

**Notice of City Council Regular Meeting
AGENDA**

November 14, 2023 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery City Council will be held on **Tuesday, November 14, 2023**, at **6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City's website under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The meeting will be recorded and uploaded to the City's website.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Citizens are invited to speak for three (3) minutes on matters relating to City Government that relate to agenda or non-agenda items. Prior to speaking, each speaker must be recognized by the Presiding Officer. All speakers should approach the podium to address Council and give their name and address before sharing their comments. City Council may not discuss or take any action on an item, but may place the issue on a future agenda.

CONSENT AGENDA:

- 1.** Approval of the following:
 - (a) City Council Workshop Minutes 09-19-2023
 - (b) City Council Workshop Minutes 09-25-2023
 - (c) City Council Meeting Minutes 09-26-2023
 - (d) Special City Council Meeting Minutes 10-02-2023
 - (e) City Council Meeting Minutes 10-10-2023
 - (f) City Council Workshop Minutes 10-23-2023
 - (g) City Council Meeting Minutes 10-24-2023
- 2.** Consideration and possible action on a Service Agreement for Building Plan Review and Inspection Services between the City of Montgomery and Rick Hanna CBO Partners, LLC.

CONSIDERATION AND POSSIBLE ACTION:

- 3.** Acceptance of the Planning & Zoning Commission Final Report regarding the city-initiated rezoning of 203 Prairie Street from R1-Single Family Residential to B-Commercial.
- 4.** Convene into a Public Hearing regarding the preliminary report on the city-initiated rezoning of the property commonly known as 203 Prairie Street, Montgomery, Texas.
- 5.** Consideration and possible action on AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS

DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.225-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER A-8, COMMONLY REFERRED TO AS 203 PRAIRIE STREET, MONTGOMERY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

6. Consider Appointment of John Fox to Planning & Zoning Commission Place 1.
7. Presentation of a proposed 96-acre estate lot single-family residential development as submitted by Devpoint, LLC.
8. Consideration and possible action on calling a Public Hearing to be held on December 12, 2023 at 6:00 pm related to a rezoning request for approximately 3 acres of land near the intersection of Clepper Street and C.B. Stewart Drive from B-Commercial to I-Institutional.
9. Consider Amendment to the Personnel Policy to Remove Cost of Living Allowance (COLA) Restrictions
10. Consideration to Approve a Resolution to Join the Houston-Galveston Area Council (H-GAC)

EXECUTIVE SESSION:

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

551.072 (deliberation regarding real property) - 905 Stewart Street and 213 Prairie Street

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Consideration and possible action from items discussed in executive session.

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

ADJOURNMENT

/s/ Nici Browe

Nici Browe, City Secretary. TRMC

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on Thursday, November 9, 2023 at 4:00 p.m.

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

**City Council Workshop
MINUTES**

September 19, 2023, at 5:00 PM

CALL TO ORDER

Mayor Pro Tem Casey Olson called the meeting to order at 5:00 p.m.

Present:	Carol Langley	City Council Place #1
	Casey Olson	City Council Place #2
	Sara Countryman	City Council Place #3
	Cheryl Fox	City Council Place #4
	Stan Donaldson	City Council Place #5

Absent:	Byron Sanford	Mayor
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Also Present:	Gary Palmer	City Administrator
	Dave McCorquodale	Assistant City Administrator Planning & Development Director
	Mike Muckleroy	Public Works Director
	Maryann Carl	Finance Director
	Anthony Solomon	Chief of Police
	Kimberly Duckett	Court Administrator
	Diana Cooley	Deputy City Secretary
	Alan Petrov	City Attorney
	Katherine Vu	City Engineer
	Chris Roznovsky	City Engineer
	James Gilley	Financial Advisor

Mr. Palmer said he will cover CIP but first wants to review some of the highlights to put things into context of what they are dealing with and what has already been done.

Mr. Palmer added the proposed general fund FY 2024 budget expenses reflect a \$6,284.00 increase from FY 2023, and the revenues reflect a \$63,946.00 increase from FY 2023.

Mr. Palmer stated that the general fund balance right now is \$2.5 million, 34 percent of their projected expenditures, and the goal is 45 percent by policy. He noted that is not a hardline policy, but it clearly states the goal should be 45 percent. Mr. Palmer said he believes it says anything less than 30 percent is cause for concern. Mr. Palmer said they are at 34 percent and thinks looking at next year they can rebuild those reserves but does not know how that will play out.

Mr. Palmer recommended that they go back in the operating budget and if there is anything they want to pull out from there they really should look at funding back before they put anything in other programs because it is their rainy-day fund. Mr. Palmer said if anything should go wrong in the city, then this is the fund they would use.

Mr. Palmer said in this current budget they have added a zero to five percent merit increase or approximately \$105,000.00 for employee increases and said for personnel right now there are vacant

positions: for a permit technician, a vacant police officer position, a finance technician position and a public works coordinator position with the last two positions being new positions and the other two are sitting vacant, just not funded.

Mr. Palmer said in the second workshop they went through the operating budget and those are the items which were pulled out, reducing the administration budget by \$25,500.00, the police budget by \$93,500.00 and the public works budget by \$73,500.00.

Mr. Palmer said in regard to CIP they currently have \$3 million in water and sewer projects they need to complete before the fiscal year 2024.

He continued by stating that the current fund balance is \$719,091.00 and half of that is ARPA funds with half restricted and the other half unrestricted. It is his recommendation that they spend down the ARPA funds on whatever project they find to be feasible and eligible and leave the reserves alone so they can continue banking the reserves over time. Mr. Palmer added they need to build up those funds in case a well should cease working without having to borrow any money.

He then said that he wanted to go over each of the capital projects and Ms. Katherine Vu would highlight each capital projects' maintenance items which need to be done next year.

Ms. Katherine Vu, City Engineer, said this is the same list they went through last week, and said the maintenance items need to be done even if no more building permits are issued as this is just to maintain the system.

She listed the big-ticket items that they are looking at for next year; are Water Plant 2 Improvements which includes regionally Well #2 as well as placing the ground storage tank and some recoatings.

Ms. Vu said the \$600,000.00 amount is the rest of the sanitary sewer and manhole rehab they are expecting for next fiscal year for the contract with Cruise Tech which has already started.

Ms. Vu said looking forward into the other years, the large items for Water Plant #3 improvement items are to rework Well #3 and #4. Ms. Vu said if they are not needed to be reworked they will not do it but they want to budget and plan for it and put the funds toward a later year if the wells are still performing really well.

Councilmember Sara Countryman said she understands from Well #2 situation that they cannot anticipate if there are going to be issues or when a well will break but asked how do they know where they are at with Well #3 and #4 and what is the lifespan.

Ms. Vu said industry standards have set times that you should start preparing and budgeting for wells to be reworked and that standard is every 12 years, stating twice a year the wells are evaluated by a third-party testing company called GM Services. WGA and the City receive the testing reports from the operator and review them and since it is done every six months, they can monitor any trends they are seeing or efficiency issues or any kind of indication that the well is having problems and needs to be reworked. She said what happened with Well #2 is they were not seeing any decrease or any signs of concern. Ms. Vu said they knew it was old but nothing that may have caused a red flag.

Ms. Vu said that is the most they can do for Well #3 and #4 without saying just go ahead and do a rework for good measure.

Councilmember Sara Countryman asked what year they were in for each well.

Ms. Vu said Well #4 was drilled in 2014 and Well #3 was drilled in 2008 and they have not had any performance issues with them at all.

Councilmember Sara Countryman asked is it safe to assume those wells have been through the 12-year standard testing.

Ms. Vu responded they have been tested every six months.

Councilmember Stan Donaldson asked who takes care of the testing.

Ms. Vu said it goes through the operator who orders it through GM Services. The operator receives the report and then sends it to them to review.

Councilmember Stan Donaldson said they just spent \$500,000.00 fixing Well #3 and it should be in good shape.

Ms. Vu said that project was to add on another cooling tower and to replace one of the ground storage tanks and that project did not have any work on the well related to it.

Mr. Palmer asked if there were any questions about projects for maintenance next year.

Councilmember Casey Olson said he did not see that called out anywhere and that is why he is having trouble with the Water Plant #2 improvements line 1 and number 3 improvements.

Ms. Vu said that is listed 2025 and 2026 and each of those large ticket items are the well reworks and those are broken down in the larger spreadsheet she passed out for the sake of a summary.

Mr. Palmer said \$2.6 million in maintenance projects must be done next year with the understanding that what they do this year impacts future years.

Mr. Palmer said if you look at the capital projects list you see in 2025 there are a lot of big-ticket items and so they need to continue having these discussions on how they are going to fund these capital projects.

Mr. Palmer said for this year they need to work on what they are going to do for these projects. He advised the council that they do not need to approve the capital project funding or strategy tonight or the operating budget.

Councilmember Casey Olson had a question about Water Plant #4.

Ms. Vu said Water Plant #4 and the wastewater treatment plant extension at Town Creek are both needing to be done because of growth, well maintenance has to be done if no more permits were issued, but permits are being issued and that is the reality and they do have to do Water Plant #4.

Mr. Roznovsky said the main driver of Water Plant #4 is the elevated storage tank.

Councilmember Casey Olson asked if they have 900 or 1,000 connections right now.

Mr. McCorquodale said 1,100 connections.

Councilmember Casey Olson asked if there were three years left with the phases for Redbird.

Mr. Roznovsky said more like five to seven years as there are a lot of homes and especially since the larger lots will be a bit slower to sell.

Councilmember Casey Olson asked what amount is in the first phase.

Mr. Roznovsky said 170.

Mr. McCorquodale said Montgomery Bend has a total of 309 homes.

Councilmember Casey Olson asked if realistically next year they are looking at around 350 homes.

Mr. Roznovsky said somewhere in that range with Montgomery Bend their first home ideal delivery is early next summer, Redbird right now does not have any crews and they still have months to go before they start breaking ground and thinks at the earliest would be middle to end of next summer.

Councilmember Casey Olson said based on what they know they are looking at 200 homes.

Mr. Roznovsky said the other one to remember is the Nantucket apartment complex by Pizza Shack. Ms. Vu said each unit is counted as one connection.

Councilmember Casey Olson asked how many will be going in there.

Mr. Roznovsky said 300, a senior and a regular apartment complex. 2025 is goal opening.

Councilmember Casey Olson said they still will not hit 2,500 homes by 2025, so they could then push the timeline out.

Mr. Roznovsky said it is more of getting the process started.

Councilmember Stan Donaldson asked if that was the \$8,000,000.00 plant.

Mr. Roznovsky responded that is correct.

Mr. Roznovsky said right now, where everything sits for both water capacity and sewer capacity, they are in the right spot. Mr. Roznovsky said they are at 50 percent on the sewer plant and that varies.

Mr. Palmer said regarding transportation projects for 2024 there is nothing that is an emergency however, he thinks they are comfortable not doing any transportation projects next year as they need to find the money to do the capital projects in order to keep them from going back into the operating mode.

Mr. Roznovsky said on the capital review projects the Downtown McCown waterline placement is solely driven by the downtown improvements. Without funding for the rest of the downtown improvements that project will continue to push out because that is the driving item.

Mr. Palmer said they also discussed having a transportation and impact fee study stating it will not help them this year but maybe it will help some next year.

Councilmember Cheryl Fox asked what is the one shared street across from the park to Caroline Street.

Ms. Vu said in 2014 Mr. Chris Cheatham rendered a variance from the Westside Park Development, part of that variance was that when the last commercial reserve is developed that Shepperd Street is widened to 28 feet and be paid for by the developer. Ms. Vu said the reason they have it listed is because it was 2014 and more time is continuing to pass and they want to make sure it is not forgotten.

Councilmember Casey Olson asked if there is any timeline on the development.

Mr. Roznovsky said it is in the minutes but there is no written development agreement. Ms. Vu said the corner lot is platted commercial.

Councilmember Sara Countryman asked if you could ask the court to change it.

Councilmember Carol Langley said no you can rezone it.

Mr. Palmer said they have a pretty good number for the fund balance and said the unrestricted amount is \$367,940.00. He recommended that they do not use that but leave it in reserves and start banking it.

Mr. Palmer said the other unrestricted funds are the building funds for 213 Prairie Street, he believes these were additional funds that were borrowed for the floor plan update and building renovations, once they sell the property and pay the loans back that will give them more debt capacity.

Mr. Palmer said they have a balanced budget, and their recommendation is to look at next year's CIP and consider doing certificates of obligation to fund those, adding that the conversation should continue as come next year they are going to be right back in the same situation.

Mr. Palmer said he has asked Mr. Alan Petrov to be here to answer any bond questions as he is a bond counsel and Mr. James Gilley with US Capital Advisors is here, stating at the bottom of the packet on the last couple pages is Mr. Gilley's analysis.

Mr. James Gilley said he believes the analysis was updated and believes he was asked to provide a couple of different scenarios, noted that the cover page should read September 11th.

Mr. Gilley went on to say that the prior analysis was a little more complicated because it included some projects that might be paid for with taxes. However, he was asked at the last meeting a couple of weeks ago to look at the utility projects for \$2.5 million funding and \$3.5 million funding.

Mr. Gilley stated based on last year's utility end price system, (showing his presentation) up at the top left there are the gross revenues, gross expenditures and they are adding back in based on the audit a paper loss appreciation. He continued that basically from their perspective and the market's perspective after all bills are paid there is \$772,000.00 in funds available to pay debt service.

Mr. Gilley said down below there is column A which are net revenues assuming no changes over the next 20 years and are showing in columns B, C, and D the total debt service and are taking out the tax, the debt you pay with your INS tax and have the outstanding self-supported debt service, the debt service you pay from utility revenues.

Mr. Gilley said in columns E, F, and G that is an estimate of \$2.5 million and column H is the total for all of that.

Mr. Gilley said there is the existing debt being paid from the utility funds plus another proposed issuance that would be paid from the utility. He stated that in FY2025 it is around a \$630,000.00 payment.

Mr. Gilley said in column I the surplus shortfall is showing you are covering that total debt, existing and proposed by 1.3 times with an additional \$140,000.00 left over.

Mr. Gilley said last time they talked about that margin, after paying all the expenses, the debt service is being covered by 125 percent and said that is a very strong margin.

Mr. Gilley continued with his presentation by stating the following page is the same idea with a \$3.5 million borrowing amount. Mr. Gilley said column J shows there is a little less of a margin, around 10 percent. He added that it looks like you can afford it without a utility rate increase assuming no changes with the utility budget for next year.

Mr. Gilley said at the risk of making any decisions, he always encourages their clients to adopt incremental small utility rate increases to keep up with their costs, reminding the council that it could afford either of these projects within the revenues generated through the utility system of last year.

Mr. Palmer said regardless of what they do, they need to do an immediate rate study after they adopt this budget so they can look at all the projects they need to do in the future and start building up those funds.

Councilmember Sara Countryman asked when you say revenue, is it tax revenue or dollars for the water.

Mr. Palmer said water sewer fees.

Mr. Gilley said that is a great idea, especially with the growth as it is going to get more complicated and said it is definitely good to have a rate consultant come in.

Councilmember Casey Olson asked if realistically based off their predictions what are they looking at for next year's growth if that will be 200 or 300.

Mr. Roznovsky said that is a close estimate, with Home Depot going at the tail end of next year, right now there have not been as many new commercial inquiries as in the past. He added that he thinks the major growth will be from Redbird and Pulte, the 200 or 300 will include finalizing buildouts of Town Creek Crossing and some others.

Councilmember Casey Olson said with these 300 they are looking at an increase of around \$200,000 based on 2022 numbers, not 2023.

Councilmember Sara Countryman said she does not think they can say no, they have to do it.

Councilmember Casey Olson said he agrees and the reason he wanted to look at what their revenue increase might be if they pick up the 300 homes is because the revenue increase pick up the new debt service.

Mr. Palmer said he thinks they need to spend some time factoring all the variables in and get those numbers in as to what are they projecting and what do they think the impact fees are going to cover, how do they back into these projects with a rate change and what does that look like.

Ms. Maryann Carl said there are some highlighted items in the budget packet which are changes that occurred since workshop #2. Ms. Carl said in workshop #2 there was the addition of the merit pay in addition to the general consulting fees.

Councilmember Casey Olson said they pulled the merit pay at the last workshop.

Ms. Carl asked you pulled the merit pay?

Mr. Palmer said he does not remember that, but they will have to make that adjustment.

Ms. Carl said any of the items highlighted in green are increases and items listed in yellow are the decreases. She said the decreases were based on the workshop where they were asked to reduce line items, there are reductions in the legal fees, printing and office supplies, and staff development.

Ms. Carl said the liability and property insurance were not necessarily the result of a request Council had made but these were the adjustments based on the TML information they received for their rates for this next year.

Ms. Carl went through the adjustments made under police and said in the binders there is also a three-page document that says "changes" where you can see the actual reduction and increases in these line items.

Ms. Carl reviewed the public works reductions including equipment repairs, street repairs minor, and streets and drainage.

Ms. Carl said the cuts made were in workshop #2.

Mr. Palmer said if they pull employee increases of \$105,000.00 they can put that in the fund balance and that will at least bring them up from 34 percent to maybe 40 percent.

Councilmember Casey Olson said there were discussions regarding the new positions, the vacant positions are already budgeted from previous years which include the vacant permit tech, and the police officer, but they need to discuss any more new positions.

Councilmember Casey Olson said it was at the last workshop they discussed this briefly and asked Council what their opinion was.

Councilmember Carol Langley asked if there is money in the budget for a permit tech position and one police officer.

Councilmember Casey Olson said yes.

Councilmember Carol Langley said she is very comfortable with those two positions.

Councilmember Sara Countryman said the finance tech is not new and the public works foreman is not new.

Mr. Palmer said these two positions are new.

Councilmember Casey Olson asked what the rate was for the finance tech.

Councilmember Sara Countryman said \$70,000.00.

Councilmember Casey Olson asked if the amount was \$70,000.00 per year.

Mr. Palmer said with benefits it would be closer to \$100,000.00.

Ms. Carl said the finance tech with all benefits is at \$81,130.00.

Councilmember Casey Olson asked what the amount would be for the public works coordinator.

Ms. Carl said the public works coordinator is at \$80,643.00.

Mr. Palmer asked Mr. Mike Muckleroy to give an overview of what that position would entail.

Mr. Muckleroy said it is a new position they are proposing that splits the foreman's duties as he has become overloaded with the growth and speed of their department. He added that this position would function as a third crew leader but be in charge of the crew leaders so the foreman can concentrate more on coordinating with contractors and operators.

Councilmember Carol Langley said if they look at their budget in six months and it looks good then those two positions could probably be discussed at that time.

Mr. Palmer said they can add them any time.

Councilmember Carol Langley said right now she personally does not see they are able to fund those two positions.

Mr. McCorquodale spoke regarding the permit tech position, stating they have historically built around 85 to 100 homes a year and as long as they are at that level they do not need a separate job function, however, when Redbird and Montgomery Bend are both submitting and in full steam and they are at 200 homes a year, there is no way for the utility clerk to manage both of those positions so it will be at least six months before they look to expand.

Councilmember Sara Countryman asked who the permit tech is.

Mr. McCorquodale said Ms. Kristen McCain who is also the utility billing clerk and said back four or five years ago the utility billing clerk was also the permit tech and did both duties and by mid-2018 they were utilizing a part-time temporary service that could do some of the lower-level duties on the utility billing side such as answering phones and taking payments.

Councilmember Casey Olson asked if a temporary service would be used.

Mr. McCorquodale said yes.

Councilmember Sara Countryman said she thought Ms. Patricia Campuzano was doing permits.

Mr. Palmer said she was pulled from that.

Mr. McCorquodale said until they hired Ms. McCain and had her trained on the utility side, they did not want to add two brand new positions to learn at one time for Ms. Campuzano and then tell her do not let either one fall because they are both super critical.

Councilmember Cheryl Fox asked how many permits Ms. McCain does a month.

Mr. McCorquodale said in terms of homes somewhere in the range of eight to ten homes a month, however the trade permits have three permits that go with every single one of those, the mechanical, electrical, and plumbing.

Mr. McCorquodale said there are those permits to rewire a portion of a home or install a generator or install a swimming pool and said by the time you ensure the contractors licenses are up to date and dealing with inspection requests on every one of those which has at least two inspections and if it is one of the trades there are four to five inspections if it is on a building permit. He continued by stating a lot of it is ensuring things are processed at the right time, for instance if someone requests an inspection, they have an obligation to make sure it is on the schedule the next day.

Councilmember Carol Langley asked if they are still dealing with Mr. Rick Hanna and his group on the permits.

Mr. McCorquodale said that is correct and said in the context of the budget he knows they need to review these services at some point. He went on to say he believes the job Mr. Hanna is doing is a good and adequate one for them.

Mr. McCorquodale said they take the most revenue using Mr. Hanna over one of the larger companies and said he felt that a change is not worth the cost at the moment.

Councilmember Carol Langley asked if they have to buy his program.

Mr. McCorquodale said it comes included in his services but yes ultimately, they pay for that, we have a permit software we use for code enforcement which is likely not as good and as comprehensive as the one Mr. Hanna uses so there is an advantage to using the one, he does.

Mr. Palmer said if you recall in the strategic planning session they discussed competing all of their contracts. He stated that they are going to start doing that as a matter of practice.

Councilmember Casey Olson said it is a consensus to wait on the finance technician and public works coordinator positions.

Mr. Palmer said his recommendation is whatever they pull out they should put in the fund balance to replenish it.

Councilmember Casey Olson said if they wait on the public works coordinator they could wait on the vehicle as well.

Councilmember Cheryl Fox said she does not think they should take it off the table but see how the funds are.

Mr. Palmer said they will come back at another time and bring more data to show the need.

Councilmember Carol Langley said when they start receiving their monthly reports again they will be able to see where they actually are and usually six months from the time they start their budget they can definitely tell whether those positions can be funded or not.

Mr. Palmer said all funds are balanced except for the CIP.

Councilmember Sara Countryman asked if all money is accounted for.

Mr. Palmer said as far as he knows.

Councilmember Casey Olson asked if that would put \$330,000.00 or \$340,000.00 back into the general fund.

Mr. Palmer said they will get the final calculations together.

Mr. Palmer said he would like to come back at the workshop on the 25th to discuss last minute things and do a recap. He said he will have a motion crafted and an exhibit on whatever changes because they had to post the proposed budget and will need to make the changes on the 26th.

Councilmember Casey Olson also asked if they could post the changes this week and then adopt the changes on the 26th.

Ms. Carl said they cannot post any changes at this point and the proposed budget has been sitting out there for the 30-day window which will be up at the time of the next meeting. She stated that when they go into that meeting that is when they will adopt the budget based on these changes which is different than what the proposed budget is. Ms. Carl reminded the council does not change that posting.

Councilmember Casey Olson asked if they decide on bonds what are they looking at for projects time wise.

Mr. Roznovsky said they will put them all together.

Mr. Petrov said that is a good question because it takes time to get the money.

Councilmember Casey Olson asked how long when they do a bond are they looking at time wise before they are given the money to go ahead.

Mr. Gilley said regarding the analysis they were discussing earlier, the timing of those assumes close would-be January 15, 2024, as they sell bonds in December. He went on to say if the City were to issue certificates of obligation, the general timeline would be Council adopts a resolution to publish a notice of intent and would need to wait at least 45 days which the timing would allow for a bond sell around the middle of December.

Councilmember Casey Olson asked if they need to let him know by November.

Mr. Petrov said it is going to take 90 days from the day you say let us sell whatever amount that is and then from that point it will take 90 days before Mr. Gilley can say there is money in the account now. Mr. Petrov said you need to decide how much you want to sell and when you do that you have to give notice to that which is a 45-day statutory notice period.

Mr. Petrov said then you can adopt a certificate resolution and while doing that Mr. Gilley has to do the marketing of the certificates and then you have another 30 days at the end where once you have a buyer you package everything together, send it to the Attorney General’s office and they have to approve it.

Councilmember Casey Olson said based on those timelines they need to have it on the agenda for the 26th because 45 days from then is the first week of November.

Mr. Roznovsky said there are two projects: 1. There is the sewer rehab project that is ongoing and is currently funded from carryover from last year’s budget 2. The water plant project will take at least five months to have it bid out.

Mr. Petrov said deciding on something like this for the second week in October sounds like it allows enough time.

Mr. Gilley said this is a reasonable timeline in order to have enough time to make a final decision and in this timeline, they probably need 90 percent confirmed the week before October 24th. He noted that in the resolution you publish in the newspaper you need to say the City intends to issue no more than a certain amount of money you decide on.

Mr. Petrov said you need to give people a reasonable understanding of what to expect, you don’t need to be exact, but it needs to be reasonable.

Councilmember Casey Olson asked if they need to have another workshop to decide that.

Mr. Palmer said they can get together internally with Mr. Gilley and maybe Mr. Petrov if necessary and discuss all this and bring something back to Council on the 25th.

Mr. Petrov said you can make decisions sooner but there is not a big rush.

Councilmember Sara Countryman said she asked to receive job descriptions and wanted to know if she could get those.

Mr. Palmer said he will get those to her.

Councilmember Casey Olson adjourned the meeting at 5:51 p.m.

Submitted by: Diana Cooley
Deputy City Secretary
Edited by NBrowe.

Date Approved: _____

Byron Sanford, Mayor

**City Council Workshop
MINUTES**

September 25, 2023, at 5:00 PM

CALL TO ORDER

Councilmember and Mayor Pro Tem Casey Olson called the meeting to order at 5:00 p.m.

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| Present: | Byron Sanford | Mayor |
| | Carol Langley | City Council Place #1 |
| | Casey Olson | City Council Place #2 |
| | Sara Countryman | City Council Place #3 |
| | Cheryl Fox | City Council Place #4 |
| | Stan Donaldson | City Council Place #5 |
| Also Present: | Gary Palmer | City Administrator |
| | Nici Browe | City Secretary & Director of Administrative Services |

CALL TO ORDER

Mayor Byron Sanford called the meeting to order at 5:00 P.M.

DISCUSSION:

1. Review of the draft Chapter 380 Agreement Between The Home Depot and City of Montgomery for the Buffalo Springs Drive Roadway Reconstruction and Traffic Signal at SH105W & Buffalo Springs Drive.

Mr. Gary Palmer provided an overview of the negotiations thus far with Home Depot and stated that in the packets this evening there is a 380 agreement with changes that were received late this afternoon, therefore it has not been reviewed by staff or legal counsel. The goal here is to go through it as this is on the city council agenda the next night and can be ready for your consideration.

Clay Trozzo, Real estate broker for Home Depot thanked the council and staff for setting up a workshop to go over details prior to the council meeting.

He went on to explain that the red comments were an attempt to clean up and clarify some points, for instance Home Depot wants to clarify the sales tax amount, that it is 50%.

They also wanted to confirm that the engineering firm has built in a contingency, for instance the \$1.699 million includes \$245,000, and want to know if they could ask for a cap and that they are given a right to approve the General Contractor.

Ms. Katherine Vu, WGA Engineers responded that the city would receive the design and public bid for construction, they don't have any control over the number of bids they receive. She went on to add that she does not have any objection to Home Depot approving the GC.

Clay Trozzo moves to **Page 2** of the agreement.

Mr. Trozzo stated that Home Depot wanted clarification on the completion of construction, what does that mean?

Mr. Palmer, City Administrator, spoke to the City Attorney, Alan Petrov, and asked if he saw anything in the agreement that needs additional review to let him know as they move through it.

Mr. Trozzo stated that Force Majeure was another language Home Depot wanted added to the agreement, due to the issues that could arise much like the recent COVID-19 Pandemic.

Mr. Trozzo stated that he would list changes going forward.

- Language on the agreement "related to the property" has been taken out.
- Improvements, "Any of its agents" has been added.
- Sales Tax Grants, language "Cumulative payment of Annual Sales tax to Home Depot," has been added.
- The final cost is less than \$750,000.

Page 4

- Sales Tax Grants, clarify the definition of "Tax Breaks."

Page 5

- No developer, as Home Depot are the developer Sub Section D
- Data file of determination

Councilmember Sara Countryman asked when it says "completion" is that at Home Depot or the City's approval of completion.

Clay Trozzo responded that upon all approvals by the City.

Councilmember Stan Donaldson asked Mr. Palmer when the city got these latest edits.

Mr. Palmer responded today at 2:00 P.M.

Page 6

- \$2 million Cap – clarify what Home Depot is obligated which is currently: Road Improvement, Signal Improvement and fund the design and management. Placing the cap of \$2 million.

Ms. Vu, WGA stated she is nervous to place a cap as she has no control over the market, which as we have seen over the last two years, the city would have to understand that if they have the cap, anything above that then the city would be obligated to fund.

Councilmember Casey Olson discussed the costs and timelines of the roadway improvements and asked if the city could ask the engineers to obtain bids for the portion that is known and an alternate for the roadway to the rear of the property.

Ms. Katherine Vu stated that this would not give her any heartburn.

Alan Petrov, City Attorney stated that appropriate language could be added to define the road improvements, as boundary of property.

Clay Trozzo stated he would have expected that the numbers that WGA had provided would have been conservative.

Ms. Vu responded that is correct, and based on current construction costs today, with a 20% contingency, however, we do have options to play with the scope somewhat.

Clay Trozzo stated the next item is Home Depot wanted the following inserted: "Within five (5) days of execution of this agreement they will deposit \$137,500 for the design, survey, Geotech and bidding.

Upon bidding, within ten (10) business days deposit.

Ms. Vu responded that this should be separated out as this is confusing. It will be two separate processes. We could include "milestones." The \$137,500 is for design fees for the plans up to the bid. Escrow funds - the next deposit would be the bid amount plus 15%.

Clay Trozzo agreed and sought some more clarification on the design fee/bid processes.

Ms. Vu explained that bidding does not come into play until the design is completed. The signal is being designed by TXDOT, then WGA is construction design management.

Mr. Dave McCorquodale spoke to the Finance Director regarding placing escrow accounts for contractors separately.

(e) Clay Trozzo clarified the payment of \$137,500 for engineering and construction, as he was making sure that the payment gets the city to the Bid point and does not include engineering fees for construction management.

(f) Clay Trozzo continued by stating that Home Depot wants to give written approval on final bid, and changes of scope that exceed \$50,000.

Ms. Vu asked instead of written approval would Home Depot accept doing a concurrence just in case we are in a hurry during the construction and the concurrence would state something like 15%.

(g) Clay Trozzo clarified the deadline as September 1, 2024.

Dave McCorquodale reminded everyone that in construction, deadlines are something the city cannot control, due to mother nature and other unknown issues.

(h) Clay Trozzo added the remaining escrow, Home Depot want the escrow cleared out sixty (60) days after.

(I) Limited Liability, that Home Depot is reliant upon the city to ensure all roadways etc. are built to city standards.

Page 9

(6A) seeking clarification on termination provisions – subject to Force Majeure.

Some clean up in the Sales Tax certification section, such as city “SHALL” obtain.

Mr. Alan Petrov, the attorney, stated that the city has to get the sales tax certification.

6.2 term provision: this means that if we do not get sales tax certification then there can be corrective action within 90 days by either party.

Clay Trozzo read the Remedies.

Page 8

Clay Trozzo stated that the Home Depot was struck from the language, for the City Attorney to review.

Page 11

Clay Trozzo stated that the Home Depot struck from the language Right of Access for the City Attorney to review.

Councilmember Sara Countryman asked that what happens if we have heavy equipment doing the roadway then we decide to do more of the road, would the equipment be in the way, causing access issues.

Councilmember Casey Olson stated that is not what it implies.

Councilmember Sara Countryman stated maybe we should update that language just in case.

Councilmember Casey Olson stated that it would be a non-issue.

Clay Trozzo stated that Home Depot would not be on that portion.

Councilmember Sara Countryman asked if we close the road down to repave it, is there any liability on the city?

Clay Trozzo responded no, as people would likely go to Lonestar Parkway, and everyone still has full access.

Page 16

Home Depot wants final determination after all appeals are exhausted and have taken out the non-binding [Section 21].

Mr. Alan Petrov stated that having a requirement means you can file a lawsuit.

Councilmember Casey Olson stated that he prefers mediation as it gives everyone an opportunity to meet before going down the road of a lawsuit.

Clay Trozzo read the next language “needing written consent, right to assign an affiliate before approval.”

Mr. Alan Petrov stated that this is pretty standard with a large organization.

Councilmember Casey Olson said to recap, we had added:

Mediation

Milestone with WGA

Road Improvements with an alternative for going to the rear of the property.

Councilmember Carol Langley inquired if this would be on the agenda tomorrow evening.

Mr. Gary Palmer responded yes that it would be but if the council is not comfortable with it, then we can always call a special meeting for the approval.

Clay Trozzo responded that he would think it would be ready for the next meeting on 10th October.

Councilmember Casey Olson stated there was no way to have all that we have talked about tonight ready for tomorrow.

Mr. Gary Palmer stated that he would call a special meeting and will get a date and go from there.

Ms. Maryann Carl, Finance Director, inquired if Home Depot requires a third-party agent for escrow?

Clay Trozzo responded it uses First American Title.

Ms. Maryann Carl asked if there are any fees that the city is responsible for or is it, Home Depot.

Clay Trozzo responded as he recalled it is on Home Depot.

Ms. Maryann Carl asked if Clay Trozzo and others could help her understand the sales tax piece, not sure she fully understood after the back and forth. The % of sales tax requires because part of sales tax goes to the EDC and part is in lieu of property taxes.

Clay Trozzo responded that at one point there was a push for 100%

Mr. Palmer responded that Home Depot gets 50% of Sales Tax.

2. Review and Discuss Volunteer Committee/Commission Applicants for the Montgomery Economic Development Corporation, Planning and Zoning Commission, and Transportation Advisory Committee

Mr. Gary Palmer introduced the discussion on applications for board and committees. He stated that all applicants are subject to the same qualification as listed in the bylaws.

Councilmember Carol Langley asked if there was one (1) position for MEDC and four (4) applicants.

Mr. Palmer responded that for the MEDC yes.

Councilmember Carol Langley stated that Arnette Easley has been on MEDC before, the other lady she did not know who she is, another applicant is outside of the city, and everyone knows Ms. Simmons.

Mr. Palmer reiterated that there was one (1) person up for reappointment with the Planning & Zoning Commission and two (2) seats available, the reappointment takes care of one, and we do not have anyone who has applied for the other seat.

Mr. Dave McCorquodale stated that Shawn Davis submitted their interest to the Transportation Advisory committee and based on their current position in Conroe, is a no brainer.

Mayor Sanford agreed it was a no brainer.

Councilmember Carol Langley asked how many open seats on the Transportation Advisory Committee?

Mr. Gary Palmer explained and stated that the Chief has provided his designee and there is a city councilmember as well therefore we should be good to go and ready to make those appointments.

3. Discuss Proposed Water Operations Advisory Position.

Councilmember Casey Olson stated we have a resident who is knowledgeable and assists in water data analysis. There has been some concern, however, he is not an employee, and he has access to information which could cause us to be in breach of confidentiality, it's a valid concern. I think we should pay him a dollar a year and make him answer/ report to Gary.

Councilmember Sara Countryman said that she agreed, and we should supply him with a city computer with access to the necessary programs to conduct the analysis.

Mr. Gary Palmer responded that he would get things organized in that direction.

4. Final Review and Discussion on Proposed FY24 Operating Budget

Mr. Palmer stated that they have made changes, and today is about having the floor open before tomorrow night.

Councilmember Casey Olson said we have heard from Mike Muckleroy and heard his concern, and it seems like it would be nice to hear from other departments if they share the same concern.

Councilmember Sara Countryman stated she had received Mike's letter to council, and she appreciates him being the mouthpiece for his employees and the lead for his group, she also is appreciative he has his teams back, however, to address the letter...to call us liars right within the first sentence I don't appreciate that.

Councilmember Countryman outlined her disapproval for receiving the letter from Mike Muckleroy.

She further added that the city should be doing performance-based increases, as opposed to giving everyone COLA as that is a cost-of-living adjustment.

Councilmember Cheryl Fox asked what the difference was between a merit and a bonus, and could the city give bonuses.

Mr. Alan Petrov responded that no the city could not as it would be in violation of Tax Laws.

Police Chief Anthony Solomon stated that for three years there was a fixed COLA amount, and last year there was a 5.5 for everyone, there should have been an additional 6.6 to complete the three years this year, but now you want to do a study.

Mike Muckleroy stated that not getting anything is going to be a tough pill to swallow for his staff.

Ms. Nici Browe stated that everyone in this country is experiencing the same increase in costs at the grocery store, and to address Mikes letter, he is right, you have to value your employees, show them you value them.

Councilmember Sara Countryman exclaimed that the sense of entitlement is outrageous.

Councilmember Casey Olson stated that he does not support a blanket increase and there needs to be a proper salary study completed.

Councilmember Carol Langley stated that people that work at Jims hardware work 9–10-hour days for \$12 per hour and are happy to be there, don't seek bonuses or pay rises.

Mayor Byron Sanford stated that when you work for government you don't look to get rich.

Councilmember Cheryl Fox stated that she wants to do what she was elected to do and that is be good stewards of taxpayer's money.

Councilmember Sara Countryman asked if there was a policy on COLA?

Mr. Palmer stated there was and read it aloud.

Ms. Maryann Carl explained that October 1 is the effective date for any COLA and Merit increases are effective January 1.

Councilmember Carol Langley stated that she would be ok with 4% for 9 months for hourly staff only, and to make sure it is noted that she does not like to be threatened.

Councilmember Sara Countryman added "or insulted".

Mr. Gary Palmer stated that it is evident the city is in need of a class and compensation study. He would make sure the budget reflected enough funds for that and the 4% over 9 months COLA for all employees.

Adjourned at: 5:07 P.M.

Submitted by: Nici Browe, TRMC
City Secretary

Date Approved: _____

Byron Sanford, Mayor

**City Council Regular Meeting
MINUTES**

September 26, 2023, at 6:00 PM

CALL TO ORDER

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

- Present: Byron Sanford Mayor
- Carol Langley City Council Place #1
- Casey Olson City Council Place #2
- Sara Countryman City Council Place #3
- Cheryl Fox City Council Place #4
- Stan Donaldson City Council Place #5
- Also Present: Gary Palmer City Administrator
- Nici Browe City Secretary & Director of Administrative Services

ANNOUNCEMENT

Mayor Byron Sanford provided a proclamation honoring Kristian Rau, Eagle Scout Troop 623.

CALL TO ORDER

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

INVOCATION

Councilmember Stan Donaldson provided the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Randy Burleigh – resident stated that he was glad to see the healthy back and forth discussions on projects and Well 2 being down, it is clear we need new facilities. He went on to say that over the years, the budget has been cut often so much so that the roads and street show for it, they are in a terrible condition, the focus of the budget should be on infrastructure. Mr. Burleigh added that he understands having salaries aligned is important and he thinks that rather than doing 4% over 9 months, it should have been merit not COLA. He is, however, appreciative that the employees were granted the increase.

Mr. Burleigh stated that he wanted the council to look at as soon as possible is the revenue from the water and sewer, an increase in water rates seems prudent.

PUBLIC HEARING:

1. Open Public Hearing.

Mayor Byron Sanford opened the public hearing at 6:11 P.M.

2023 Tax Rate Public Hearing

Regarding the tax rate of \$0.40 per \$100 of assessed valuation, to be set as the 2023 tax rate for Fiscal Year 2024, as proposed by the governing body of the City of Montgomery.

No members of the public addressed the city council on this item.

Close Public Hearing.

Mayor Byron Sanford closed the public hearing at 6:11 P.M.

2. Open Public Hearing.

Mayor Byron Sanford opened the public hearing at 6:12 P.M.

FY2024 Annual Budget Public Hearing.

For the Purpose of hearing public comments regarding the proposed FY2024 City of Montgomery Annual Budget.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$107,916 OR 5.87%, AND OF THAT AMOUNT, \$70,042 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

No members of the public addressed the city council on this item.

Close Public Hearing

Mayor Byron Sanford closed the public hearing at 6:12 P.M.

CONSENT AGENDA:

3. Approval of the following Minutes:

(a) City Council Budget Workshop 08-11-2023

(b) City Council Budget Workshop 09-11-2023

(c) City Council Regular Meeting 09-12-2023

Councilmember Sara Countryman noted that the location for a project was stated as Lonestar Parkway/ FM762 where it should be Lonestar Parkway/FM1097,

Councilmember Casey Olson moved to approve the minutes with the corrections. Councilmember Sara Countryman seconded the motion. **Motion Passed (5-0).**

CONSIDERATION AND POSSIBLE ACTION:

4. Consideration and possible action regarding adoption, by record of vote of the following Ordinance: AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS ADOPTING AN OPERATING BUDGET FOR THE FISCAL YEAR 2023-2024.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$107,916 OR 5.87%, AND OF THAT AMOUNT \$70,042 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

Mr. Gary Palmer, City Administrator introduced the Budget item and had Ms. Maryann Carl, Finance Director walk the city council through the final budget hitting highlights of proposed changes, expenditures and revenues.

Ms. Maryann Carl also stated that the operating budget does not include the Capital Improvement Plan (CIP), that will be completed in the following month.

Councilmember Sara Countryman stated that on reflection to the workshop she would like to make a change. She would like the council to consider a 4% merit for hourly workers and that the department heads will not receive that increase.

Mayor Byron Sanford said he agreed and in the current situation this will make the most impact, and then we can hold tight and shoot for a better award but yes, a merit at 4% for hourly staff only.

Mr. Gary Palmer asked for clarification whether this was a merit or a COLA, as it was discussed as a COLA in the workshop, and is this for all employees except the department heads.

Councilmember Casey Olson stated that the Personnel Policy states differently so that would need to be amended asap.

Councilmember Sara Countryman stated that she did not see the \$8000.00 in the EDC budget for the transcribing of the minutes, does the employee get the \$8000.00 and the 4%.

Ms. Nici Browe responded that the Deputy City Secretary performs minutes for the MEDC as part of her duties, the MEDC reimburses the City the \$8000.00 it does not go to the individual employee.

Councilmember Carol Langley confirmed that the EDC reimbursement amount of \$275,000 includes that \$8000.00.

Councilmember Casey Olson moved to approve the budget for FY2023-2024 with the amendment that the COLA would be 4% beginning January 1, 2024, for all employees with the exception of the department heads. Councilmember Carol Langley seconded the motion.

Mayor Byron Sanford called the roll for a vote: -

- Councilmember Carol Langley Yes
- Councilmember Casey Olson Yes
- Councilmember Sara Countryman Yes
- Councilmember Cheryl Fox Yes
- Councilmember Stan Donaldson Yes.

Motion Passed (5-0).

- 5. Consider, Adopt and Set by Ordinance the 2023 Ad Valorem Tax Rate for Maintenance and Operations. **\$.3030/\$100**

Councilmember Sara Countryman moved to approve the Ordinance as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

- 6. Consider, Adopt, and Set by Ordinance the 2023 Ad valorem Tax Rate for Debt Service, **\$0.0970/\$100.**

Councilmember Casey Olson moved to approve the Ordinance as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

- 7. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, SETTING THE AD VALOREM TAX RATE OF THE CITY OF MONTGOMERY, FOR THE YEAR 2023 AT A RATE OF **\$0.400** PER ONE HUNDRED DOLLARS (\$100) VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITES OF THE CITY OF MONTGOMERY AS OF JANUARY 1, 2023 SPECIFYING SEPERATE COMPONENTS OF SUCH RATE FOR OPERATIONS AND MAINTENANCE AND FOR DEBT SERVICE, LEVYING AN AD VALOREM TAX FOR THE YEAR 2023 PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR COLLECTION AND ORDAINING OTHER RELATED MATTERS.

Mr. Gary Palmer introduced the Ordinance regarding the ad valorem tax rate.

Councilmember Casey Olson stated he would like to point out that he and others have worked tirelessly to prevent any raises in taxes, this will be its 5th plus year, and as long as he is here, he will continue to stop any tax rate increases.

Councilmember Carol Langley moved to approve the Ordinance by reading the formal wording regarding tax rate at \$0.400 per one hundred dollars valuation. Councilmember Casey Olson seconded the motion.

Mayor Byron Sanford called the roll for a vote: -

- Councilmember Carol Langley Yes
- Councilmember Casey Olson Yes
- Councilmember Sara Countryman Yes
- Councilmember Cheryl Fox Yes
- Councilmember Stan Donaldson Yes.

Motion Passed (5-0).

- 8. Consideration and possible action regarding the award of the contract for “Water and Sewer Operations and Maintenance Services” and authorize the City Administrator to execute the contract.

Mr. Mike Muckleroy presented this item and confirmed that the city went out for an RFP for a water sewer operations provider as the contract with H2O, the city’s current operator, is due to

expire. He stated after reviewing all bids he is recommending the city award the contract to Hayes and the owners are here this evening to answer any questions that you may have.

Councilmember Casey Olson asked when Hayes would begin operating for the city.

Mr. Muckleroy responded on 1st of November.

Councilmember Sara Countryman stated that there were some billing issues in the past, and it took a lot to hammer it out.

Councilmember Carol Langley asked who oversees the invoices billed to the city.

Mr. Muckleroy responded that it is him and he goes through everything with a fine toothpick to make sure it is accurate.

Councilmember Casey Olson moved to approve the award to Hayes as presented. Council member Cheryl Fox seconded the motion. **Motion Passed (5-0).**

9. Consideration and possible action on A RESOLUTION BY THE CITY COUNCIL OF MONTGOMERY ADOPTING LABOR STANDARDS PROCEDURES AND OVERSIGHT RESPONSIBILITY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) PROJECT WITH THE GENERAL LAND OFFICE (GLO), STATE CONTRACT NO. 19-076-017-B366.

Mr. Dave McCorquodale introduced this item and explained that the resolution is required to be adopted by the city stating it adopts fair labor standards. Grant works the city's grant manager must be covered by this act.

Councilmember Sara Countryman moved to approve the resolution as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

10. Nomination and Appointments/Reappointment to the Montgomery Economic Development Corporation, Planning and Zoning Commission, and Transportation Advisory Committee.

Councilmember Carol Langley moved to nominate "Arnette Easley" to the Board of Directors of the EDC. Councilmember Sara Countryman seconded the motion. **Motion Passed (5-0).**

Councilmember Sara Countryman moved to reappoint Dan Gazda to the Planning & Zoning Commission. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

Mr. Palmer discussed the transportation committee, and stated that with Chief or his alternate which is George Hernandez, it is a 5-member committee, and one city councilmember should be on the committee also.

Mayor Byron Sanford stated that Shawn Davis is an excellent choice for the committee as a resident expert in the field of transportation, George Hernandez as the alternate for the Chief, and hoped that Stan or Sara would fill the remaining spaces until a full committee is formed.

Councilmember Sara Countryman stated that she nominates Stan to be the council person on the committee, but she would gladly step in to fill the spot until the committee can locate another candidate.

Councilmember Sara Countryman moved to approve: Shawn Davis, George Hernandez, Sara Countryman and Stan Donaldson to the Transportation Committee. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

11. Consideration and Possible action to approve a TexPool Resolution Amending Authorized Representatives.

Councilmember Casey Olson moved to approve the resolution as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

12. Consideration and possible action on calling a Public Hearing to be held on October 10, 2023, at 6:00 PM related to a request to locate a HUD-code manufactured home at 14692 North Liberty Street, Montgomery, Texas.

Mr. McCorquodale introduced this item by providing the city council with a history of this request, and the process to follow such a request to the city council for approval as a mobile home outside of a mobile home park.

Councilmember Casey Olson asked if the city helps residents to complete all of the forms for permits.

Mr. McCorquodale responded that the staff helps as much as possible yes.

Councilmember Carol Langley moved to call a Public Hearing on October 10, 2023, at 6:00 PM. Councilmember Casey Olson second the motion. **Motion Passed (5-0).**

13. Authorize the Sale of City-Owned Real Property Known as 213 Prairie Street in Downtown Montgomery.

Mr. Gary Palmer presented this item and informed the city council that this property is the property purchased with the intent of making it a city police department, however, it became cost prohibitive. In order for the city to sell such property we have to advertise it in the paper and have authorization from council for him to list broker services to assist with the sale.

Councilmember Carol Langley moved to authorize the City Administrator to sell the real estate property as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

14. Consideration and possible action on a Chapter 380 Agreement by and between the City of Montgomery and Home Depot USA, Inc. for the Buffalo Springs Drive Roadway Reconstruction and Traffic Signal at SH105W & Buffalo Springs Drive projects.

Mayor Byron Sanford stated that this item does not need any action as this will be discussed in a meeting called for October 2, 2023, at 6:00 P.M.

DEPARTMENTAL REPORTS:

15. Sales Tax Report for September 2023
16. Utility Operations Report (H2O)
17. Public Works Report
18. Municipal Court Report.

19. Police & Code Enforcement Report
20. Engineer's Report.
21. City Administrator Report

All city departments provided their reports to the city council and were included int the city council packet.

Councilmember Carol Langley moved to accept/approve all departmental reports. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

EXECUTIVE SESSION:

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

Sections 551.071 (consultation with attorney: Redbird Meadow, pending litigation)

551.072 (deliberation regarding real property),

551.074 (personnel matters).

The City Council convened into Executive Session at 7:21 P.M.

The City Council reconvened into Regular Session at 7:58 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Consideration and possible action on items discussed in Executive Session.

No action taken on items discussed in Executive Session.

COUNCIL INQUIRY:

Councilmember Carol Langley stated that Tuesday, October 3rd is the City's Faith in Blue event being held at the Community Center grounds and the downtown area.

Mayor Byron Sanford stated that he had sat down with other local officials and mayors who are lobbying for a rail program, again making sure that demographics are accurate for the city in order to have the opportunity for alternative funding.

ADJOURNMENT

Councilmember Cheryl Fox moved to adjourn the meeting. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

Adjourned at: 8:14 P.M.

Submitted by: Nici Browe, TRMC
City Secretary

Date Approved: _____

Byron Sanford, Mayor

**Special City Council Meeting
MINUTES**

October 02, 2023, at 6:00 PM

CALL TO ORDER

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

Present:	Byron Sanford	Mayor
	Carol Langley	City Council Place #1
	Casey Olson	City Council Place #2
	Sara Countryman	City Council Place #3
	Cheryl Fox	City Council Place #4
	Stan Donaldson	City Council Place #5

Also Present: Dave McCorquodale Assistant City Administrator/ Planning Dev. Director

Nici Browe	City Secretary & Director of Administrative Services
Chris Roznovsky	WGA City Engineers
Clay Trozzo	Home Depot Representative
Caleb Villarreal	Johnson Petrov, Attorney (via phone)

INVOCATION

Mayor Byron Sanford provided the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No members of the public addressed the City Council.

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action on a Chapter 380 Agreement with Home Depot for the Buffalo Springs Drive Roadway Reconstruction and Traffic Signal at SH105W & Buffalo Springs Drive projects.

Mr. Dave McCorquodale introduced the item and provided an overview and update and stated the latest agreement in front of the city council tonight has been looked at by all parties and is in order.

He then read the changes discussed in the workshop specifically the termination (b) remedies.

Councilmember Casey Olson inquired where the change on mediation is in the document.

Mr. Caleb Villarreal, City Attorney reminded the council that it is to be part of the engineer’s road and signal process and is a concurrence with the engineers, not a mediation.

Councilmember Casey Olson inquired with the City Engineer on the timeline for materials.

Mr. Chris Roznovsky stated that it would be about a six-month lead time.

Councilmember Stan Donaldson asked if that means it should be by September of next year.

Mr. Roznovsky confirmed that was the goal.

Mr. McCorquodale read a response to the city council from the City Attorney regarding mediation.

Mayor Byron Sanford stated that this is good as it gives the city the flexibility it needs to go forward with our own timeline.

Mr. Clay Trozzo said that the city would still be working with him, Jordan and Renee, and if there is anything that needs to be discussed it can start with them, and he cannot imagine it ever getting to the point of mediation.

Councilmember Stan Donaldson asked what type of road is planned.

Mr. Roznovsky responded that the road is to be concrete with an open ditch on either side, similar to that on CB Stewart.

Councilmember Stan Donaldson asked if there would be curbs.

Mr. Roznovsky responded there would not be curbs, it is open ditches.

Councilmember Sara Countryman inquired about the drainage and route thereof.

Mr. Roznovsky responded that the drainage would lead to Hwy105 and into the creek.

Councilmember Casey Olson moved to accept the 380 Agreement as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (4-1)**. Councilmember Sara Countryman voted against.

ADJOURNMENT

Councilmember Sara Countryman moved to adjourn. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0)**.

ADJOURNED: 6:16 P.M.

Submitted by: _____
Nici Browe TRMC, City Secretary

Date Approved: _____

Byron Sanford, Mayor

City Council Regular Meeting
MINUTES

October 10, 2023, at 6:00 PM

CALL TO ORDER

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

Present:	Byron Sanford	Mayor
	Carol Langley	City Council Place #1
	Casey Olson	City Council Place #2
	Sara Countryman	City Council Place #3
	Cheryl Fox	City Council Place #4
	Stan Donaldson	City Council Place #5

Also Present:	Gary Palmer	City Administrator
	Alan Petrov	City Attorney
	Diana Cooley	Deputy City Secretary

INVOCATION

Mayor Byron Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No visitors addressed the City Council.

ANNOUNCEMENT:

Mayor Byron Sanford read the Proclamation for World Teachers’ Day.

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action on cancellation of the second council meeting for November and December.

November

2nd Meeting – November 28, 2023 (Thanksgiving 11-23)

December

2nd Meeting – December 26, 2023 (Christmas 12-25)

Councilmember Cheryl Fox moved to cancel the meetings for November and December for the second Council meetings as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

2. Public Hearing related to a request to locate a HUD-code manufactured home at 14692 North Liberty Street, Montgomery, Texas.

Mr. McCorquodale said this is an opportunity for anyone in the public to speak regarding the request. Mr. McCorquodale said there are three letters the requestor had given them today from neighbors for support which will count under the public hearing.

Mayor Byron Sanford **Opened** the public hearing at: **6:06 P.M.**

Ms. Scherhanda Hughes stated she is requesting to place a manufactured home on her property at 14692 North Liberty Street. Ms. Hughes said there is a home there currently which is not livable and will be demolished in order to place the manufactured home on the property.

Mayor Byron Sanford **Closed** the public hearing at: **6:07 P.M.**

3. Consideration and possible action on a request to locate a HUD-code manufactured home at 14692 North Liberty Street, Montgomery, Texas.

Mr. McCorquodale said the agenda report explains what the requirements are to locate a HUD manufactured home outside of a park. Mr. McCorquodale said Council has met one of those requirements, which is to hold a public hearing and said the other requirements must be met during the building permit inspection process.

Mr. McCorquodale said staff has no objection and recommends approval of the request.

Councilmember Sara Countryman said on the survey submitted it shows the property is one acre but the details state that it is .705 acres and asked if there is an updated survey to reflect the actual .705 acres.

Mr. McCorquodale said he does not know if Ms. Hughes has one but this is the one, she has provided.

Ms. Hughes said the church provided the survey.

Councilmember Sara Countryman said the survey provided shows 1.0568 acres which was provided in the packet they received but when she went to the County Appraisal District it shows .705 which is what they have in the notes, but the map does not match the notes.

Mr. McCorquodale said what the church had done was buy some of the northern end of it and said there is still more than enough side yard.

Councilmember Sara Countryman said she likes corresponding information to match, the house in the drawing gives a size of 56 feet long by 26 feet and four inches yet in the information provided on the agenda it says the size of the house is 56 feet by 28 feet. She then asked which it was.

Councilmember Stan Donaldson said that is the normal width for a double wide mobile home.

Councilmember Casey Olson said you are looking at the structure and not the actual measurement, the structure of the home is 26 by four and once you start adding everything else to move it down the highway it will be around 28 feet split in half as it would be 14 feet wide.

Councilmember Sara Countryman said that was not stated anywhere and she was just going off the information provided, adding that she is in support of the home but just wants to ensure what they are approving is what it states here.

Mr. McCorquodale said on **page 10** the floor plan of the home as well as the specs from the home came from the home manufacturer and the survey on page 17 came from the application.

Councilmember Sara Countryman said even on the model it shows 28 feet x 56.

Mr. McCorquodale said that is what he is reading on **page 10**.

Councilmember Casey Olson said once you start adding everything on you will be adding an additional four to eight inches on each side. He added that “26” is the post and when adding everything else to it, it will be bigger.

Councilmember Sara Countryman asked if they need to get a new survey.

Councilmember Casey Olson said the survey was provided to them by the homeowner and based off the measurements they used to qualify it there is more than enough room.

Councilmember Sara Countryman said she is all for that, but she just wanted the paperwork to match.

Mayor Sanford said Ms. Hughes stated several times there are things to be confirmed during inspection and that could be part of it, for instance the gas lines will be part of bringing that in so setting it up will not be a problem.

Mr. McCorquodale said this is not the actual permit you are approving tonight, but just an approval that would allow staff to be able to review and approve that permit.

Mayor Sanford asked if Ms. Hughes still qualified for this.

Mr. McCorquodale said yes.

Mayor Sanford said Ms. Hughes works at his church and everyone knows her, so it is not a problem.

He went on to say that he has been in contact with some groups, and they are going to oversee the removal through some organizations and the porch is not going to be a problem.

Councilmember Casey Olson moved to approve the request as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0)**.

4. Consideration and possible action on the Final Plat for Montgomery Bend Section One.

Ms. Katherine Vu said Montgomery Bend is the development on FM 1097 to the east of Terra Vista and they are ready to present their final plat. She continued by informing the council that this went to Planning & Zoning last week for their review and was approved.

Ms. Vu said per their development agreement they are allowed to have 45-foot-wide lots with five-foot setback on the condition that no pertinences will be placed within the setback lines, they are keeping in line with that throughout their plat.

Ms. Vu stated that they have reviewed it in accordance with the other ordinances and have no objections to the plat. The applicant has turned in all other required documents and all have been delivered to City Hall.

Councilmember Stan Donaldson asked if they have the performance bond.

Ms. Vu said they do, they received both a performance and a payment bond for the contract that is currently ongoing. She went on to say part of doing the final plat while still in construction is that they submit a performance and a payment bond, and they will also submit when they go to accept the infrastructure a maintenance bond for 30 percent of the value of the infrastructure.

Ms. Vu said all three of those bonds have already been submitted to the city.

Councilmember Stan Donaldson asked how much money the bond is.

Ms. Vu said she does not remember off the top of her head but is calculated based on the actual construction cost that the developer is paying for the infrastructure that is going to be accepted by the city.

Councilmember Casey Olson moved to approve the recommendation as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

5. Consideration and possible action on a Proposal for Water Plant No. 2 Improvements submitted by the city engineer.

Ms. Vu said with Well #2 currently being out of service, what is presented in the packet includes a proposal from WGA to not only abandon the existing well and drill a new well but also take care of some improvements on site that have been needing to be done including but not limited to blasting and recoating the hydro pneumatic tank and other touch up coatings around the site as well as replacing the ground storage tank that is onsite with a same size ground storage tank.

Ms. Vu said what they are recommending since the City is still working through funding for construction of the project is to authorize design only which will take them all the way through plan approval and while the City is working on gathering funding and once the funding is available, they would come back for authorization to advertise for bids and continue on with the construction phase at that time.

Ms. Vu said their design phase services are \$109,000.00 in a lump sum amount and they are expecting 45 days for survey and 120 days for design including working with Lone Star for any permitting that may be needed to drill the new well.

Mayor Sanford asked if the entire timeline would be in the spring.

Ms. Vu said the whole timeline is around one year, which is what they expected and unfortunately it is not quick to get a new well put in.

Councilmember Casey Olson said they are looking to drill another well in the next three to five years and asked if they are completely replacing everything at well site #2.

Ms. Vu said that is correct.

Councilmember Casey Olson asked if that is the best place for the well to be redrilled.

Ms. Vu said even if well #2 had never gone down they would still recommend another well on the west side of town.

Councilmember Casey Olson said he understands that but is that the best place to put Well #2 since they know the foundation is already stressed and eroded which is why it collapsed. Ms. Vu added she does not know that the well collapsed necessarily only because of the formation as it is also a 40-year-old well with an undersized casing that is not used today as a much larger casing is used.

Ms. Vu said she does recommend putting it on this site so they can get the city back into a healthy water supply as it is a site that is readily available with facilities that are already available and said she does believe this is the best location for the well.

Mayor Sanford asked if what Ms. Vu was saying is that the age outweighs the location.

Ms. Vu said yes.

Councilmember Casey Olson said he knows a thing or two about wells and said he questions the formation structure being strong enough to withhold the pulling.

Ms. Vu said that will also come out during the hydrogeological report that Wet Rock is performing right now and if it turns out this site is not usable for the well, they are going to put it somewhere else.

Ms. Vu said they would not put a well in a place that is not usable. She asserted that as of today she has no reason to believe it is not a good site and definitely understands the concerns but also wants to get Wet Rock's study back.

Councilmember Cheryl Fox asked when they expect to receive the report back from Wet Rock.

Ms. Vu said it will be for a few more weeks.

Councilmember Casey Olson said his concern is approving this and spending money on something they are not sure they want to build there to begin with.

Councilmember Sara Countryman asked if they could approve it under the condition of seeing what Wet Rock has to say.

Councilmember Sara Countryman asked what the secondary site would be if they did not use the current location.

Ms. Vu said if for whatever reason this site comes back, and it is not usable then they would go to the west side of town. The Redbird Meadows is going to be dedicating a one-acre site to the city for a water plant and that is where they will start looking.

Ms. Vu said the first thing they would do is stop designing, come back to the Council and present the situation.

Councilmember Sara Countryman said they do not want to spend \$25,000.00 on design and then the site is not usable.

Councilmember Casey Olson said exactly, because they pay by the hour, and they design for a week or two weeks and then if they cannot drill there they have to start over somewhere else.

Ms. Vu said no it is a lump sum design fee.

Councilmember Casey Olson said he just wants to make sure it is the right place to put it.

Ms. Vu said she definitely understands the concerns. The first 45 days are for the survey, stating that if the survey would need to be put on the west side of town, they have a survey from Redbird Meadows anyway and if that needs to happen there are solutions and they are not at a dead end.

Mayor Sanford said he would recommend they put a contingency statement upon agreement of the hydrogeological report pending that expresses the concerns of the Council with the understanding they do have an alternative site with Redbird Meadows.

Ms. Vu said the land has not been physically dedicated to the city yet, but it is in an agreement and they have it survey ready to go but it just has not been conveyed to the City yet.

Councilmember Sara Countryman said more likely it looks like just approving the plan design but holding off until they receive the hydrogeological test results.

Councilmember Sara Countryman moved to approve the planning design contingent on Wet Rock's hydrogeological findings.

Councilmember Sara Countryman said she would like for Council to be able to see the test results.

Ms. Vu said they can certainly bring the results back to the Council. She said what she would recommend is to allow them to get their subconsultants kicked off so they can get them going on survey and that way they do not have too many delays.

Ms. Vu stated they have a year to get through before the well will be back online and she does not want to delay too much but understands Council's concerns as well.

Ms. Vu said they would not really get going on design until they have results back from Wet Rock.

Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

6. Consideration and possible action on calling a Public Hearing regarding the city-initiated rezoning request of the property commonly known as 203 Prairie Street, Montgomery, Texas. Rezoning from Residential to Commercial.

Mr. McCorquodale introduced this item and stated that the sale of the property was placed on hold while the zoning of the subject property was explored. He stated that tonight's action is to call a public hearing the same as if it were a member of the public asking for a rezoning action.

Councilmember Stan Donaldson said so what you are saying is we have to hold off selling the property until this process has been completed.

Mr. McCorquodale responded that it is best, as it is hard to go under option with a pending rezoning.

Councilmember Sara Countryman moved to approve calling the public hearing on November 14, 2023, at 6:00 P.M. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

7. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY ACCEPTING AND APPROVING AN ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR CITY OF MONTGOMERY PUBLIC IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR PAYMENT OF THE ANNUAL INSTALLMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mr. McCorquodale presented the item and explained that a PID levies an assessment which is a flat rate per acre. \$41,000 has been assessed by the County Tax Assessor. The form in the packet tonight requires a signature as it is a PID.

Councilmember Sara Countryman asked when the PID expires.

Mr. McCorquodale responded he believed it to be 15 years as a total time span.

Councilmember Carol Langley moved to approve the Ordinance as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0)**

8. Consideration and possible action on the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SIGNERS FOR ALL CITY OF MONTGOMERY BANKING ACCOUNTS WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

Ms. Maryann Carl, Finance Director, presented this item and explained that this was similar to what has been done in the past, this updates all signers on the bank accounts to reflect accurate users.

Councilmember Sara Countryman moved to approve the Resolution as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

Councilmember Sara Countryman stated that she had spent some time in City Hall and spent time with Ms. Carl and found it highly informative and eye opening. She went on to thank Maryann.

9. Consideration and possible action on the following Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE CREATION OF A NEW ACCOUNT AND THE SIGNERS FOR THE AFOREMENTIONED CITY OF MONTGOMERY BANKING ACCOUNT WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE DATE.

Ms. Maryann Carl presented this item and explained that this is specifically for the escrow funds for Home Depot. It is to add to the existing accounts for the same users.

Councilmember Sara Countryman moved to approve the Resolution as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

EXECUTIVE SESSION:

The City Council did not go into Executive Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No Executive Session.

Councilmember Carol Langley made a motion to take an item out of order, hearing from a resident regarding water bills. Councilmember Casey Olson seconded the motion. Motion Passed (5-0).

Ms. Loren Treuil – Dina Lane, Montgomery spoke to the city council regarding the exceptionally high-water bills that her and her neighbors within Town Creek have been receiving. She stated that she has owned four homes before the one she is in now and never had \$300-\$400 water bills. Ms. Treuil stated that she had checked her rates, pulled all of the papers she could and says she has been overcharged over the last three months ranging from \$15.00 to \$60.00 the appendix A late charge was based off of doubling that I am told.

Ms. Treuil reads aloud “that the first two thousand gallons of water is \$16.00, the next two thousand gallons is \$2.75. She went on to state that she called the utility office who told her that the \$2.75 is per thousand not per 2000 gallons. The water bills for the whole neighborhood were extremely high, she cut down on watering, and even let her grass die, yet the bill was still high.

Ms. Treuil stated that she has some serious concerns in how the water rates are written and or being interpreted, she needs help and guidance as she already knows of at least one neighbor who is looking to move out of Montgomery as he cannot continue to pay such high water/sewer rates – receiving an \$834.00 water bill when the average in the state of Texas is around \$97.00 per month, adding that the sewage is the same rate as the water bill which doesn’t quite make sense.

COUNCIL INQUIRY:

Councilmember Sara Countryman stated that the previous speaker provided a perfect segway into what she would like to discuss. She stated that she had sent all of the council an email thread where a customer was seeking assistance and included the top two in her neighborhood who have cut back on their water, yet their bills have doubled.

Councilmember Sara Countryman spoke of two homeowners who had extremely high bills, one who quit watering which left them a crispy yard but is still very high. She has noted that even her own bill there has been an uptick, which appears to be in August, not sure if there was issues, if the meters are not reading and she would be happy to discuss these emails as she feels there will be an influx of these bills coming into city hall, and we should make sure we provide customer service for them too and let them know they are heard.

Councilmember Sara Countryman then stated that she encourages staff to not berate them or talk about them let's get a plan, what is our message and what are we going to do.

Councilmember Casey Olson stated that if we don't like the way our staff does business, they follow policy, then we need to change policy rather than berate staff because they are following the policies, is out of step. If we don't like our policies, then we are the ones that need to change them. Our policy does not have that in it, I agree we need to change it.

Councilmember Sara Countryman stated that she also thinks too that there should have been discussion of how we can help you, let's talk about getting you caught up, so you don't get your water turned off.

Councilmember Casey Olson said that he does not disagree, but they followed the rules that we gave them.

Councilmember Sara Countryman said sure, there are other ways to skin a cat.

Councilmember Casey Olson said but if they go outside of policy, then we are going to say oh wait you didn't follow policy why did you do that for them. NO, they follow policy if we don't like it is up to us to change it. If you want to berate someone you are looking at them (*indicating all of council*).

Councilmember Sara Countryman said hold on for \$50.00 and what if she paid an extra \$10.00 to prevent her water being cut off, was that option given.

Councilmember Casey Olson said Sarah, its not in the policy. We need to change it to make it able to be broken into payments, but to blame staff for following the rules that we gave them is incorrect.

Mayor Byron Sanford said he would like to substantiate that if they are following policy and we have all addressed this at some point it just seems inconceivable that we cut somebody's water off, he went on to say Gary, I would like for you to direct us to come back on this issue as this is the just the bottom of this issue, he feels like it is a customer service issue that is missing there, but we need to get the directives on that, therefore I agree with both parties here. He went on to say, with that said the exorbitant \$800 bills is ridiculous do we have a leak or something.

Councilmember Sara Countryman said Right, there is even a former council person with these issues and has looked and even paid \$200 for a plumber to check for leaks.

Mayor Byron Sanford said he had done some research and other cities have this issue (*inaudible, conversation between Councilmember Sara Countryman and Councilmember Cheryl Fox blocked full audio*)... Mayor Bryon said it seems to me the rates are set by somehow there is a reading problem as I don't know how in the world you could use that amount of water, as my highest bill is only \$140 when I drained by spa one time.

Mayor Byron Sanford continued by saying that one time he had a leak, he checked with Mike, Mike showed him, but we need to develop a relationship with these people with issues, and we need to be customer service friendly so as a mayor let's get a plan to diagnose these issues as he wouldn't stay if he had those top end bills.

Councilmember Casey Olson stated he wants to get back to the policy, we need to rewrite our policy that allows for some type of extension or payment plan.

Councilmember Carol Langley stated that at one time we had a policy that allowed that, and I don't know what happened to it.

Councilmember Sara Countryman asked when the last time the policy was updated.

Councilmember Cheryl Fox stated that she doesn't know how long ago, but at one time when Regina worked here you could make payments.

Mayor Byron Sanford asked Mr. Mike Muckleroy, Public Works Director how often people would get to that point.

Mike Muckleroy stated that we do have people that get cut off, and to speak for Nici as she isn't here, we do work with them as much as possible. What I will say is whenever a customer says flat out, they are not going to pay money that is owed as they don't believe, then that places it in a different situation.

Councilmember Sara Countryman spoke but was inaudible.

Mike Muckleroy continued by saying when you say I am not paying this and you can figure out what to do with it yourself, then that is a completely different situation and that is not the city refusing to work with them, that is the customer saying I am not paying and that is exactly what happened, she told the front desk....

Councilmember Sara Countryman said let's get to a payment plan, let me help you, let us get you caught up.....Councilmember *Carol Langley spoke therefore Councilmember Sara Countryman and Councilmember Langley's audio were inhibited.*

Councilmember Sara Countryman says instead of an email thread giving their experience, rather than how to help, that is what my point was. I don't need people going on, but something like Hey we are here to help you, we don't want your water cut off either, so what can we do, is it \$10.00 extra a month, if the cut off fee is \$50.00 let's get you under \$50.00.

She added let's have a conversation and be customer service oriented about it and she has talked to a few people who have been upset with their water bills and said they have called, and she appreciates that you Mike that you do your due diligence too with eye on water, but I do think we have an issue.

Mike Muckleroy says he goes through the usage with customers and every single time, or most of the time, its irrigation, the homeowner doesn't realize they are irrigating as much as they are. Occasionally a toilet flapper gets stuck, and we can't tell exactly, other than its easy to tell its irrigation, as it has a pattern.

Ms. Tureil spoke (*audio low not near a mic*) and said the meter (*inaudible*) was never over \$120.00 in Cypress.

Councilmember Casey Olson said that to get the sewer off of your bill you would need two meters, as for the water you use you get billed for sewer, having a separate irrigation meter would prevent that.

Mr. Gary Palmer stated he would take a look at the policy and current situations.

Mayor Byron Sanford stated that he had a meeting with the top directors at HGAC for two hours, then we got in a car and I showed them stuff, all of our needs, the hydrogeological stuff, the roads, I showed them everything, so we are now following up Friday with staff and himself on a zoom conference, then from

that one we are going to bring a group in that is specific to our needs, they are going to tour everything and classify what are our top needs, but whatever our top need is he wants the HGAC to do.

He went on to say that he has checked and when you look at the EDC Director position in the job description it has: “build relationships with TXDOT, HGAC etc.”, therefore it is not a part time deal.

The HGAC has money to give, but it is competitive therefore you are going to need to have a person on staff who is fully dedicated to seeking grants and networking.

ADJOURNMENT

Councilmember Stan Donaldson moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

Adjourned 6:58 P.M.

Minutes prepared from video/audio footage

Submitted by: Nici Browe, TRMC
City Secretary & Director of Administrative Services

Approved by: _____
Mayor, Byron Sanford

Date: _____

City Council Workshop
MINUTES
October 23, 2023, at 5:00 PM

CALL TO ORDER

Mayor Byron Sanford called the meeting to order at 5:00 p.m.

- Present: Byron Sanford Mayor
- Carol Langley City Council Place #1
- Casey Olson City Council Place #2
- Sara Countryman City Council Place #3
- Cheryl Fox City Council Place #4
- Stan Donaldson City Council Place #5

- Also Present: Gary Palmer City Administrator
- Nici Browe City Secretary
- Maryann Carl Finance Director
- Chris Roznovsky City Engineer
- Mike Muckleroy Public Works Director
- James Gilley Financial Advisor

CONSIDERATION AND POSSIBLE ACTION:

1. Review and Discuss the Proposed Capital Improvement Plan and Funding Through Certificates of Obligation

Mr. Gary Palmer, City Administrator, stated that they have officially adopted the budget, and during that process they touched on the CIP. What we must do now is adopt a plan to make it all work.

Mr. Palmer said that they have discussed projects as a priority and Chris is here to walk the council through projects and James Gilley is here to advise on the certificate of obligations. He added that tomorrow there is a resolution on the City Council Agenda to issue a Notice of Intent.

Mr. Chris Roznovsky presented a schedule (*attached to the minutes herewith*) which outlines the MUST DO items, they should do and what can be deferred. He stated that based on the must do's it is a proposed amount of \$3.5 million.

He explained that the well, storage tank and rehabilitation project is ongoing; within the year Wastewater Plant 3(WWP) a booster pump is needed; design for WWP 4. The rest within the column is development driven.

He went on to explain that the Water Line at Buffalo Springs project is linked to the Downtown Development Project and is as needed.

Councilmember Sara Countryman inquired if that is on track for 2024.

Mr. Roznovsky confirmed 2024 is most likely, the MEDC has to decide on a map, the funds have not been set aside for this project, however.

Mr. Roznovsky led a discussion regarding the booster pumps and the cooling tower along with the current need, lead time and current running time of existing pumps.

Mike Muckleroy noted that the costs involved do not take into account the incidental expenses like electrical and piping.

Mr. Roznovsky concluded that all of the projects to include engineering costs comes in at \$4.2 million, with the bond being \$3.5 million you have an \$800,000 delta.

Mr. Roznovsky added that to date all projects and a portion of the water line improvement can be funded in part with impact fees. Montgomery Bend Section II paid their first \$292,000, the second payment is yet to happen, and with Redbird Phase one there is \$633,000 fees to be paid. This will still leave approximately a \$1.2 million shortfall.

Mr. Roznovsky spoke regarding Redbird's agreement to fund the water line and force main and stated that in total the city would need \$4.2 million.

Councilmember Sara Countryman stated that she could not see the \$4.2 million.

Mr. Roznovsky broke down all of the projects and needs to demonstrate the \$4.2 million.

Councilmember Carol Langley felt that the \$4.2 million was too much money for her to be comfortable with, however, accepted that projects need to be done.

Councilmember Casey Olson said we should know what we are going to do with our bonds and asked Mr. Muckleroy what the system is that monitors the street conditions.

Mr. Muckleroy stated that he had wanted that feature but had not pulled the trigger for that yet.

Councilmember Casey Olson said he would prefer that the city gets a comprehensive list of conditions of the streets before we commit to doing the streets.

Mr. Roznovsky said he would rank the streets and Mr. Muckleroy stated that there is an app that actually scans the streets and tells you the conditions.

Councilmember Casey Olson inquired about the cost.

Mr. Muckleroy responded that it is \$5,000.00.

Councilmember Sara Countryman said then it is not a capital project at that price.

Councilmember Casey Olson stated it is if we are going to spend money on the streets.

Councilmember Cheryl Fox said that we need to prioritize which needs repairing.

Mr. Muckleroy noted that there was a different version that is conducted by a company that drives and scans and that is approximately \$30,000 - \$40,000.

Councilmember Carol Langley stated that the county must use something, and we have an ILA with them, will you call and ask maybe they can assist.

Mr. Palmer then began to go through the resolution in detail to explain what the resolution process would be.

Mr. James Gilley stated that what would happen now is he will look at the income and see what debt it could cover and based on utility revenues and assuming there is no rate increase, which he would suggest we do implement he can work the numbers up.

Councilmember Sara Countryman stated that the impact fees will increase for sure.

The council held a discussion about potential increases in impact fees.

Councilmember Stan Donaldson asked for clarification on what self-supporting debt is.

Mr. Palmer directed him to review Exhibit BI. He went on to inform the council that he is putting a cap in the resolution of \$5million.

James Gilley stated that Nici would need to place a notice in the paper at least 45 days prior to the public hearing and a notice to remain on the city website until close of sale of bonds.

Mr. Gilley noted that the AG must look at the bond sale, which can be a 30-day process so we are looking at January for the funds to be available for use.

Councilmember Casey Olson asked how long the bonds were for.

Mr. Gilley responded that typically they are for twenty (20) years.

Councilmember Carol Langley asked if this resolution will be presented like any other resolution at city council tomorrow evening.

Mr. Gary Palmer responded that it has been reviewed by legal and it is a Notice of Intent resolution.

Mayor Byron Sanford said he likes that it is covered by self-supporting revenues.

Ms. Maryann Carl noted that in the body of resolution the date is incorrect for the city council meeting. It should read December 12 at 6:00 PM not 7:00 PM.

ADJOURNMENT

Adjourned at: 5:47 P.M.

Submitted by: Nici Browe, TRMC
City Secretary

Date Approved: _____

Byron Sanford, Mayor

City Council Regular Meeting
MINUTES

October 24, 2023 at 6:00 PM

CALL TO ORDER

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

- Present: Byron Sanford Mayor
- Carol Langley City Council Place #1
- Casey Olson City Council Place #2
- Sara Countryman City Council Place #3
- Cheryl Fox City Council Place #4
- Stan Donaldson City Council Place #5

- Also Present: Gary Palmer City Administrator
- Alan Petrov City Attorney
- Nici Browe City Secretary

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

No visitors addressed city council.

CONSENT AGENDA:

1. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Lonebuff Ventures, LLC for a convenience store development to be located at Town Creek Crossing Section One Commercial Reserve “D”, a 1.642-acre parcel of land at the northwest corner of Lone Star Parkway and Buffalo Springs Bridge Drive. (Dev. No. 2306).

Mr. Palmer addressed the city council stating that the city council had been provided the information in their packet, if there were any specific questions he could ask Mr. McCorquodale upon his return.

Councilmember Stan Donaldson move to approve the escrow agreement as presented. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

Councilmember Sara Countryman asked Mr. Palmer and Ms. Browe when they would see minutes again as it has been a while.

Ms. Browe stated they would be on the next city council agenda along with the workshop minutes.

CONSIDERATION AND POSSIBLE ACTION:

2. Consider Adoption of a Resolution Authorizing the Publication of Notice of Intent to Issue Certificates of Obligation for the Funding of Capital Improvement Projects.

Mr. Palmer introduced this item and reminded the council that this is what was discussed in the council workshop, to fund the must do projects in the city which amounts to \$3.5 million the city would need to issue certificates of obligation. What this resolution is, is an approval of a legal notice of intent to issue those certificates and states a public hearing date.

Councilmember Sara Countryman thanked Mr. Palmer for his diligence and getting this accomplished so swiftly.

Councilmember Sara Countryman moved to approve the Resolution of Notice of Intent as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

3. Consideration and possible action on the appointment of Kristin Gyldenege to Place 1 on the Planning & Zoning Commission.

Mayor Byron Sanford explained that the applications for this applicant and item #4 are in the packet, is there a motion.

The city council collectively asked Ms. Gyldenege what her business was, her time in Montgomery as a business owner and what businesses she has held.

Councilmember Casey Olson moved to approve the appointment of Ms. Gyldenege to Place 1 on the Planning & Zoning Commission. Councilmember Stan Donaldson seconded the motion. **Motion Failed (2-2-1) Councilmembers Langley and Fox voted against with Councilmember Sara Countryman no comment (abstain).**

4. Consideration and possible action on the appointment of Tom Czulewicz to Place 5 on the Planning & Zoning Commission.

Councilmember Sara Countryman moved to approve the appointment of Mr. Czulewicz to Place 5 on the Planning & Zoning Commission. Councilmember Casey Olson seconded. **Motion Passed (5-0).**

5. Application for a City Alcoholic Beverage Permit for 14335 Liberty Street, Montgomery, TX 77356.

Ms. Nici Browe introduced this item and stated the applicant Ryan Routt is seeking to open Krawfish Kai serving alcoholic beverages. This is the city application and the TABC application is ongoing. The city would not issue their permit until the TABC approval has been sent to the city secretary's office.

Councilmember Casey Olson inquired if the policy for processing has been updated.

Ms. Browe stated that was on the goals for this year.

Councilmember Sara Countryman moved to approve the Alcohol Beverage Permit application as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

6. Consideration and possible action approving a resolution for the City of Montgomery to participate in the Texas SmartBuy Membership Program of the Texas Comptroller of Public

Accounts, allowing the Police Department to purchase DPS Approved Toxicology Blood and Alcohol Test Kits accepted by the Texas Department of Public Safety Crime Lab.

Police Chief, Anthony Solomon presented this item and explained that the purchase of the lab kits are costly, they use so many that using a smartbuy program this exponentially reduces the cost. The membership for this program is \$100 annually.

Councilmember Cheryl Fox move to approve the resolution as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

7. Consideration and possible action on the acceptance of the Waterline Infrastructure for Montgomery Bend Section One.

Mr. Chris Roznovsky, WGA City Engineers introduced this item stating the developer had paid the impact fees, and made sure the council understood this was not for the sewer or roads, which will come back later to council, this is so they can allow construction of the lots, and allow temporary water meters.

Councilmember Casey Olson moved to accept the Waterline as presented. Councilmember Stand Donaldson seconded the motion. **Motion Passed (5-0).**

8. Discussion Only of City Council Term Duration.

Mr. Gary Palmer stated that a councilmember had placed this on the agenda as a discussion item. He wanted to inform the city council that the State regulates the terms for a TYPE A and HOME RULE City. However, terms can be amended by a referendum.

Council discussed what was involved to begin the process to change the terms.

Council agreed that a term length of three years is optimum due to the time it takes to acclimate to the office.

No action was taken on this item.

DEPARTMENTAL REPORTS:

9. October Sales Tax Report

10. Utility Operations Report.

11. Municipal Court Report September 2023

12. September 2023 PD&CE Report

13. Public Works Report

14. Special Events Report

15. City Engineer Report

16. City Administrator Report

All Departmental reports were provided by staff highlighting specific areas.

Councilmember Carol Langley moved to approve the Department Reports as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

EXECUTIVE SESSION:

The City Council reserves the right to Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code of the State of Texas.

Sections 551.071(consultation with attorney),[Town Creek and Atkins Creek Hydrology project]

Council Convened into Executive Session at 6:42 P.M.

Council Reconvened into Regular Session at 7:15 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Councilmember Casey Olson moved to authorize the City Administrator to seek qualification for a hydrology study. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

COUNCIL INQUIRY:

Councilmember Sara Countryman asked Mr. Palmer to explain the picture of the “water spout”. Mr. Palmer responded that there was a significant water line break and was a huge force of water, which was repaired very quickly.

Councilmember Carol Langley asked the City Engineer who was coming down College Street with pipes everywhere.

Mr. Roznovsky responded to her inquiry and stated that if there was any mess then he would get on with his inspector as they were not supposed to leave anything behind during or after the process.

Mayor Byron Sanford said that they had an outstanding opening of the Transportation Advisory Committee, with the MISD transportation director in attendance. He went on to say that in piggy backing off of Engineer/Staff meetings the committee can also obtain the information, expertise and guidance. He added that Shawn Davis as a member is valuable as she has good relationships with the commissioners office.

Mayor Byron Sanford informed the public that on November 17th there is a TXDOT open house meeting being held at the Lone Star Community Center.

ADJOURNMENT

Councilmember Casey Olson moved to adjourn the meeting. Councilmember Sara Countryman seconded the motion. **Motion Passed (5-0).**

Adjourned at: 7:24 P.M.

Submitted by: Nici Browe, TRMC
City Secretary

Date Approved: _____

Montgomery City Council
AGENDA REPORT

Meeting Date: November 14, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a Service Agreement for Building Plan Review and Inspection Services between the City of Montgomery and Rick Hanna CBO Partners, LLC.

Recommendation

Staff recommends the approval of the Service Agreement as presented.

Discussion

Issue:

The city contracts with Rick Hanna to provide building inspection and plan review services and has an existing service agreement in place. Mr. Hanna is restructuring his business type/name and the service agreement requires an update to reflect this change.

Regulations:

The existing service agreement was approved in October 2022 and included the city attorney and staff working with Mr. Hanna on the details and provisions of the agreement.

Analysis & Conclusion:

Mr. Hanna has also discussed increasing their Certificate of Occupancy inspection fee from \$50 to \$100. The cost to the customer will not change (currently \$175). City staff supports this change and recommends approval of the service agreement as presented. Mr. Hanna provided a brief summary of the change that is helpful to explain the business name change:

As with all businesses, it is challenging to recruit and retain quality staff. I believe that we have been fortunate to put together an effective team and I am in the process of recognizing their efforts by awarding ownership in a new company. We are setting up the books so that the partnership will be operational on January 2, 2024. Other than issuing payment to a different company name and tax ID number, we hope that you see no change in operations.

*Shavauna Higgins – Operations Manager
Brady Richards – Finance Manager
Cody Hanna – Inspector
Steven Richards – Inspector
Rick Hanna, CBO – Inspector & Plan Reviewer*

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 11/08/2023

RICK HANNA CBO PARTNERS, LLC - SERVICE AGREEMENT

1. **PARTIES:** This Base Agreement (Agreement) is between Rick Hanna CBO Partners, LLC (Contractor) and the City of Montgomery, Texas (Client).
2. **WORK:** The visual building inspection and/or plan review services to be supplied by Contractor at the request of the Client from and after the date of this Agreement. This Agreement shall be effective from the date hereof and shall continue until terminated by either party upon **ninety (90) days** written notice to the other; provided, however, that Contractor's obligations shall survive termination with respect to all Work supplied by or through Contractor prior to termination. The agreement is effective for one calendar year and shall automatically renew with the fees listed unless renegotiated beginning **ninety (90) days prior to the end of the agreement**. **Contractor agrees to provide the City of Montgomery with specific scope services with related fees as outlined in the addendum(s) to this service agreement.**
3. **PAYMENTS:** Contractor will submit invoices bi-monthly to the City of Montgomery for work performed. Invoices will include the date of service, job address, description of service and contracted price for services rendered. The Contractor will not be required to submit separate invoices for each individual service and/or job address. Contractor agrees to honor all bid prices submitted to City of Montgomery from the date of each subject bid through completion of the work. It is agreed that City of Montgomery shall be responsible for payment of invoices from the Contractor. There shall be no exceptions to this requirement. **Provided all requirements in this agreement have been met, payment will be made by the City of Montgomery to the Contractor within fifteen (15) days of receipt of invoice.** The City of Montgomery assures full and prompt payment of all sums due to Contractor pursuant to this Agreement. Delinquent invoices after thirty (30) days will accrue interest at a rate of 15% or the maximum amount permitted by law without regard to any client payments received.
4. **INDEPENDENT CONTRACTOR:** Contractor certifies that Contractor is an "independent contractor" and not an employee of City of Montgomery and as such, certifies that Contractor is solely responsible for all applicable taxes and charges including, but not limited to, withholding taxes, social security taxes and unemployment taxes on Contractor and Contractor's staff. Contractor certifies that, as an independent contractor, Contractor is not under the direction and control of City of Montgomery and certifies that Contractor may be employed by or contract with other companies/municipalities. Contractor certifies that Contractor uses its own vehicles, tools, computers and devices, office supplies, forms, telephone, internet services, and offices at the business address shown below and there has never been, nor will there be, during the term of this Agreement, an employer/employee relationship with City of Montgomery. Contractor certifies that this Agreement went into effect from the date of first performance as a Contractor for City of Montgomery (September 2004). Contractor may engage and supervise additional inspectors (certified by the International Code Council and state licensed as required) and additional office staff as needed to accomplish his duties as his expense.
5. **CONTRACTOR LICENSED SOFTWARE:** Contractor is the licensed owner of the Meritage Systems CommunityCore Solutions and all related "web-based and mobile tools software" utilized by the City of Montgomery. Use of the software by the City of Montgomery is permissible while under the terms of this Agreement with the Contractor. The City of Montgomery may only use the software during the term of this Agreement. Upon termination the City of Montgomery should cease use of the software other than during the 90-day period where Rick Hanna CBO Partners, LLC will allow the City of Montgomery to download and/or print information from the system. No process will be allowed that alters the documentation.

6. CONTRACT DOCUMENTS:

A. **CONTRACT DOCUMENTS** - This Agreement, together with any and all relevant addendums shall constitute the entire Contract Documents (Contract Documents) and there are no other agreements, oral or written, by and between the parties hereto, except as to Contractor’s warranties under any prior or contemporaneous agreement with City of Montgomery which warranties are incorporated by reference herein for all purposes.

7. LICENSES AND CERTIFICATIONS: Contractor shall secure and pay for all licenses and certifications necessary for proper completion of the Work. Additionally, Contractor is responsible for all education and reference materials as may be required for such licenses and certifications.

8. COMPLIANCE WITH LAWS, ORDINANCES AND BUILDING CODES: All parties shall comply with all current applicable laws, ordinances, building codes and all rules, regulations, or orders of all public or regulatory authorities.

9. WARRANTY DISCLAIMER: Nothing in this Agreement shall be construed as a warranty expressed or implied by either Party.

10. INSURANCE:

A. **INSURANCE REQUIREMENTS** - Before commencing the Work as contemplated herein, Contractor shall procure and maintain at his sole cost and expense minimum insurance coverages from insurance companies satisfactory to City of Montgomery. Contractor shall, prior to the commencement of the Work hereunder, furnish City of Montgomery with satisfactory Certificates of Insurance naming the City of Montgomery as an additional insured and providing that no cancellation or other material change in the terms of the policy may be made without thirty (30) days prior written notice to City of Montgomery. City of Montgomery’s receipt of satisfactory insurance certificates complying with the above requirements shall be a prerequisite to payment under this Agreement or any invoice.

11. NOTICES: To the extent not otherwise required by law, notices must be in writing and must be delivered by personal delivery, by certified mail return receipt requested, or by facsimile to the location for each party designated below.

Contractor: Rick Hanna CBO Partners, LLC
4520 FM 1374
Huntsville, TX 77340-2266
Phone: 888-479-1112
Fax: 888-479-1112
Electronic Mail: rhanna@rickhanna.com

City of Montgomery
101 Old Plantersville Rd.
Montgomery, TX 77316
Phone: 936-597-6434
Fax:
Electronic Mail:

Either party may change the location for notice upon written notice, delivered as described above.

12. ALTERNATIVE DISPUTE RESOLUTION: The parties to this Agreement specifically agree that the transactions contemplated herein involve interstate commerce.

A. **MEDIATION OR ARBITRATION:** Contractor agrees to and shall participate in any mediation or arbitration between the Client and any customer of the City of Montgomery if requested by the Client. The contractor shall be paid **\$350** per hour of participation. Directly related expenses will be billed at cost. Rick Hanna CBO Partners, LLC nor any agents of Rick Hanna CBO Partners, LLC can warrant or guarantee the outcome of any matter.

B. **MEDIATION OR ARBITRATION BETWEEN CITY OF MONTGOMERY AND CONTRACTOR** - Contractor agrees that any dispute between City of Montgomery and Contractor (whether contract, warranty, tort, statutory, or otherwise) shall first be submitted to mediation and, if not settled during mediation, shall be submitted to binding arbitration as provided by the Federal Arbitration Act (9 U.S.C. §§ 1 et. seq.) or, if applicable, by similar state statute, and not by or in a court of law. All decisions respecting the arbitrability of any dispute

shall be decided by the arbitrator. The arbitrator shall have the right to award reasonable attorneys' fees and expenses, including those incurred in mediation and arbitration. The parties agree to work together in good faith to select a mediator and, if all disputes are not resolved by mediation, an arbitrator in the county where the subject property is located. If the parties are unable to agree on the appointment of a mediator and/or arbitrator, then the mediation or arbitration, or both, shall be conducted by the American Arbitration Association ("AAA") in accordance with its applicable rules and procedures provided, however, if there is any conflict between this Agreement and such rules or procedures, the provisions of this Agreement shall control. If for any reason the AAA is unable or unwilling to conduct the mediation or the binding arbitration, or both, either party may petition a court of general jurisdiction in the subject county to appoint a mediator or arbitrator, or both.

C. **ARBITRATION** - In any arbitration proceeding involving the parties:

- 1) All applicable Federal and State law shall apply;
- 2) All applicable claims, causes of action, remedies and defenses that would be available in court shall apply;
- 3) The proceeding shall be conducted by a single arbitrator selected by a process designed to ensure the neutrality of the arbitrator;
- 4) The parties shall be entitled to conduct reasonable and necessary discovery;
- 5) The arbitrator shall render a written award and, if requested by any party, a reasoned award;
- 6) Any award rendered in the proceeding shall be final and binding and judgment upon any such award may be entered in any court having jurisdiction.
- 7) The prevailing party shall be entitled to attorney's fees and costs as well as costs and expenses reasonably incurred.

D. **SURVIVAL** – Contractor and City of Montgomery agree that notwithstanding anything to the contrary contained herein, the rights and obligations set forth in the mediation/arbitration provisions set forth above shall survive (1) the termination of this Agreement by either party; or (2) the breach of this Agreement by either party. The waiver or invalidity of any portion of the mediation/arbitration provisions set forth above shall not affect the validity or enforceability of the remaining portions of those provisions and/or this Agreement. City of Montgomery and Contractor further agree (1) that any dispute involving the directors, officers, employees and agents of either City of Montgomery or Contractor shall be resolved as set forth herein and not in a court of law; and (2) that City of Montgomery shall have the option to include Contractor as a party in any mediation and arbitration between City of Montgomery and any customer or client of City of Montgomery and, if City of Montgomery does opt to include Contractor in such mediation and arbitration, Contractor shall fully participate therein pursuant to the terms set forth above. If any party to this Agreement files a proceeding in any court to resolve any controversy, dispute or claim, such action shall not constitute a waiver of the right of such party or a bar to the right of any other party to seek arbitration of that or any other claim, dispute or controversy, and the court shall, upon motion of any party to the proceeding, direct that such controversy, dispute or claim be arbitrated in accordance with this Agreement.

13. FORCE MAJEURE: Any delay or nonperformance of any provision of this agreement by either party (other than payments) which is caused by events beyond the reasonable control of either party or by Acts of God, shall not constitute a breach and the time for performing shall be extended for a period equal to the duration of the event prevent performance.

14. INVALIDITY: It is understood and agreed by the parties hereto that if any of the clauses or provisions of this Agreement shall contravene or be invalid under the laws of the State of Texas, such contravention of invalidity shall not invalidate the entire Agreement, but it shall be construed as if not containing the particular clause or provision held to be invalid, and the rights and obligations of Contractor and City of Montgomery shall be construed and enforced accordingly.

- 15. **GENDER:** The "Contractor" and words "City of Montgomery," include singular or plural, individual, partnership or corporation, and the respective heirs, executors, administrators, successors, and assigns of City of Montgomery, Contractor and subcontractors, as the case may be. The use of any gender applies to all genders. If more than one party is named as Contractor, the obligation hereunder of each such party is joint and several.
- 16. **BINDING AGREEMENT:** The Contract Documents are complimentary, and what is called for by anyone shall be binding as if called for by all. This Agreement shall remain in full force and effect from the execution date and until terminated in writing. This Agreement and the terms and covenants herein contained shall apply to and be binding upon the parties hereto, their heirs, successors and assigns. None of the rights, interests or obligations created by this Agreement may be assigned, transferred, or delegated in whole or in part by the parties hereto, and any such purported assignment transfer or delegation shall be void.
- 17. **ASSIGNMENT:** Contractor shall not assign this Agreement or any payments due or to become due hereunder without the prior written consent of City of Montgomery.
- 18. **ENTIRE AGREEMENT:** This Agreement contains the entire agreement among the parties, and no oral statements or prior written matters not specifically incorporated herein shall be of any force and effect. No variation, modification or changes hereof shall be binding on either party hereto unless set forth in a document executed by all the parties hereto. If there is a conflict between this Agreement and any terms contained in any proposal, invoice or other agreement between City of Montgomery and Contractor, the terms of this Agreement shall control.
- 19. **TIME OF THE ESSENCE:** Time is of the essence in the performance of Contractor's obligations hereunder.
- 20. **GOVERNING LAWS:** The laws of the State of Texas shall govern the validity, enforcement and interpretation of this Agreement. The obligations of the parties are performable in **Montgomery** County, Texas and the parties hereto consent to such venue for purposes of any action arising out of this Agreement. The parties agree that the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

Executed November 14, 2023 Effective as of January 1, 2024.

Contractor: Rick Hanna CBO Partners, LLC City of Montgomery

By: _____ By: _____

Printed name: Rickey E. Hanna Printed name: Byron Sanford

Title: Manager Title: Mayor

4520 FM 1374
Huntsville, TX 77340-2266
Phone: 888-479-1112
Fax: 888-479-1112
Electronic Mail: rhanna@rickhanna.com

101 Old Plantersville Rd.
Montgomery, TX 77316
Phone: 936-597-6434
Fax:
Electronic Mail:

Addendum "A"
Specific Scope of Service and Fees
September 1, 2022

Contractor agrees to provide services to the City of Montgomery as follows:

- (a) Serve as Building Inspector and Plumbing Inspector for construction, remodeling, and renovation of certain structures submitted to the City in accordance with the City Ordinances and building codes
- (b) Serve as Plan Reviewer and perform commercial and residential plan reviews with reports as requested, submitted to the City in accordance with the City Ordinances and building codes.
- (c) Report to Building Official, Director of Planning & Development or other city staff as assigned.
- (d) Advise the City Council of new and/or relevant state and federal regulations concerning building codes.
- (e) Work with the City of Montgomery regarding notifications of Code violations and participate in required hearings as needed.
- (f) Prepare Reports to the City Council as requested.

City of Montgomery shall designate a staff member to serve as Permit Technician to receipt all permit fees and enter permits in the CommunityCore system. Rick Hanna CBO Partners, LLC shall not be responsible for negotiating nor collecting fees. The City will be provided with up to three (3) sign-in accounts for the CommunityCore system for an annual fee of \$No charge during current contract year.

Inspector shall be paid from inspection fees and other fees collected by the City of Montgomery in accordance with the fee schedule below:

Structural Inspections (Foundation Make-up; Framing Rough; Energy Code Rough; Final Building and similar inspections as covered by Building Permit) - \$100 each up to 5,000sf covered area and \$20 for each additional 1,000sf covered area.

Mechanical, Electric, Plumbing and Irrigation Inspections (Ground; Rough; Top-Out; Final and similar inspections as covered by Trade Permits) - \$50 each up to 5,000sf covered area and \$10 for each additional 1,000sf covered area

Inspection requests with less than 24-hour notice – The deadline for requests for the following business day shall be received by Contractor by Noon. Inspection fee is Doubled for short request (based on availability & scheduling).

Change of Occupancy Inspection - \$100 each trip.

Non-Permit Inspection / Stop Work Notice - \$150 each trip.

Evaluations, Meeting Attendance, Special Requests - \$200 first hour and \$50 for each additional quarter hour on site and \$100 per hour for report preparation unless otherwise agreed upon by all parties.

Plan Reviews – 75% of the Plan Review Fee (one-half of Building Permit Fee) collected by City or as may be individually negotiated.

Permit Entry in Community Core – one-half of Base Fee (standard is \$50) (based on availability & scheduling).

CommunityCore and/or Permit Technician Training - \$50 per hour (based on availability & scheduling).

Montgomery City Council
AGENDA REPORT

Meeting Date: November 14, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Acceptance of the Planning & Zoning Commission Final Report regarding the city-initiated rezoning of 203 Prairie Street from R1-Single Family Residential to B-Commercial.

Recommendation

Staff recommends a motion to accept the Final Report as presented.

Discussion

At their regular meeting on November 7th, the Planning & Zoning Commission approved a preliminary report on the rezoning request for 203 Prairie St. from R1-Single Family Residential to B-Commercial. After holding a Public Hearing and considering the rezoning request, the Commission approved the attached Final Report.

State law requires that the City Council accept the Final Report from the Planning & Zoning Commission before holding a Public Hearing and taking action on the rezoning request.

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 11/09/2023

PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: DAVE MCCORQUODALE, DIRECTOR OF PLANNING & DEVELOPMENT
NICI BROWNE, CITY SECRETARY

SUBJECT: REPORT CONCERNING A PROPOSED RECLASSIFICATION OF 203 PRAIRIE STREET, MONTGOMERY, TEXAS, A 0.225-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, MONTGOMERY TOWNSITE 02, TRACT 4, AREA B, IN MONTGOMERY COUNTY, TEXAS COMMONLY KNOWN AS 203 PRAIRIE STREET, MONTGOMERY, TEXAS 77356 FROM R1-SINGLE FAMILY RESIDENTIAL TO B-COMMERCIAL.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances (“the Code”), the Montgomery Planning and Zoning Commission met on November 7, 2023 to consider a city-initiated request to reclassify the property as B-Commercial. The property is currently city-owned property.

After a duly noticed public hearing with an opportunity for public comments concerning the requested rezoning classification, the Commission found:

- The property is currently zoned R1-Single-Family Residential.
- The rezoning request for the parcel to be B-Commercial is consistent with the proposed use and with other developments in the vicinity. One adjacent property is an historic home currently used as a residence.
- The Commission found it is not contrary to the interest of the community to reclassify the land use zoning designation of said tract to B-Commercial.

- By a unanimous vote of the members present, the Planning and Zoning Commission hereby presents this Recommendation and Report pursuant to Section 98-30 of the City Code, recommending to APPROVE reclassification of the land use zoning designation of said property on the Official Zoning Map of Montgomery Texas to B-Commercial, thereby subject to all the requirements of Chapter 98 of the City of Montgomery Code of Ordinances for that designation.

I, Dave McCorquodale, on behalf of Bill Simpson, Vice-Chairman of the Montgomery Planning and Zoning Commission, on this 9th day of November 2023, certify the above Report to be true and correct to the best of my knowledge.

Signed: _____


Dave McCorquodale, RLA
Director of Planning & Development

On behalf of:
Bill Simpson, Vice-Chairman
Montgomery Planning & Zoning Commission

Montgomery City Council
AGENDA REPORT

Meeting Date: November 14, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Convene into a Public Hearing regarding the preliminary report on the city-initiated rezoning of the property commonly known as 203 Prairie Street, Montgomery, Texas.

Recommendation

Open the Public Hearing, listen to any comments provided, and close the Public Hearing.

Discussion

There is no formal action needed, conduct the Public Hearing and hear public input on the request to rezone the property from R1 – Single Family Residential to B – Commercial.

Thirteen total property owners within 200-feet were mailed a notification letter of the request and Public Hearing date. Legal notice was published in The Courier of Montgomery County on October 23rd and 25th.

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 11/08/2023

Montgomery City Council
AGENDA REPORT

Meeting Date: November 14, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.225-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER A-8, COMMONLY REFERRED TO AS 203 PRAIRIE STREET, MONTGOMERY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

Recommendation

Staff recommends adoption of the Ordinance as presented.

Discussion

The City Council asked staff to pursue rezoning of the city-owned property at 203 Prairie Street at the September 26th meeting. Subsequently, both City Council and the P&Z Commission called Public Hearings on the rezoning request and staff mailed 13 notification letters and published legal notice twice in The Courier of Montgomery County with the dates and times of the Public Hearings.

At the P&Z meeting on November 7th, no comments were given by the public. No comments were provided prior to the P&Z or City Council meetings (at the time of this writing). Staff did reach out via phone to Karl & Debbie Brosch, whose home and backyard lie to the north of the property to ensure they received the letter and were aware of the Public Hearings.

Staff recommends rezoning the property from R1-Single Family Residential to B-Commercial and adoption of the Ordinance as presented.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 11/09/2023

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.225-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER A-8, COMMONLY REFERRED TO AS 203 PRAIRIE STREET, MONTGOMERY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, the City Council has passed the City of Montgomery Zoning Ordinance providing certain rules and regulations concerning zoning within the City of Montgomery, as found in the Code of Ordinances ("CODE") at Chapter 98; and

WHEREAS, the Property described in attached Exhibit "A." (the "Property") is currently zoned "R-1" (Single-Family Residential) on the City's Official Zoning Map; and

WHEREAS, the Owner, the City of Montgomery, has requested that the City Council rezone the Property as "B" Commercial as authorized by Section 98-30 of the CODE; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the proposed zoning reclassification of the Property on November 7, 2023; and

WHEREAS, pursuant to Section 98-30(c) of the CODE, the City Planning and Zoning Commission has submitted a Final Report to the City Council in which it has voted to approve and recommend that the Property be reclassified as "B" Commercial consistent with its proposed use; and

WHEREAS, a public hearing was also conducted on November 14, 2023 before the City Council, as authorized by Section 98-30(d) of the CODE, in order to consider the Final Report and the proposed amendment of the zoning classification of the Property to; and

WHEREAS, the City Council finds that all notifications and other procedures required by Section 98-30 of the CODE have been followed; and

WHEREAS, the City Council has determined that it is not contrary to the interests of the citizens of the City that the Property should be reclassified as "B" Commercial Zoning.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, MONTGOMERY COUNTY, TEXAS THAT:

Section 1. Adoption of Recitals. The recitals in the preamble to this Ordinance are hereby adopted as the findings and conclusions of the City Council.

Section 2. Amendment to the City Zoning Map. Pursuant to Section 98-30 of the Code of Ordinances, City of Montgomery, Texas, the Official Zoning Map of the City of Montgomery is hereby amended so that the zoning classification of the Property as described in the attached Exhibit “A”, is reclassified as B–Commercial.

Section 3. Codification of this Ordinance. Wherever any provision of this Ordinance provides for the amendment of the Code of Ordinances, City of Montgomery, Texas, such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the Ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified Ordinance shall be deemed invalid on the basis of a variance in the number or section of this Ordinance and its codified provisions. The failure to codify the specified provisions of this Ordinance shall not affect their validity or enforcement.

Section 4. Repeals all Ordinance in Conflict with this Ordinance.

Any and all provisions of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 5. Savings Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Ordinance shall not be affected hereby, it being the intention of the City Council of the City of Montgomery in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section 6. Effective Date.

The effective date of this Ordinance shall be upon its passage and publication.

PASSED AND APPROVED this ____ day of _____, 2023

Byron Sanford, Mayor

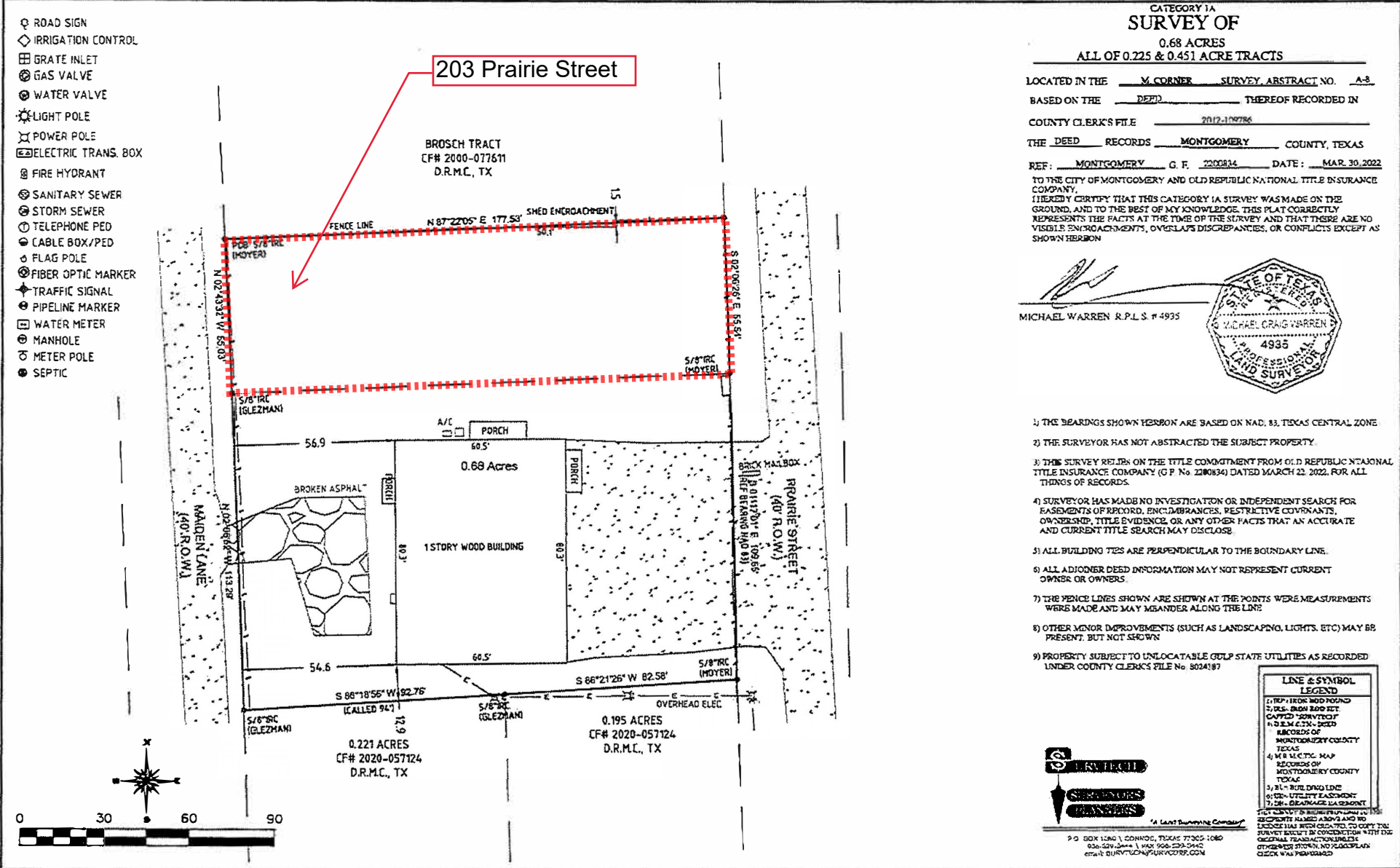
ATTEST:

Nici Browe, TRMC, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

DRAFT



CATEGORY 1A
SURVEY OF

0.68 ACRES
ALL OF 0.225 & 0.451 ACRE TRACTS

LOCATED IN THE M. CORNER SURVEY, ABSTRACT NO. A-3
BASED ON THE DEED THEREOF RECORDED IN
COUNTY CLERK'S FILE 2012-109786
THE DEED RECORDS MONTGOMERY COUNTY, TEXAS
REF: MONTGOMERY G. F. 2200834 DATE: MAR. 30, 2022

TO THE CITY OF MONTGOMERY AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY,
I HEREBY CERTIFY THAT THIS CATEGORY 1A SURVEY WAS MADE ON THE GROUND, AND TO THE BEST OF MY KNOWLEDGE, THIS PLAT CORRECTLY REPRESENTS THE FACTS AT THE TIME OF THE SURVEY AND THAT THERE ARE NO VISIBLE ENCROACHMENTS, OVERLAPS, DISCREPANCIES, OR CONFLICTS EXCEPT AS SHOWN HEREBON

[Signature]
MICHAEL WARREN R.P.L.S. # 4935

- 1) THE BEARINGS SHOWN HEREBON ARE BASED ON NAD 83, TEXAS CENTRAL ZONE.
- 2) THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY.
- 3) THIS SURVEY RELIES ON THE TITLE COMMITMENT FROM OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY (G.F. No. 2200834) DATED MARCH 22, 2022, FOR ALL THINGS OF RECORDS.
- 4) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 5) ALL BUILDING FEES ARE PERPENDICULAR TO THE BOUNDARY LINE.
- 6) ALL ADJOINER DEED INFORMATION MAY NOT REPRESENT CURRENT OWNER OR OWNERS.
- 7) THE FENCE LINES SHOWN ARE SHOWN AT THE POINTS WHERE MEASUREMENTS WERE MADE AND MAY MEANDER ALONG THE LINE.
- 8) OTHER MINOR IMPROVEMENTS (SUCH AS LANDSCAPING, LIGHTS, ETC) MAY BE PRESENT, BUT NOT SHOWN.
- 9) PROPERTY SUBJECT TO UNLOCATABLE GULF STATE UTILITIES AS RECORDED UNDER COUNTY CLERK'S FILE No. 8024187.

LINE & SYMBOL	LEGEND
1) 1" = 100' HATCH	1) 1" = 100' HATCH
2) 1/8" = 100' HATCH	2) 1/8" = 100' HATCH
3) 1/4" = 100' HATCH	3) 1/4" = 100' HATCH
4) 1/2" = 100' HATCH	4) 1/2" = 100' HATCH
5) 3/4" = 100' HATCH	5) 3/4" = 100' HATCH
6) 1" = 100' HATCH	6) 1" = 100' HATCH
7) 1 1/2" = 100' HATCH	7) 1 1/2" = 100' HATCH
8) 2" = 100' HATCH	8) 2" = 100' HATCH
9) 3" = 100' HATCH	9) 3" = 100' HATCH



P.O. BOX 1280 | CONROE, TEXAS 77385-1280
936.529.2444 | FAX 936.259-2442
email: SURVEY@A-LANDSURVEYING.COM



SURVEYORS

PLANNERS

"A LAND SURVEYING COMPANY"

March 30, 2022

A-8 0.68AC

Being 0.68 acres, situated in the M. Corner Survey, Abstract 8, Montgomery County, Texas, and being all of a called 0.225 & 0.451 acre tracts as recorded under County Clerk's File No. 2012-109786, Real Property Records Montgomery County (RPRMC, TX), and said 0.68 acre tract being more particularly described as follows:

BEGINNING, at a 5/8" iron rod found, capped "MOYER", for the southwesterly corner of Brosch Tract as recorded under County Clerk's File No. 2000-077611, also being along the easterly line of Maiden Lane (40' right-of-way), and being the northwesterly corner of the herein described tract;

THENCE N 87° 22' 05" E (Bearing of basis: NAD 83, Texas Central Zone), along the southerly line of said Brosch tract, a distance of 177.53 feet to a fence tee for the southeasterly corner of said Brosch tract, also being along the westerly line of Prairie Street (40' right-of-way), and being the northeasterly corner of the herein described tract;

THENCE S 02° 06' 26" E, along the westerly line of Prairie Street, a distance of 55.54 feet to a 5/8" iron rod found, capped "MOYER", along the westerly line of Prairie Street, and being an angle point of herein described tract;

THENCE S 01° 17' 01" E, along the westerly line of Prairie Street, a distance of 109.65 feet to a 5/8" iron rod found, capped "MOYER", along the westerly line of Prairie Street, also being the northeasterly corner of a called 0.195 acre tract as recorded under County Clerk's File No. 2020-057124, and being the southeasterly corner of herein described tract;

THENCE S 86° 21' 26" W, along the northerly line of said 0.195 acre tract, a distance of 82.58 feet to a 5/8" iron rod found, capped "GLEZMAN", also being the northeasterly corner of a called 0.221 acre tract as recorded under County Clerk's File No. 2020-057124, and being an angle point of herein described tract;

THENCE S 86° 18' 56" W, along the northerly line of said 0.221 acre tract, a distance of 92.76 feet (Deed: 94 feet) to a 5/8" iron rod found, capped "GLEZMAN", for the northwesterly corner of said 0.221 acre tract, also being along the easterly line of Maiden Lane, and being the southwesterly corner of herein described tract;

THENCE N 02° 08' 52" W, along the westerly line of Maiden Lane, a distance of 113.29 feet to a 5/8" iron rod found, capped "GLEZMAN", along the easterly line of Maiden Lane, and being an angle point of herein described tract;

THENCE N 02° 43' 32" W, along the easterly line of Maiden Lane, a distance of 55.03 feet back to the **POINT OF BEGINNING**, and containing 0.68 acres within this description.

**Montgomery City Council
AGENDA REPORT**

Meeting Date: November 14, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject
 Consider Appointment of John Fox to Planning & Zoning Commission Place 1.

Recommendation
 Staff recommends the appointment of John Fox to Place 1 of the Planning & Zoning Commission

Discussion

Issue:
 The Planning & Zoning Commission currently has one vacancy out of a total of five commissioners.

Regulations:
Sec. 98-50. - Membership and appointment.
The Planning and Zoning Commission shall be composed of five qualified individuals. These individuals shall be residents of the city and be registered to vote in city elections. The City Council will consider for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. It is the intent of the city council that members shall, by reason of their diversity, constitute a commission, which is broadly representative of the community...

Analysis & Conclusion:
 Attached is John Fox’s application to serve on the P&Z Commission. Mr. Fox is a former mayor and council member and long-time resident of the city. Mr. Fox’s background in real estate development and home construction would provide a valuable perspective and knowledge to the Commission. Staff recommends the appointment of John Fox to Place 1 on the P&Z Commission.

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 11/08/2023

City of Montgomery Application for Consideration of Appointment

Name of Board/Commission/Committee: Planning & Zoning

Name: Fox John L.
(Last) (First) (Middle)

Home Address: 821 Stewart St 281-224-9224
(Street) (Home Phone No.)

Email Address: MontgomeryFoxes@msn.com

Mailing Address: 821 Stewart St Montgomery 77316
(Business Phone /Fax)

Employer: Retired
(Name/Address)

Occupation: _____

Do you live inside the city limits of Montgomery?* Yes X No ___ If So, How Long? _____

Are you a business owner/operator/employee in the City of Montgomery?* Yes ___ No X

If So, How Long? _____ Name of Business _____

So the council may know more about you, please complete the following:

Education: CONSTRUCTION STANDARDS & ENGINEERING OVER 45 YEARS

Related Experience/Community Service: FORMER MAYOR - CITY COUNCIL
FORMER DIRECTOR RESIDENTIAL CONST. TECH. THE WOODLAND
TREC. LIC. - REMTOR STATE LIC. HOME BUILDER
TREC LIC INSPECTOR MEMBER BOARD WOODLANDS DESIGN

Areas of Interests Related to this Committee: STANDARDS COMMITTEE
45 YEARS EXPERIENCE HOME BUILDING & LAND DEVELOPMENT

Please specify membership on any other governmental board/commission/committee:
NONE - Retired

Please provide a brief narrative outlining your reasons for seeking appointment to this board/ commission.

TO ASSIST IN ENFORCEMENT CONSTRUCTION, STANDARDS & DEVELOPMENT
CRITERIA FOR THE CITY OF MONTGOMERY

[Signature]
Signature

Nov 6, 2023
Date

*Some (not all) boards/commissions/committees require members to reside within the city limits. Please return completed form to the City Secretary's office for processing, P.O. Box 708 (mailing); 101 Old Plantersville Rd. (physical), Montgomery, TX 77356. Your application will be kept on file for 12 months. NOTE: When filed at city hall, this will become a public document that may be disclosed per the Texas Public Information Act. NOTE: The city council will receive only this page of information; no attachments will be retained or forwarded.

Montgomery City Council
AGENDA REPORT

Meeting Date: November 14, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Presentation of a proposed 96-acre estate lot single-family residential development as submitted by Devpoint, LLC.

Recommendation

Listen to the presentation and discuss with the developer.

Discussion

Devpoint, LLC (the development arm of Gracepoint Homes) contacted the city recently about a proposed 96-acre residential development between Eva Street (SH 105) and Lone Star Parkway on the west side of the city that would feature estate lots and gated (private) streets. Staff recommended presenting to the P&Z and City Council to get feedback from city leaders on the project.

If the project moves forward, it will follow the city’s typical development process. The developer will provide the presentation materials at the meeting.

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 11/09/2023

Montgomery City Council
AGENDA REPORT

Meeting Date: November 14, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on calling a Public Hearing to be held on December 12, 2023 at 6:00 pm related to a rezoning request for approximately 3 acres of land near the intersection of Clepper Street and C.B. Stewart Drive from B-Commercial to I-Institutional.

Recommendation

Listen to the presentation, discuss with the church representatives, and provide feedback as you see fit. Following the presentation:

Staff recommends a motion to call the Public Hearing on the rezoning request to be held on December 12, 2023 at 6:00 pm at city hall.

Discussion

Issue:

The Woodlands Methodist Church is pursuing the purchase of the property on the northwest corner of Clepper & C.B. Stewart Streets for a future church. The church has submitted a rezoning application for the property requesting the current B-Commercial designation be changed to I-Institutional.

The church would like to give a short presentation to City Council about their proposed project. The presentation information will be provided at the meeting.

Regulations:

Chapter 211 of the Texas Local Government Code prescribes land use and zoning regulations that cities must follow. Chapter 98 of the City Code of Ordinances regulates local zoning actions.

Analysis & Conclusion:

A property owner has the right to request a rezoning action if the property is within a city that has enacted land use zoning. Due process makes this a ministerial action, and the Council should call for the Public Hearing to allow for citizen input before discussing the merits of the request and taking action on the rezoning request. The P&Z has called a Public Hearing on the rezoning request to be held on 12/05/23.

Staff recommends calling the Public Hearing as stated.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 11/09/2023

Montgomery City Council
AGENDA REPORT

Meeting Date: November 14, 2023	Budgeted Amount: N/A
Department: ADMIN	Prepared By: G. Palmer

Subject
 Consider Amendment to the Personnel Policy to Remove Cost of Living Allowance (COLA) Restrictions

Recommendation
 Amend the Personnel Policy as Proposed

Discussion
 Our current Personnel Policy states *all* employees shall receive a cost of living allowance (COLA) if awarded. The City Council approved a Cost of Living Increase *for certain employees* effective January 01, 2024. Therefore we must amend the Personnel Policy to allow for this application of COLA for specific employees.

Approved By		
		Date:
Gary Palmer City Administrator		Date: October 16, 2023

III. COMPENSATION		Reference No.	3.07
SUBJECT	Compensation Plan	Last Revised	June 2022

STATEMENT OF POLICY:

The purpose of the Compensation Plan is to ensure that the City is able to attract, retain and motivate Employees through a compensation plan that is fair, representative of ability and performance, and promotes the City’s goals and overall vision.

Applicability

This policy is applicable for all Employees of the City of Montgomery as indicated with respect to performance, employment status, and job classification. The policy is generally applicable for the position of City Administrator with the understanding that the City Council must approve any changes in the base salary, job description and working conditions of the City Administrator.

Objectives

This policy has the following objectives:

- To ensure that Employees of the City of Montgomery have a fair and equitable compensation plan
- To comply with Federal, State, and Local regulations
- To allow for a compensation plan that is fiscally sound and cost-effective
- To provide a pay plan that the City can easily administer and maintain
- To provide a compensation system that provides incentives and recognition consistent with City goals and values
- To establish a pay for performance system to aid in retaining and rewarding quality Employees

Provisions

Pay Plan: The City of Montgomery hereby adopts a pay plan that is based on salary grades, job descriptions, and uniform evaluations. The City Administrator is authorized to administer the plan and to make interpretations of this plan where specific instructions are not provided. City Council will approve the annual personnel budget, which reflects this plan.

Budget: City Council will approve personnel expenditures during the budget process along with a classification system. Operational changes may allow for the City Administrator to authorize different positions within the adopted personnel budget, but any Staffing changes that will result in higher personnel costs must be brought to City Council for approval via a budget amendment.

Starting Pay: Starting pay for positions will depend upon relevant education and experience. It is expected that the starting pay will fall somewhere between the Minimum and the Min-to-Mid point of the relevant pay range. A Department Director may recommend hiring an applicant at a salary above minimum based upon factors including but not limited to education, related experience, exceeding minimum qualifications, market factors, City needs, and business necessity. Recommendations for salaries above the minimum salary must be approved by the City Administrator (or designee) prior to extending a job offer to an applicant. The following guidelines apply to all job offers:

Starting Pay Rate	Required Approval Before Job Offer
Minimum rate for pay grade, up to 10% over minimum	Department Director
Over 10% of minimum of pay grade	Department Director & City Administrator
Police on Step Plan	According to Step Plan

Job Description: The City will maintain an approved job description for each budgeted/established position. These job descriptions will be the basis for evaluations and will be reviewed as needed. The City Administrator (or designee) will have final approval overall job descriptions, except that the City Council will approve any changes to the job description of the of the City Administrator and City Attorney.

Certification Pay: Certain Employees are eligible for extra pay based on certifications and or degrees earned. The amount(s) of extra pay received are based on the highest eligible level attained in each applicable category. This is awarded as a separate stipend that is separate from the Employee’s regular rate of pay. The City Administrator has the final authority for approving or disapproving Departmental certification programs.

Longevity Pay: The City values retaining good Employees. As a result, the City will pay \$4.00 per month for each full year of continuous service. Longevity pay will be paid the first paycheck of December as a lump sum for service earned through the end of the current calendar year. This policy applies to all Regular Full-Time Employees only who have completed 1 year of consecutive regular Full-Time employment with the City. This policy does not apply to Part-Time, Temporary and Seasonal Employees. Service time used for purposes of calculating longevity pay will be capped at 20 years.

1. Non-uniformed Employees will receive longevity pay after the completion of 1 year of consecutive regular Full-Time employment; retroactive to the first month of employment.
2. Uniformed Police Personnel will receive longevity pay on a monthly basis based on the number of months of service.

Terminating Employees will receive payment for any accrued longevity pay on a pro-rata basis for the number of months worked during the year in which they terminate.

Evaluations: All formal Employee evaluations will be conducted using standard evaluation forms approved by the City Administrator. The direct Supervisor of the Employee will conduct the evaluation with final approval given by the appropriate Department Director. The City Administrator will be responsible for completing the evaluations of appropriate subordinates.

Evaluations will be conducted on an annual basis at a time designated by the City Administrator. Additional evaluations may be administered on an as-needed basis. The resulting score of an evaluation will determine the appropriate level of a pay increase, if any. An evaluation score that merits a rating of “Unsatisfactory” or Improvement Required” will require the Supervisor to schedule a follow-up review within three months to monitor the progress of the Employee.

The performance evaluation process is intended to accomplish the following:

- a. To enhance individual Employee performance and ensure effective City operations.
- b. To promote and support performance/behavior.
- c. To document formal and informal performance discussions held with Employees throughout the review period.
- d. To document performance areas in which Employees do well and those that require improvement.
- e. To link Employee performance to merit increase considerations.

Each Supervisor is responsible for setting and communicating clear performance standards for his/her Employees at the beginning of, and throughout, the review period. In evaluating Employees, Supervisors shall consider factors such as the experience and training of the Employee, the job description, and the Employee’s attainment of previously set goals and objectives.

If an Employee is not meeting expectations, a Performance Improvement Plan may be developed with the Employee in accordance with appropriate City policies.

If an Employee disagrees with a performance evaluation, they may include their own statement to be included in the personnel profile. Performance evaluation results and any related pay increases will not be appealed.

Pay for Performance: This manner of tying performance to pay is called “Pay for Performance.” Each Department has its own Pay for Performance evaluation criteria for each specific position and function. The City uses Employee performance evaluations to provide a process by which job performance is periodically and regularly appraised for purposes of development, to note areas for improvement, counseling, to establish performance improvement goals, and to support pay decisions. This process enables the City to maintain a high standard of professionalism with competent, well-trained Employees.

Annual Merit Increases: The annual budget will include an amount that may be granted to an Employee as a performance incentive. When an evaluation determines that a merit pay increase is appropriate, the Employee’s overall rating will determine the percentage increase for which the Employee is eligible. Any Employee hired after February 26, 2008, must complete one full year of service in order to be eligible to receive a merit increase. Merit increases will be effective on January 1 of each year. The Employee’s Department Director does have some discretion within the respective ranges. The chart below is an example of how a merit pay increase will be calculated:

Overall Evaluation Rating	Evaluation Score	Percentage Increase
Superior	50-55	5%
Above Expectations	40-49	4%
Meets Expectations	30-39	3%
Below Expectations	20-29	No Pay Increase
Unsatisfactory	10-19	No Pay Increase

Evaluation Procedure: Supervisors complete evaluations on subordinate Employees. A member of the “Management Team” from the respective Department must review and approve evaluations prior to review with the Employee. If the Employee’s overall rating is below expectations or unsatisfactory, a Performance Improvement Plan must be completed by the Supervisor and reviewed by the Management Team Member, the Department Director, and the City’s Human Resources Official prior to review with the Employee. If the Employee’s overall rating meets expectations, is above expectations, or is superior, the evaluation and an appropriate form are required to be completed and sent to the City’s Human Resources Official for processing. Merit pay increases will be administered in accordance with this and other applicable policies and the current budget.

The City Administrator has the final approval on all merit increase amounts.

Uniformed Police Pay: Pay for police will be according to the respective Step Plans.

Promotions: An Employee receiving a promotion will not receive a decrease in pay. The minimum raise for an Employee receiving a promotion should be the minimum of the new pay grade or a 10% increase over the current salary, whichever is greater. The only exception to this rule will be if the Employee receiving the promotion and subsequent raise would have a salary that exceeds the maximum of the position's pay range. In this case, the City Administrator will make the final determination of salary/compensation issues. A promotion is defined as moving from a position within the City organization to a position that is assigned a higher pay grade. The promoted Employee's first annual review will be one year from the date of promotion; thereafter, the performance evaluations will occur such that adjustments in pay, if any, are effective as of January 1.

Uniformed Police: If the promotion, by definition, is to a position in a Step Plan in the Police Department, the pay may not result in an increase, but rather the Employee will start at the beginning step of the respective step plan unless otherwise placed in a higher step of that step plan based on experience and/or knowledge applicable to the job position.

Lateral Transfers: Lateral transfers can be the result of Departmental reorganization or may be the request of the Employee or City. When an Employee moves into a new position within the same or different Department that is the same pay grade, there is no salary increase or decrease and the Employee will remain on the schedule for further pay increases.

Demotions: In accordance with budgetary, performance, and/or Staffing issues, demotions and/or reductions in salary may occur. In the event a demotion occurs, the Employee (who must meet the requirements of the lower position) shall be employed at the Employee's current rate of pay or the maximum salary for the lower position, whichever is lower. In the case of a voluntary demotion, the Employee's rate of pay will be adjusted so as not to create internal equity issues in the new position.

Reductions in Salary: In accordance with the documented diminished value of an Employee's service, an Employee's salary may be reduced. The Employee's salary may not be reduced below the minimum of the pay grade of the position.

Lump Sum Adjustments: Over the course of an Employee's tenure with the City, there may be times when it is appropriate for the Employee to receive a one-time lump-sum salary adjustment. Specific reasons for such adjustments must be documented and follow any applicable Laws and/or Statutes. These adjustments may also be given to Employees who have reached the maximum pay of their respective pay grade in lieu of a raise. All lump-sum adjustments will be made within the established personnel budget adopted by Council. If such an adjustment causes the personnel budget to be exceeded, then Council's prior approval must be received.

Cost of Living Adjustments: The Pay Grades and Salaries schedule may be adjusted automatically in October of each year in accordance with the change in the Consumer Price Index – All Urban Consumers, U.S. City Average for All Items as published by the U.S. Bureau of Labor Statistics. No Employees will see a direct increase from this automatic adjustment unless their current salary is below the minimum of the position's new respective pay grade.

The City Administrator may request that City Council authorize a general cost of living adjustment (COLA) to offset the effects of inflation on City Employee salaries.

Other Salary Adjustments: This policy recognizes that other pay adjustments may be necessary at times to address issues of internal equity, competitive market forces or other relevant factors. The City Administrator and/or the City's Human Resources Official will meet as needed to consider such adjustments. The City Administrator (or designee) can authorize other salary adjustments as long as the total approved City personnel budget is not exceeded. If it is projected that such increases will cause the budget to be exceeded, then City Council will be consulted for approval.

Salary Schedules and Step Plans: The current salary schedule (pay plan) for general Employees and the step plans for police are available from Supervisors and the City's Human Resources Official.

Approvals Required: Any changes to Employee pay and/or classifications must be submitted on the appropriate form and approved by the Department Director, City Administrator and/or the City's Human Resources Official.

The City of Montgomery is an at-will employer. This policy, in whole or in part, does not constitute a contract and is not intended to alter the City's status as an at-will employer.

III. COMPENSATION		Reference No.	3.07
SUBJECT	Compensation Plan	Last Revised	June 2022

STATEMENT OF POLICY:

The purpose of the Compensation Plan is to ensure that the City is able to attract, retain and motivate Employees through a compensation plan that is fair, representative of ability and performance, and promotes the City’s goals and overall vision.

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1. Non-uniformed Employees will receive longevity pay after the completion of 1 year of consecutive regular Full-Time employment; retroactive to the first month of employment.
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The performance evaluation process is intended to accomplish the following:

- a. To enhance individual Employee performance and ensure effective City operations.
- b. To promote and support performance/behavior.
- c. To document formal and informal performance discussions held with Employees throughout the review period.
- d. To document performance areas in which Employees do well and those that require improvement.
- e. To link Employee performance to merit increase considerations.

Each Supervisor is responsible for setting and communicating clear performance standards for his/her Employees at the beginning of, and throughout, the review period. In evaluating Employees, Supervisors shall consider factors such as the experience and training of the Employee, the job description, and the Employee’s attainment of previously set goals and objectives.

If an Employee is not meeting expectations, a Performance Improvement Plan may be developed with the Employee in accordance with appropriate City policies.

If an Employee disagrees with a performance evaluation, they may include their own statement to be included in the personnel profile. Performance evaluation results and any related pay increases will not be appealed.

Pay for Performance: This manner of tying performance to pay is called “Pay for Performance.” Each Department has its own Pay for Performance evaluation criteria for each specific position and function. The City uses Employee performance evaluations to provide a process by which job performance is periodically and regularly appraised for purposes of development, to note areas for improvement, counseling, to establish performance improvement goals, and to support pay decisions. This process enables the City to maintain a high standard of professionalism with competent, well-trained Employees.

Annual Merit Increases: The annual budget will include an amount that may be granted to an Employee as a performance incentive. When an evaluation determines that a merit pay increase is appropriate, the Employee’s overall rating will determine the percentage increase for which the Employee is eligible. Any Employee hired after February 26, 2008, must complete one full year of service in order to be eligible to receive a merit increase. Merit increases will be effective on January 1 of each year. The Employee’s Department Director does have some discretion within the respective ranges. The chart below is an example of how a merit pay increase will be calculated:

Overall Evaluation Rating	Evaluation Score	Percentage Increase
Superior	50-55	5%
Above Expectations	40-49	4%
Meets Expectations	30-39	3%
Below Expectations	20-29	No Pay Increase
Unsatisfactory	10-19	No Pay Increase

Evaluation Procedure: Supervisors complete evaluations on subordinate Employees. A member of the “Management Team” from the respective Department must review and approve evaluations prior to review with the Employee. If the Employee’s overall rating is below expectations or unsatisfactory, a Performance Improvement Plan must be completed by the Supervisor and reviewed by the Management Team Member, the Department Director, and the City’s Human Resources Official prior to review with the Employee. If the Employee’s overall rating meets expectations, is above expectations, or is superior, the evaluation and an appropriate form are required to be completed and sent to the City’s Human Resources Official for processing. Merit pay increases will be administered in accordance with this and other applicable policies and the current budget.

The City Administrator has the final approval on all merit increase amounts.

Uniformed Police Pay: Pay for police will be according to the respective Step Plans.

Promotions: An Employee receiving a promotion will not receive a decrease in pay. The minimum raise for an Employee receiving a promotion should be the minimum of the new pay grade or a 10% increase over the current salary, whichever is greater. The only exception to this rule will be if the Employee receiving the promotion and subsequent raise would have a salary that exceeds the maximum of the position's pay range. In this case, the City Administrator will make the final determination of salary/compensation issues. A promotion is defined as moving from a position within the City organization to a position that is assigned a higher pay grade. The promoted Employee's first annual review will be one year from the date of promotion; thereafter, the performance evaluations will occur such that adjustments in pay, if any, are effective as of January 1.

Uniformed Police: If the promotion, by definition, is to a position in a Step Plan in the Police Department, the pay may not result in an increase, but rather the Employee will start at the beginning step of the respective step plan unless otherwise placed in a higher step of that step plan based on experience and/or knowledge applicable to the job position.

Lateral Transfers: Lateral transfers can be the result of Departmental reorganization or may be the request of the Employee or City. When an Employee moves into a new position within the same or different Department that is the same pay grade, there is no salary increase or decrease and the Employee will remain on the schedule for further pay increases.

Demotions: In accordance with budgetary, performance, and/or Staffing issues, demotions and/or reductions in salary may occur. In the event a demotion occurs, the Employee (who must meet the requirements of the lower position) shall be employed at the Employee's current rate of pay or the maximum salary for the lower position, whichever is lower. In the case of a voluntary demotion, the Employee's rate of pay will be adjusted so as not to create internal equity issues in the new position.

Reductions in Salary: In accordance with the documented diminished value of an Employee's service, an Employee's salary may be reduced. The Employee's salary may not be reduced below the minimum of the pay grade of the position.

Lump Sum Adjustments: Over the course of an Employee's tenure with the City, there may be times when it is appropriate for the Employee to receive a one-time lump-sum salary adjustment. Specific reasons for such adjustments must be documented and follow any applicable Laws and/or Statutes. These adjustments may also be given to Employees who have reached the maximum pay of their respective pay grade in lieu of a raise. All lump-sum adjustments will be made within the established personnel budget adopted by Council. If such an adjustment causes the personnel budget to be exceeded, then Council's prior approval must be received.

Cost of Living Adjustments: The Pay Grades and Salaries schedule may be adjusted automatically in October of each year in accordance with the change in the Consumer Price Index – All Urban Consumers, U.S. City Average for All Items as published by the U.S. Bureau of Labor Statistics. No Employees will see a direct increase from this automatic adjustment unless their current salary is below the minimum of the position's new respective pay grade.

The City Administrator may request that City Council authorize a general cost of living adjustment (COLA) to offset the effects of inflation on City Employee salaries.

Other Salary Adjustments: This policy recognizes that other pay adjustments may be necessary at times to address issues of internal equity, competitive market forces or other relevant factors. The City Administrator and/or the City's Human Resources Official will meet as needed to consider such adjustments. The City Administrator (or designee) can authorize other salary adjustments as long as the total approved City personnel budget is not exceeded. If it is projected that such increases will cause the budget to be exceeded, then City Council will be consulted for approval.

Salary Schedules and Step Plans: The current salary schedule (pay plan) for general Employees and the step plans for police are available from Supervisors and the City's Human Resources Official.

Approvals Required: Any changes to Employee pay and/or classifications must be submitted on the appropriate form and approved by the Department Director, City Administrator and/or the City's Human Resources Official.

The City of Montgomery is an at-will employer. This policy, in whole or in part, does not constitute a contract and is not intended to alter the City's status as an at-will employer.

Resolution for Membership in the Houston-Galveston Area Council

WHEREAS, the Governor of the State of Texas has identified the Gulf Coast State Planning Region (consisting of the 13 counties of Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton) as a state planning region for purposes of sub-state regional planning; and

WHEREAS, the local governments of the Houston-Galveston region, including counties, cities, and school districts created the Houston-Galveston Area Council in 1966 in response to their common interests and concerns and the need for a joint regional approach to resolve areawide problems; and

WHEREAS, this voluntary, cooperative venture was intended to assist local governments in serving today and helping to plan for tomorrow to improve their citizens' quality of life by addressing regional issues, problems, and opportunities; by setting priorities and devising policies, plans, and programs to deal with them; and by achieving efficient and effective action on areawide matters and related actions in order to insure the orderly growth and development of the region;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. That THE CITY OF MONTGOMERY TEXAS
(Name of local government)

wishes to become a participating member of the Houston-Galveston Area Council created for the purposes set out above, and hereby applies for membership in said organization by submission of this Resolution and payment of annual dues.

SECTION 2. That this Resolution shall take effect immediately on its adoption.

PASSED on this 14th Day of November 2023 by the City Council of the City of Montgomery TX

ATTEST:

(Witness)

(Judge, Mayor, or President)

Please mail Resolution to:

Houston-Galveston Area Council
Attn: Rick Guerrero
3555 Timmons Ln, Suite 100
Houston, TX 77027

