

**City Council Regular Meeting
MINUTES
August 13, 2024 at 6:00 PM**

CALL TO ORDER:

Mayor Sara Countryman called the meeting to order at 6:05 p.m.

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

Also Present: Gary Palmer City Administrator
Dave McCorquodale Director of Planning & Development
Mike Muckleroy Public Works Director
Anthony Solomon Police Chief
Diana Titus Deputy City Secretary
Alan Petrov City Attorney
Katherine Vu City Engineer

INVOCATION:

PLEDGE OF ALLEGIANCE TO FLAGS:

PUBLIC FORUM:

No members of the public addressed the City Council.

CONSENT AGENDA

1. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Montgomery ISD for planned renovations and expansion of the Montgomery ISD Athletic Complex. (Dev. No. 2413)
2. Review and Approve the City Council Meeting Minutes for the: July 22, 2024 City Council Budget Workshop

Councilmember Stan Donaldson moved to accept the consent agenda collectively items #1 and #2 as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

REGULAR AGENDA

3. Consideration and possible action on the Final Plats for Redbird Meadows Sections One, Two, and Three (Dev. No. 2006).

Ms. Vu stated these are the final plats for sections one through three also known as Phase IA of the Redbird Meadows Developments. They reviewed these plats in accordance with

the development agreement between the City and the developer Redbird Meadows as well as the amendment to the agreement. This agreement allows them to have 24-foot pavement width and 50-foot right-of-way for minor residential streets means those serving less than 50 homes. They are allowed five-foot side yard setbacks but 20 percent of the shared lot lines between two adjacent homes will have no less than a total of 15-feet between the side yards and the back so either a five and a 10 or seven and a half and seven and a half. They were also granted a variance to allow a maximum of 47 percent of the platted lots to be a minimum of 60 feet wide and 8,400 square feet. These three plats are in accordance with the terms of the development agreement and they are in line with the land plan that was presented in there. They recommend approval of the plats.

Councilmember Stan Donaldson asked if they have done multiple plats at the same time. Ms. Vu said they have for Montgomery Bend.

Councilmember Carol Langley asked if Ms. Vu knows the size of the lots on all three sections. Ms. Vu said they vary even within the sections. There are some as small as 60 feet wide, some 70 feet, and some 80 feet wide. Councilmember Casey Olson said they broke up three percent a piece, basically a third.

Councilmember Casey Olson moved to accept the final plats from Redbird Meadows Section One, Two, and Three. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

4. Consideration and possible action regarding acceptance of the infrastructure for Montgomery Bend Section 1 and Montgomery Bend Lift Station (Lift Station No. 15).

Ms. Vu said they held a final inspection for this project on July 16th. The developers have been working through addressing punch list items and since that time they held a reinspection to ensure that all punch items were addressed which they were with the exception of one item at the lift station. She said what Council is considering tonight is acceptance of the section one infrastructure. You have already accepted water so if you remember a few months ago you accepted water only to allow model homes to be built. Tonight you would be accepting sanitary drainage and paving so storm sewer and paving and the lift station. The lift station needs to be accepted at the same time as the sanitary so that it can continue to serve section one. The part of the lift station they are not recommending acceptance of tonight is the generator. At this time natural gas has not been run through Montgomery Bend and has not been hooked up to the generator. They are recommending that when natural gas is hooked up to the generator that it be accepted with Section Two. They have been in contact with CenterPoint about bringing gas out to the neighborhood and have also discussed with the developer about bringing a propane tank out to set at the generator in the meantime until permanent gas is made available that way after the City has accepted the lift station if for whatever reason the generator is needed there is a fuel source already there on site.

Councilmember Casey Olson said on the punch list there are two incomplete items that have to do with the one-year warranty period for the lighting and the sidewalks. He asked

where does that year start. He asked if it starts now when they accept because those are still incomplete. Ms. Vu said the one-year warranty period would begin today August 13th. Councilmember Stan Donaldson asked if this is going to supply water for the whole section or is it just for the model homes. Ms. Vu said this will supply water, sanitary, drainage for the whole section. She said the lift station is sized to serve the entire neighborhood.

Councilmember Casey Olson moved to accept the infrastructure for Montgomery Bend Section 1 and Montgomery Bend Lift Station No. 15 excluding the generator. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

5. Consideration of approving the Montgomery County Emergency Communication District Budget for FY2025.

Mr. Palmer said this requires cities within District to include a resolution.

Councilmember Casey Olson moved to approve the Montgomery County Emergency Communication District Budget for FY2025. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

6. Consideration and possible action to adopt a Resolution approving the Bank Depository Agreement between the City of Montgomery and First Financial Bank.

Ms. Carl said this is a follow-up to the last meeting. She is in agreement with First Financial Bank.

Councilmember Stan Donaldson moved to adopt a Resolution approving the Bank Depository Agreement between the City of Montgomery and First Financial Bank. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

7. Consideration and possible action to approve the proposed FY 2024-2025 tax rate for the City of Montgomery.

Ms. Carl stated the tax calculations were completed and posted on the City's website. This year's no-new-revenue tax rate is \$0.3813/\$100 and this year's voter-approval tax rate is \$0.5099/\$100. She recommends to keep consistent.

Councilmember Casey Olson moved to approve the proposed FY 2024-2025 tax rate for the City of Montgomery. Councilmember Stan Donaldson seconded the motion. Councilmember Carol Langley – Aye, Councilmember Casey Olson – Aye, Councilmember Cheryl Fox – Aye, Councilmember Stan Donaldson – Aye. **Motion Passed (5-0).**

8. Consideration and possible action to approve the proposed FY 2024-2025 budget for the City of Montgomery.

Ms. Carl said very little was adjusted. The only increase was to cover GrantWorks, remove Spillman, but include five percent. Councilmember Stan Donaldson said he wants Spillman back on. Ms. Carl said they went with 4 percent above trend and staff did not recommend.

This does not fall in line with what they historically had. They expect to exceed in revenue and need to show how to make up for it. Councilmember Stan Donaldson asked if they had a surplus. Ms. Carl said the amount in the surplus account is 83 percent. It is how many months of expenses. They must maintain a 45 percent fund balance. This brings them then to 75 percent. Councilmember Stan Donaldson asked if there is another surplus for this year. Ms. Carl said she does not have the numbers but is not expecting to be under. Mr. Muckleroy said it is hard to predict and does not like to over project. Councilmember Casey Olson said the budget needs to be conservative on revenue to have a strong budget. The surplus for this year will replace and remain exactly where they are. They need to have a healthy surplus.

Councilmember Carol Langley asked if it only totals through March. Ms. Carl said it is customary to use six months. The report for the month of July will be year-to-date. They have always taken a six month date. She is looking at numbers daily.

Councilmember Stan Donaldson said he has no problem with the budget but he wants Spillman back in or he will not approve. Mayor Countryman said MEDC did not accept and asked if they accept theirs. Ms. Carl said it is not contingent on MEDC. Councilmember Carol Langley asked if \$187,000 is coming from MEDC. Ms. Carl said if MEDC says no after 30 days they need to make an adjustment. Councilmember Carol Langley asked if it is 30 days from today. Ms. Carl said the 30 days begins tomorrow.

Councilmember Stan Donaldson moved to approve the proposed FY 2024-2025 budget for the City of Montgomery and to include Spillman. Councilmember Carol Langley seconded the motion. The motion carried with 4-Ayes and 1 Nay vote by Councilmember Casey Olson. **Motion Passed (4-1).**

9. Call for Public Hearing to be held at 6 pm on Monday, September 16, 2024, regarding the Proposed Fiscal Year 2025 Tax Rate and Fiscal Year 2025 Annual Budget.

Mayor Countryman adjourned into the Public Hearing at 6:38 p.m.

Mayor Countryman reconvened into the Regular Meeting at 7:02 p.m.

Councilmember Casey Olson moved to call a Public Hearing to be held at 6 pm on Monday, September 16, 2024, regarding the Proposed Fiscal Year 2025 Tax Rate and Fiscal Year 2025 Annual Budget. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

10. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS (THE CITY), ORDERING A SPECIAL ELECTION TO BE HELD JOINTLY WITH MONTGOMERY COUNTY ON NOVEMBER 5, 2024, FOR THE PURPOSE OF EXTENDING THE TERM OF OFFICE FOR MAYOR AND COUNCIL FROM TWO YEARS TO FOUR YEARS; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mr. Alan Petrov, City Attorney said this is drafted with a transition 2025 term initial of three years, otherwise back to back.

Councilmember Casey Olson moved to approve AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS (THE CITY), ORDERING A SPECAIL ELECTION TO BE HELD JOINTLY WITH MONTGOMERY COUNTY ON NOVEMBER 5, 2024, FOR THE PURPOSE OF EXTENDING THE TERM OF OOFFICE FOR MAYOR AN DCOUNCIL FROM TWO YEARS TO FOUR YEARS; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DTAILS RELATING TO THE HOLDING OF SUCH ELECTION; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

11. Consideration and possible action on the adoption of the Election Services Agreement with Montgomery County.

Councilmember Casey Olson moved to adopt the Election Services Agreement with Montgomery County. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

12. Consideration and possible action on the adoption of the Joint Election Services Agreement with Montgomery County.

Councilmember Carol Langley asked if they have a cost yet. Chief Solomon said the cost will be provided when turned in but \$30,000 is the range for both. Councilmember Carol Langley asked where the voting locations will be. Mr. Palmer said Exhibit B lists the locations.

Councilmember Casey Olson moved to adopt the Joint Election Services Agreement with Montgomery County. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

13. Consideration and possible action on the following: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE RATES TO BE CHARGED FOR SOLID WASTE COLLECTION SERVICE INSIDE THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A PENALTY FOR FAILURE TO PAY ACCOUNTS; PROVIDING CONDITIONS UPON WHICH SERVICE WILL BE RESUMED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Palmer said they recently approved this agreement. The ordinance reflects changes effective August 1, 2024. Mayor Countryman asked if the agreement was for five years. Mr. Palmer said yes.

Councilmember Stan Donaldson moved to approve AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE RATES TO BE CHARGED FOR SOLID WASTE COLLECTION SERVICE INSIDE THE CITY OF

MONTGOMERY, TEXAS; PROVIDING FOR A PENALTY FOR FAILURE TO PAY ACCOUNTS; PROVIDING CONDITIONS UPON WHICH SERVICE WILL BE RESUMED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

COUNCIL INQUIRY:

Councilmember Carol Langley reminded everyone of TML's annual conference in Houston. Mr. Palmer will send information via email.

Mayor Countryman said State of the Precinct address will be held October 1st same night as Faith & Blue.

Councilmember Carol Langley asked if a claim was sent and filed for the well issue. Mr. Palmer said yes.

Mayor Countryman said they did a great job on the bridge at FM 1097 and asked what happens next. Mr. Muckleroy said they ran into a supply issue so they do not know when the date will be scheduled. Councilmember Casey Olson asked if they accessed the area west of there. Mr. Muckleroy said yes in front of Summit which was done first. Councilmember Stan Donaldson asked if they set up a schedule for the bridge inspection. Mr. Muckleroy said TxDOT inspects yearly.

Councilmember Stan Donaldson asked if country roads are inspected. Mr. Muckleroy said they receive a report once a year. Mayor Countryman said the issue is with those who do the inspection. Ms. Vu said they keep an eye on all bridges and keep TxDOT up to date. Mayor Countryman asked what the County's response is. Ms. Vu said the County is good.

EXECUTIVE SESSION:

Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, Section(s): of the State of Texas.

551.071 (consultation with attorney)

551.074 (personnel matters)

Council adjourned into Executive Session at 7:25 p.m.

Council reconvened into Open Session at 9:13 p.m.

ACTION FROM EXECUTIVE SESSION:

No action was taken on items from Executive Session.

ADJOURNED at 9:15 P.M.

Date Approved: 10-8-2024

Submitted by: Diana Titus
Diana Titus, Deputy City Secretary


Mayor, Sara Countryman