving much room for error. I do not know what the design is for the wall and I am not a part of the design team. I am sure they have it figured out. I just want to make sure the contractor and everybody involved has done the constructability study so that we do not have issues in the future. On the 10-foot easement, I do not believe they are taking that into consideration because for that 20-foot horizontal, 20-foot down, you have 10-feet to go up a sheer wall because they have an Entergy easement. That Entergy easement they have been accessing it

historically off of FM 2854 on HEB's side. As a contractor, I deal with Entergy and the competitors on a daily basis. I have never been allowed anything more than two percent slope. That is for safety reasons. They are proposing a 10 percent slope up to a leading edge that is 20-feet deep. Lastly, I just want to make sure that everybody is aware of the situations at hand. I do not believe Entergy has been coordinated with. I do not believe they have been brought into the fold. My house is not far from that back line. I do not think it is appropriate for them to make these changes and their only access be through my front yard.

Hello, I am Alexandria Parker at 20272 April Shower Drive. I am a resident, but more importantly, as a concerned parent regarding the HEB structure currently under construction directly behind my property. While I understand the economic value and convenience a development like this can bring, I have serious concerns about the potential impact on the safety of my children, our privacy, and the overall quality of life for our affected community. At present, there is no physical barrier separating the HEB site from the residential properties that border it. The exhibits provide an example of the thoughtful community conscious development to the nearby Walmart as shown in exhibit A, which installed a privacy wall adjacent to residential homes. Along with constructing this barrier, they also preserved an established tree line between properties. This approach proved beneficial to both residents and the business as it provided a natural attractive buffer while still ensuring privacy, safety, and separation. The same can be seen in surrounding area HEB's also establishing the separation of commercial and residential, as seen in Exhibit B, the Woodlands Parkway HEB that had the established tree barrier. I am proud to be a member of this community, and we should uphold the same standards of the flourishing communities around us. I believe a similar approach as stated above with the HEB site would show a strong commitment to being a good neighbor and maintaining the integrity of the surrounding residential area. I respectfully request that the City consider requiring the installation of an eastern wall along the rear property line of the HEB development and to explore options for preserving or reestablishing a natural buffer wherever possible. This action will continue to make this beautiful City that much more appealing. The proximity of a high traffic commercial development to our home without adequate separation raises several concerns. First and foremost, it is the safety and security of my children. My beautiful, precious children frequently play in our backyard and the lack of a secure barrier increases the risk of exposure to an active commercial area and thousands of people who now would have direct access to the back of our property, see my children play, and potentially have access to my children. Not everyone in this world has good intentions and that is, children disappear every day. Secondly, is privacy and noise. The daily operations of a retail store including deliveries, lighting, and customer traffic can significantly disrupt the peaceful atmosphere we currently have. Masonry wall would mitigate noise, shield light pollution, and provide visual privacy. Thank you for your time and dedication to our community. I trust you will take these concerns into account and help ensure that this development is carried out with respect for the families it directly impacts.

My name is Scott Blaylock and I am one of the many neighbors we have here at the Havenshire. I live at 20295 Havenshire. We wanted to express our concern regarding the HEB construction on the adjacent property as it pertains to the community's water well. The water well feeding our neighborhood is situated just 10 feet off the property line which we share with the HEB development. I provided a drawing showing the location of the well on the Havenshire plat. As you can see, there is a 150-foot radial easement surrounding the well protecting it from any possible groundwater contamination, as well as any construction that may disrupt the well's integrity. From the plans that we have seen from HEB, there will be a road and a massive retaining wall that will fall well within this easement. I come here tonight to ask for reassurance that this has been considered, reviewed, and designed according to TCEQ requirements to ensure safety and integrity of the water well. As of today, the water company has no knowledge of the construction and no one has been in contact with them to discuss any such plans. Thank you for your time.

Mayor Countryman asked City Engineer Chris Roznovsky, WGA did we know there was a well there? City Engineer Roznovsky said we have been made aware.

Mr. T. J. Wilkerson said I stand on behalf of the Montgomery Historical Society. We are having an event on September 6, 2025 from 1:00 p.m. to 3:00 p.m. at Living Savior Church. We are having blues author Coy Prather come and give an overview and some highlights on the Texas blues. As a matter of fact, the father of Texas blues was found not far from here. I would like you to come out and enjoy this afternoon with us. One thing about music is it breaks down all barriers. It breaks down social and racial barriers so we can all enjoy some highlights that we have that day. On behalf of the Montgomery Historical Society, we would like to invite you out. You might see some of these flyers around town and in the paper. We are asking that if you are free that evening, we want you to come out and enjoy us. Thank you for your time.

PRESENTATION

4. Proclamation recognizing the Mary Vaughan Corner Chapter, NSDAR.

Mayor Countryman presented a proclamation recognizing the Mary Vaughan Corner Chapter, NSDAR.

5. Proclamation Honoring First Sergeant Shawn Johnston, USMC (Ret.).

Mayor Countryman presented a proclamation honoring First Sergeant Shawn Johnston, USMC (Ret.).

6. Proclamation Honoring First Sergeant William Miller, USMC (Ret.).

Mayor Countryman presented a proclamation honoring First Sergeant William Miller, USMC (Ret.).

CONSENT AGENDA

7. **Consideration and possible action on the City Council Workshop Meeting Minutes of August 11, 2025.**
8. **Consideration and possible action on a Resolution calling for a Public Hearing to be held on September 9, 2025, on an application by H-E-B, LP for a Special Use Permit on 31.97 Acre Tract of Land Situated in the J. Corner Survey, Abstract No. 8 of Montgomery County, Texas for the drive thru lane of a restaurant that is a part of the HEB Grocery development.**

Motion: Council Member Czulewicz made a motion to accept the consent agenda items cumulatively.

Discussion: Council Member Olson asked City Engineer Roznovsky if we know where the lane is going to be? City Engineer Roznovsky said it will be on the east side of the building.

Motion: Council Member Langley seconded the motion. Motion carried with all present voting in favor.

REGULAR AGENDA

9. **TABLED 08/26/2025 Consider and possible action regarding a partnership agreement with Montgomery Neighbors Magazine to promote city initiatives, marketing and events.**

Special Events Coordinator Stephanie Johnson said I would like to introduce Jan McKemy. She is with Best Version Media, Montgomery Newspaper Magazine. She is going to present an updated overview of the club application that was originally presented and delivered at the City Council meeting on July 22nd. This revision includes corrected pricing details and incorporates updates based on feedback received during the initial discussion.

I am Jan McKemy. I am a marketing specialist and publisher of Montgomery Neighbors for Best Version Media. Our mission is to strengthen the community by highlighting local government initiatives, upcoming events, and the critical needs of our community. Celebrating our heroes, men and women in uniform who serve in Montgomery with dedication, partnering with businesses to support local charities and causes, fostering and culture of giving, providing a platform for residents to share their interests, life stories, and families, experiences, and by building a stronger, more connected community. My magazine will serve as a vibrant hub for these efforts delivering engaging content that informs, inspires, and unites. I am committed to amplifying Montgomery spirit and addressing its needs through this initiative. The City of Montgomery is a Best Version Media and Montgomery's Neighbors, and Avenity Business Solutions. Elevate Montgomery's visibility. Our mission is to put Montgomery in the spotlight, amplify awareness, drive engagement, and inspire community pride. The multi-channel

approach is through both print and digital print ads to reach 3,000 homes and thousands of digital visitors monthly. The expanded reach targets zip codes of 77316 and 77356, plus five more zip codes of your choice. Connect with locals and newcomers in memorable ways. Boldly showcase the City's history, growth, events, and leadership. Print plus digital increases coverage by using a hyper local branding campaign. More eyes equals more engagement, equals a stronger community. Social media management is provided by Avenity Business Solution. This is a separate service from BBM owned by Andrea Katen. This is the social media that brings the City to life. Authentic content, real photos, and moments captured at all of your events. The cross platform strategy, the Facebook, Instagram, Google profile, weekly posting, and scheduled post equals consistency. The benefits include loyal, online following, increased event participation, and consistent branding. My proposal tonight is monthly print communication. I am giving the mayor a free half-page mayor's newsletter every month. A full page or a half page advertisement including digital. The digital communication target based on selected zip codes. Monthly social media impressions 840,000 per year. Facebook and Instagram, 20,000 monthly impressions. Google and Bing, 50,000 monthly impressions. Our dashboard will easily help you identify the listings and the platforms. We have 50 plus platforms, ensuring your accuracy and consistency with a single point of input for updates to all sites. Reputation management to monitor and respond to all online comments. The social media management is through Avenity Business Solutions. BBM print and digital pricing. The full page print with ad with digital is \$2,835 monthly. Half-page print ad with digital is \$2,165 monthly. The additional benefits that you will be receiving is the free one-half page for the mayor's newsletter. There are no additional administrative fees. The price protection with renewal, free artwork included. This means that your ad can be used any way you want and anywhere you want. This ad will not be watermarked. Free digital onboarding training. This means that you will have help learning how to use your dashboard and you will have 8:00 a.m. to 5:00 p.m. Monday through Friday help if you need it. Your dashboard will be customized to fit you in your business. The digital zip codes will permanently go to 77316 and 356, but we can add the surrounding five zip code areas that can reach further. The 3,000 households will receive the monthly print and the 70,000 monthly digital impressions. You do have access to two of my calendars in the magazine. We will be working with you to make sure that all your upcoming events are in the upcoming calendar. We want to make sure that all of the residents and the business downtown will be noticing all of the upcoming events. They will be put in the magazine two months prior to the event. We will also be putting your logo in front of that so you will be easily identified so it will stand out. You will also be identified on our monthly calendar. The combined program pricing BPM, the print, and digital is \$2,835 for the full page in here again, the half-page is \$2,165. The Avenity, which is separate is \$1,000 a month for both the full page and the half page, making the full price \$3,835 and the half page \$3,165 a month.

Council Member Czulewicz asked is your digital just a reproduction of the print? In other words, on here you are talking about digital. So what we see digitally would be the same as the

magazine. Ms. McKemy said yes. What we do is we produce an ad for you and we work with our designer. You guys approve that ad. Once you approve it, we send that ad to the digital department. The specifications for an ad are completely different than what they are for a print ad. Even within the digital, the Facebook and Instagram specifications are different than the Google specifications. We take care of all of that for you. The look will be the same, but it will be consistent with the rules and specifications of each of those platforms. You will approve that. We then actually manage that campaign for you. You do not even have to do anything. You will then be getting a report at the end of the month showing your impressions or the results through the dashboard that we build for you. You can easily monitor your results and you can actually see where the people are clicking and who is clicking and you can watch the different algorithms and everything. Council Member Czulewicz asked is the access to the digital through your web page and to see the magazine digitally, go to your web page? Ms. McKemy said we do not have a digital version. What we do is we connect with your Facebook, your homepage. We will ask you for permission to just connect all of the ads that we are getting, all of the requests to see your page through your home page. It is just a simple yes. We do not do anything with your site. It is just a simple confirmation and then all of the ads are then directed to your Facebook page. Do you know when an impression is? Council Member Czulewicz said yes. In order for a citizen to see the digital version of the magazine, where do they go? Ms. McKemy said there is not a digital version of the magazine. Council Member Czulewicz said what is the digital that we are getting? Ms. McKemy said the digital is the digital ad. Mayor Countryman said it is a Facebook ad that you would see that is advertising on behalf of the City within those five zip codes and potentially beyond if they come to the site and see it via Facebook, like the Facebook page. If this is what we want the City to say this month, they will post this digitally and our Facebook page will be behind it or before it, I do not know exactly which, but then they send it out and make sure that everybody in these zip codes, comes up on your Facebook as you are scrolling. You see those ads that come up for shoes or eye cream or whatever. It is that? Ms. McKemy said yes. When they click on it or pause on it, that is an impression. That impression then is read through the readers and then that is how we start calculating. Council Member Czulewicz said the people that would want access have to be Facebook smart. Mayor Countryman said no. They just have to be on their Facebook. Council Member Czulewicz said that is Facebook smart. Mayor Countryman said they do not have to go looking for anything on Facebook. It just shows up in their feed. It is automatically because they are in the zip code. They do not have to be savvy, other than they just read their feed. They are seeing what their friends are doing. Ms. McKemy said let us talk about the online presence. That is a little bit different. There are three types of ways that they can look up the City of Montgomery. The City of Montgomery, there is voice activation, there is map, and there is typed in search. Most of the people look up by voice activation. That is the way most people do their searches. 80 percent is either voice or map, but we do all of them. We have over 50 platforms. When we build your dashboard, you go in one time and you can update your hours, or for the holidays, or if you want to update photos, which is so important.

That is what Avenity Business Solutions will do. They will upload all of your event pictures. You go in one time and push send, and it will go over all of those 50 plus platforms. You do not have to do that. Mayor Countryman said so you are managing all of our content for us. Ms. McKemy said Avenity is doing that work. What we are doing is the print advertising and we are doing what I am telling you through the digital. You need the book. Especially talking with the both of you. You need a comprehensive copy. Mayor Countryman said we have nothing today other than a manual visit Montgomery Texas or Historic Montgomery Texas that someone on staff loads up. I do not think we have paid for any impressions to go out through any engines. It is basically if you go to Facebook and you put in City of Montgomery or Montgomery, Texas. It might or might not come up. Ms. McKemy said having 50 platforms is huge. One of the other things is if you get a bad review, or if you even get a good review, it is important that you respond immediately. You will be notified immediately to respond. We even have an AI device that you can click on to help you write a review. It is very easy for you to manage. We have a class once you come on board and we do not leave you hanging. You have a safety net with a professional group that is there to help you throughout.

Mayor Countryman asked do we have any print advertisement that we have done today? Ms. McKemy said yes. What we are going to do with that is the mayor will be able to write a monthly article reaching the residents. We will be ordering extra copies to do the downtown businesses and the visitor center. As we grow, we will add more and more. Council Member Langley said remind me where you said you can pick up one of these magazines at in the town of Montgomery. Ms. McKemy said we will be putting them in the visitor center and all of the businesses downtown. We are looking for big sponsors that may want to help us with the price of ordering extra magazines because it is a lot. Council Member Langley said so most people get them in their mailbox or their house if it is delivered at the house. Ms. McKemy said yes. Council Member Langley said and then people that do not get one, that is where we would have to go to get one. Ms. McKemy said if we can find a sponsor to help us, we can work out something with the sponsor. Mayor Countryman asked will you have those at city hall as well, because I know when we get new residents in, we like to give them a new flag and information about the City. Ms. McKemy said when we talk again, we will decide how many extra copies we need. These have to be ordered prior to sending to print. I cannot order anymore post print. Council Member Czulewicz asked do you have an actual web page for the magazine? Ms. McKemy said I do. I will make sure that you get that and then you will be able to see the progress. There is a Facebook page that we are setting up and we are trying to get connected. As we go through this, we will make it more intuitive. Mayor Countryman asked is there an entry where we can do six months and just see? We would love for people to call city hall and say I want some more of that. Where can I get them? Just to test the market or to test drive this to see if it is something we want to commit a year or two years. Ms. McKemy said no. It is one year, two year, or three year. Unfortunately, there is not anything smaller than one year. Mayor Countryman asked how do we measure success? People just asking about the articles? I guess we could see an uptick and tax revenue. Ms. McKemy said one of the things you have will be

the dashboard. Mayor Countryman said so we can see the clicks and we can see the online activity. Ms. McKemy said I was trying to run a listings report which means I was trying to find out where you rank. I will get that number to you, a listings report. What is hard is I was trying to figure out what category you are in. I may need some help because I could not figure out where you fit. Mayor Countryman said when it was created it was done on the fly. I think Facebook has gotten a bit more specific and narrowed down where we have not done anything to upgrade. Ms. McKemy said I will make sure we can figure out how to get a report because that would be a good starting point. Although once you get started, you will see your starting point. Mayor Countryman said it is baseline. Ms. McKemy said then you can watch that as it goes up. Like I said, as you go along, if you are not understanding the numbers, you have this call center that you can call and I am always here. I can get you escalated to whomever. I do it all the time. Special Events Coordinator Johnson said you mentioned a social media, Facebook, Instagram, and Google. With Andrea, if they were to do the social media, does she write it so that it actually helps with the local SEO? Is that conclusive to the package? Ms. McKemy said I would say yes because that is what her business is. I know what she does. She will do all of the weekly posting and I think she got all of the events that you have. We will go through all of that and make sure that we have everything. Special Events Coordinator Johnson asked is this monthly? Ms. McKemy said yes, this is monthly.

Motion: Council Member Olson made a motion to take no action regarding a partnership agreement with Montgomery Neighbors Magazine to promote city initiatives, marketing and events. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

10. Consideration and possible action to approve a proposed agreement for the use of a firearms training range by law enforcement officers and authorizing the Chief of Police to sign the range agreement.

Police Chief Anthony Solomon said we are here today to get your approval on going into an agreement with Valhalla Trust and DA's office range. The range is located at 5259 Jackson Street. It is just outside the city limits. We have been planning on building our own range at 2728 right here on Liberty Street. We are looking at cost of about \$360,000. We can go into an agreement with them. For the upkeep of the range, the things that we need, and our materials at the range, it is \$10,000 a year. Right now, we use Tomball's range, which is approximately 35-40 minutes away. This range is about 15 minutes away which would get officers back to the City if we had an emergency. It also allows us to do our six range days. Right now, we cannot do those six range days. We normally get about one in. We get about three rifle classes in a year. Right now, we get about one of those rifle classes and we qualify twice a year. This agreement gives us the opportunity to put our Conex box out there, put the things out there that we need to equip the range with. The range has been there for several years. It has only been back in use the last four years. It needs some improvements along with the DA's office and the

trust. I think precinct one is joining in as well. We will make those improvements and we just think it would be a really good deal instead of trying to spend \$360,000 this year and next year. Council Member Olson said Chief, you answered one of my questions. I wanted to know how long the range was there. The second question, is the \$10,000 coming out of the CCPD? Chief Solomon said that \$10,000 is coming out of CCPD. It is coming out of the 2025 year budget so we will not have to amend the budget that we just did. From that point on, this will be budgeted into our budget. Mayor Countryman said just for clarification too, I wondered if we were sharing our items and equipment with other entities and agencies. I asked that last night in CCPD and you said no. Chief Solomon said we will not be sharing things such as targets and things of that nature. If we get somebody out there who needs to target that day, we may let them use it and they will have to reimburse us on the targets, but no, that is where we will have our Conex box out. All of our things will be locked up while another agency is out on the range. It will not be shared. Mayor Countryman said not that I am not for helping, but if the taxpayers are paying for it I want to make sure.

Motion: Council Member Olson made a motion to approve the proposed agreement for the use of a firearms training range by law enforcement officers and authorizing the Chief of Police to sign the range agreement. Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

11. Consideration and possible action authorizing the City Administrator to sign the Consent to Encroachment by and between the City of Montgomery and the Developer ("Texas First Bank") (Dev. No. 2503).

City Engineer Roznovsky said this development is next to Christian Brothers on SH-105. It was originally called the Kenrock property. For all these developments along here, there is a 26-foot utility easement along the frontage. As they have been developing, they have entered into separate encroachment agreements to put in paving, signage, and other improvements within that easement. This is one of the same. On page 38 of your packets, you will see an exhibit showing the location of what they are doing, followed by a copy of the agreement they have executed. The main thing is that the City has to go in there to make repairs, replacements, etc. It is their obligation for any of the encroachment, so painting, signage, etc. the owner's cost of repairing, placing of those facilities, not the City's cost to do so. Council Member Olson asked what kind of encroachment are we talking about? City Engineer Roznovsky said paving. Council Member Olson asked just paving? We are not talking concrete curbs? City Engineer Roznovsky said paving with curb and gutter paving for parking spaces at the proposed site. Council Member Olson asked how much more money does it cost us to tear all that up? City Engineer Roznovsky said they are responsible for that cost. Council Member Olson asked for the tear up, not just the replacement? City Engineer Roznovsky said there are two pieces. If the City alters, removes, or damages said improvements owner will pay all cost incurred by

the City. Council Member Olson said very good. City Engineer Roznovsky said subsection C talks about improvements hindering the use from utilizing operating facilities.

Motion: Council Member Olson made a motion to authorize the City Administrator to sign the Consent to Encroachment by and between the City of Montgomery and the Developer ("Texas First Bank") (Dev. No. 2503). Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

12. Consideration and possible Action to award the contracts for the Lift Station 10 Improvements Phase II project.

City Engineer Roznovsky said in your packet starting at page 43, you will see a memo from us regarding this project. As a reminder, with Taylor Morrison Development, as part of their development agreement with the City, they will complete these improvements. The first phase of these improvements were completed by Pulte which upsized the force main from this lift station to this discharge point. The second phase of these improvements are adding a third pump, replacing the internal piping to accommodate for that third pump, making minor electrical modifications, and adding a vacuum generator to this site. We received three bids back on July 17th. You will see a copy on page 44 of the bid tabulation. There is quite a discrepancy between the low bid and the rest. We have talked it over with them. They are standing by the price. We also have worked with McDonald Municipal. They are the ones who installed the most recent generator at water plant number three for the City. Mayor Countryman asked what happens when they want to do a change order because they are nearly 50 percent. City Engineer Roznovsky said if they have not submitted a change order with the backup, that requires mispricing, something on their end, that is not it. Now, if they decide not to execute the contract because of it, they were required, as with all public bids, to put up a bid bond that you can call on to cover that. In discussions with them, they are honoring the price. We have worked with them and they have worked with the City before. Council Member Czulewicz said I am amazed at the price differences. City Engineer Roznovsky said it is a big difference. Mayor Countryman said remind me what we did with them before. City Engineer Roznovsky said they added the last generator. At water number three on FM 1097, the two generators, they added the second generator. Mayor Countryman asked is that the only work they have done here? City Engineer Roznovsky said I think for the cities is the only work they have done. Council Member Langley asked where are they located? City Engineer Roznovsky said I will look it up and let you know. They are local to the Houston area. I cannot remember where exactly. Council Member Olson asked when we added the last generator and all that stuff, was there a bunch of added cost at the end for conduit? I know we had to do some kind of adjustment like \$80,000 or \$90,000 adjustment. City Engineer Roznovsky said I do not recall. I will have to go back and look. City Engineer Roznovsky asked Public Works Director Muckleroy do you remember? Public Works Director Muckleroy said I am thinking there was, but it was not the contractor's fault. It was that conduit. The plan showed one certain thing and then it ended up not being what the original plan showed. City Engineer Roznovsky said

correct. Council Member Olson said so they had to install. I just remember there was something to do with conduit and it cost us a ton of money. City Engineer Roznovsky said yes, the conduit going into the building. Either the record drawings were different than what they found underground, or something like that.

Motion: Council Member Olson made a motion to award the contracts for the Lift Station 10 Improvements Phase II project. Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

13. Consideration and Possible Action authorizing the Mayor to sign the Escrow Agreement by and between the City of Montgomery and the Developer ("SR 105 LLC") and authorizing the city engineer to prepare a Feasibility Study for the proposed 12.1-acre development.

City Engineer Roznovsky said if you go to page 46 in your packets you will see where this is. This is immediately adjacent to HEB. If you remember with the HEB feasibility study, it came in only for the HEB side of the project. They have an agreement with the developer to do the masquerading and it is rated for the entirety which is why the entirety of that site is currently under construction. The item in front of you tonight is authorizing the feasibility study, as well as entering into the escrow agreement. There are some different changes that we are making as we are catching up. Their escrow deposit is an additional \$10,000 and the feasibility study is \$4,000. Council Member Donaldson asked is the corner lot included in the 12.1 acres? City Engineer Roznovsky said the corner lot is included and the total is actually 14.9 acres. We added incorrectly. Council Member Donaldson asked do they have any plans on what they are going to put in there or is it just too early to tell? City Engineer Roznovsky said it is too early to tell. The site plan that we have at this point is multiple pad sites up front, a pad site in the middle, and more big box type in the back. Council Member Olson said I know this is going to be a little off topic, but looking at your picture, if you can see these at the top, it says 150 feet control. City Engineer Roznovsky said correct. Council Member Olson asked do we know if there was an actual water storage tank in there? City Engineer Roznovsky said that is for around the water well. There are two rules that apply. There is a 50 foot rule which is the inside circle, and then there is a 150 foot rule which is shown here. Typically, your 150 foot rule allows for paving, buildings, etc. It does not allow for feed lots, septic systems, and things like that. In the 50 foot circle, there is some additional requirements along the drainage structures so you do not have underground piping and things within that space. Developing within the 150 foot is an allowable use to control what type of development you put there. Council Member Olson asked do we know if there is a water storage tank with that well? City Engineer Roznovsky said I do not. City Administrator Walker said I think they are adding one. Council Member Olson said it pushes that radius to 500 feet. City Administrator Walker said but it is still for raw water and those kind of things. There is nothing that will be in that area. The City utilities are all going to be buried and coming forward. Council Member Olson said I am just throwing it out there. Mayor Countryman said an 18 wheeler could go on top of this. City

Engineer Roznovsky said correct. City Engineer Roznovsky said an example right here is water plant number two. Within the 150 foot you have houses and other things. You are just not allowed to have those list of sanitary issue requirements. Council Member Olson said sewage, sludge disposal, things like that, but it does push it out 500 feet. City Administrator Walker said all their PVC and everything are coming towards their houses. They are not going towards HEB, so it is really not across.

Motion: Council Member Donaldson made a motion to authorize the Mayor to sign the Escrow Agreement by and between the City of Montgomery and the Developer (“SR 105 LLC”) and authorizing the city engineer to prepare a Feasibility Study for the proposed 12.1-acre development. Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

14. Consideration and Possible Action regarding authorizing the City Engineer to begin design of the Buffalo Springs and CB Stewart Public Infrastructure Improvements project (the “Project”) subject to receipt of deposit from BCS Capital Group (Dev. NO. 2415).

City Engineer Roznovsky said at your last meeting, you all approved two different development agreements. One was with the Church of Montgomery, and one with BCS Capital. Both those development agreements addressed the public infrastructure requirement, the pain of their shares of that project, and the City would administer completing that project. What this is, they are just authorizing us to get started with that design. The costs and everything in here are what would match in those development agreements. This is all contingent upon receipt of those deposits, so no City funds are being expended until deposits are made by those developers. The next step after you all authorize it, we will send letters to those developers requesting they deposit funds per the terms of each agreement. Once those funds are received, then initiate a survey design.

Motion: Council Member Olson made a motion to authorize the City Engineer to begin design of the Buffalo Springs and CB Stewart Public Infrastructure Improvements project (the “Project”) subject to receipt of deposit from BCS Capital Group (Dev. No. 2415). Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

15. Consideration and Possible Action regarding authorizing the City Engineer to begin design of the Buffalo Springs Drive and CB Stewart Roadway Reconstruction project (the “Project”) subject to receipt of deposit from BCS Capital Group (Dev. No. 2415).

City Engineer Roznovsky said this is very similar to the last item. This is the roadway portion. If you remember in those development agreements, we split out a phase one of that project. That is what this is. This is that initial geotechnical investigation study preliminary layout to get the final scope defined based on the results of their traffic impact analysis and the

geotechnical recommendations for the final roadway improvements. This is authorizing us to get that process started subject to receipt of the funds from the developer. Council Member Olson said I am going to take this opportunity City Engineer Roznovsky, to go over what I visited with you on the phone. I do not know if everybody necessarily understands why I was very upset with the agreement we ended up with. I am aware that yes, they are agreeing to pay more than what the original agreement was. The reason that really upset me is that it ties our hands. This property to the west is undeveloped, but the property that we now are responsible for the road, is developed on both sides. So we have no opportunity to try to split that cost, where yes, they maybe save us a couple hundred grand by doing a little bit more. They actually cost us about \$500,000 because we cannot even split it with anybody now. Mayor Countryman said we can certainly make any developer that comes in repave that road and put improvements if they tear out. Council Member Olson said there is no developer going to come in because there is an apartment building going in on the east side and a church going in on the west. Mayor Countryman said right here. Council Member Olson said no, that is not the piece. That is all part of the original agreement. Mayor Countryman asked are you mad at this piece right here? We can have them redo. Council Member Olson said they are going to do this piece that is in the agreement. We are stuck with the north end of that with developers on both sides and no agreement to help us. That is \$800,000 of a million dollars that we cannot split with anybody. I was very upset because yes, on the surface they are giving us a deal, but it ties our hands. So, we are stuck with \$1 million versus maybe we could have gotten out of it with \$400,000 right? Council Member Czulewicz said yes. Council Member Olson said that is why I was so very upset about this deal being swapped around. Council Member Czulewicz said it was changing constantly and their word was not very good. Mayor Countryman said it is going to change. It always changes. Council Member Olson said it is passed and moved on, but I wanted to explain why and that we have to look a little bit deeper a lot of times. We have to look into the future and look at future deals too and that was just not done.

Motion: Council Member Olson made a motion to authorize the City Engineer to begin design of the Buffalo Springs and CB Stewart Roadway Reconstruction project (the “Project”) subject to receipt of deposit from BCS Capital Group (Dev. No. 2415). Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

16. Consideration and Possible Action on the acceptance of the Engineer’s Recommendation of Bull-G Construction, LLC to complete the Construction Services related to the West Lone Star Parkway 12” Waterline Extension project.

City Engineer Roznovsky said on page 70 of your packets you will see a copy of a letter from us regarding the bid results for this project. As a reminder, this is one of the pieces of Tri Pointe Development. It extends the water line that currently ends in front of the community center on Lone Star Parkway to the western boundary of their property along Lone Star Parkway. We received bids back on August 12th. We had 19 that provided proposals for this ranging from

\$333,000 to \$548,000. There are a lot of vendors to see on the project which is good. We received good pricing. We have worked with Bull-G Construction before. They are the contractors who worked on Old Plantersville, as well as a couple other projects in and around the City. Our recommendation is to continue to award the project to Bull-G based on their low base bid amount. I will say it again. I did not say this on the lift station 10 project. This is the additional deposit from the developer requirement. We will get the contract started, send a letter, and the contracts will not be executed and notice received given until the developer deposits the funds for construction. Council Member Czulewicz said it is really good to see the hungry contractors. City Engineer Roznovsky said we had multiple projects that were bidding, three or four that day. We had 19 on one, three on another, 10 on another so, it is really mixed, but this one was a straightforward project, so there is a lot of interest in it.

Motion: Council Member Donaldson made a motion to accept the engineer's recommendation of Bull-G Construction, LLC to complete the Construction Services related to the West Lone Star Parkway 12" Waterline Extension project. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

17. Consideration and Possible Action to award the Water Plant No. 3 Booster Pump Addition project and authorize the Mayor to sign the agreement.

City Engineer Roznovsky said this is one of the ARPA fund projects. Of the two ARPA funds, there is the College drainage improvements which we had a pre-bid meeting on that earlier this afternoon, and then the booster pump number three addition project which is what is in front of you today. Earlier this month, we received three bids for this project. McDonald Municipal & Industrial is the same contractor for lift station 10 submitted the low proposal on this project in the amount of \$178,469 and 154 days to completion. You can see the next two bidders were at \$240,000 and \$300,000 with 240 and 250 days for completion. We worked with McDonald Municipal before they worked on this site. Our recommendation is to proceed with McDonald Municipal on this. It will take a little bit longer for contracts as these are ARPA fund contracts, so there are additional federal funding requirements, but this gets the process started to get those contracts executed. Grant Works will be reviewing and making sure we meet all the federal requirements. Council Member Donaldson asked does this booster pump serve both wells or just one? City Engineer Roznovsky said both. Whatever water is going into the ground storage tanks from whichever well, these booster pumps pull from those ground storage tanks to push it out into the system. Right now, these booster pumps are the limiting factor in your well capacity. If you remember those charts for the feasibilities, that first jump up from 570,000 gallons a day to 720,000 gallons a day is this booster pump addition project.

Motion: Council Member Czulewicz made a motion to award the Water Plant No. 3 Booster Pump Addition project and authorize the Mayor to sign the agreement. Council Member Olson seconded the motion. Motion carried with all present voting in favor.

18. Consideration and possible action on an Interlocal Agreement between the City of Montgomery and Montgomery Economic Development Corporation in regard to a tract of land located at 203 and 213 Prairie Street, Montgomery, Texas 77316.

Mayor Countryman asked is it really 316 and not 356? Council Member Langley said it is 356. Mayor Countryman said south of here is the 316. It is 77356.

Council Member Czulewicz said I would like to clarify this item. This is not just attractive land. For the record, there is a 6,000 square foot building sitting on this land which was purchased by the City in May of 2022 for a price of \$992,000. That item was purchased for the sole purpose of being a police station. That was never done. This building has been sitting there for over three years with no action on it. It was put out for bids. We did not meet the reserve on the bids. What we are trying to do now, and I disagree with, is we are trying to transfer over to MEDC for \$833,000, which has taken a loss of approximately \$150,000 because the appraised value on it is \$917,000. This is nothing but a workaround on our requirement to put this property up for bids. We cannot pay a broker. By this agreement that you are trying to enter into, you are going to be paying MEDC to sell this property and we are not allowed to do that. Council Member Olson said we are not taking a discount on the price. We have agreed to take this for that transfer. It is what we owe against the property and move on. We are unable to negotiate real estate as a City. So the MEDC is. They can go out there and they can put it in real estate magazines. They can actually advertise it outside of an article in the paper in the classifieds that is one by two inches tall. They can actually advertise it and sell it. Now, there is a lot of interest in the property through realtors. It is a much better deal to go that route because even though we as a City are taking the \$833,000 what we owe on it and moving on, anything extra MEC will keep, so ultimately it all stays with the City. It is not a net loss at all. Council Member Czulewicz said you are paying a broker fee. Council Member Olson said but we have put it out for bid and the problem is we do not get a large enough market to get it out there and advertise it. To sit on it, it is doing nothing but rotting away and it is capital that we could use somewhere else. So cut your losses and move. Council Member Czulewicz said I have no problem with that. If MEDC was to purchase it, it is not ours. It is theirs to sell, but we are circumventing the regulations relative to a broker because the property is ours. We are giving it to them with a piece of paper and they are going to make money on it. That is no different than a broker's fee. If it walks like a duck and talks like a duck, it is a duck and that is exactly what we are doing. I do not know if it is illegal, but to me, it is unethical. Council Member Olson said here is the deal. Whatever money they are going to make on it, I do not understand because it is the City's money. The MEDC belongs to the City. The corporation belongs to the City, so there is no money being made on this property outside of the City. Mayor Countryman said they can only spend on behalf of the City. They cannot spend outside that. Council Member Olson said I do not know where all this exactly is coming from because it makes no sense. Council Member Czulewicz said exactly what is the benefit to the taxpayer to transfer this property to MEDC? Council Member Olson said we can actually get more

money for it and advertise it out there so we can actually sell it. It is doing nothing but costing us interest right now. Mayor Countryman said you were not on Council when this was purchased. The idea was for a police station because we do need help. However, when you have city staff that has been told to go and do things and they do not do what Council has asked them to do, and the reason why this is purchased for years at a time, then that is not on the City Council. It was brought up multiple times during Council meetings. What is going on with this property? We were all lied to and buffaloes. They did not do anything with it and now here we are down the road. So, say that the Council is at fault. We are not. We asked and we pushed. We do not work here every day and we are not on the payroll. It is staff's job to push forward what we asked them to do in the initiatives and when they do not do it, they do not have jobs here. Hence, where we are today, and there is a new staff. So this got picked up, this happened for good intention, but the reason nothing happened for it was complete and utter political retaliation from internal staff. So yes, I have the receipts if you would like to see them. With that being said, then with the City, the way that we have to take bids, they can get a dollar bid from now to the end of time and we are still sitting on it. Council Member Czulewicz said the for sale sign has been out there for two years. Mayor Countryman said to our point, it is for sale. Council Member Czulewicz said if someone is looking for property, why would they not see that sign? Council Member Olson said because we have to put it up for a sealed bid. Mayor Countryman said that for sale sign, that bid, they put out a piece of paper and we have to do it for 45 days. All of us could go put in a number on an envelope and it cannot be opened until day 46. City Administrator Walker would open it and we would see the dollar amounts. We can choose to take it or not take it. If we do not take it, guess what? It is going back out to bid again in 45 days. We can continue to do that, which is in my opinion, a rat on a hamster wheel, or we can give it to an entity that can act and get money and move it and bring value to the downtown area and bring value to our City because sitting there right now, it is doing nothing but being an eye sore and taking up space. Council Member Czulewicz asked can we transfer it at the appraised value? Council Member Olson said we are. Council Member Czulewicz and no, we are not. Council Member Olson said it is in an interlocal agreement. We get paid upon sale. Council Member Czulewicz said I understand that, but the words that we have in this agreement right here, if we stick with it, it says \$833,000. The appraised value is \$917,000. Council Member Olson said yes. Council Member Czulewicz asked why not put that \$917,000 in there instead of \$833,000? Council Member Olson asked what is the incentive for MEDC to do it? Council Member Czulewicz said oh, there is the incentive there. Council Member Olson said yes, because they need money to do their projects. Council Member Czulewicz said it is a broker. Council Member Olson said they need money to do their projects. The downtown project that is going to cost us \$2 million. The City Council is not paying for that, MEDC is. How do they pay for those projects? Council Member Czulewicz said I understand that. Council Member Olson said well, you must not if you do not understand that is where the money is coming from. Council Member Czulewicz said I understand that. I do not like the process that we are using. Council Member Olson said it is a transfer deed. That is all it is and

say sell the property for us. Thanks. Let us move on. Mayor Countryman said it is the only way we can sell this property and it is the only way we can sell it because a city entity, a government entity, cannot sell it in a traditional manner. If we pay somebody and get it off our hands in two months, it is a lot better than two years just sitting there going out to bid. Council Member Olson said the money that this brokerage fee is, it is still the City's money. The MEDC Corporation belongs to the City of Montgomery. Mayor Countryman said they cannot spend it without our approval. Council Member Olson said I just do not understand where you are coming from where there is money leaving the City. It stays within the City 100 percent. Council Member Czulewicz said I understand that 100 percent. I do not like the process. Mayor Countryman asked what process would you suggest? Council Member Czulewicz said bid it out. Council Member Olson said we have bid it out. Mayor Countryman said it has not worked. Council Member Olson said it has been out for bid several times and that is the problem. We cannot get a decent bid on it through the bid process with a little tiny ad in the classified this big. We are not getting the movement we need. We need to move it. We need capital. We have a building sitting over here that we are making payments on now. We need to finish out. We have two, right? We have one where we need capital to finish it and one we need to get rid of so it does not fall apart. So cut your losses, get it gone, move your capital, use it. It is 100 percent legal. Mayor Countryman said it is. It is exactly what has to happen. And guess what? We have the city staff that will actually follow Council's direction and do it. Council Member Olson said that is part of the reason why cities create MEDCs so that they can do business the way business ought to be able to do it. Cities cannot operate that way.

Motion: Council Member Olson made a motion to approve an Interlocal Agreement between the City of Montgomery and Montgomery Economic Development Corporation in regard to a tract of land located at 203 and 213 Prairie Street, Montgomery, Texas 77316 with the change of the zip code to 77356. Council Member Langley seconded the motion. The motion carried with 3-Ayes and 1-Nay vote by Council Member Czulewicz.

COUNCIL INQUIRY

Council Member Czulewicz asked do we have any plans for improving or updating the community center? Mayor Countryman said we should. I just think we have other obligations right now. We have to get McCown's facelift and Jim's built out. Council Member Czulewicz and I was in there on Friday and it is horrible. Mayor Countryman said it is bad. Council Member Czulewicz said I talked to Public Works Director Muckleroy about the fact that it smells horrible in there. I do not know if the air conditioner was not working, but Daughters of the American Revolution (DAR) is scheduled to use that on the second of September and I am embarrassed. Mayor Countryman said yes, it needs a facelift. It does need to be tore down. I am all for it. I believe the City Council person that is not here tonight is probably on the same page. Council Member Olson said no. I have asked her several times to tear that building down. Mayor Countryman said no. She is fine. We had a talk about it. Public Works Director

Muckleroy said she is on board with it now. Mayor Countryman said yes she is. It is in bad shape and it has no historic relevance whatsoever. Public Works Director Muckleroy said I always tell people it is just old.

Mayor Countryman said I have a question for Public Works Director Muckleroy. Have we had any complaints about red water or dirty water on the regular up to five years from today? Public Works Director Muckleroy asked are you talking about in the last five years? Mayor Countryman said yes. Between today and five years back. Council Member Olson said we have had lots of complaints. Mayor Countryman said yes, but due to what? Is it because of water main breaks or when we updated all of the pipes and the sediment gets in there? Nothing on the regular. This is not our daily water. Public Works Director Muckleroy said no. Mayor Countryman asked when there is a complaint about daily water, who does somebody go to to report I have red water? The word was red water. I have red and dirty water. Where would somebody go to complain? Public Works Director Muckleroy said they need to call city hall. The place not to go is to complain about it on Facebook. Mayor Countryman said the comment was made that there had been complaints made to the city water department. I was like, who, what? First of all, I think it is a fake profile. Whoever you are, you are fake. I just wanted to make for the record that when there have been complaints, it has been due to an issue, a temporary issue, whether it be a break, construction, or something like that. It is not on the daily that you are aware of. The City does post TCEQ ratings, grades, and all of the information. This is the first time I have ever heard the word red water, so, it is alarming, but they went to the water company. Not sure who that is really. Council Member Olson said I know about five days ago there was a pretty good scent to it, but it cleared up. Mayor Countryman said it does. It ebbs and flows. Sometimes I get sediment, sometimes it smells like chlorine. Apparently, there have been multiple complaints and we have done nothing and it is red water on the regular, and there have been complaints to the water company. I just wanted to ask you. Public Works Director Muckleroy said like any water system out there, we have the water complaints that come in. Whenever we have a rash of them like we had a handful of months ago, then we tackle it on a systemwide issue. We did a full systemwide flushing and it all cleared out, but I cannot say that we have regular. I would say we have the normal amount that anybody would. Mayor Countryman said if somebody is reporting this to the water company, I am assuming it would be to your office. It sounds like you have not had these complaints on the regular. Public Works Director Muckleroy said no, not on the regular. You have regular subjective, but my regular, no. It is definitely not a regular occurrence. The good thing is we have a record of any dirty water call that we get ever. Council Member Olson said the only way you are going to get red water around here is if their line to their house is broken and they have where the builder brought in a bunch of red clay, which is what most builders do bring in red clay around here. If they have a cracked line and it is coming in, it is pulling in sediment with it. Mayor Countryman said of which then if that would happen, they would call either a plumber, so the City would have nothing to do with it, or call the water company. Council Member Olson said they might call the City too and ask what is going on?

They might find a leak or something. City Administrator Walker said if they continue to loop these systems in, it will help with that. Public Works Director Muckleroy said all that I ask is that if anybody has water complaints, please call us and let us know. Most of the time we do not know unless we hear. Mayor Countryman said apparently there is an advocate out there advocating for all of the City about all of the water that is poisoning everybody, but this was news to me. Public Works Director Muckleroy said call us and give us the address. Mayor Countryman said I asked for that too, and that was declined.

Council Member Donaldson asked did you have another complaint about not responding to theft? Mayor Countryman said yes. It would be the same, a fake profile. Chief Solomon said we gave him an opportunity to come forward, bring us those case numbers, bring us those names, and we are still waiting. He declined. Mayor Countryman said the advocate declined to give details.

CLOSING AGENDA

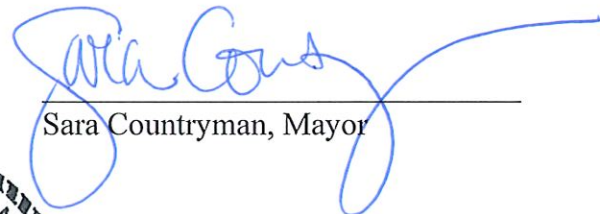
19. Items to consider for placement on future agendas.

There were no items to consider.

20. Adjourn.

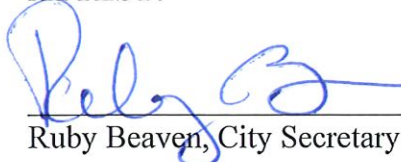
Motion: Council Member Czulewicz made a motion to adjourn the Regular Meeting of the City of Montgomery at 7:32 p.m. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

APPROVED:



Sara Countryman, Mayor

ATTEST:



Ruby Beaven, City Secretary

