

**Notice of Special Called City Council
AGENDA**

May 31, 2022 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery City Council will be held on **Tuesday, May 31, 2022, 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 www.montgomerytexas.gov under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The Meeting Agenda Pack will be posted online at www.montgomerytexas.gov. 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.

CONSIDERATION AND POSSIBLE ACTION:

1. Discussion of an Interim City Administrator

- 2. AN RESOLUTION OF THE CITY OF MONTGOMERY, TEXAS, ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR PERMITS GRANTED UNDER CHAPTER 64 OF THE MONTGOMERY CODE OF ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE**

EXECUTIVE SESSION:

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property),551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

- (a) 551.071 Consultation with attorney

- (b) 551.072 Deliberation regarding Real Property

- (c) 551.074 Personnel Matters

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



Nici Browe, City Secretary



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 Friday, May 27 at 3:00 p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MONTGOMERY, TEXAS IMPLEMENTING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR PERMITS GRANTED UNDER CHAPTER 64 OF THE CODE OF ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, Chapter 64 of the Montgomery, Texas Code of Ordinances ("City Code"), regulates peddlers, solicitors, vendors and similar businesses operating within the City of Montgomery, Texas ("City"); and

WHEREAS, the City currently issues permits to any person engaged in the business of peddling, hawking, soliciting, providing donation and/or recycling services of textiles and household goods, transient dealing, roadside food vending or operation of a mobile food unit within the City; and

WHEREAS, the existing provisions of City Code are inadequate, and time is needed to review, study, and revise City Code to fully take into account the impacts related to the timing, location, and manner of operation of peddlers, solicitors and vendors and to adopt reasonable regulations regarding permitting; and

WHEREAS, Chapter 64 of City Code is in need of updating to protect the public against the potential health, safety, welfare, and orderly operation of peddlers, solicitors and vendors throughout the City; and

WHEREAS, the absence of revisions to Chapter 64 of City Code will impair the orderly and effective implementation of contemplated amendments and any further action to issue permits

under Chapter 64 within the City during the period of this temporary moratorium may be in conflict with, or may frustrate the contemplated updates and revisions to City Code; and

WHEREAS, the City Council of Montgomery, Texas ("City Council"), further finds that this temporary moratorium is a matter of local and City-wide importance and is not directed towards any particular peddler, solicitor or vendor that currently seeks to operate under Chapter 64, but is necessary to ensure that such operations are addressed in a uniform and non-discriminatory manner; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to implement a temporary moratorium on the submission, acceptance, authorization, and approval of any new or pending applications or permits to operate under Chapter 64 within the City.

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

Section 1. The findings and recitations set out in the recitals to this Resolution are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. The City Council of the City of Montgomery, Texas hereby implements a temporary moratorium on the submission, acceptance, authorization and approval of any new or pending applications or permits to operate as a peddler, solicitor or vendor, under Chapter 64, effective immediately upon passage of this Resolution, for a period of thirty (30) days or as may be extended by action of City Council, or until the adoption and implementation of regulations as described in the above recitals, whichever may occur earlier.

Section 3. This temporary moratorium applies to all public and private property located within the City.

Section 4. In the case of any conflict between the provisions of this Resolution and any existing resolutions of the City the provision of this Resolution will control during the temporary moratorium period.

Section 5. If any section, paragraph, sentence, clause, phrase or word of this Resolution is declared unconstitutional or invalid for any purpose, the remainder of this Resolution shall not be affected thereby and to this end the provisions of this Resolution are declared to be severable.

Section 6. It is hereby found and determined that the meetings at which this Resolution was passed were open to the public, as required by Section 551.001, et seq., of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given, pursuant to all applicable law.

Section 7. That this Resolution shall take effect immediately upon approval and passage.

PASSED, APPROVED, AND ADOPTED this 24th day of May 2022.

THE CITY OF MONTGOMERY, TEXAS

Byron Sanford, Mayor

ATTEST

Nicola Browe, City Secretary

Alan P. Petrov, City Attorney