



**City Council  
Regular Meeting Minutes  
June 24, 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 June 24, 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 Czulewicz gave the invocation.

**3. Pledges of Allegiance.**

Mayor Countryman led the pledges of allegiance.

**PUBLIC FORUM**

No inquiries were received.

**PRESENTATION**

**4. Proclamation Honoring Eagle Scout Cohen B. Rogers.**

Mayor Countryman read a proclamation honoring Cohen B. Rogers for his achievement of the rank of Eagle Scout.

**5. Proclamation Honoring Lake Creek Softball Team.**

Mayor Countryman read a proclamation honoring the Lake Creek Softball Team for their success of being the UIL 5A Division 2 Softball State Champions.

**6. Presentation of the City's Emergency Management Plan.**

Chief Solomon stated Council had asked for an update about emergency management. He said I sent all those forms on our resources and things we do. The problem with emergency management from our end is educating people on when these hurricanes are coming. When we look at a hurricane, you are talking about the preparedness part. The preparedness part is probably the most important part. We send out pamphlets all the time for emergency management and what we try and get people to do is to get prepared. I bet you there is not anyone in this room who does not find themselves thinking it is not going to hit my house and then next thing you know, your roof is coming off. We get people displaced and a lot of times what this does for us as first responders, it puts us in harm's way because now, we have to come and get you. We have a fire department who has a swift rescue team and we ourselves have a flood truck where we can come out and get you. In order to do that, our officers are trained to be in front of that truck with some type of a harness on. They have to walk that flood and we have to have people on the side to make sure that they do not drown, so it starts to put you in harm's way. What we ask is that people start to prepare themselves. We put these pamphlets in our bills, but also, these pamphlets give you 36 hours before a hurricane and they give you 18 hours before on what to prepare, and what to do six hours before. These things are truly, truly helpful. We did this at one of the churches. We enlightened them on how to get ready. You would be surprised how many people called us back and said this was a huge help to them. That is what we are really trying to do is make sure the people are prepared for these hurricanes, and are prepared to get going. We have also the alert system that we told you about. That alert system is on our site and you can sign up for it. At this point now, I think we have 2,485 people that are in our contacts. It not only comes for here, the part that you see off to the blue where it says sign up directly, that is for anybody who has a cell phone or wherever they answer the phone at. If you put your number in there, those people will call you and alert you at that time. There is nothing better than getting one of these alerts. Again, that is where you can come to what we have as resources. We put a ton of things together for resources. We have rescue resources, high water vehicles. The fire department has swift water training guides. We also have a drone that we put up to find people. We have the shelters. A lot of times Council gets people calling and asking where are the shelters at? We put the shelters in those reports for you so when you are called, they know these are not resources that we think we have. These are proven resources that we put together with the message boards and the social media. The alert system and all those things are here. As a small city, we put these things together and you cannot hardly find it because if you read the MOU we have at the county, what does it say? That part that was in yellow said save your own self because we are not coming. That is how it is. When I came here, that is what we talked about. What we were going to put together to take care of the people of this City. With all the development coming to this City, I looked the other day and without the BCS places coming, it is 1,950 homes that will be built in probably about the next three years. If you take and put four people in each one of those homes, you are talking about another 7,000 people, so we are looking ahead. We are looking at programs that will help us digitize all

of these subdivisions and the businesses that are coming here. As a police department, we are looking at the future and we are looking at software that will help us to not only fight crime, but also when you come to this emergency management to help us do that, because at some point, if we are not building on those 1,900 houses that are coming here, that is going to put about another, if we take the cars, 600 - 800 cars on the streets here. When we are talking emergency management, for us, it is either man-made or it is natural, so we are looking at it all. Hopefully, you took the things that we gave you, read them, will keep them, and understand them. If you need to know anything, just have people give us a call. We are ready here in Montgomery.

### **CONSENT AGENDA**

- 7. Consideration and possible action on the Joint Special Meeting Minutes of April 29, 2025.**
- 8. Consideration and possible action on a Resolution of the City Council of the City of Montgomery, Montgomery County, Texas, appointing a member to the Montgomery Planning and Zoning Commission for an unexpired term.**

**Motion:** Council Member Olson made a motion to accept the consent agenda as presented. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

**Discussion:** Mayor Countryman asked Mr. Jeff Glaser if he would like to say a few words. Mr. Glaser said I am putting in for the Planning and Zoning Commission. The reason is because I was a retired police administrator and I have worked with the city council where I worked quite a bit. I want to do that where I live, so that is why I put in for it. Mayor Countryman said I appreciate it. Thank you for wanting to serve.

### **PUBLIC HEARING**

- 9. Convene into the Public Hearing on the request for a special use permit for a fast-food restaurant with drive-through service at 21049 Eva Street.**

Mayor Countryman convened the Montgomery City Council into a Public Hearing at 6:15 p.m.

**Discussion:** Mayor Countryman said I did not sign up, but I would like to say I am opposed to this fast food restaurant at this location. I am okay with the fast food restaurant, especially this brand in this City, just not at this location. I do not think it serves the community and the aesthetics in the City that we would like to have. I am concerned with the traffic it will potentially cause a traffic jam and the flow of traffic on FM 149 and SH-105 with the entrance and exit on the southeast side of FM 149 and on the northeast side of SH-105.

Mayor Pro-Tem Fox said I also would like to speak on the same thing because I am totally opposed to that location for that particular restaurant because it is a drive-through. I like

Jack in the Box, but not at that location. I have lived here for 50 years and I can see so much traffic there, especially when the elementary school, which is on the south side gets out, and even when the Montgomery High School gets out. It would just really not be good for any of the residents that live here. I am definitely opposed to it.

Council Member Olson said as far as the fast food restaurant is concerned, I have no opinion one way or the other. My concern is with the way that the applicant has had to jump through some hoops. We have several fast food restaurants with drive-throughs. Not one of them, not one has been forced to get a special use permit until now. I do not appreciate the manipulation of how we enforce it when we feel like it and that is it. Council Member Donaldson said let me say on that point, we have different people in charge now and interpretation is different when you have different people come on board and different locations, and the fact that the little public response I have received has not been positive. It puts us in a hard place because legally speaking, we cannot force them not to be there, but technically, most people do not want them there I am sorry to say. We would love to have them in town, we just do not feel like that is an adequate location.

Mayor Countryman reconvened the Montgomery City Council into a Regular Meeting at 6:18 p.m.

## **REGULAR AGENDA**

### **10. Consideration and possible action regarding a request for a special use permit for a fast-food restaurant with drive-through service at 21049 Eva Street.**

Code Enforcement Officer and Planning/Zoning Administrator Tilley said I wrote a brief background of how this has evolved. When it started, when we had the first call for a public hearing, it was tabled by the City Council at the March 25, 2025 meeting, pending additional information and to be revisited on April 22, 2025. It is required to be reviewed by the Planning and Zoning Commission, so it did go to the Planning and Zoning Commission on April 1, 2025. They had also made the decision they wanted to wait for additional information such as a traffic impact study. On April 22nd, the second time that the City Council called for the public hearing to be scheduled for June 24th, which is today, they did approve that and that is why we are having the public hearing now. The Planning and Zoning Commission, due to a lack of a quorum on June 3<sup>rd</sup>, was going to review the application with Planning and Zoning Commission, but because of the lack of quorum, it was rescheduled to June 11, 2025. On June 11, 2025, they recommended denying the application because of the lack of information that they had requested to be provided and you will see that in the memo that is attached. Just as a reminder, when it comes to voting on this special use permit application, you are required to have a four-fifths vote for this special use permit application.

Council Member Langley asked have you received any information from them since the Planning and Zoning meeting? Code Enforcement Officer and Planning/Zoning Administrator Tilley said I still have not received any information. Council Member Langley asked so you still do not have a traffic study? Code Enforcement Officer and

Planning/Zoning Administrator Tilley said I have not received anything. I do not know if the engineers have. Council Member Langley asked if there is anyone representing here? Code Enforcement Officer and Planning/Zoning Administrator Tilley said I emailed them and informed them of each of the meetings that were scheduled. Council Member Donaldson asked we do not have a traffic impact analysis? Mayor Countryman said no. We do not have full information to make an informative decision for lack of engagement on their part. An individual vote was taken by Mayor Countryman:

Council Member Langley, Place 1 - No

Council Member Olsen, Place 2 – Yes

Council Member Czulewicz, Place 3 – No

Mayor Pro-Tem Fox, Place 4 – No

Council Member Donaldson, Place 5 - No

Mayor Countryman stated that is a four-fifth vote of no, so this did not pass.

**Motion:** Council Member Olson made a motion for consideration and possible action regarding the request for special use permit for a fast food drive-through service at 2149 Eva Street. Council Member Czulewicz seconded the motion. Motion denied with 4-Nay and 1-Aye vote by Council Member Olson.

**11. Consideration and possible action regarding approving expenses for removing dead cedar trees at Cedar Brake Park.**

Public Works Director Muckleroy said we had several cedar trees that died this year not just in the park, but we see them in other areas as well, probably from the drought last year. It is unfortunate, but it happened and so they need to come down before they become a hazard. We use Rockco Tree Service a lot. They did great work for us, but we had a gentleman request to put in a quote so we are willing to give him a shot. It is a good price. He may be just trying to get his foot in the door with us, but he has insurance and good reviews online. We are willing to give him a shot. He is going to do some extra grinding on some stumps that are already there for us free of charge, so that is my recommendation. It is coming before you because we technically have \$10,000 in the line item for Cedar Brake, but we are already through that this year. Mayor Pro-Tem Fox asked how many trees? It said 34. Public Works Director Muckleroy said one said 34 and one said 38. Mayor Pro-Tem Olson asked is that all in Cedar Break Park? Public Works Director Muckleroy said yes. We are going to look at planting some more this next year with some of the increased funds we hope to get. Council Member Donaldson asked do we have more stumps than we have trees? One quoted 52 tree stumps. Public Works Director Muckleroy said there is a handful of stumps there already from previous trees coming down. Mayor Countryman asked Public Works Director Muckleroy you said they were insured, but do they have to be insured and bonded or just insured? Public Works Director Muckleroy said just insured. General liability insurance. Council Member Langley said I think he did some trees on College Street for a resident and it was clean. Public Works Director Muckleroy and I believe he is the gentleman that used to live in town. Mayor Pro-Tem Fox said it says he lives on Shannon Circle now. Public Works Director Muckleroy said that may be the office, but I believe he is the guy that used to live by the hair salon there by Louisa Street.

**Motion:** Council Member Donaldson made a motion to approve expenses for removing dead cedar trees at Cedar Brake Park. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

**12. Consideration and possible action on a variance request related to the required utility easement and vegetative setback for the HEB development (Dev. No. 2402).**

City Engineer Chris Roznovsky, WGA, said starting on page 75 in your packets, you will see this item. I will give an overview and HEB is here as well to answer any questions specifically you have for them. There are two main variances they are requesting. The first variance is for to not utilize or occupy the 16-foot utility easement along the front edge of SH-105 and instead, to place the proposed utility extensions in the SH-105 right-of-way. The second one is regarding the landscape setback at the rear of the property. You are required to 25 feet abutting the single family properties. They are requesting a 20 foot in the section due to some grade issues. I will hit each of these individually. Planning and Zoning did review this at their June 11th meeting and they do recommend approval of both of these variances.

City Engineer Roznovsky said item one is the easement. What is being proposed is they are required to extend water and sewer along the front edge of SH-105 where they serve the property and step it out to their eastern most boundary to keep it going in the future. The City's initial request was that they put those within a utility easement. It is stated in the code that per a request, an easement will be provided for that. Their request is to not do that, and to put them within the right-of-way because of site constraints. They have some retaining walls, the fuel station, tanks, etc. that eat into the usability of the site. Our concern with that, and is what is stated in the letters, is obviously, if TxDot expands and creates a conflict with the utilities, it is on the utility owners and the City's responsibility to relocate. However, when you look at the exhibit in your packets further back, there is a colored aerial exhibit. You will see the approximate distances that we are talking about of roughly 70, 80, to 95 feet from the edge of existing pavement to where these utilities are being proposed, which is a lot of expansion space. Though it is factual that if TxDot expands and if there is a way, it would be at the owner's cost. Likelihood of expanding 90 more feet of pavement on this section on SH-105 is low probability. HEB is doing work on FM 2854, and so any relocations or adjustments from their turn lanes and other things they are doing are taken care of at that time, which is where the utility is today, but more likely than seeing an expansion on SH-105.

City Engineer Roznovsky said the second item is on the setback. If you look at page 83 of your packets, you see an exhibit showing the proposed site plan and then an arrow pointing to where that setback is. You will see there is a grade difference. In order to be able to construct the retaining walls, they need to reduce that by five-feet to give them the space to do so with working on their site plan. I think that yes, there is a risk on the utilities, however, as far as actualities, HEB can also answer some questions. Council Member Czulewicz said I think I would anticipate a right turn lane going along there for traffic going on to SH-105. City Engineer Roznovsky said if you look on that exhibit, the arial

one, you will see it is kind of roughed in the future right turn lane expansion for HEB. That is an HEB plan set to do. These are off of aerials, but approximate from the edge of that expanded turn lane to the utilities, it is still that 79, 80 feet. Council Member Olson asked hypothetically, if we said no, you have to give us the easement and TxDot did want to expand, would we still have to move it on our own cost anyways? City Engineer Roznovsky said only the portion that is within TxDot's right-of-way. Right now, your utilities are in TxDot right-of-way, right at the corner. The proposed alignment was taken from that point to go directly on the property line and so that cost of relocating on the corner would be bordered by the City because that is where they are today. This is way out there, but in the event that TxDot was trying to acquire right-of-way within the easement, they would then be responsible for that relocation cost. Council Member Olson asked can we just write it in that since they did not give us an easement, that if they have to move it, they have to pay for it? City Engineer Roznovsky said as far as how that holds up, I do not know. Council Member Olson said I am just asking. City Administrator Brent Walker said with TxDot it seems like it is always whoever was there first. Council Member Olson said right. I mean put it on HEB since we did not get the easement for it. It is their choice to put it in the right-of-way. City Engineer Roznovsky asked City Attorney Petrov if there is no easement, could the City defer the risk or put the risk back on HEB that has to be relocated? City Attorney Petrov said that would be subject to HEB's agreement.

Mr. Edward Leon with Westwood Professional Services, the engineering firm working with HEB on this project. If you have any questions for us, we would be happy to answer. City Engineer Roznovsky did a great job on where the request is coming from, not necessarily just a preference per se, but we have a lot of site constraints. If you are familiar with this property, we have roughly about 50 to 60 feet of fall which is going to require cables around the site, on top of, as you know, HEB is a very popular user, so we need to make sure that we have enough parking to provide to the customers. We are also including a fuel station which we are trying to make it as best we can accessible for people with large vehicles possible. With all that, keep in mind the extra 16 feet at the front and the extra five feet at the back of the variances make a big difference. It also creates a big impact on how can we try to mitigate not having trucks interacting with the regular public and try to keep all trucks in the back of the store. Those are the five feet and the 16 feet that we can adjust that will give us enough room to be able to dictate the trucks to do their maneuvering in the back of the store to protect the general public as they go in and out of the store. Council Member Czulewicz asked is that third driveway on the drawing for FM 2854 a driveway for the trucks to go to the back of the building? Mr. Leon said correct. That is the idea and the intent. It is an open drive so everyone could access it. It is not going to have any type of truck only access type, but yes, mainly trucks will be requested to take that route. Mayor Countryman asked is the driveway north of that, the middle driveway, is that just a right-hand turn lane only because I did not notice the triangle that shows it to be a left-hand, right-hand turn lane? Mr. Leon said I believe that will be the first router closer to FM 2854 that you might be referring to. The middle one, that is your regular driveway. The northern drive closer to the intersection will be just the right-hand lane. It is a right-in, right-out traffic from the intersection and then the queueing. Mayor Countryman asked how many parking spots are going to be here? Mr. Leon said I do not have the exact number, but that requirement goes over 600. Mayor Countryman said in our meeting I thought it was over

600. I thought that was important to note. Just to put that in perspective, on the BCS capital project they are having about 600, so this is going to be more than that. That is how much traffic is going to be going in and out of here. It is very exciting for sure, but we need to ensure that the traffic flows.

**Motion:** Council Member Olson made a motion to approve the two variance requests related to the required utility easement and vegetative setback for the HEB development (Dev. No. 2402). Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

**13. WGA and Staff recommend that the Council provide comments to the Development Agreement between the City and Superior Properties of Texas, LLC as presented.**

City Engineer Roznovsky said starting on page 86 of your packets, just to reorient everyone where this property is, there is a site, just a vicinity map, showing you this is over next to the Lone Star Community Center on the northwest corner of FM 149 and Lone Star Parkway. This is for their development agreement. They have already gone through the rezoning of a portion of the property for multi-family. I will hit the main points in the agreement. One is they are doing a couple water line projects. There is one waterline project that they will design and construct. That is for the large cap across Lone Star Parkway in order to serve the multi-family portion of the site. The second is the water line that will serve the commercial. This goes along by upsizing the water line with Lawson, circling it back to connect to Simonton to create a waterline loop. Since that serves existing customers and impacts people that are currently there, that one would be designed and constructed by the City at the developer's expense. The multi-family one, if it gets messed up, that affects them, and the other one it is in the City's hands with coordination with existing residents. On page 90, it talks about funding of those. Again, all costs of those are covered by the developer for all those, the City will take over the ownership of those lines once they are complete.

Moving on to wastewater, it would only serve them. No one else bought into it, so they would do the design and construction of that sewer line which is along the northern right-of-way of Lone Star Parkway, along the property to serve their site.

On page six of the agreement, the road improvements, a couple things to note that were big at the time when we were discussing this agreement was the connections to Simonton and Lawson. They are only for emergency access. They are not for people to go in and out onto those roads and so that is listed in here in section 2.2 that they are to remain dead ends or gates and lock boxes for emergency services only. Mayor Countryman asked and no construction traffic on those roads either? City Engineer Roznovsky said we reviewed their plans and it is not specifically stated in here, but their stabilized construction entrances for trucks will be off of Lone Star Parkway. Only construction traffic will be there to put in the water lines. Mayor Countryman asked should there be construction traffic on those streets, is there consequences? Those streets cannot handle it. A) they are small, and B) we are going to have to repair them should there be issues and those streets are shall I say, fragile. City Engineer Roznovsky said right. As far as the waterline construction goes, that

will be part of the contract. If it gets damaged during construction, it has to be fixed by the contractor. That contractor is working at the City's direction, but at the cost of the development. It is not a full redo, but for any additional damages that occurred. As far as the construction of the private site, we will make sure that as part of their plan approval, that they do not have access off of Simonton and Lawson to do that work and just make that abundantly clear. Chief will be aware and code enforcement will be aware to be on the lookout. Mayor Countryman said I am just leary because we have security looking at watching water and they are having water theft so you tell them they cannot do it, they are going to. Council Member Czulewicz said the streets on the plat are shown as private streets. We are not going to be taking ownership, right? City Engineer Roznovsky said you are not. The multi-family site, those are all private streets, private parking, everything between those buildings. Then, there are traditional retail and the storage complex that are all private access. Council Member Czulewicz asked so our only responsibility lies in the infrastructure of the water and sewer? City Engineer Roznovsky said yes, water and sewer lines in the portions of those that are public, so not the line that extends all the way up into the development, but the portion that is along the right-of-way. Council Member Czulewicz said so once it goes through the gates, we are responsible. City Engineer Roznovsky said that is correct.

City Engineer Roznovsky said some other highlights of the agreement include section 2.3, development regulations. Do you remember at the time there was concern about off street parking? Council Member Olson said real quick, on the private streets, we need to make note in some part of the agreement somewhere that at any point, if they want to bring those streets back to the City that they must be brought up to our standards, no questions asked. City Engineer Roznovsky said correct. This is not going to be platted as private streets. They are going to be platted as a multi-family reserve, not private right-of-way to individual access versus the neighborhoods that you have had in the past. They are platted as individual lots with a private right-of-way overlapping access to utilities. This will function more like any of the other apartment complexes in the City, that there is a gate and behind the gate is all private. It is a different style. Council Member Czulewicz asked are these all single story units? City Engineer Roznovsky said I do not believe so. I believe they are multi-story. Council Member Czulewicz said I am looking at square footage and that is awfully small, 953 square feet. Council Member Donaldson said initially they presented drawings that show two stories. City Engineer Roznovsky said yes, there are two stories.

City Engineer Roznovsky said back to the agreement, one of the items that was also a concern a while back was the off street parking. That is section 2.3 regarding the off street parking requirement, which is two vehicles per unit, plus the additional space is called the commercial development. Another that is restated in here is the vegetative setback between the property and the properties on Lawson and Simon. Mayor Countryman asked is that 25 feet? City Engineer Roznovsky said yes. It also talks about the commercial lighting. Again, it is in your ordinance, but agrees that lighting is directed away from the homes and toward the street, not toward the homes. The rest of the agreement in section 3.1 is standard legal language that as an engineer I will skip over. Those are the main points. Mayor Countryman said I am all for it, I just do not want the lawsuit in the 17 streets to be disturbed.

**Motion:** Council Member Olson made a motion to accept the Development Agreement between the City and Superior Properties of Texas, LLC as presented. Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

**14. Consideration and possible action on the MOU for the Villages of Montgomery Development (Dev. No. 2502).**

City Engineer Roznovsky said if you look on the next page following the cover, you will see a reminder of where the extent of this tract is, followed by the updated MOU. Council did review a draft of this a couple meetings ago. You all provided some comments to access and two other things that I will point out that is included in this. The developer has reviewed and has signed this version of the agreement. What this does is as soon as Council is okay, it will be executed and then the full development agreement will get started with these terms in here. As a reminder, this development is around 50.4 acres. If you look on page two of the memorandum of understanding, page 128 of your packets, item one talks about the mix of that development of 137 single family units with ranging sizes from the alley load to the traditional single family. The variances that were approved back on May 27th are listed in here. Those are already completed. Item three talks about they will be submitting a rezoning application for the single family and commercial just based on their land and zoning today, it is tweaking to get those to line back up. Then, we will be constructing water line improvements and sewer improvements. That is all at their expense. They will be extending Caroline Street through, as well as sidewalks all the way to the west side of the park, so there is pedestrian connectivity between the two. On the third page, item 10, this was made abundantly clear that there is no connection from runways to College Street. If you look on the exhibit that is included, that page after I grabbed a wrong version, it shows that connection. That is not accurate. The signed version of what Parkside has agreed to is that there is no roadway connection onto College Street. Council Member Donaldson said basically it will be a dead end. Mayor Countryman said it will remain the same. City Engineer Roznovsky said right. College Street will stay a dead end. They will loop the water. They will connect the water line to it. Right now, College Street is a dead end water line, so they will provide an easement to close the water line loop, but not access onto College Street. Access will be from SH-105 and Caroline. The other item, item four is regarding a potential MUD. Either creation of a new or annexing into an existing MUD for them to finance their project. They still have to come back for formal City consent, but just getting everyone up to speed that that is the plan for them to more than likely annex into one of the neighboring MUDs for taxation and financing. Mayor Countryman asked would that be like Tri-Pointe's MUD? We have the process started.

Mayor Countryman said I am excited about the development. I think that is going to bring a lot to our downtown and I appreciate the connectivity so that the homes over here can walk or take a golf cart since we are such a golf cart community downtown, and it keeps our residents tax dollars here. I appreciate that.

**Motion:** Council Member Olson made a motion to accept the MOU for the Villages of Montgomery Development (Dev. No. 2502). Council Member Donaldson seconded the motion. The motion carried with 4-Ayes and 1-Nay vote by Council Member Czulewicz.

**15. WGA and Staff recommend Council authorize the Mayor to sign the MOU and allow City staff and consultants to begin coordinating with the Developer to draft the Development Agreement.**

City Engineer Roznovsky said the wording I know is a little bit odd, but if you look on page 131 in your packets, you will see this is regarding the Mia Lago Reserve development. This is the MOU for that development. It is very similar to the last process. You saw a draft of this at that same meeting. Comments were received and addressed. The developer has executed and so I will hit the highlights of it. On the next page, you will see a reminder where this development is located, followed by the updated MOU. What is in here is just a reminder this is 59 and 3/4 acre lots. They are not requesting any variances for lot size or setback or anything regarding development. This development currently is not within the City's city limits, so they will be petitioning for voluntary annexation into the City. Item four is more of a cleanup item. The Public Utility Commission shows that there is a portion of the property that may be in the CCN. It is likely a mapping issue, but we are making it very clear to them that is their responsibility to get that in writing if they are not in the CCN and provide that to the City at their expense. Item five is more of a note that they have requested to do on-site sewer septic systems per each lot, versus connect to the public sewer system. The comment received when the draft was presented was talking about not coming back and so that was the last sentence added. If Dunhill grants variances for individual onsite sewer facilities, future property owners, or an HOA, the subject tract cannot request future connection to the City sewer system to address the concern. Again, someone trying to come back in the future and then the rest of it is pretty straightforward. They will construct the water lines on the site. They will tie in the two locations as well and Mia Lago Drive and Lone Star Bend to help close those water line lifts, and they will submit plans for approval. There is no wording in here regarding a potential MUD. Mayor Countryman asked so we will not be able to bill for the sewer portion, but we will be able to bill for the water and the garbage portion? City Engineer Roznovsky said correct. It is the same thing for the impact fees.

**Motion:** Council Member Olson made a motion to authorize the Mayor to sign the MOU and allow City staff and consultants to begin coordinating with the Developer to draft the Development Agreement. Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

Mayor Countryman stated we will be skipping item #16 as well as #18 through #21. The next item will be item #17 on the agenda.

**16. WGA and Staff recommend Council authorize the Mayor to sign the MOU and allow City staff and consultants to begin coordinating with the Developer to draft the Development Agreement.**

This item was pulled from the agenda.

**17. Consideration and Possible Action regarding the approval of Change Order No. 2 to upsize the well motor and pump at Water Plant No. 2.**

City Engineer Roznovsky said starting on page 144 of your packets regarding the change order, the well has been dug, the testing was completed, and the actual water level versus what the hydrogeologist report showed was lower. Therefore, in order to get the efficiency back up, the recommendation is to change out from a 60 horsepower pump to a 75 horsepower pump. We had optimal operating efficiency of it for both operating costs and long-term wear and tear on the equipment. That resulting change was a \$20,500 price increase for that increased pump size, as well as 14 days while they wait for the equipment to be installed. Mayor Countryman asked how did we not know that it was going to be a 75? Tell me how we got there. We budgeted for 60. City Engineer Roznovsky said it is all based on the water. The hydrogeologist report is based off of global study data, not site specific, and until they actually dug the well to see. The other thing is the water surface elevation changes throughout the year. We are taking this during the summer, so likelihood is it will rebound like we see during the non-peak months. It will be a plus. Essentially, we are optimizing the efficiency of the well for the lower setting where we have during the summer low water levels. Now it has not been pumped out of that area, but in general, you see the trend in the summer. It is just more of a difference between what the study believed that the water surface elevation would be, to what the actual was when they actually dug the hole. Mayor Pro-Tem Fox asked if that is not going to go live until after August? City Engineer Roznovsky said the final completion of the project. The project as a whole, the ground storage thing is complete, the piping is complete, so now it is just getting this motor in, put it down the hole, finish the electrical, and get it started. The two weeks is more of just the delay and getting that motor put back in. Its final completion is in August and hopefully, substantial completion is sooner than that. Council Member Donaldson asked do you foresee any more changes that might come up that might prevent us from opening up in August? City Engineer Roznovsky said I do not. This was the last piece. We went through some questions that we had. Any time that we are changing, especially on an existing plant that is older electrical, we had to make sure that all electrical engineers went out and confirmed that there is no additional changes and they do not plug in the 75 horsepower pump and say the electrical now needs to be upgraded, so they have covered that. All the rest of the work is pretty well complete, so this is really the last. Mayor Pro-Tem Fox said but technically, except for location, it is a brand new well. City Engineer Roznovsky said correct. Council Member Olson said I do have one question about the depth. Do you know how much deeper it was? I mean 15 horsepower is quite a bit. City Engineer Roznovsky said I do not have that in front of me. Council Member Olson said my concern is that we were basing our well depth based off of certain aquifer thickness, so we had to drill farther to hit that aquifer. Do we still have the same capacity? City Engineer Roznovsky said yes. The testing is still coming back on 500 gallons per minute. On the well that failed, it was 270 to 300 gallons. Mayor Countryman asked if this pump were to go out, I think we have additional pumps right Mike? Public Works Director Muckleroy said no, these are not the kind of pumps that you have laying around, but you can get a rental. When we had four go down, we had a rental within the day.

**Motion:** Council Member Donaldson made a motion to approve Change Order No. 2 to upsize the well motor and pump at Water Plant No. 2. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

**18. Consideration and Possible Action on the Acceptance of the public lift station located in Briarley Phase 1A Section 3.**

This item was pulled from the agenda.

**19. Consideration and Possible Action on the Acceptance of the Public Infrastructure on Briarley Phase 1A Section 1.**

This item was pulled from the agenda.

**20. Consideration and Possible Action on the Acceptance of the Public Infrastructure on Briarley Phase 1A Section 2.**

This item was pulled from the agenda.

**21. Consideration and Possible Action on the Acceptance of the Public Infrastructure on Briarley Phase 1A Section 3.**

This item was pulled from the agenda.

**22. Consideration and possible action on a nomination to represent the cities in the county on the Montgomery County Emergency Communication District (MCECD).**

City Secretary Ruby Beaven said the county sent over communication that their Board of Managers have two seats that represent us. One of them is coming up and we have an opportunity to nominate a new person or nominate to re-appoint our current representative Paul Virgadamo. We have to get a response back to them by July 18<sup>th</sup>. Once our nominations are in, then we will receive a ballot casting for the City's vote afterwards. Council Member Olson asked Chief Solomon if he dealt with this group directly? Chief Solomon said no. Mayor Countryman said the Communication District. Chief Solomon said we talked about that last time. Council Member Olson asked who was on it? City Secretary Beaven said the ones that we currently have on it right now is Paul Virgadamo and Kathy Reyer. Mayor Countryman said Paul Virgadamo used to be the City Administrator in Conroe for 20 something years and now he is at an engineering or consulting firm. Council Member Olson asked what if we do not vote at all? City Secretary Beaven said it is your choice.

**Motion:** Council Member Olson made a motion to nominate Paul Virgadamo's seat to represent the cities in the county on the Montgomery County Emergency Communication District (MCECD). Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

- 23. Consideration and possible action on a Resolution of the City of Montgomery, Texas, approving an amendment to the City of Montgomery Policies and Procedures Manual, Section III. Compensation, Reference Number 3.02, Subject: Compensatory Time as attached as Exhibit A; 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 Beaven said this is just human resource housekeeping. We currently have our compensatory time for our full-time employees for non-uniform at 40 hours. Our current uniform is at 120 hours. We are requesting to move the 40 hours to 80 hours for the non-uniform employees to make things a little easier on those employees that are juggling with overtime for events and other items to be able to not have to stress so much about trying to burn down their 40-hour comp, and still be able to meet their deadlines on items. Mayor Countryman said so what you are saying is we have a whole bunch of hard workers that we are working overtime. City Secretary Beaven said yes. Mayor Countryman said we appreciate that.

**Motion:** Council Member Donaldson made a motion to accept Resolution 2025-14, a Resolution of the City of Montgomery, Texas, approving an amendment to the City of Montgomery Policies and Procedures Manual, Section III. Compensation, Reference Number 3.02, Subject: Compensatory Time as attached as Exhibit A; 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. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

- 24. Consideration and possible action on a Resolution of the City of Montgomery, Texas, approving an amendment to the City of Montgomery Policies and Procedures Manual, Section V. Attendance, Leaves, and Absence, Reference Number 5.04, Subject: Holidays as attached as Exhibit A; 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 Beaven said again, another housekeeping item. This was brought up by the leadership team a few weeks back. The request was to bring this forward to ask if you would consider increasing the holidays to include New Year's Eve and Juneteenth Day. Council Member Olson asked so 14 paid holidays? Council Member Donaldson asked do these conform to national holidays? City Secretary Beaven said we do not have Columbus Day in there and I think there is one other one that is not in this list. Council Member Czulewicz asked if the national holidays they get they are paid also? City Secretary Beaven said we only recognize these that are on this list. Council Member Czulewicz asked so they do not get paid for the two that you mentioned? City Secretary Beaven said the New Year's Eve day and the Juneteenth Day, no. We are open for business. Council Member Donaldson asked are you asking for the full day? City Secretary Beaven said that is correct.

**Motion:** Council Member Olson made a motion to table this item. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

Discussion: Mayor Countryman stated we have to state a date for the next City Council meeting. Council Member Olson said we need to have an executive session to be able to visit about it right? City Attorney Petrov said I am not sure this qualifies as an executive session item. Council Member Olson said then we would have to have a workshop or deal with it somewhere when we have an opportunity besides being sprung on it in a meeting. City Attorney Petrov said right, you might want to talk about it as part of your budget. Council Member Olson asked can we bring it into one of our budget meetings which is on the 8th or 9th and then our following City Council meeting after that? Mayor Countryman said there is a budget workshop on July 14th then it would come back on the 22nd. Council Member Olson said we would like to table it until July 22nd.

Mayor Countryman made an amendment to the motion that we table it until July 22nd. Motion carried with all present voting in favor.

**25. Consideration and possible action on a Resolution of the City of Montgomery, Texas, approving an amendment to the City of Montgomery Policies and Procedures Manual, Section V. Attendance, Leaves, and Absence, Reference Number 5.05, Subject: Vacation Leave as attached as Exhibit A; 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 Beaven said some of this is a request for a change and a part of this is housekeeping. The housekeeping part of this is we are currently on 26 pay periods and the way our system is set up for payroll is that we break out our vacation time based off of 26 pay periods. Our policy was written that we earn eight hours per month, but in all truthfulness, we earn 3.7 hours per pay period and it does not reflected accordingly. I am requesting to reflect the changes on this to be the exact way we would earn it through payroll, so when you have a month where we have three periods versus a month where we have two, our accrual would be accurate, versus the way it was written. The second request is that we have employees who are maxed out on the approval based off of their tenure and it has caused a little bit of disgruntlement with some of the staff. They feel that they are losing current time and not able to take that time because of how busy we are. They are asking for the cap to be removed. The leadership spoke about this and we are bringing this forward to ask for your approval on it that the cap be removed on employees being able to accrue their vacation time. However, the way this is written, it is written that the maximum accrual payout is going to stay the same. It is just that if an employee leaves employment, they will only get what was the max amount. That is in that last column on exhibit A which says max approval payout. Those numbers are what they are currently capped at. Right now, if an employee has 192 hours and next pay period they are earning another three hours, they will not get that three hours in their bank, but the way this policy would be

written is that they can continue to accrue that, but should they leave employment with the City, they would only get paid out at the 192 hours, so the liability on the books would not affect us any differently. Council Member Olson said I am going to throw a wrench in the whole accrual thing. It is very, very standard. I get paid on salary. I get paid 26, 27 times a year depending on the year. I accrue monthly, it does not matter. I still have to take it hourly, so it is really not about what you accrue. It is about this is how much that you get. It is this much a month. We have 12 months a year. I do not see the issue why we need to change it. I see the manipulation to bump it up, but I do not see the reason for it. City Secretary Beaven said you could have someone argue and say I am entitled to eight hours per month, but I am only receiving 3.7 hours per pay period, so I am not earning enough. Council Member Olson said pay periods do not change how many months in the year there are. City Secretary Beaven said I understand. Council Member Olson said you get eight hours for that month. That is how many. You get 12 months a year. How many times you get paid is irrelevant. City Secretary Beaven said I understand what you are saying. Council Member Olson said we could go to we pay you once a month, but we do it on a two week period. That is all that matters. We do not go by 80 hours. We go once a month. You get an accrual at the first of the month. That is pretty standard practice across HR, so I do not understand why it is a cleanup. City Secretary Beaven said the way it is written, we did change at some point. The sick time was changed to reflect the way the 26 pay periods accrues in the payroll system. I was trying to make this reflect the same way. Council Member Olson said no, I just see it as a manipulation, so I do not understand why it was an issue before. You get eight hours a month, you get 12 hours a month. That is how many you get. I can understand the cap, but the rest of it, it is not needed.

Mayor Countryman asked are you making a motion? Council Member Olson said not to deny it unless they want to change it. Only part of it would I agree to. Chief Solomon asked is it the part about the cap, the one you would agree to? Council Member Olson said yes. Chief Solomon said I have officers losing a lot of vacation time because they cannot take that vacation due to training, due to schedules, due to assignments. I do not care about holidays or the caps will no longer end up there for holidays, but here is the deal. On the cap on that, I would like that extended because at the point that they get to where they leave, then they only get paid for that amount, but they have the extension to take their vacation at some point without losing all that time. Council Member Olson said no, I totally understand the cap because they accrued it, they deserve it. They put the time in, they get the time, but as far as this other, I do not agree with it. I do not know how to make that motion because I do not want to make the motion to pass the entire item. Council Member Langley asked do we want to table it? Council Member Czulewicz said and discuss it in budget? Council Member Olson said yes, we can do that. let's table it until the July 22<sup>nd</sup> meeting.

**Motion:** Council Member Olson made a motion to table this item until July 22<sup>nd</sup> and discuss it in the next budget meeting on July 14th. Council Member Czulewicz seconded the motion. Motion carried with all present voting in favor.

Mayor Countryman stated item #26 will be discussed in executive session. We will move onto the departmental reports next and discuss item #26 after executive session.

## **26. Consideration and possible action on the HEB Development agreement.**

### **DEPARTMENTAL REPORTS**

#### **27. May 2025 Court Report**

Court Administrator Kimberly Duckett said for May 2025 the citations were 219 and the revenue was \$39,780.87.

#### **28. June 2025 PD & CE/PZA Report**

Chief Solomon said you have the report in front of you. Are there any questions? Mayor Countryman said I happened to be part of a conversation right before this meeting and it is something that is stellar. We had an officer if you would like to please share. I think that would be wonderful. Chief Solomon said we have a young police officer here that finished at the top of the class and last night she was in your subdivision. A gentleman had a heart attack and his wife called the sheriff deputy next door. He said no, I will call the real police. After she called us, he was gone. She gave him CPR and she brought him back by the time EMS got there. He is at the hospital now. He is still in stable condition and he is doing better, but she did a really outstanding job. Mayor Countryman said Officer Pagan. Chief said while you are sleeping, they are taking care of business.

Code Enforcement Officer and Planning/Zoning Administrator Tilley said I do not have questions specific to any of those line items, but I did want to bring up the issue of conditional use permits. Just so you know, the special use permit that was discussed earlier is not the only special use permit that you will be seeing coming forth. There is a new bank. The bank has drive-thru tellers and teller machines, so you will be seeing a special use permit on that. There is a small retail center that is going to have, I think, a drive-up quick donut shop, and that is also going to have a drive-thru. Then, there will also be a discussion regarding a standalone car wash that will also be coming forth on special use permit because our table of uses in the zoning ordinance needs quite a pickup. It needs to be cleaned up and updated to current standards. The way the operations are evolving with businesses, we need to clean that up and that is why you are going to start seeing an influx of special use permits until we can update the table of uses, because there are lot of uses that are not listed in that table of uses that are just going to have to be talked about and you will have the opportunity to talk about them. It is meant to address noise, light, meat, possibly odors that could be coming through because of the location of some commercial businesses and its relation to residences, whether they are established already or new that is coming up. That is the reason why we have the special use permits and the one that we just talked about is not the only special use permit that is coming forward. Council Member Czulewicz asked could you submit recommended changes to our guidelines? Could you submit to the Council recommended changes to clean up the table? Code Enforcement Officer and Planning/Zoning Administrator Tilley said that is going to be a part of Chapter 98 that we are going through with KKC that we will have to discuss. Mayor Countryman asked where are we on those because they did a draft? We were supposed to have these a

year ago to get ahead of stuff like this. I guess in inquiry I will ask for an update. We have spent a lot of money and not getting anything. Code Enforcement Officer and Planning/Zoning Administrator Tilley said I was just bringing that up as part of my report so that you know what is coming up. Some of the notable things that we have been working on and especially with Rick, are the mobile home permit application processes. I do not know if you are aware, but there is a lot of single family residences, vacant lots, that people are wanting to place mobile homes on those vacant lots, just single vacant lots. We did not have a formal application process, a checklist, or anything like that and Rick and I worked together and we put a process and a checklist together. As these mobile homes start coming up, because there is an exception to the mobile home rule, it will be coming to City Council for you to review. Council Member Czulewicz asked are you differentiating mobile home and manufactured home somehow? Code Enforcement Officer and Planning/Zoning Administrator Tilley said right. There is HUD manufactured mobile home and that is what the City currently allows. Certain age, certain size requirements, all that yes. Also, we have added, I am sure you have heard of it, the temporary construction and construction trailer process, the sales trailer, the construction trailer. Rick and I also worked on that, had a checklist set up for it, and that is in play. Then, we also have a demolition permit process which we did not have before with an application. Mayor Countryman said on here you have wayfinding signs. Where are we on that? Code Enforcement Officer and Planning/Zoning Administrator Tilley said on the wayfinding signs, I have two signed contractors that will be giving us quotes. These are signed contractors. One is from Sourcewell and another signed contract here off of TML BuyBoard. I am hoping to find one more and I think it is HGAC, a contractor off of that list, so I am trying to find one more there. It is difficult because like TML BuyBoard, all I can go off is a construction list and then I have to call each one of them and ask them if they will fabricate and install. Mayor Countryman asked have we gotten the right-of-ways from TxDot yet to install these? Code Enforcement Officer and Planning/Zoning Administrator Tilley said I have not heard from TxDot yet. The county I have heard from because there will be signs on the county roadway. They have their paperwork with the attorneys now. Mayor Countryman said good. That was quick for them. Mayor Pro-Tem Fox asked what are the dumpsters? Code Enforcement Officer and Planning/Zoning Administrator Tilley said the dumpsters is kind of a part of the downtown redesign. The dumpsters are where we are going to combine all of the dumpsters downtown, having their own individual lot there. Hopefully, we can design it so that it is more visually appealing.

## **29. Public Works Monthly Report May 2025**

Public Works Director Muckleroy said we have the monthly report for May. I would be happy to answer any question you may have on it. Council Member Olson said no, I just appreciate you not killing the bees.

## **30. Utility Operations Monthly Report May 2025**

Mr. Phillip Wright, Hays Utility North said accountability is back up, so we are looking good there. We are doing a little bit less flushing and we are seeing more water usage so that is good. As we see more development coming, I think we will end up doing a lot less

flushing as water increases. The next page is the wastewater treatment plant. We are in state compliance with the discharge permit with the state. For the Lone Star permit, we are 40 something percent through the year. We are only 20 percent on our Catahoula and 18 percent on the Jasper. We are looking good for the rest of the year.

### **31. Financial Report May 2025**

Mayor Countryman said for item #31, Finance Director Carl is not here, so if you have a question, I would send her an email. She will be back in the Country in a couple weeks.

### **32. Building Official Report for May 2025**

Mr. Rick Hanna, Building Official, CBO Partners said we are maintaining inspections. I think our biggest progress last time is we completed all the inspections for the Career and Technology Center. We need to hear back from the fire marshal to pass there before we issue their full certificate of occupancy. We will start working next on the Ag barn and hopefully finalize it by next week. Mayor Countryman said I like the new format, the building permit by permit type. Mr. Hanna said Shavauna taught me how to do that report. Mayor Countryman said it looks great. Mr. Hanna said if you like, I can get her to teach me a cumulative report if you want to compare year to date. Mayor Countryman said this is easy on the eyes. We will just keep you going here. You did a good job. Mr. Hanna said I just want to put in one final note. The Chief was such an inspiration for me the past few months. I am looking forward to working with the new administrator.

### **33. Discussion on Engineer's Monthly Report**

Chris Rosnovsky gave a brief summary of WGA activities as follows:

Capital Projects (City Funded):

1. Water Plant No. 2 Improvements – We received Pay Estimate No. 9 in the amount of \$333,720.00. As of May 26, 2025, the contractor was 80% complete by time and 81% complete by value. The Contractor has completed the welding of the feed line into the GST. Following the results of the pump testing, it is recommended to increase the size of the well motor to maximize the pumping capability of the well. We plan to discuss this further as a separate agenda item. The contractor's current schedule shows the plant being substantially completed in July 2025.
2. 2023 Sanitary Sewer Rehabilitation Phase I – We did not receive a pay estimate or change order this month. We received the final 3 post rehabilitation videos and confirmed that all the outstanding field work has been completed. We plan to hold a final inspection on June 19th and will begin preparation of all close out documents.
3. Downtown Streetscape Improvements – We are continuing to coordinate the design of the downtown streetscape improvements with Montgomery Economic Development Committee and Ardurra.

4. McCown St. and Caroline St. Waterline Replacement – The scope of the project is being revised based on ongoing conversations with the MEDC, Ardurra, and downtown property owners.
5. Town Creek Wastewater Plant Expansion to 0.3 MGD – We received a draft Preliminary Engineering Report from Halff on June 10th, with revisions reflecting the new TPDES limits from the TCEQ. We plan to provide comments to Halff the week of June 23rd .
6. Water Plant No. 4 – Council approved the proposal from Baxter & Woodman at the June 10th meeting, and design services have been authorized to begin. We plan to hold a kickoff meeting with Baxter & Woodman on June 24th .
7. College Street Drainage (ARPA Funds) – We are finalizing the design of the proposed drainage repairs, and plan to be completed with design this month. It is our understanding GrantWorks is completing their environmental review of the project.
8. Water Plant No. 3 Booster Pump Addition (ARPA Funds) – We are continuing with the design of the booster pump addition at Water Plant No. 3. It is our understanding GrantWorks is completing their environmental review of the project.
9. Plez Morgan Erosion – We are working to complete the preliminary design of the improvements and expect to bring a proposal to complete the final design at the next council meeting. We are working through different alternatives with our geotechnical and structural subconsultants to ensure the adequate approach is taken, and plan to discuss this further at a later Council date.

Capital Projects (Developer Funded):

1. Old Plantersville Force Main Extension – We did not receive a pay estimate or change order this month. The contractor completed minor regrading and installation of the permanent spring mix. We are working with the contractor to prepare all final close-out documents for the project once final vegetation is fully established. As a reminder, this project is being funded by Johnson Development as part of their Briarley Development.
2. Old Plantersville Waterline Extension – We did not receive a pay estimate or change order this month. The Contractor completed the installation of the waterline on May 28th . We received the passing bacteriological testing (Bac-T) results for the newly installed waterline section on June 11th . We plan to hold a final inspection for the project on June 26th. As a reminder, this project is being funded by Johnson Development as part of their Briarley Development.
3. Lift Station No. 10 Phase II Improvements – We completed the design of the lift station improvements project. We received TCEQ approval the week of May 28th and provided a bid set to the City for final review. We plan to begin advertising for bids on June 19th and receive bids on July 15th. As a reminder, the scope of the project includes the addition of a 3rd lift pump, emergency generator and minor

electrical modifications. As a reminder, this project is being funded by Taylor Morrison as part of their Lone Star Hills (formerly known as Lone Star Ridge) Development.

4. Lift Station No. 5 Relocation and Sanitary Sewer Extension – We are continuing with the design of the lift station relocation required for the Legacy Grove Development. Electrical plans have been received and are being reviewed. We are coordinating with geotechnical and structural subconsultants on scope for the lift station. We plan to be complete with design in July 2025. As a reminder, this project is funded by Tri-Pointe Homes as a part of their Legacy Grove Development.
5. West Lone Star Parkway Waterline Extension – We are continuing the design of the waterline extension to serve the Legacy Grove Development, and we submitted plans to Montgomery County last week. We plan to be completed with design by July 2025. As a reminder, this project is being funded by Tri-Pointe Homes as part of their Legacy Grove Development.
6. The Crossing at Montgomery Public Lift Station, Force Main Extension and Gravity Sewer Upsizing – We are prepared to begin design upon receipt of the deposit from the developer. As a reminder, this project is being funded by Morning Cloud Investments.

#### Development Agreements:

1. HEB – At the June 10th Council Meeting, a draft agreement was presented for discussion. We will be coordinating with the City Attorney and HEB to make the necessary adjustments based on requests from the Council and HEB.
2. Superior Properties – A draft agreement was provided to the Developer on June 11th , and we received an executed agreement on June 13th . We have finalized the terms of the Development Agreement with the appropriate parties. This item will be discussed further as a separate agenda item.
3. BCS Capital – As authorized at the April 8th meeting, we are coordinating with the Developer and City Staff and Consultants on the terms of the Development Agreement. We received a partial Development Agreement from the City Attorney on June 2nd and provided our comments and are continuing to coordinate with the City Attorney and the Developer on the final agreement language. As a reminder, Council authorized the amendment of the previously completed feasibility study at the May 27th meeting. This will include the adjacent 6-acre land parcel located at CB Stewart Dr. and SH-105. We plan to discuss this further as a separate agenda item.
4. Church of Montgomery – The Developer is currently reviewing the draft development agreement. We will continue coordinating with City Staff and the Developer to finalize the Development Agreement.

5. Villages of Montgomery –We received a signed MOU from the Developer and have finalized the terms of the MOU with the City’s Attorney. We plan to discuss this further as a separate agenda item.
6. Reserve of Mia Lago –We received a signed MOU from the Developer and have finalized the terms of the MOU with the City’s Attorney. We plan to discuss this further as a separate agenda item.

Developments:

1. Pre-Development Meeting – Enclosed is an exhibit showing the location of the Pre-Development Meetings we have had in the last 45 days.

Feasibility Studies:

1. BCS Capital Feasibility Study Amendment– Council authorized the amendment of the previously completed feasibility study at the May 27th meeting. This will include the adjacent 6-acre parcel located at CB Stewart Dr. and SH-105. We plan to discuss this further as a separate agenda item.
2. Plan Reviews
  - a. Lone Star Ridge Section 2 WSD&P – We did not receive revised plans this month.
  - b. Lone Star Hills (Formerly Lone Star Ridge) Landscaping – We received revised plans May 8 th and provided comments on June 4th . We have not received revised plans.
  - c. Briarley PH 1A Hardscape – We received revised plans on March 6th and provided comments May 5th. We have not received revised plans.
  - d. Briarley Kammerer Drive Extension WSD&P – We received plans June 6th and are proceeding with our review.
  - e. Briarley PH 1 Retaining Walls– We received plans May 12th and provided a letter of no objection on June 3rd .
  - f. Lone Star Cowboy Church – We did not receive revised plans this month.
  - g. The Crossing at Montgomery Drainage Study – We received a drainage study for review on March 18th and provided comments May 5th . We have not received revised plans.
  - h. HEB Plans – We received plans on March 6th and provided comments May 1st . We received revised plans on June 14th and are proceeding with our review.
  - i. Hills of Town Creek Section 5 Shared Access Path – We did not receive revised plans this month.
  - j. Legacy Grove Mass Grading & Detention Revision – We received revised grading plans on June 9th and are proceeding with our review.

- k. Villages of Montgomery Drainage Impact Analysis – We received a drainage impact analysis on June 4th and are proceeding with our review.

### 3. Plat Reviews

- a. Superior Properties Preliminary Plat – We did not receive a revised plat this month.
- b. Montgomery Bend Section 4 Final Plat – We received the final plat for review on October 7 th and provided comments on October 30th. We received a revised plat on November 25th and found no issues with the plat. As a part of Pulte’s Traffic Impact Analysis, they are required to construct a traffic signal at the subdivision entrance prior to this being recorded. We plan to withhold approval of this final plat until the signal has been constructed.
- c. Briarley Phase 1B (Sections 1-3) – We received a revised plats May 13th and provided comments on June 3rd . We have not received revised plats.
- d. 612 Worsham Development Plat – We received a revised plat for review on April 19 th and provided approval on June 3rd .
- e. Lone Star Cowboy Church Development Plat – We received a Development plat for review on April 15th and provided comments on May 8th . We did not receive a revised plat this month.
- f. Lone Star Hills (Formerly Lone Star Ridge) Final Plat –We received a revised final plat on June 6th and are proceeding with our review.
- g. Hills of Town Creek Section 5 Partial Re-plat – We received a partial re-plat for review on May 9th and provided comments on June 3rd. We received a revised re-plat on June 6th and are proceeding with our review.

### 4. Ongoing Construction

- a. Briarley Phase 1A Water, Sanitary, Drainage, and Paving – The contractor has completed the construction of the public water, sanitary, and drainage improvements to serve the subdivision. The final inspection for sections 1, 2 and 3 was held on May 20th. The punchlist was provided to the Contractor on June 2nd. All outstanding punchlist items will need to be addressed by June 20th, including providing power to the lift station. Failure to complete the remaining items will result in an additional inspection and a new punchlist issued for the development.
- b. MUD No. 215 Briarley Lift Station (City of Montgomery Lift Station No. 16) – It is our understanding that the contractor has completed construction of the lift station and is waiting on power to be connected at the lift station.
- c. Lone Star Hills (formerly known as Lone Star Ridge) Mass Grading & Drainage – The contractor has begun grading and installing retaining walls. As a reminder, this project is being funded by Taylor Morrison.
- d. Legacy Grove Mass Grading & Detention – The contractor has begun clearing and staking. As a reminder, this project is being funded by Tri-Pointe Homes.

## 5. One-Year Warranty Inspections

- a. Town Creek Crossing Section 1 – We held a warranty re-inspection on October 10, 2023. The developer and contractor have been non-responsive to addressing the punchlist items. We are pursuing the maintenance bond and are working with the City Attorney to have the work completed.
- b. Lift Station No. 10 PH I – The one-year warranty period ends on July 17th . We plan to hold a warranty inspection for the project on June 24th with Faith Utilities.

## General Ongoing Activities:

1. Town Creek Wastewater Treatment Plant TPDES Permit Amendment –The completed application for the permit amendment was submitted to the TCEQ in September 2023. We received an updated draft permit from the TCEQ, which included updated permit limits in both the interim and final phases of the permit. The final permit is expected this month, following the Executive Director’s review.
2. Stewart Creek Wastewater Treatment Plant TPDES Permit Amendment – As authorized by Council at their April 8th meeting, we are preparing a TPDES Permit amendment to allow for an additional ultimate phase with a flow of 0.8 MGD. The plant is currently rated for 0.4 MGD flow. The proposed amendment would allow for additional flow, should the City require it. We are coordinating with Public Works and the City’s Operator to obtain all of the required samples and plan to submit to the TCEQ this month. Based on TCEQ review times we anticipate receiving the final permit in July 2026.
3. TxDOT:
  - a. Access Management along SH-105 from Grimes County Line to Shepperd Street – We attended the stakeholders and Transportation Advisory Committee (“TAC”) meeting on May 13th. Per TxDOT the project will be moving forward in three phases and is slated to let in September 2027, with the portion within the City being scheduled for phase 3. Based on new plans from TxDOT, the previously proposed raised medians have been removed from the design. We provided an utility exception memo to TxDOT and are finalizing all existing conflicts with TxDOT and their engineer to confirm the required utility relocations.
  - b. FM 1097 and Buffalo Springs Drive Traffic Signal – It is our understanding that the design is complete and TxDOT is finalizing a timeline for construction. We will provide a schedule on construction once received from TxDOT.
  - c. FM 1097 & Atkins Creek Drainage Improvements – It is our understanding that TxDOT let the project on this month and is expected to begin

construction in July of this year. Per TxDOT, the repairs will be phased allowing FM 1097 to be partially operational.

4. Lone Star Bend and Lone Star Parkway Improvements – Montgomery County is looking to install a temporary traffic signal at the intersection of Lone Star Bend and Lone Star Parkway. Montgomery County has included plans to install a permanent traffic signal and widen Lone Star Parkway to four lanes with a center median with their recently approved 2025 Road Bond. It is our understanding that the County has requested the City's financial participation in this project and will be providing a full cost estimate in the near future.
5. Stanley Lake Interconnect – We met with Stanley Lake MUD on April 11th to discuss the potential emergency interconnect with Stanley Lake MUD. We are continuing to coordinate with their consultants, and the adjacent Developer on the overall scope and requirements of the proposed interconnect.
6. Biweekly Operations Call – We are continuing the biweekly operations calls with City Staff and City's operator, Hays Utility North Corporation.
7. Fiscal Year 2025 CIP Snapshot & Rate Order Analysis- We presented our rate study analysis to Council at their May 22nd Workshop. We are finalizing our utility and tax rate analysis based on feedback from City staff and the City's Financial Advisor.
8. Kendig Keast Unified Development Ordinance- We are preparing comments to the draft interim Chapter 98 ordinances. It is our understanding that Kendig Keast plans to present their final UDO codifications in November of this year.
9. Clean Water/Drinking Water State Revolving Fund- No engineering update this month.
10. Impact Fee Update – The Bi-Annual update to the Capital Improvement Plan and impact fee projects was approved by the Planning & Zoning Commission, acting as the Capital Impact Advisory Committee, at the June 11th meeting. We plan to discuss this further as a separate agenda item at your July 8th meeting.

Mayor Countryman said she would like to welcome our new City Administrator, Brent Walker. Welcome. We are glad you are here.

**Motion:** Council Member Langley made a motion to approve the departmental reports. Council Member Olson seconded the motion. Motion carried with all present voting in favor.

### **COUNCIL INQUIRY**

Mayor Countryman said July 5<sup>th</sup> is Freedom Fest.

Regarding KKC, we have not heard from them in quite some time and we are a long way away from the milestones and progress that we were promised for the lots of dollars we spent. Have we heard from them? Have we just been deserted? Where are we? Council Member Donaldson said their last communication was they were going to talk to us in

November this year. Mayor Countryman said they were also sending us a draft for review for updating our zoning and all of our ordinances and we have not seen that. In our last one, we had requested an update. City Secretary Beaven said Chapter 98. They have done their review and gave it back to the engineers. It is in our hands now to do a review as of a couple weeks ago when I spoke to them. Code Enforcement Officer and Planning/Zoning Administrator Tilley said I have not actually talked with anyone at KKC, so I do not know when the next meeting is or anything like that. Mayor Countryman asked City Engineer Roznovsky do you know? City Engineer Roznovsky said I know they sent a draft, so we will follow up. We are regrouping later this week and we will make that a priority to see where they are and who is on first. Mayor Countryman said we were supposed to be doing that for all this new development.

## **EXECUTIVE SESSION**

### **34. 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:**

- 1. Section 551.072 Deliberations about Real Property regarding 213 Prairie Street and a potential lease agreement.**
- 2. Section 551.087 Deliberations regarding Economic Development Negotiations regarding HEB Development Agreement.**

At 7:41 p.m. Mayor Countryman convened the Montgomery City Council into closed session pursuant to provision of 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 and Section 551.087 Deliberations regarding Economic Development Negotiations regarding HEB Development Agreement.

### **35. Open Session**

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

- 1. Section 551.072 Deliberations about Real Property regarding 213 Prairie Street and a potential lease agreement.**
- 2. Section 551.087 Deliberations regarding Economic Development Negotiations regarding HEB Development Agreement.**

At 8:26 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 1. Motion:** Council Member Olson made a motion to take no action. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

**Item 2. Motion:** Council Member Olson made a motion to approve the HEB Development Agreement. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

### **CLOSING AGENDA**

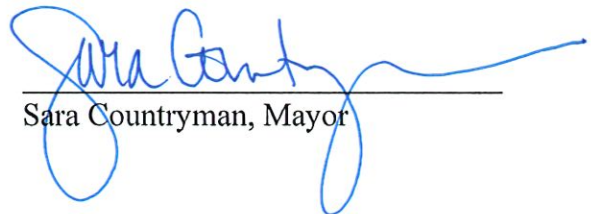
#### **36. Items to consider for placement on future agendas.**

Mayor Countryman said City Secretary Beaven, MISD is requesting change of zoning for the potential property they are purchasing off of FM 1097. They have requested to be on the agenda in executive session. They want to know if we would change zoning to institutional. Currently, it is commercial. Council Member Olson said to also include those items for July 22<sup>nd</sup>.

#### **37. Adjourn.**

**Motion:** Council Member Czulewicz made a motion to adjourn the Regular Meeting of the City of Montgomery at 8:29 p.m. Mayor Pro-Tem Fox seconded the motion. Motion carried with all present voting in favor.

**APPROVED:**

  
Sara Countryman, Mayor

**ATTEST:**

  
Ruby Beaven, City Secretary

