



Montgomery City Council Regular Meeting Minutes January 14, 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 January 14, 2025, at City Hall 101 Old Plantersville Rd., Montgomery, TX and live video streaming.

With Council Members present a quorum was established.

Present:	Mayor	Sara Countryman
	Mayor Pro-Tem	Casey Olson
	Council Member Place 1	Carol Langley
	Council Member Place 4	Cheryl Fox
	Council Member Place 5	Stan Donaldson

2. Invocation.

Council Member Donaldson led the invocation.

3. Pledge of Allegiance.

Mayor Countryman led the Pledge of Allegiance and Pledge of Allegiance to the Texas State Flag.

PUBLIC FORUM

Mayor Countryman said she would like to make an announcement that we have some visitors here. Ms. Elizabeth Woods who is the Executive Director and Director of Philanthropic Endeavors for the Montgomery County Veterans Memorial is here and we should be expecting her to do a presentation for us here soon, but thank you for being here this evening. We appreciate it. Also, we have MLK Day on Monday. We always have our annual MLK celebration at the Lone Star Community Center on Lone Star Parkway that begins at 11:00 a.m. and our very own Chief Solomon will be the Speaker of Honor this year so that is fantastic.

Mayor Countryman stated she has received two speaker forms. The first one received is from Ms. Debra Galka who will speak about traffic on Lone Star Bend.

Ms. Debra Galka, 19073 Villa Lane, Montgomery, Texas 77356. Ms. Galka thanked Mayor Countryman and Council for the opportunity to speak. She said she is here on behalf of the residents of Villa Mia Lago to request a three-way stop at the intersection of Lone Star Bend and Bois D Arc Bend. As the community grows the traffic at this intersection is creating a safety issue and we have the same concerns with Lone Star Parkway and Lone Star Bend. The residents also believe that possibly one street light on Bois D Arc at that intersection and speed bumps on Lone Star Bend may help reduce the excessive speeding and racing at night on these roads. She has reached out to the County Commissioners. She reached out to Precinct Three and Precinct one. Mayor Countryman asked if she received a response from Commissioner Walker because this is his Precinct? Ms. Galka said yes. Mayor Countryman asked, did he acknowledge or say he could

help? We just looked at the map and the one stop sign that is there is definitely in our city limits. She thinks we may be able to do a second, we will have to look, but he certainly would be the other person that we would need to get engaged to get one headed west on Bois D Arc since that is his jurisdiction. Mayor Countryman said she thinks we are most likely all in agreement with you. She said Lone Star Parkway is owned by the County so again it would be him to help mitigate that intersection because she has been a victim and part of that as well. It is not good. Certainly we can help be a conduit and help you get with his office and see what kind of solutions they can come up with and be standing next to you as well. Mayor Countryman said she is supporting Ms. Galka.

Mr. Bradley Shipen, 34 Hillsborough Drive, E., Montgomery, Texas 77356. Mr. Shipen said He is an American Polish public advocate in Montgomery. He holds strong to the values of unity and freedom for both America and Poland and all of our NATO allies and for his Polish friends he says "Ameryka i Polska są jednością i na zawsze wolne" which means America and Poland unity and freedom forever. He said today he is reaching out about the dangerous intersection on Lone Star Parkway and Highway 105 near Simmons Bank. This area poses serious safety concerns due to a poor development and a significant pothole that worsens the situation. Drivers turning onto Lone Star Parkway must often stop farther back in the turn lane to avoid obstructing other cars attempting to turn. This creates confusion and increases the risk of accidents. He kindly requests this intersection be reviewed and repaired promptly.

Mayor Countryman said she is going to break protocol here for a second. She has some questions under the public forum and her questions are for WGA.

Mayor Countryman said in 2024 are you aware of how much we spent with WGA? City Engineer Vu said off the top of her head she could not tell you that number but it is a number that she has reviewed in the last couple of weeks. Mayor Countryman said it has come to her attention that WGA is now employing Nici Browe a previous employee here at the City. Is this correct? City Engineer Vu said yes. Mayor Countryman asked what capacity does she work for you? City Engineer Vu said she is a project coordinator. Mayor Countryman asked will she be working on any of our projects, anything with our city business, developer business, or anything regarding Montgomery Texas at all? City Engineer Vu said yes she does work in some capacities on the City of Montgomery. She also works for our other clients so it is not exclusively City of Montgomery business, but yes we have had her help out with a couple of city related items. Mayor Countryman said she wants to be clear and emphasize that this person she hopes is not going to be involved in our city business moving forward. Based on the reckless recordkeeping and lack of professionalism and still ongoing negative rhetoric about the City of Montgomery, herself, this Council, and as a taxpayer and elected official in this city, it is her wish that we are all protected as taxpayers. Everything that you do has information, sometimes proprietary information regarding our city and someone that has nefarious ways or speaks such negatively about our city, she would like to ask that Ms. Browe does not have anything to do with our city. She would not want us to be compromised in any way due to her reckless record keeping and behavior. City Engineer Vu said yes she can make that adjustment. Mayor Countryman said she appreciates it and thank you.

CONSENT AGENDA

- 4. Consideration and possible action on the Special Joint Public Meeting Minutes of December 09, 2024.**
- 5. Consideration and possible action to amend Resolution No. R-2024-20 to strike out a WHEREAS section from the document.**

Amending Resolution 2024-20

6. **Consideration and possible action on a Resolution of the City Council of the City of Montgomery, Montgomery County, Texas, appointing board members to the Montgomery Economic Development Corporation Board of Directors.**

Proposed Resolution 2025-01

7. **Consideration and possible action on a Resolution of the City Council of the City of Montgomery, Montgomery County, Texas, appointing members to the Montgomery Planning and Zoning Commission.**

Proposed Resolution 2025-02

8. **Consideration and possible action regarding the adoption of the Election Services Agreement by and between the City of Montgomery and Montgomery County Elections for May 03, 2025, City General Election and to authorize the Mayor to sign the agreement.**
9. **Consideration and possible action regarding the adoption of the Joint Election Agreement with Montgomery County Elections for May 03, 2025, City General Election and to authorize the Mayor to sign the agreement.**
10. **Consideration and possible action on an Ordinance of the City Council of the City of Montgomery, Texas, providing for the Ordering of a General Election to be held on May 3, 2025, for the purpose of electing three (3) City Council Members, Places 1, 3 and 5; Approving Election Service Agreement with Montgomery County, Texas; and Providing details relating to the holding of such election.**

Proposed Ordinance 2025-01

Consideración y posible acción sobre una Ordenanza del Concejo Municipal de la Ciudad de Montgomery, Texas, que establece la Ordenación de una Elección General que se llevará a cabo el 3 de mayo de 2025, con el propósito de elegir tres (3) Miembros del Concejo Municipal, Lugares 1, 3 y 5; Aprobar el Acuerdo de Servicio Electoral con el Condado de Montgomery, Texas; y Proporcionar detalles relacionados con la celebración de dicha elección.

Ordenanza propuesta 2025-01

Council Member Langley said she would like to pull number five and have it separate.

Motion: Mayor Pro-Tem Olson made a motion to approve items 4 and 6 through 10 of the Consent Agenda, as presented. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

REGULAR AGENDA

5. **Consideration and possible action to amend Resolution No. R-2024-20 to strike out a WHEREAS section from the document.**

Council Member Langle said she personally does not have a problem with the resolution itself other than where the second whereas says assistant city administrator and we do not have that title anymore so if we could get that removed then she is good. Chief Solomon said yes it has been taken out. Mayor Countryman said then she will not sign the resolution tonight. She can come back tomorrow with that modification.

Motion: Council Member Langley made a motion to approve to amend Resolution No. R-2024-20 to strike out a WHEREAS section from the document. Mayor Pro-Tem Olson seconded the motion. Motion carried with all present voting in favor.

11. Presentation and discussion regarding enhancing water safety in our community with an emphasis on pool and spa inspections.

Mr. Hanna, Building Official, said when he took the position of Building Official, he had Chief Solomon sign off a letter that he was not responsible for anything that has happened beforehand, and he wants to make record of that. He said in the past, the prior administrators have not really concentrated on some of the requirements of the code, specifically swimming pools. He pulled a report, and we have had 65 pools built in the last six years. He thinks only a handful comply with all the requirements. The big concern that he has is, as he has noted in some of the information, a lot of drownings occur throughout the year for children who get into a pool area unseen, and they have a drowning incident. We have a lot of pools that have been built that have not passed all their inspections. What he proposed to the Council to do is to adopt a national program for May that is pool safety or water safety month. Along with the he also wants to present about building safety month. We will get to that later, to try to help our ISO ratings. If we can just get a go-ahead from Council that this is something we want to pursue. He would like to try to educate the community on the need to have their pools protected from outside sources so that we do not have any incidents in Montgomery. All he is asking for is to go ahead to pursue getting these different proclamations set up so that we can look at adopting them in April and try to make May a month that we really emphasize trying to get everybody into compliance with their pools. Mayor Pro-Tem Olson asked what exactly are your proclamations going to entail? What are we talking about? Are we going into people's backyards and telling them their stuff is wrong, and they have to fix it? Mr. Hanna said no. What he would propose that we do is the proclamations are a national thing just emphasizing safety issues, but because we have a lot of folks that are not in compliance what we would like to do is in the next few months send them a letter and say you did not pass inspections, here are the reasons you did not, and we would like for you to try to come into compliance. We do not want to be heavy-handed with anybody but see if we can voluntarily get folks to come into compliance. There are some that have had a pool for two or three years that did not pass their inspections and what do we do with it? That is a problem we will bring back to Council later on, but what he would like to try to do is get folks in voluntary compliance first.

Mayor Countryman asked City Attorney Petrov now that we know that some have not had their final inspection, if something were to happen are we liable? City Attorney Petrov said he would not say that we are liable, but we should try to encourage people to come into compliance. He just heard about this situation last month as well and he does not know exactly the facts of why people were not getting some inspections, but you need to try to correct that issue. Mayor Countryman said certainly. She just wants to make sure that between now and the correction if something were to happen because we have the knowledge that we are not and somehow held responsible because we did not do the final inspection on the front end anyway. Council Member Fox asked how do you determine what type of records have been kept to determine which have final inspections? Do you have all that backup? Mr. Hanna said yes, through their system. In many cases, folks just stop asking for inspections and that is another thing we are going to try to now correct. Hopefully our permit tech can now keep an eye on things and know that when somebody is getting close to them with their permit that we can notify them and say you have not gotten all your inspections, are you finished with your project and then you go out and inspect. The key thing is to try to keep it all within the time

frame of their permit. What he proposes to do going forward is anybody that requests to have a pool built we are going to try to educate them on the front end that it is necessary to have all these pool barrier requirements as part of their application process so they know going into it that they have to comply, but now it is kind of an education process just going back. We know which addresses have not completed the projects. Just looking back on the last two dozen there have only been four that were in total compliance and six are still active permits. Council Member Fox asked what would happen about an existing pool where the ownership changed? Mr. Hanna said that is the problem. These things sit around for a while and what he would like to do is to voluntarily try to bring them into compliance. We will see what we can do with that and then come back to Council after our big push through May and see what we want to do about it then. Mayor Countryman said maybe make them aware and give them a yearlong to get compliant, maybe like at a six-month point say you are six months into your year, then nine months, and then at the year point. Council Member Fox said for someone who has bought a house that had an existing pool to make them aware that there are issues possibly. Mayor Countryman said correct. That is probably already on his permit page. Mr. Hanana said that is what he learned from his mentor Mr. John Fox. Mayor Countryman said thank you very much for bringing this to our attention. We appreciate it.

Council Member Donaldson said basically you are saying we have the proper ordinances in place, and we just have not been administering the property. Mr. Hanna said yes, the previous administrations have not really enforced it. It has basically been the contractor and the homeowner who would call and request their inspections and if we did not get a call we did not go out. He thinks word got around that if you do not call in for an inspection you do not fail. It is different with a home because they have to have a certificate of occupancy in many cases for their insurance or mortgage purposes whenever they finish the house to be able to move in, but when you add-on something like a pool nobody really asks. It is just something that had to be closely monitored with the permit tech. Code Enforcement Officer and Planning/Zoning Administrator Tilly is trying to monitor this stuff more closely. Hopefully we can avoid it in the future. Council Member Donaldson said we had a citizen come in probably a year ago and he was complaining about his lighting for his pool that it was dangerous, and he was in a bad place. There was not much that he knew that the City could do for him, but he thinks this is a good program to try to eliminate some of the stress that people go through when things do not work out right. Mr. Hanna said that is the point that he tries to make with homeowners, that inspections seem like they are cumbersome, but in reality, we are trying to help them make sure they are safe, sound, and sanitary. What we are trying to do is if we do the proper inspections at the correct stages we can stop some of the problems that may come up later on, but we just miss some of those opportunities and we are trying to make it right now. Mayor Countryman said the final inspection is part of the protocol, but it is up to the City too to also manage when that permit is about to expire and ask the homeowner where they are in the process and then we have to manage that and chase it and we have not been doing so. Now, based on what Mr. Hanna is saying, she thinks we will have eyes on it and that protocol in place and that workflow. Mr. Hanna said he is asking for approval to move ahead with trying to do the May safety month and get the proclamation done. Mayor Countryman said she thinks that is great right before the summertime.

- 12. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and KHR Properties (Dev. No. 2414) and authorizing the city engineer to prepare a Feasibility Study for a proposed 0.76 Acre Jack in the Box.**

City Engineer Vu said this is the second time this has come before Council. Just a reminder this is the standard beginning of the development process as it comes to Council at this point. You are entering into an escrow agreement to allow the developer to deposit funds to fund a utility and economic feasibility study that we perform, again with the developer funds. These are the same feasibility studies that we have presented to you many times before and as a reminder, taking action on this tonight does not necessarily approve or give the green light to the development to continue to go forward. This simply allows us to do a feasibility study which we will bring to you at your first February meeting should this get authorized this evening.

Council Member Donaldson said his understanding is the feasibility study is just to provide us with information on how we can serve the property and give them water and sewer. City Engineer Vu said that is correct. As part of the feasibility study, we look at how exactly like you said how is the City going to provide water and sewer service to the property, what kind of drainage situations do we need to consider if there needs to be a pond, where would the drainage go if there needs to be annexation, what would the tax increase to the City be, what would the tax benefit be, if there are any impact fees what would those be, and then should the developer choose to go forward with the development, what are the next steps? Is it a development agreement that the City and the developer then begin to enter into negotiations, what would be the expected fees for that, are there any utility extensions or work that needs to be done on the utility side, and what is the expected cost for that? It simply outlines all of that for the City's benefit so you can see and as well it benefits the developers so they can see what their anticipated costs would be should they choose to move forward. Mayor Countryman asked and then after the feasibility study we have the discussion about variances. City Engineer Vu said yes, that is correct. Again, in that study it would outline what would the variances need to be that they need to request and so after the study is completed then the variance requests come in either individually or previously that had been done under a development agreement if an agreement was appropriate for that specific property. Mayor Countryman asked, was that the time too they would present the easement agreements as well? City Engineer Vu said yes, after the study is completed any easements that need to be dedicated come at that time. Council Member Donaldson asked if easement agreements mean we would be able to see where the building is going to sit on the property? Mayor Countryman said and if it has to go through an adjacent properties' easement, there has to be an agreement between both property owners, what does that look like, and let us ensure that is in place. Council Member Fox asked, does it also include anything TxDOT or driveways, etc.? City Engineer Vu said there is a transportation section of the study that we outline where do they need to get their driveway permits from, what roads they are tying into, who owns those roads, and outlining what studies would need to be done ahead of time. Would they need to do a traffic impact analysis and intersection analysis, and if there are any road improvements for city roads that would need to be done for that development. We outline those at that time as well. Council Member Donaldson said he wants to make sure they take into consideration the fact that FM 149 according to TxDOT is going to be a four lane and so we are going to have an additional lane. He does not know what they are going to do with the turning lane we put in but still, he does not want to have any problems with us being able to put a four lane intersection right there and have issues with Jack in the Box's traffic because that is his main concern. He does not see how we can get around a traffic issue in that small lot. Mayor Pro-Tem Olson said considering your four lanes, TxDOT has an easement that they will use that Jack in the Box cannot build in. The only way there would be a conflict is if TxDOT needed more land and they would have to purchase that from Jack in the Box, from the people that own Jack in the Box. There is an easement next to FM 149 that belongs to TxDOT and they

will absorb that when they put in their four lane. Mayor Pro-Tem Olson said that turn lane is probably going to disappear and be your second lane.

Motion: Mayor Pro-Tem Olson made a motion to accept an Escrow Agreement by and between the City of Montgomery, Texas and KHR Properties (Dev. No. 2414) and authorizing the city engineer to prepare a Feasibility Study for a proposed 0.76 Acre Jack in the Box. Council Member Langley seconded the motion.

Mayor Pro-Tem Olson asked City Attorney Petrov what happens when we say no to a feasibility study? City Attorney Petrov said he has never had that happen. Mayor Pro-Tem Olson said his understanding is as long as they follow the ordinances, we cannot legally stop them. By the choices that we make it puts the City in liability. You can vote however you want, but understand choices have consequences. City Attorney Petrov said there is potential liability for that.

Mayor Countryman said she has heard the feedback from the residents and no one is in favor of this. She personally is not; however, she does not want to put the City liable to be sued by not accepting the feasibility study. She said it is quite the conundrum because we are sitting up here because we are the voice of people. For a number of reasons, the people do not want to see this development in Montgomery at that corner. Anywhere else, but not that corner. For that reason, she would like to say no, however she does not want to be sued over saying no and she needs to be certain that we do not get in that predicament. Council Member Donaldson said he will change his vote to avoid a suit. Mayor Pro-Tem Olson said that is the thing. As the feasibility study does not agree to any agreements, we are not agreeing to anything. City Attorney Petrov said he will reiterate the fact that agreeing to the feasibility study you are not agreeing to the project necessarily. City Engineer Vu said even when the feasibility study is presented, typically the motion is to accept the feasibility study. To be clear, that motion by accepting the feasibility study you are not necessarily accepting the development. You are simply accepting the report as presented to you as a statement of information, not necessarily agreeing to the development itself. That is not what that step is for. That comes at a later time.

The motion carried with the following votes:

Mayor Pro-Tem Olson – Aye Council Member Donaldson – Aye
Council Member Langley – Aye Council Member Fox - Nay

The motion carried with 3-Ayes and 1-Nays.

13. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and KHR Properties (Dev. No. 2414) and authorizing the city engineer to prepare a Feasibility Study for a proposed 0.76 Acre Jack in the Box.

City Secretary Beaven said this item is a duplicate and asked to pull it. Mayor Countryman agreed to pull the item from the agenda.

14. Consideration and possible action on acceptance of the Buffalo Springs Roadway Improvements project.

City Engineer Vu said what is in front of you is acceptance of the roadway which has been open since September. If you remember back to your September Council meeting this project was deemed substantially complete as the road was open and allowed for traffic to drive on it. All we have been waiting for since then is for some final vegetation to be established for

the grass to grow essentially. Now that vegetation has been sufficiently established, we are ready to close out this project and for the City to accept the roadway. We are continuing with the one-year warranty period, so this is simply accepting the infrastructure. One thing that she knows the question that has come up in the past was how did we end up on cost of this project? The final construction cost was \$610,730.75 which as a reminder, we did have a negative change order during the project so there will be a refund issued to Home Depot when the final true up is completed for both this project and the signal project because of that reduction change order during the project. Mayor Countryman asked are all monies paid except for this change order refund, are we up to date financially? City Engineer Vu asked from Home Depot to the City? Mayor Countryman said yes. City Engineer Vu said she will defer to Finance Director Carl. Finance Director Carl said on this particular item you may recall that Home Depot set up an escrow fund that was held with First American Title. There is a process for getting that money released from First American Title. That process was not done prior to her being more oversight on this item with escrows. She has reached out to First American Title and Home Depot. Three occasions to First American Title and two occasions to Home Depot and we are still awaiting a response from them. The last time she reached out was on Friday where her contact is their senior counsel, but we have not received any funds from that Home Depot escrow. Council Member Langley asked is it at that place? Finance Director Carl said she has confirmation that the first round of funding was put on deposit at First American Title. She knows there was a request for confirmation on the second round of funding. She does not have confirmation on that second round of funding. She does not know if that is something that you all have. City Engineer Vu said if her memory is serving her correctly, we did not authorize the contractor to proceed until we had confirmation that the funds had been deposited. We wanted to avoid putting anybody at risk so we would not have started the project unless those funds were deposited. Mayor Countryman asked do you have confirmation of that? She said she understands you are saying that you would not have allowed them to move forward, but do you have confirmation that the second round is there? City Engineer Vu said she would have received it in an email. She had not gone back and looked through her emails to find that exact one so what exact day she could not say. If she could have a chance to look through it, she can certainly send it to you after the meeting when she finds that confirmation. Council Member Fox asked why would Finance Director Carl not have been advised? Finance Director Carl said she was not always included on that information. Mayor Countryman said previous administration. Mayor Pro-Tem Olson asked do we need to get City Attorney Petrov involved to call American Title and tell them what is going on? Finance Director Carl said it is possible. She said she had this conversation with City Engineer Vu on Friday letting her know that she reached out. She was going to allow them a couple of days based on her follow-up message from last week. She expects tomorrow or Thursday she is planning to make a phone call to see if she can reach this individual and if she cannot, then that is going to be her next step. Mayor Countryman asked can we withhold the refund until we get this done? Mayor Pro-Tem Olson said the refund is not us, it is from the contractor. The question is does Home Depot have to release the funds? Finance Director Carl said correct. Council Member Olsan said so the call really needs to go to Home Depot. Finance Director Carl said right. When the money first went into escrow with First American Title we had asked them what the process was for getting these funds released. They said that basically we send them the pay app, we send them the proof of payment, and they will release the funds. When she did that the response from First American Title was has Home Depot signed off on this? She said she is not sure because she is taking this over and she does not know if there has been a process if this information has been sent to them or not. She then initiated that first contact with Home Depot copying First American Title and got nothing and then she sent the follow-up message asking for any guidance or information. We want to know

what the process is and what we need to do and that is where we are sitting right now. Mayor Pro-Tem Olson said we need to get hold of Home Depot. Finance Director Carl said she followed up last week and figured that by Wednesday or Thursday of this week she would. Mayor Pro-Tem Olson asked so you said your contact with Home Depot is their lead counsel? Finance Director Carl said yes, it is like their senior legal counsel at Home Depot. Council Member Fox asked City Engineer Vu if she will find her email for the confirmation and send it to Finance Director Carl? City Engineer Vu said yes, she will find that confirmation email that she has and will send it to Finance Director Carl and can forward it to everyone. Mayor Countryman said that would be great just for us to feel easy.

Mayor Pro-Tem Olson asked City Attorney Petrov how long should we give this lead counsel before you need to call them? City Attorney Petrov said at the end of this week and would not wait any longer than that. Mayor Pro-Tem Olson asked Finance Director Carl if she was good with that? Finance Director Carl said yes.

Council Member Donaldson asked, have we paid the contractors? Have they received their money? City Engineer Vu said yes, the contractor has been paid. Council Member Donaldson asked through us? City Engineer Vu said yes. The City entered into the contract with Scythe which was the contractor, so between the City and the contractor you are square on payments. There is one final pay estimate to be issued after acceptance which was essentially releasing retainage and that was the only item on this final pay estimate. Between the City and Scythe you are clear on your contract. This would close it out with the contractor itself. The contractor was not affiliated with Home Depot in any way. City Attorney Petrov said that way it could be refunded or paid from the escrow account for the amount we paid for the contract. City Engineer Vu said that is correct. Mayor Countryman asked do we want to accept it without payment or how do you want to handle this? Council Member Donaldson said he wants to table it. Mayor Pro-Tem Olson said this is about the project, this is not about the payment. This is about-is the roadway completed? Council Member Donaldson said okay that is fine. Council Member Langley said our contract was with the road people so we need to take care of them. City Engineer Vu said yes. Accepting the roadway tonight allows the contractor to close it out on their books. You do have a maintenance bond that we received from the contractor should any issues come up with the road during the warranty period but again, that warranty period started back in September when it was deemed substantially complete and opened up.

Motion: Council Member Donaldson made a motion to accept the Buffalo Springs Roadway Improvements project as presented. Mayor Pro-Tem Olson seconded the motion. Motion carried with all present voting in favor.

15. Consideration and possible action on approval of the Final Plat for Hills of Town Creek Section Five (Dev. No. 2206).

City Engineer Vu said this is the approval for the final plat for Hills of Town Creek Section 5. This went to Planning and Zoning back in December. We were waiting on them to get their final documents and financial guarantee in which is why you did not see it at your December meeting. Our memo is included with a couple of reminders on what is included in this plat. On December 14, 2021 the developer was granted a variance to allow the side yard setbacks to be five feet with no conditions and a minimum lot size of 50 foot lot width, 100 foot lot depth and a lot area of 5,500 Square feet at a minimum so they met those requirements in the plat. This is the same as what was in the preliminary plot and again went to Planning and

Zoning Commission in December. As far as impact fees, this development specifically in the agreement did not outline that impact fees would be paid at the time of platting so this will follow your standard impact fee procedure so they are assessed at the time of platting and their impact fee rate is locked in when that final plat is recorded. They are due at the time of connection as each home comes onto the system. This will be a total ultimately of \$148,409 for water impact fees and \$142,423 for waste water impact fees. Mayor Countryman said that is a total of \$290,000. Is this part of the development that we pay those impact fees back of that \$380,000 so that we really are not receiving those dollars, we are holding it until the end of the year? City Engineer Vu said this is part of that development, but the balance remaining on paying out the agreement is less than \$290,000. She does not have the final number in front of her but Finance Director Carl does. Finance Director Carl said it is less than \$25,000. City Engineer Vu said this would be used to pay that back and then the remainder goes into the City's impact fee. Mayor Countryman said then we will see some goodness here.

Motion: Council Member Donaldson made a motion to approve the Final Plat for Hills of Town Creek Section Five (Dev. No. 2206). Mayor Pro-Tem Olson seconded the motion. Motion carried with all present voting in favor.

16. Consideration and possible action on authorizing the City Engineer to begin work on the College Street Drainage Improvements project.

City Engineer Vu said she understands this project was discussed last night at your CIP workshop. She apologized that she was not able to be in attendance, but as discussed last night this project is for the repairs of the culverts along College Street essentially just up the street from Council Member Langley's house. What we are currently proposing, which is subject to change as we get further into design, is to replace the three 18-inch concrete culverts with three 18-inch concrete culverts. What has happened over time is the culverts have separated underneath the road which has caused potholing and causing the road to deteriorate. She was informed this evening that there are potentially some capacity issues with the size of the culverts. As we get into design, that is a very normal part of the design process to evaluate, do we need to go to a larger pipe size or what would need to be done to try to mitigate that and improve it as well? That would be considered as part of the design process. What we are also looking into here is regrading the culverts along College Street and then installing. There is one driveway along College Street that does not currently have a culvert. They would be installing a culvert at that property as well to allow drainage to continue to flow in the roadside ditches. Mayor Countryman said she has a question about the line items of the descriptions and the quantity and the unit price. On here, item number nine, it is traffic control complete in place for \$10,000, It is a road where there is she thinks only two or three houses past where this happens. She was curious as to what traffic control for \$10,000 looks like and signage for \$10,000. City Engineer Vu said with this being a narrow road there are a couple things. This is still in the estimate phase and as we get further into design we can narrow exactly what that is. What we have in mind at this point for traffic control and signage with it being a very narrow road, there really is not a way to do it one lane at a time. There are really not multiple lanes on this road in the first place so this includes the contractor's cost to rent signs to put them up, any barricades, signage, detour, if there needs to be a flagger, or steel plates to top off the road after they leave at the end of the day so that traffic can continue to flow through. Understanding that we want to try to minimize the impact even though it may be few homes, we still want to minimize impact on those who live on the other side of the bridge as we understand that is their only access in and out. We do have \$10,000 for each in here because of that situation. We do not want to block anybody out from being able to access their home.

Mayor Countryman said it is not a highly traveled road and so she just did not know if that was excessive. Council Member Donaldson said there is another item there for signage. Mayor Countryman said that is traffic control and signage underneath it for ten and ten. She just thought that was a large number for where this was. City Engineer Vu said it may be slightly on the high side, but she does not believe it to be largely on the high side. She would rather slightly overestimate and then the actual cost come back a little bit lower for City's budgeting standpoint. As a reminder this would be funded from ARPA funds for the construction of it.

Motion: Mayor Pro-Tem Olson made a motion to authorize the City Engineer to begin work on the College Street Drainage Improvements project. Council Member Donaldson seconded the motion. Motion carried with all present voting in favor.

17. Consideration and possible action on authorizing the City Engineer to begin work on the Water Plant No. 3 Booster Pump Addition project.

City Engineer Vu said similar to the previous one, you discussed this last night at your workshop. This is to add a fourth booster pump out at water plant number three. We have been talking about this project for a while. It does provide an additional 150,000 gallons approximately, 160,000 gallons a day in booster pump capacity so it will provide a good buffer as water plant four is being designed and ultimately entering into construction. It will give you a buffer on your capacity. This was previously designed with your water plant three improvements project which added that second cooling tower and gave you the new ground storage tank out at water plant three. It was ultimately removed from that project at the time due to budget constraints and so we are bringing this back to you. It is still a necessary project that we recommend for capacity purposes and redundancy out at the plant and would be funded by the ARPA funds as well.

Motion: Council Member Donaldson made a motion to authorize the City Engineer to begin work on the Water Plant No. 3 Booster Pump Addition project. Mayor Pro-Tem seconded the motion. Motion carried with all present voting in favor.

18. Consideration and possible action to call for a public hearing regarding a proposed annexation proceeding to enlarge and extend the City boundary limits.

Code Enforcement Officer and Planning/Zoning Administrator Tilley said this will be to call for a public hearing regarding the proposed annexation that is coming in for Tri Pointe Homes and the extension of 32.24 acres into the corporate city limits. This is between Lone Star Parkway and Eva Street and it is that roadway Westway Drive next to Napa. This is just to call for the public hearing that will be on February 11th at 6:00 p.m.

Motion: Mayor Pro-Tem Olson made a motion to call for a public hearing on February 11, 2022 at 6:00 p.m. in the City Council chambers of City Hall at 101 Old Plantersville Road, Montgomery, Texas regarding a proposed annexation proceeding to enlarge and extend the City boundary limits. Council Member Fox seconded the motion. Motion carried with all present voting in favor.

19. Consideration and possible action regarding approving expenses for repairs to McWashington Rd.

Public Works Director Muckleroy said this is on what we consider the home entrance to the stadium. We noticed some pretty good erosion going on under the road. We had a company come out and look at it and give us a quote. This is the same company that has done a couple of rounds of the street lifting for us in Hills of Town Creek where the roads have settled. We had to go in and drill and inject so we know it is a good product and we know it works. They do not have to do too much lifting on this. It is more stabilization to keep it from settling anymore. Mayor Countryman said she thought McWashington was the road right here that we renamed. Public Works Director Muckleroy said it is LA Washington. Mayor Countryman said she was wondering where this was. Public Works Director Muckleroy said the other one was named after Mr. Timothy McWashington. Mayor Pro-Tem Olson said ultimately, they injected soil stabilizing chemicals. Is that what they did? Public Works Director Muckleroy said yes, it is a polymer injection. The way he described it is kind of like great stuff foam. It swells up. They have it down to a science on how much they need to put in to get the lift they need. Like he said, there is not a lot of lift required on this. It is filling in voids and cracks to keep it from cracking. Once it starts breaking then we have to rip it out. Mayor Pro-Tem Olson asked so they use a poly or a not a poly, but similar to a poly? Did they do any soil stabilization injections? There is a chemical that you can inject into the soil that basically keeps it from absorbing more water or losing water and the water just passes through. They use it in foundation stabilization all the time and he was just wondering. Public Works Director Muckleroy asked, are you asking if they used it originally? Mayor Pro-Tem Olson said no, if they used it when they fixed it, used the poly to lift the road and fill the gaps. There is a chemical that you can use to stabilize your soil so it will not erode. Public Works Director Muckleroy said he is not 100 percent on an actual chemical but what they do does stabilize the soil. He said he is just not 100 percent on a chemical. He said he can find out. They have done good work for us so far and think they have done three different rounds out there in Hills of Town Creek with good results. He would like to get this handled before we start losing roadway out there. Council Member Donaldson said he has a question for anybody, you in particular Public Works Director Muckleroy. He asked what is the BuyBoard Cooperative Purchasing agreement? Public Works Director Muckleroy said a Cooperative Purchasing agreement is something that you can enter into to meet the legal requirements on the competitive bidding process. Whenever you go through a Cooperative Purchasing agreement you do not have to get multiple bids on something because that is already done on the front end. We actually have a couple of different agreements. We are under one with Omnia that covers all of our Home Depot and Amazon purchases. That is why we can buy something from there without going out and getting multiple quotes on it. This is a very specialized method of work that they are doing getting multiple quotes. Sometimes it is really hard so having the Cooperative Purchasing agreement, having this under that really helps with not having to get multiple bids on it. Mayor Countryman said for companies that are on BuyBoard it is for State and local government and education, and they have to be vetted and qualified to even be a partnership. Public Works Director Muckleroy and it is a guaranteed price through them.

Motion: Mayor Pro-Tem Olson made a motion to approve expenses in the amount of \$26,500 to Uretek USA, Inc. for repairs to McWashington Road. Council Member Langley seconded the motion. Motion carried with all present voting in favor.

20. **Consideration and possible action on an ordinance of the City of Montgomery, Texas, amending its municipal budget for the fiscal year 2023-2024; appropriating the various amounts herein, as attached in Exhibit A; containing findings and a Texas Open Meeting Act clause, and providing an immediate effective date.**

Finance Director Carl said what you have before you is the annual year and audit adjustment for fiscal year 2024. We are set to begin our final audit in two weeks, and we have finally received all of the invoices from last fiscal year so we are able to present this to you this evening and ask for you to approve this so that we are in compliance with the final budget adjustment that is needed. You will notice that on your year-end surplus or deficit category you will see that we have a surplus in all funds with the exception of water and sewer. The water and sewer deficit is 100 percent attributed to the debt issuance that occurred in January and there was an interest payment that came due during the fiscal year and that would be funded from water and sewer. Mayor Pro-Tem Olson said very good. Mayor Countryman said she has to say this is the first time since 2018 she has been on Council that she has not heard audit every other word so good job. Finance Director Carl said the only other thing she would like to point out is under your capital projects you will see that there is a surplus in there, but you need to keep in mind that is because of that debt issuance so that balance is carried in there. It will be reduced as we continue to spend more of those bond funds.

Motion: Council Member Donaldson made a motion to approve Ordinance 2025-02, an Ordinance of the City of Montgomery, Texas, amending its municipal budget for the fiscal year 2023-2024; appropriating the various amounts herein, as attached in Exhibit A; containing findings and a Texas Open Meeting Act clause, and providing an immediate effective date. Mayor Pro-Tem Olson seconded the motion. Motion carried with all present voting in favor.

21. **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 3.07, Subject: Compensation 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 a housekeeping resolution. The last time this policy was updated in the book was in 2009 and in 2021 a former city administrator made some revisions. Since she has come on board, she has been looking at cleaning up the books and the policies and this is the first one that she is cleaning up to clarify some confusion that staff had with payroll. It is not adding any additional funds to anything. These are just forms that she is putting all in one place so that way we can keep track of all the changes that have occurred. The list is currently in play that is being paid out to staff members, but we are just putting it all together for employees to be able to see it. The one change she is asking is that Council be the one to approve our compensation for certification pay instead of City administrator so that way it is consistent and uniform across the board and it is equal and transparent. Mayor Countryman said you rock City Secretary Beaven. Thank you for cleaning house. Council Member Fox said she has to say she has questioned Chief Solomon, she has questioned City Secretary Beaven, and she has questioned everybody about this, but thank you for making it totally clear. Mayor Countryman said that is her job and we do appreciate it.

Motion: Council Member Fox made a motion to approve Resolution 2025-03, 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 3.07, Subject: Compensation 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. Council Member Donaldson seconded the motion.

Mayor Pro-Tem Olson asked City Secretary Beaven there is absolutely no change to pay from what it is today? City Secretary said not that she is aware of. If you see a discrepancy please let her know. Mayor Pro-Tem Olson asked if all the red is new? City Secretary Beaven said the red in regards to the scale for the education and the certification pay, that is her bringing it all together into like a table. She said in the policy book she is outlining how that needs to be addressed. She did ask as she said the one change is to take away the city administrator being the one to set the policy for the rates and letting Council do it. Mayor Countryman said and those funky rates that are in there, that \$267 that was based on the 2021, a percentage of how they calculated it to be the pay. It was some kind of formula and for the life of her she cannot remember it. Mayor Pro-Tem Olson asked are these degrees and certifications obtained after employment? Chief Solomon said after coming on. Mayor Pro-Tem Olson said he may be going to sound ignorant here but if we hire someone at a specific rate or a pay scale and say this is what we are willing to pay then this policy says they are going to get all this additional? I am not voting for that. Mayor Countryman said they already do. It was voted in 2021 that she is just making it now. Mayor Pro-Tem Olson said he does not remember voting on anything. If they get it after they have been employed and they have gone on and gotten these things on their own, but that is when you agree to a wage that is your wage. Mayor Countryman said but when you acquire certifications or if you come in with certifications too it is normal. Mayor Pro-Tem Olson said if you come in with a degree that means we are paying you for that degree. We are not going to pay you extra after we hire you. Mayor Countryman said that part is already in place. Mayor Pro-Tem Olson said that is the first he has heard of it. Mayor Countryman said no, in 2021. Mayor Pro-Tem Olson said when he looks at the scales, when he sees the pay scales that we have already gone over several times this is not broken out. Mayor Countryman said Mr. Gary Palmer gave us that big, long one, there was certification pay on there. Mayor Pro-Tem Olson said right, for certain certification, but for degrees? If I am going to hire somebody with a degree I am paying for that degree when I hire them. Mayor Countryman said but that degree was on there too. It has been there, I am telling you. Mayor Pro-Tem Olson said we need to adjust all of our starting wages then. Council Member Fox said we were going to have a company tell us all about that next month. Mayor Pro-Tem Olson said he is hoping because there is no point to say we are going to pay this much and then turn around and say by the way since you have all these things you had to have all those things to apply. Chief Solomon said not necessarily. Mayor Pro-Tem Olson said if the job description required it right? So the job says we need these things, we are going to pay you this much, but now after you get here since you have them we are going to pay you some more. That is just silly. As an employer that is ridiculous. Chief Solomon said the job description comes and once you get that the job description also says if you have a bachelor's degree we pay this much for a bachelor's degree. If you have a master's certification, we pay this much for master certification. Mayor Pro-Tem Olson said let me ask City Attorney Petrov a question. When you hire a lawyer for your firm do you give them more because they have a law degree, or did you hire them because they had a law degree? City Attorney Petrov said he hires them because they have a law degree. Mayor Pro-Tem Olson said thank you. City Attorney Petrov said he thinks what Chief Solomon is saying you actually do when you at the time you hire them, their pay is set based on the degrees that they have or the certifications they have. Mayor Pro-Tem Olson said he can totally understand getting it after. Chief Solomon said the pay is actually set on what the City says that we are paying. Once they come here if they have a degree then they get a certain amount for that degree. They get a certain

amount for having an intermediate degree, an intermediate certificate, a master certificate. It has been that way since 2021. Mayor Countryman said it is supposed to incentivize. Chief Solomon said it is all over the world. Mayor Pro-Tem Olson said it is not. Chief Solomon said yes, it is. Mayor Pro-Tem Olson said he has worked in the private industry his entire life and you do not get extra pay. Chief Solomon said it is all over the police world. Council Member Fox said this is housekeeping. It is already in place. Mayor Pro-Tem Olson said he is fine with it but he is looking at it saying maybe we should change it. Council Member Fox said well maybe we should, just not today. Mayor Pro-Tem Olson said but we do not have to pass it. Chief Solomon said it is not a matter of you passing it. These are things that are already in place. It is just cleanup of the policy. Mayor Pro-Tem Olson said but we are changing the ordinance. That is what it says. Chief Solomon said changing reference number 3.7. Mayor Pro-Tem Olson said we are changing it right so that is a change. Chief Solomon said you are changing the format; you are lining everything up. We have not changed one thing. City Secretary Beaven said one thing to ask is that in the future instead of City administrator setting the pay rate we would let Council and that is the only change. Mayor Pro-Tem Olson said I am with you. It just seems very strange. Like he said it is if the certifications are acquired after employment, absolutely, but we hired them at a specific rate for a reason. If they get to certification after then yes they deserve it for that effort. Chief Solomon said that may be the way it works in your world. When we as a City set a rate of what we will hire a police officer at and if that police officer comes in and if he has a little bit more experience or he has a bachelor's degree then that money is there and you say okay you went out, you went to school and you have earned your bachelor's degree so we will pay you this much more for a bachelor's degree, we will pay you this much more for a master certificate. Mayor Countryman said it is not atypical. Mayor Pro-Tem Olson said it is extremely atypical. In the private industry it is atypical. You agree to a wage when you get hired. Mayor Countryman said there are places that pay for additional certifications and degrees. That is what I am saying and that is how this City was set up and that is what is being presented here is cleaning up our policy manual, so it is better to understand and be more straightforward. Mayor Pro-Tem Olson said his question was just on the table, understanding when those were paid, but if that is the way it is we will have to look at it later.

Motion carried with all present voting in favor.

22. Consideration and possible action to select either AT&T FirstNet or Verizon Frontline as the city's cellular service provider for employee mobile devices.

Chief Solomon said at the last Council meeting we came to you with AT&T because we are moving everyone's City cell phones and we went with FirstNet. We went back and looked at Verizon. Verizon has the same thing and it is called the Frontline. It would serve us better for a couple reasons. They will give us free phones and not only that, but it is a \$100 credit on each phone it saves us. The Police Department, our MDTs run through Verizon and right now we set up with about eight MDTs that are on Verizon. If we had to make that change with the old MDTs we would have to go out and probably purchase another two or three that would cost us about \$8,000. The difference between the Verizon and the AT&T price for us is like five dollars and it will still save us \$2,700. Mayor Pro-Tem Olson asked how does this work with the mobile phone company we went with at the last meeting? City Secretary Beaven said AT&T has First Responders and during the process of trying to do the transition we discovered that Verizon also has that Frontline. It is the same concept. It is an emergency line that allows in case of emergencies these cell phones would have precedence over your general public for emergency purposes. Mayor Pro-Tem Olson said okay so this just an amendment to our last

meeting. Chief Solomon said yes. Council Member Langley said we are going to change from one to the other. Council Member Donaldson said with Verizon you have to sign a contract though. It is a two-year contract, but he is fine with it. Mayor Countryman said not for nothing, but this is a Verizon country. She used to have AT&T and it does not work here. It is very hard, so this makes sense. She does not know if that has anything to do with it, but she certainly feels better having Verizon. Mayor Pro-Tem Olson said he just wants to make sure we are just amending carriers. Chief Solomon said yes.

Motion: Council Member Donaldson made a motion to select Verizon Frontline as the city's cellular service provider for employee mobile devices. Council Member Fox seconded the motion. Motion carried with all present voting in favor.

COUNCIL INQUIRY

Mayor Countryman said she would like to commend all of city hall for doing a fantastic job and those that we contract out. Thank you for the transition and thank you my phone is no longer ringing every day. You all took the bull by the horns and she knows you are short staffed so thank you for the extra additional sweat and tears and blood.

Council Member Donaldson said he wanted to thank everybody for participating in the Christmas program this year. He is sorry to say he was not one of them. It was not intended that way, but just had a conflict. He heard it was wonderful, and we had much greater participation than we had last year and he is very happy to hear about that.

EXECUTIVE SESSION

23. Closed Session

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

A. Sections 551.071 Consultation with Attorney - Pending and Potential Litigation

At 7:12 p.m. Mayor Countryman convened the Montgomery City Council into a closed session pursuant to provision of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Sections 551.071 Consultation with Attorney - Pending and Potential Litigation.

24. Open Session

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

A. Sections 551.071 Consultation with Attorney - Pending and Potential Litigation

At 8:22 p.m. Mayor Countryman reconvened the Montgomery City Council into an open session pursuant to Chapter 551 of the Texas Government Code to take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Item A: No Action Taken.

CLOSING AGENDA

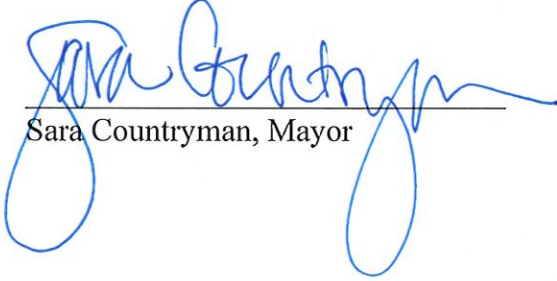
25. Items to consider for placement on future agendas.

Mayor Pro-Tem Olson said we need to set up a workshop with the developer and the landowners for the property around Ransoms with BCS. Mayor Countryman said with Mr. Jack Burger. Mayor Pro-Tem Olson said we want both parties in the workshop.

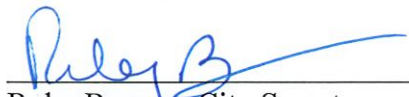
26. Adjourn.

Motion: Mayor Pro-Tem Olson made a motion to adjourn the Regular Meeting of the City of Montgomery at 8:24 p.m. Council Member Fox seconded the motion. Motion carried with all present voting in favor.

APPROVED:


Sara Countryman, Mayor

ATTEST:


Ruby Beaven, City Secretary

