

**NOTICE OF PUBLIC HEARING and REGULAR MEETING**

**December 11, 2018**

**MONTGOMERY CITY COUNCIL**

**STATE OF TEXAS**

**AGENDA**

**COUNTY OF MONTGOMERY**

**CITY OF MONTGOMERY**

NOTICE IS HEREBY GIVEN that a **Public Hearing** and **Regular Meeting** of the Montgomery City Council will be held on **Tuesday, December 11, 2018 at 6:00 p.m.** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO FLAGS**

**PUBLIC HEARING:**

**Convene into Public Hearing**

1. **Public Hearing** to receive citizen input regarding a Petition by Area Landowners Requesting Expansion of the Extraterritorial Jurisdiction of City of Montgomery, Texas from Bethyl Laboratories and members of the Carwile family, regarding fourteen contiguous 637.646 acre tracts of land situated in the BENJAMIN RIGBY SURVEY.

**Adjourn Public Hearing**

**Reconvene into Regular Session**

**VISITOR/CITIZENS FORUM:**

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

**CONSENT AGENDA:**

2. Matters related to the approval of minutes for the Budget Workshop held on July 31, 2018, Budget Workshop held on August 7, 2018, Budget Workshop held on September 4, 2018, and Regular Meeting held on November 13, 2018.
3. Consideration and possible action regarding renewal of Cedar Crest Mobile Home Park

4. Consideration and possible action regarding adoption of an ENCROACHMENT AND MAINTENANCE AGREEMENT, between the CITY OF MONTGOMERY, TEXAS (CITY) and STYLECRAFT BUILDERS, INC., a Texas corporation (OWNER). Regarding certain property ("Property") located in the City of Montgomery, Texas on Emma's Way, proposing to place a small retaining wall on the CITY's street right-of-way on Scenic Hills Court with the Subdivision's home owners' association, the STYLECRAFT'S's successor and assignee, to maintain the small retaining wall at no cost to City.
5. Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the Gardner Drive Public Road, Public Waterline, Public Sanitary Sewer, and Public Storm Sewer project.
6. Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the Flagship Boulevard Pavement Repairs project.
7. Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the Heritage Place Medical Center 12" Waterline project.
8. Consideration and possible action regarding approval of Assignment of Economic Development Agreement between Milestone Properties, Inc., Kroger, Texas L.P. the City of Montgomery and the Montgomery Economic Development Corporation.

**CONSIDERATION AND POSSIBLE ACTION:**

9. Consideration and possible action on Department Reports.
  - A. Administrator's Report
  - B. Public Works Report
  - C. Police Department Report
  - D. Court Department Report
  - E. Utility/Development Report
  - F. Water Report
  - G. Engineer's Report
  - H. Financial Report and Quarterly Investment Report
10. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE BY THE CITY COUNCIL OF MONTGOMERY, TEXAS APPROVING A PETITION FOR EXPANSION OF A TOTAL OF 637.646 ACRES OF LAND, MORE OR LESS, IN THE BENJAMIN RIGSBY SURVEY INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MONTGOMERY, TEXAS; DECLARING SAID PROPERTY TO BE IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MONTGOMERY, TEXAS; PROVIDING A SEVERABILITY CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND DECLARING AN EFFECTIVE DATE UPON PUBLICATION AS PROVIDED BY LAW.
11. Consideration and possible action regarding an Animal Control Ordinance.
12. Consideration and possible action regarding advertising for Chief of Police position.
13. Report regarding completion of the Buffalo Springs Bridge.
14. Report regarding City initiated rezoning of parcel of property inside the City.

15. Consideration and possible action regarding rebidding the Baja Street Paving Project.
16. Consideration and possible action regarding appointment to fill the vacant Place #5 on City Council for the term expiring in May 2019.
17. Possible swearing-in of the new City Council Place #5 appointee.

**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.

18. Adjourn into Closed Executive Session to consider real property matters involving certain properties in the city under Section 551.072 of the Texas Government Code and consultation with attorney on confidential legal matters under Section 551.071 of the Texas Government Code.
19. Reconvene into Open Session.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

20. Consideration and possible action if necessary on matters deliberated in Closed 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 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**



  
Susan Hensley, 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 the 7<sup>th</sup> day of December 2018 at 3:30 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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*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.*

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Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> City Administrator	<b>Exhibits:</b> Memo from City Attorney, Petition, Map showing area
<b>Date Prepared: December 6, 2018</b>	

**Subject**

This is a public hearing to consider a petition from the Carwile family and Bethyl Laboratories, Inc., for property to be brought into the City of Montgomery extraterritorial jurisdiction.

**Description**

This is to expand the city's extraterritorial jurisdiction to the Northwest as shown the attached map. As the City Attorney's memo explains, this will extend the City of Montgomery extraterritorial jurisdiction ½ mile northwest of the farthest point of the Carwile and Bethyl properties. By accepting this area into the City's extraterritorial jurisdiction, it creates a large area that can only be annexed by the City of Montgomery in the future rather than by the City of Conroe because the area proposed to be included in the Montgomery ETJ is not currently in the City of Conroe ETJ -- thus without a conflict, the property clearly is in the City of Montgomery's ETJ.

The land in this consideration, is not being proposed to be annexed to the city limits now or anytime in the near future. The act of approving the petition for inclusion of this property into the City of Montgomery's ETJ has no effect on the requirement that a property owner must request the City for annexation to the city limits.

**Recommendation**

As a public hearing, it is an opportunity for the public to speak, not for City Council to comment.

**Approved By**

City Administrator	Jack Yates	Date: December 6, 2018
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**DARDEN, FOWLER AND CREIGHTON, L.L.P.**

ATTORNEYS AT LAW

414 WEST PHILLIPS

SUITE 100

CONROE, TEXAS 77301-2880

GEO B. DARDEN (1904-1994)  
WILLIAM E. FOWLER (1924-1982)  
GERALD J. CREIGHTON, JR. (1930-2014)  
G. MARK CREIGHTON  
LARRY L. FOERSTER  
ROBERT A. ROSENQUIST

CONROE  
(936) 756-3337  
HOUSTON - METRO  
936-441-1963  
FAX NUMBER  
(936) 756-2806

October 9, 2018

**MEMO REGARDING EXPANSION OF CARWILE FAMILY PROPERTIES INTO THE  
CITY EXTRATERRITORIAL JURISDICTION BY PETITION**

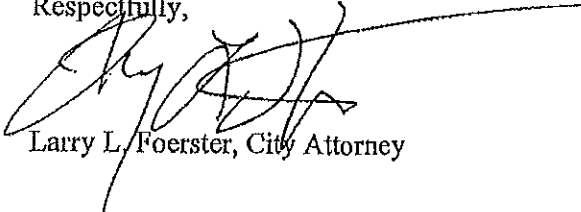
Mayor and City Council:

As you know, Section 42.021(a)(1) of the Texas Local Government Code places the current Extraterritorial Jurisdiction distance limits of the City of Montgomery at one-half mile. Section 42.022(b) of the Code authorizes a Texas municipality such as the city of Montgomery to expand beyond its Extraterritorial Jurisdiction distance limitations of one-half mile if the owners of an area outside but contiguous to the City's Extraterritorial Jurisdiction request that the owners' property be included within the City's Extraterritorial Jurisdiction. The Code does not address the process by which this can be accomplished.

The Carwile family, which owns Bethyl Laboratories, Inc., collectively own several contiguous tracts of land partially inside but largely outside the current Montgomery ETJ on the north and northwest side of the City. Some of these properties are owned by Bethyl Laboratories and some are owned by individual Carwile family members. The Carwile family prefers that their properties be in the City of Montgomery's ETJ rather than possibly be included in the City of Conroe's ETJ as that city expands its city limits through westward annexation.

I propose that the city council consider the Petition by the Carwile family for the City to include their contiguous properties into the City's ETJ, and by resolution accept the Petition and set a public hearing on the Petition. After the public hearing, the city council can vote by ordinance to expand its ETJ to include these Carwile properties.

Respectfully,

  
Larry L. Foerster, City Attorney

**PETITION BY AREA LANDOWNERS REQUESTING EXPANSION OF THE  
EXTRATERRITORIAL JURISDICTION OF CITY OF MONTGOMERY, TEXAS**

TO THE MAYOR OF THE GOVERNING BODY OF MONTGOMERY, TEXAS

In accordance with Section 42.022(b) of the Texas Local Government Code, the undersigned owners of the hereinafter described fourteen (14) tracts of land, which are contiguous to the existing Extraterritorial Jurisdiction of the City of Montgomery, hereby petition your City Council to expand the present Extraterritorial Jurisdiction of the City of Montgomery to include as part of the Extraterritorial Jurisdiction of the City of Montgomery, Texas, the following described territory owned by these undersigned Petitioners, to wit:

All that certain 637.646-acre tracts of land, more or less, situated in the BENJAMIN RIGBY SURVEY, Abstract No. 31, Montgomery County, Texas. Said fourteen (14) contiguous tracts being more fully described in the attached Exhibit "A".

We, the undersigned owners of the tracts of land described in Exhibit "A," individually and collectively certify that the above described tracts of land are contiguous to the existing Extraterritorial Jurisdiction of the City of Montgomery, Texas, and that this petition is signed and duly acknowledged by each and every person having an interest in said tracts of land.

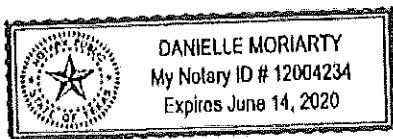
**BETHYL LABORATORIES, INC., a Texas corporation**

Signed: Henry F. Carwile  
Henry F. Carwile, President

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared HENRY FIELDS CARWILE, known to me to be the person whose name is subscribed to the forgoing instrument, as the owner of the land described herein, that he/she has the authority to execute this Petition Requesting Expansion of Montgomery's Extraterritorial Jurisdiction in behalf of BETHYL LABORATORIES, INC., and has acknowledged to me that he/she executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 5<sup>th</sup> day of October, 2018.



Danielle Moriarty  
Notary Public in and for the State of Texas

SALLY ANN CARWILE, individually

Sally Ann Carwile  
Sally Ann Carwile

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared SALLY ANN CARWILE, known to me to be the person whose name is subscribed to the forgoing instrument, as the owner of the land described herein, that she has the authority to execute this Petition Requesting Expansion of Montgomery's Extraterritorial Jurisdiction, and has acknowledged to me that she executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 5<sup>th</sup> day of October, 2018.



Danielle Moriarty  
Notary Public in and for the State of Texas

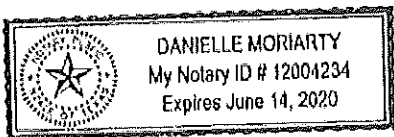
DAVID S. CARWILE, individually

David S. Carwile  
David S. Carwile

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

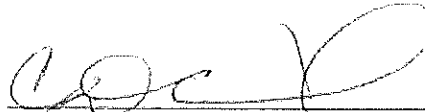
BEFORE ME, the undersigned authority, on this day personally appeared DAVID S. CARWILE, known to me to be the person whose name is subscribed to the forgoing instrument, as the owner of the land described herein, that he has the authority to execute this Petition Requesting Expansion of Montgomery's Extraterritorial Jurisdiction, and has acknowledged to me that he executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 5<sup>th</sup> day of October, 2018.



Danielle Moriarty  
Notary Public in and for the State of Texas

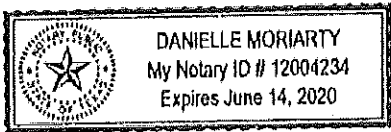
CRYSTAL D. CARWILE, individually

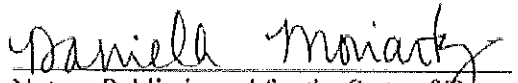
  
Crystal D. Carwile

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

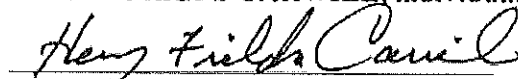
BEFORE ME, the undersigned authority, on this day personally appeared CRYSTAL D. CARWILE, known to me to be the person whose name is subscribed to the forgoing instrument, as the owner of the land described herein, that she has the authority to execute this Petition Requesting Expansion of Montgomery's Extraterritorial Jurisdiction, and has acknowledged to me that she executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 5<sup>th</sup> day of October, 2018.



  
Notary Public in and for the State of Texas

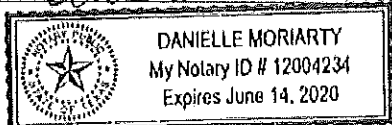
HENRY FIELDS CARWILE, individually

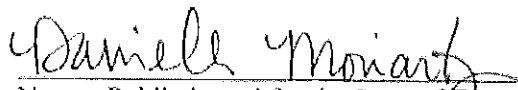
  
Henry Fields Carwile

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared HENRY FIELDS CARWILE, known to me to be the person whose name is subscribed to the forgoing instrument, as the owner of the land described herein, that he has the authority to execute this Petition Requesting Expansion of Montgomery's Extraterritorial Jurisdiction, and has acknowledged to me that he executed this Petition for the purposes and consideration therein expressed.

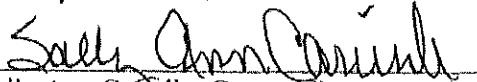
GIVEN under my hand and seal of office, this the 5<sup>th</sup> day of October, 2018.



  
Notary Public in and for the State of Texas

CARWILE FAMILY PARTNERS, L.P.,  
a Texas Limited Partnership

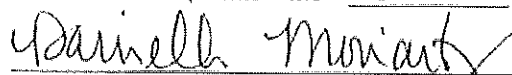
  
Henry F. Carwile, General Partner

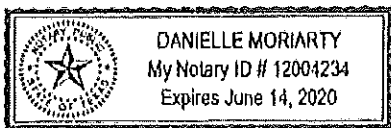
  
Sally Ann Carwile, General Partner

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared HENRY F. CARWILE and SALLY ANN CARWILE, known to me to be the persons whose names are subscribed to the forgoing instrument, as general partners of the owner of the land described herein, that they have the authority to execute this Petition Requesting Expansion of Montgomery's Extraterritorial Jurisdiction in behalf of CARWILE FAMILY PARTNERS, L. P., and have acknowledged to me that he/she executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 5<sup>th</sup> day of October, 2018.

  
Notary Public in and for the State of Texas





JENNIFER CARWILE BLALOCK

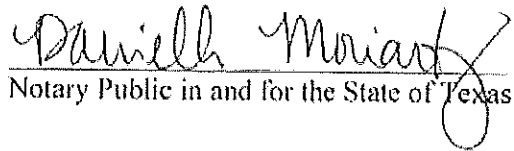
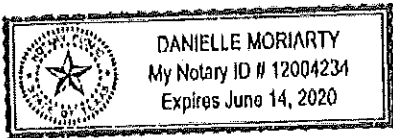


Jennifer Carwile Blalock

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

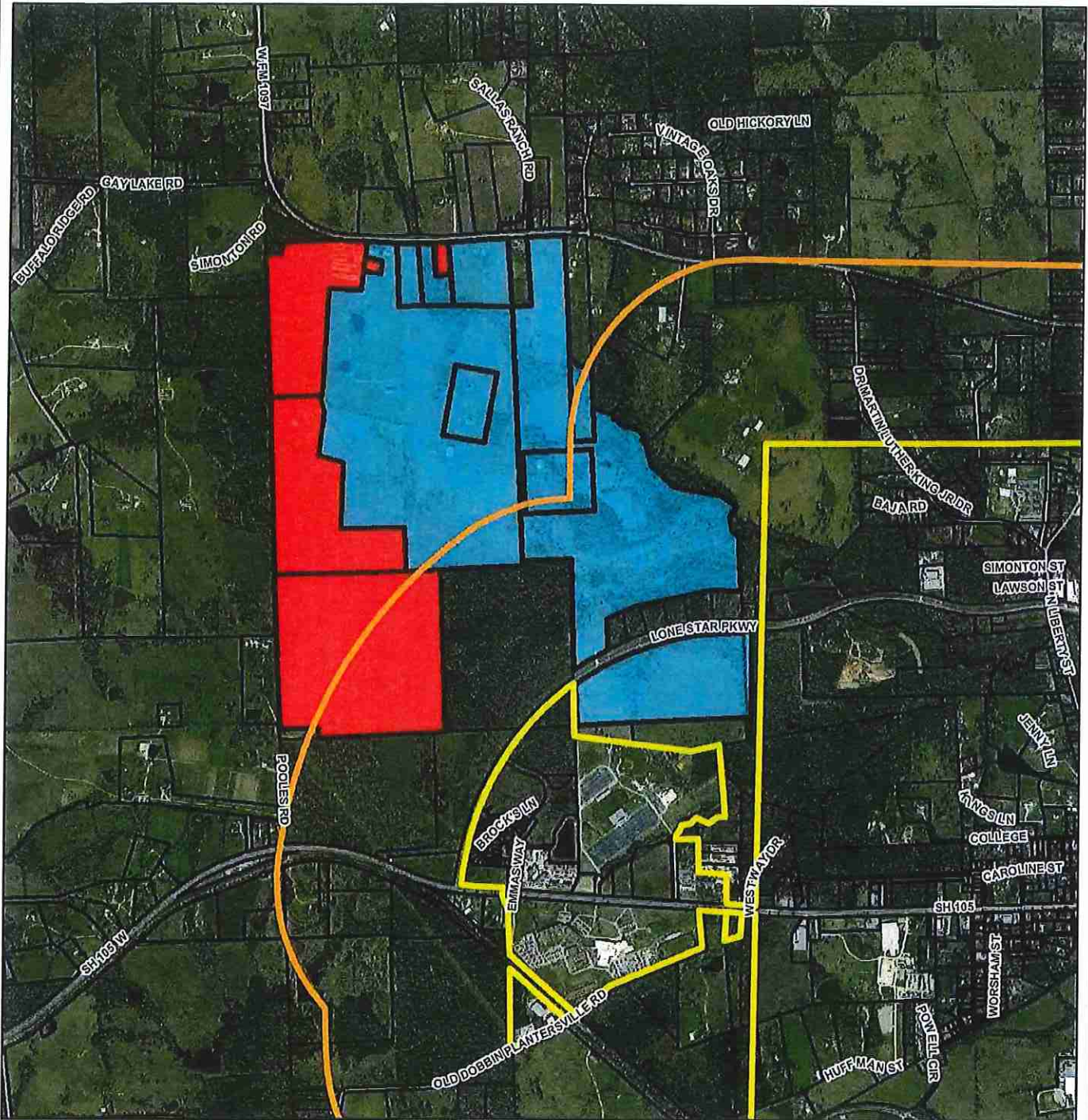
BEFORE ME, the undersigned authority, on this day personally appeared JENNIFER CARWILE BLALOCK, formerly known as JENNIFER HOMANN, and known to me to be the person whose name is subscribed to the forgoing instrument, as the owner of the land described herein, that she has the authority to execute this Petition Requesting Expansion of Montgomery's Extraterritorial Jurisdiction, and has acknowledged to me that she executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 5<sup>th</sup> day of October, 2018.



Notary Public in and for the State of Texas

# CARWILE / BETHYL PROPERTY ANNEXATION



1 inch equals 2,000 feet

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones & Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.



**JONES CARTER**

Texas Board of Professional Engineers Registration No. F-439



## CITY OF MONTGOMERY MONTGOMERY COUNTY, TEXAS

### LEGEND

- City Limits
- City ETJ
- MCAD Parcels
- Bethyl Laboratories Property To Be Annexed
- Carwile Family Property To Be Annexed



### VICINITY MAP

Scale: 1 inch equals 3 miles

# MINUTES OF BUDGET WORKSHOP MEETING

July 31, 2018

## MONTGOMERY CITY COUNCIL

### CALL TO ORDER

Mayor Sara Countryman called the Workshop Meeting to order at 4:07 p.m.

Present: Sara Countryman Mayor  
John Champagne, Jr. Place #2  
T.J. Wilkerson Place #3

Absent: Jon Bickford Place #1  
Rebecca Huss Place #4  
Dave McCorquodale Place #5

Also Present: Jack Yates City Administrator  
Susan Hensley City Secretary  
Kimberly Duckett Court Administrator  
James Napolitano Chief of Police  
Joe Belmares Police Lieutenant  
Mike Muckleroy Public Works Manager  
Cathy Branco Financial Consultant

### BUDGET WORKSHOP:

- ❖ Discussion of the following items related to the City of Montgomery 2018-2019 FY Proposed

#### Operating Budget:

- Summary
- General Fund Revenue

Mr. Yates advised that they had budgeted \$11,000 for beverage tax and we expect to get \$13,000 to \$14,000 next year, because of the liquor licenses for the restaurants that are doing so well.

Mr. Yates said that the Ad Valorem Tax needed to be discussed because what he is proposing is that the City go down one penny on the assessment rate. Mr. Yates said

that right now the tax rate is \$.4155 and he is proposing that they go down to \$.4055. Mr. Yates said that it will still make considerably more money because the assessment went up from \$198 million to \$255 million this year. Mr. Yates handed out a chart that showed the different options. Mr. Yates said they were still bringing in \$142,000 more even at the one cent less tax rate because of the increase in the assessments. Mr. Yates said that about \$18 million of the increase in the assessments is new property, but said that does not include the new Kroger, which was here last year and has more than doubled, from \$9 million last year to \$21 million. John Champagne said based on the anticipated increase in assessed value, Mr. Yates quantified the values that he is anticipating the Ad Valorem would come from. Mr. Yates said that information was obtained from the Tax Assessor/Collector. John Champagne said that he thought it was a great idea. Mr. Yates said that right now the maintenance and operation portion of the tax rate is \$.2043 and what he has on the chart is \$.2093 and \$.1942 for debt service. Mr. Yates said that would still increase the debt receipts for this year by about \$108,000. Mr. Yates said they can pay \$1 million dollars of debt with each \$60,000 increase, so that would be almost \$2 million worth of debt that they are stockpiling. Mr. Yates said once you put money into the debt service you can't take it out. Mr. Yates said next year they will be doing good to finish all the TWDB projects, relocation of the lift station, realignment of Lift Station #3 and the waterline that goes from Jim's Hardware to across the street from City Hall. Mr. Yates said that water consumption is down, so it is not like they will have to do any substantial work to the water system as far as the wells. Mr. Yates said that he did not see the City having to borrow any funds this year at all. Mayor Countryman asked if they had said that differently at City Council, when they discussed that they were about to hit a water mark and be potentially high regarding the Catahoula Well. Mr. Yates said that was the well permit.

Mr. Yates said that they would be increasing the debt service fund considerably because of the increase because of the City's growth. Mr. Yates said that would mean that the Ad Valorem Tax would be \$528,930 instead of the \$561,000. Mr. Yates said the change in the amount is due to the protests filed with the tax office.

Mr. Yates said the Ad Valorem PID will be a wash out each year because it is a planned improvement district, which is their way of collecting back their capital cost for water



and sewer lines and streets. Mr. Yates said that right now it is the Ogorchocks' paying themselves but as they sell property, other people will also be paying this tax. Cathy Branco asked if they needed to show revenue and expense for this item. Mr. Yates said that was correct.

Mr. Yates noted that building permits will probably total \$220,000 this year, and said that the budgeted amount of \$200,000 was very conservative. John Champagne asked if there was any tangible indication that the permits would continue coming in. Mayor Countryman said yes, there is development being looked at right now on SH 105. Mr. Yates said the area immediately east and west of the Kroger center will be developing. Mr. Yates said if they also keep up with the seven homes per month, which are approximately \$2,500 each, which would be \$17,000 per month. Mr. Yates said the other side of that is there is an expense for the building inspection side and the building inspector is about to meet with the Building Committee and come to City Council to ask for an increase in building permits because the City of Montgomery is one of the lowest in the area and there has been no change since Vicky Rudy first set up the building permits, 10-12 years ago. Mr. Yates said that while the inspector was going to ask for an increase in the cost of the permits, his rates will remain the same.

Mr. Yates said that the fines are shown at \$470,000 but they are probably going to get up to \$480,000 this year. Mr. Yates asked Mrs. Duckett to discuss the Court collection fees. Mrs. Duckett said that those fees are what they pay Purdue Brandon for warrant collections. Mrs. Duckett said if the collections company has not done the collections and charged the fees, they have been removing them from the citations so that they are not getting fees for work they did not do work on and it saves the Court money on the back end. Mrs. Duckett said that she would recommend keeping the fee the same, stating that she wanted to decrease instead of increasing the fee. Mrs. Duckett said that she was asking for a part-time warrant officer this year at \$23.00 per hour. Mrs. Duckett said that she spoke to the Chief about the warrant officer and he said that he has a good person in mind for that part-time position and to also serve as City Council Meeting and Court Bailiff. Mrs. Duckett said that this person would work less than 25 hours per week and work through the warrants while he is on duty. Mr. Yates said this would not have the same issue that they had with Officer Bauer, where he is an officer that is traded over to the Police Department when needed. Mrs. Duckett said



that issue came up because Officer Bauer was a full fledge police officer and this person would be a part time warrant officer. Mayor Countryman asked if this person would be a police officer. Mrs. Duckett said yes, it is a retired police officer. Mr. Yates said that this person would not go out on patrol unless there was some extreme situation, they would not be pulled off of warrants. Mayor Countryman asked how many warrants the City has on file. Mrs. Duckett said they have a lot of warrants.

Mr. Yates advised, regarding interest on investments, he would like the City to get much more aggressive and said that he was going to recommend to City Council that they get a citizen group of CPA's and people from the community to advise them about investments. Mr. Yates said he is thinking that they call them the Banking Relations Committee at first because they need to go out for quotes for banks. Mr. Yates said they also have a banking collateral agreement that they are supposed to approve every five years and the last time that they approved it was 2006. Mr. Yates said that they can get more aggressive with TexPool and he felt they could double their interest. Mrs. Branco said the City has an Investment Policy that details all that information. Mrs. Branco said that interest fund has not been much during this last year because there has not been any income except for the last few months. John Champagne said that was something that they could investigate. Mayor Countryman said that it has been a while since they went through the exercise.

Mrs. Branco asked about page 3 of the proposed budget that has \$107,500 for MEDC contributions and asked if that was what they intent for them to contribute. Mr. Yates said that was correct and explained that MEDC, as was discussed at their last meeting, is going to cancel their contract with The Chamber of Commerce and they are going to propose and put into their budget \$80,500 for that person. John Champagne asked what the \$107,500 represents. Mr. Yates said right now MEDC transfers over \$37,500. Mayor Countryman said that adding the \$80,500 brings the total to \$107,500. Mrs. Branco said they are decreasing the \$37,500 by \$10,000 and adding the \$80,500 to total \$107,500.

Mr. Yates said that he would ask that the Department heads present their budget and then they can come back to Administration.

- General Fund Expenses

- Administration
- Police Department - Chief Napolitano presented his budget to City Council. John Champagne commented on the increase in the health insurance. Ms. Hensley advised they have not received the proposal for the renewal yet so this is all an estimate. Mr. Yates said he had figured an overall increase in the health insurance of 5%, which is probably too high. John Champagne said that he was looking at a 50% increase in the police budget. Mr. Yates advised that this included the increase in personnel.

Mr. Yates asked the Chief to address the wage increase in his budget. Chief Napolitano advised that he had started getting a lot of feedback from the officers on other departments close by that are in competition with what they are doing. The Chief said when they have Chiefs' Meetings they all seem to have the same issues, hiring and keeping good personnel. Chief Napolitano said all the other agencies are starting to give their employees other incentives to come to work, i.e. Conroe Police Department, Montgomery County Sheriff's Department, all the Constables offices in Montgomery County, and in the surrounding counties, Precinct 4 Constables Office in Houston, Harris County Sheriff's Department and they are all above us. Chief Napolitano said what they did was go back and looked at a half way point of what this Department is making and what Conroe Police Department is making and it fit in with the Shenandoah Police Department, which is how he came up with the 16% increase in wages. Chief Napolitano advised Mr. Yates that the wages were a little bit short from the figures that they originally had, but they could live with them. John Champagne asked if they are commensurate with Shenandoah. Chief Napolitano said that was the figures that he gave Mr. Yates. Chief Napolitano said that his original figure for salaries was about \$821,527, which included the certificate pay that they receive. Chief Napolitano said that Conroe Police Department pays their certificate pay at \$500 compared to our \$150. Chief Napolitano said to be a licensed peace officer you start out at basic, then intermediate, advanced and finally master. Chief Napolitano said that he has a master peace officer license, which requires you to attend so many classes, get a specific amount of education and experience and then you can apply for a master license with the State. Chief Napolitano said to keep the officers educated and moving along the certificate pay is an advance bonus. John Champagne asked

if it was a one-time annual payment or per month. Chief Napolitano advised that it was per month. Mayor Countryman asked the Chief how he chooses the officers that get the certificates to make sure that it is even across the board and they all get the opportunity. Chief Napolitano said that was up to them to spend the time and get the education, and all the officers have the same opportunity to get online and apply for the courses. Chief Napolitano said they are not holding back the officers from attending school; they are trying to get them as educated as they can. Chief Napolitano said they are not holding anyone back or anything else, it is up to them to get educated. Chief Napolitano said that he asks the officers all the time and so does Lieutenant Belmares where they are with getting their classes done. John Champagne asked if there was any evaluation that goes into the payment of the maximum \$500 per month or is it strictly education being proportional to the amount. Chief Napolitano said that education is proportional to the amount. Chief Napolitano said the City of Conroe throws a bit more incentive into their pot than the City has. Chief Napolitano said he has a good stack of applicants waiting to get hired and said he was waiting on this to advise them of what their salary may or may not be come October 1, 2018. Chief Napolitano said the other agencies are paying well and he had a sheet showing the comparison, which he would share with City Council. Mayor Countryman said she would love to have that information. John Champagne asked if the City of Willis pay information had been included. Chief Napolitano said he did not include that City. John Champagne said Willis would have been a good choice. Chief Napolitano said they looked at Shenandoah, Conroe, Harris County Sheriff's Office, Montgomery County Sheriff's Office and Montgomery County Precinct 1 Constables Office. Chief Napolitano said the difference in pay is the City's benefit package here with TML is better than what the County pays for retirement, so there is a little positive on each side.

John Champagne asked the Chief for the number of officers that are on staff. Chief Napolitano advised they have 11 full-time officers. John Champagne asked if the Department was fully staffed. Chief Napolitano advised that it was not, they are still missing two officers. John Champagne asked if 13 officers was the Chief's optimum. Chief Napolitano said that they have 13 officers on their books right now, which is why they are saving money because two of those slots have not been filled. The City Secretary advised that there were only 10 officers currently on

staff. Chief Napolitano said no, that was not correct. Mayor Countryman asked how many Lt. Belmares had under his command. Lt. Belmares said he had four officers, plus himself. Mayor Countryman said that there would be Lt. Rosario who the Chief advised had three officers, plus the Chief would be 10 officers. John Champagne said that they have budgeted for 11 officers, which they are minus one officer. Chief Napolitano said next year they had said they would hire someone half way through the year. Mayor Countryman asked if the officer would be hired in January. Chief Napolitano said that it would be March or April. Mrs. Branco asked if the \$821,527 would include hiring the half year officer. Chief Napolitano said that was correct. The Chief advised that actually that was a full-time position and said that he had made a mistake, so the \$821,527 was a calculated figure. Mrs. Branco asked if the Chief was going to be working within the \$788,187. Chief Napolitano said that was correct. Mayor Countryman confirmed there would be 12 officers. Chief Napolitano said that was correct.

John Champagne said he normally asked what the Police budget was relative to the total budget. Chief Napolitano said they have been under 50% for the last two years. John Champagne said that health insurance is the same in the other cities. Chief Napolitano said that all the TML policies have all the different health plans that they can pick from, and equivalent coverage with other cities. John Champagne asked if the officers elect of have the coverage. Chief Napolitano said that they do except for him because he has insurance from previous employment.

Chief Napolitano said last year they budgeted for oil and gas based on the price that was at the pumps at that time and they have had a 20% increase in gas since that last budget meeting. Chief Napolitano said by adding the extra officer and the prices of gas being approximately \$2.50/gallon, they are looking at changing the \$28,000 to \$33,000 for the year. Mrs. Branco asked if that figure should be changed because that is not what is shown. Chief Napolitano said that it should be changed to \$33,000. Mayor Countryman asked about the overtime figures. Mrs. Branco advised that she estimated the final 2017-2018 budget figure for overtime based on what they have done for the previous number of months and average that amount out for the remaining months to come up with a 12-month figure. Mr. Yates said the logic of the estimate is the Chief has been short two officers, and

said that if they had all the officers they would have less time where the officers would have to double up on their shifts. Chief Napolitano said when an officer makes an arrest at the end of their shift it takes them four hours to process the call, then they have to transport the person to jail. Mr. Yates said he had discussed a long time ago with the Chief, when an officer is getting toward the end of their week and they were about to get overtime, then they would give the officer time off. Mr. Yates said since they are so shorthanded they have not been able to do that. Mr. Yates said that public works or administration keeps overtime down by following the practice having the employee take time off versus accumulating overtime. Mayor Countryman asked if that could potentially, with 12 officers, be a shell game with time and scheduling and hard to manage. Chief Napolitano said if Lt. Belmares has two officers on each shift, it makes it good because they back each other up plus they can help each other out. The Chief said that on Lt. Rosario's shift they are still running a swing shift from 6 a.m. to noon or 2 p.m. there might only be one officer on duty and the Chief. Chief Napolitano said on noon Sunday, Monday, Tuesday and Wednesday the officer on the swing shift comes in at noon, on Thursday, Friday and Saturday the officer comes in at 2 p.m. because of the DWI situations. Chief Napolitano said that Montgomery County is the second highest county for DWI's in the State of Texas and the officers do a good job keeping intoxicated people off of the road. Chief Napolitano said unfortunately lately due to Bret Ligon's insistence on getting blood draws on DWI's, which is a good thing, they have to take the individuals to the hospital for blood work and they have to wait. Mayor Countryman asked why we are taking the prisoners to the hospital and asked if they could take the blood work on the road. Chief Napolitano said they have to go to the hospital because they have to have either a licensed nurse or technician to draw the blood. Lt. Belmares said the only time they have a nurse at the jail to draw blood is during the DWI task force weekend and that depends on when the DA's Office wants to do that. Chief Napolitano said that they try to watch the overtime budget as much as they can, but sometimes it is dictated by the citizens that they interact with.

Chief Napolitano addressed the auto repairs line item and said that figure was anticipating that they stick with the cars they have even if they get two new ones and get the extra officer, they will probably get rid of the 2011 vehicle. Chief Napolitano said that would still leave them with the 2013 vehicles that are starting



to get old and worn out so they will need more maintenance than the ones that are newer. John Champagne asked how many active vehicles the department has. Chief Napolitano said that each officer has a vehicle and there are three extra vehicles, and he uses a Charger when he goes out on patrol and drives the truck when he is not on patrol. John Champagne asked for the grand total of the vehicles. Chief Napolitano said they have a total of 12 active vehicles. John Champagne said \$16,000 is not a lot for repairs for 12 vehicles. Chief Napolitano said a transmission going out or something costly, but they really do not spend much for the vehicles other than tires, oil and gas. Mayor Countryman asked about the \$33,000 also shown under Maintenance-Vehicles and Equipment Item 16335.1 and asked if that was on top of auto repairs. Mrs. Branco said that there was no budget item for that and there was only \$50 estimated to get them through the end of the year so she was not sure exactly what that was for. Chief Napolitano said he has it on another sheet that he worked off of that says zero. Mayor Countryman said if that number should be zero that would make the total \$55,000 versus \$88,000 and the correction was made to zero out item 16335.1. Mayor Countryman asked about item 16373 that is equipment repairs and what it covered. Chief Napolitano said that covers the repair of the overheads or any of the equipment that goes on the car that is not an automobile device. The Chief said when they get a broken overhead light they are so expensive. Mayor Countryman asked about 16335-repairs and maintenance - other, which is zero budget, but there is an actual for last year of \$11,607, and asked if that had been put into some other item. Mr. Yates said they have Auto Repairs, Equipment Repairs and Building Repairs. Mrs. Branco said that #16335 has two entries and had nothing last year but had an entry the year before and said that she thought that what had happened was they do not have any repairs and maintenance to speak of like Public Works has; they have vehicle and equipment repairs and maintenance. Mrs. Branco said she thought in 2017 there was \$11,607 used under the line item 16335 Repairs and Maintenance Other, but she believed what they allotted #16357 on Auto and #16373 on Equipment Repairs rather than having a #16335 Repairs and Maintenance Other. Mayor Countryman asked to clarify that Mrs. Branco was saying that all three of the Auto Repairs are all collapsed into #16357 Auto Repair. Mrs. Branco said that was what she thought. Mayor Countryman said the figures do not match and are way off, they do not even match up. Mrs. Branco said they did not use anything in

2018 and they did not have a budget in 2018 for #16335. Mayor Countryman said that they spent funds in 2017 so there was something that they did in that line item. Mrs. Branco said she did not know why or what was used, but they did delete that item for the proposed budget year and it has a zero budget for 2019. Chief Napolitano said where it says oil and gas, #16334 that shows \$28,000, he had originally put in \$33,000 because he has it on his sheet, and then \$22,000 for #16357 Auto Repairs. Mrs. Branco asked about #16374 Building Repairs. Mr. Muckleroy asked if that was when they had the work done for the Police Admin Assistant's office electric plug. Mayor Countryman asked if #16351 Telephone was landline. Chief Napolitano said yes. Mayor Countryman asked if they got more lines for the amount to increase. Chief Napolitano advised the Mobile Data Terminal was their computers in the patrol vehicles. Mayor Countryman asked if the land line cost went up because it was \$2,880 and now it is being budgeted for \$4,000. Chief Napolitano said yes, it went up and said that he would have to go back and look at how the numbers went. Mr. Yates asked if they showed the break that we got because of the new service. Chief Napolitano said that was in the Mobile Data Terminals (MDT's). Chief Napolitano said that Verizon was charging them \$1,500 per month for daily usage on their cell phones plus the MDT's in the cars. Chief Napolitano said they have not received a bill from AT&T yet, but they are estimating that they will be down 10%-15% by the end of the year. Mrs. Branco said that since they are taking out \$28,000 and moving the \$33,000 up. Mayor Countryman asked about #17031 Police Officer Scheduling System is \$2,000 and whether this was a 3-year contract or was it year-to-year. Chief Napolitano said it was a year-to-year contract, and this is a cost for the Department to be on their system. Mr. Yates said since the Chief has worked out such a simple system with the A and B Shift, and asked why they need the scheduling system at all. Chief Napolitano said it works to keep the officers on schedule and reminds them when they are working and information about their shift on their phone. The Chief said the biggest part is when they go on vacation he can look and see they are going to be one person down and he can see who is on duty. The Chief stated that the cost is \$2,000 a year for them to access their system to work off of.

Chief Napolitano commented on #16244 Radio Fees that shows \$420 for 2017 and this year at \$4,398, so he will have to go back and review that item. Mayor

Countryman asked if this line item was for new radios. The Chief advised new radios would be listed under #17050 Radios, and explained that this was a fee to use the actual radios themselves on the Sheriff's Department system. Mayor Countryman asked if they rented space on the Sheriff's Department network. The Chief said that was basically it for a flat fee. Chief Napolitano said that he looked at having Conroe PD doing their dispatching and it was exponentially more money than he wanted to spend. Chief Napolitano said that his Department still can't hear all of the calls that Conroe PD has so they have to have their dispatcher call the Sheriff's Department dispatcher to notify them when something is heading their way or vice versa. Mayor Countryman said that it is frustrating that they do not have someone sitting in this City that is a dispatcher because there was a lady in her neighborhood that had a heart attack and it was challenging for her husband to tell the dispatcher and it costs valuable time and is not simple and direct. John Champagne said that they have had that conversation a number of times over the past 10 years and it is the cost to benefit. Mayor Countryman said with all the DWI's that they have talked about you would think that there was enough activity to get our own dispatch. Mr. Yates said the number for us to have our own dispatch would be hundreds of thousands of dollars. Chief Napolitano said they pay the Sheriff's Department a fee for their dispatch services. Chief Napolitano said there is a lot of confusion with addresses and jurisdictions. Mayor Countryman asked how much money they were talking about for dispatch. Mr. Yates said it would not surprise him, just to get a public service access point wiring could easily be \$1.2 million to \$2 million dollars because of how involved it is and then there is the staffing. Chief Napolitano said staffing and training would be an issue, and said that he does not even address the issue because right now he knows that they are not at that point. Mayor Countryman said she was curious what the breaking point would be and does the City need to have a certain amount of money to get that done or how is it determined. Chief Napolitano said it is worth us paying \$5,000 for the Sheriff's Department to dispatch for us. Mr. Yates said that was part of the reason they needed someone on the Montgomery County Emergency Communications Board. Mayor Countryman asked what a uniform costs. Chief Napolitano said the shirts, without patches are \$50, plus the patches being attached for \$25 each, and the pants are \$50 each. Chief Napolitano said they try to give each officer three pairs of pants and three shirts, and if they want to purchase more

on their own it is up to them. Chief Napolitano said they have to have at least two vest carriers for their vest because they will sweat through them in the summer. Chief Napolitano said the problem is they have three uniforms and they work their three day stretch, then they have two days off to clean them and come back for a two day stretch. Chief Napolitano said when they wear out they have to go and have the uniform replaced. Chief Napolitano said they consider the belt a piece of their uniform. Lt. Belmares said tourniquets is another thing they need for the officer, which they recommend four, one for each limb if they need it, and some of them are only carrying one tourniquet. Mr. Yates asked how the Khaki uniform worked out. Chief Napolitano said he asked the officers and it is up to them to choose, and both officers on a shift have to wear the same uniform to stay standardized as a uniform. Chief Napolitano said that during the summer the officers are allowed to wear the Khaki uniform, which is a lighter color, but since the guys are not participating in that, they did not do any purchases this year. Chief Napolitano said that Officers Carswell and Bauer were the only two officers when they worked the same daytime shift that would wear Khaki.

Mayor Countryman asked what the protective gear covered. Chief Napolitano said it was their vests, and advised that they do get some money every year for about the same price that they put into the item from the Federal Government in grant funds. Chief Napolitano said Lt. Belmares takes care of that grant. Chief Napolitano said the vests are only good for five years and they might have to replace the cover every year because they wear out. Chief Napolitano said the Operating Supplies was a little bit of everything from getting water to anything that they need operationally. Lt. Belmares said that it included paper and files, envelopes, evidence tape and labels. Mayor Countryman said Operating Supplies shows a 111% increase. Chief Napolitano said the figure that he has on his sheet is \$7,000, which was a \$200 increase. Mrs. Branco said they can check the item to find what is included under that item based upon what they have already done. John Champagne said based on \$9,000 from \$3,000 they need to figure out what is going on. Chief Napolitano said he would look into #16460 Operating Supplies to figure out what it covers so he can tell them about it later on. Chief Napolitano stated that Emergency Equipment would be anything that they might need for storms like floatation devices or anything during the hurricane season. Chief

Napolitano said Emergency Equipment could be equipment to cordon off a parking lot during an emergency, or purchase a generator, anything they would need. Mayor Countryman asked if they had to do any purchases for Emergency Equipment during the tax day flood or Hurricane Harvey. Chief Napolitano said they did not. Chief Napolitano said on the next item #17050 Radios every year they have been purchasing the new radios that they need to have and last year they moved some of the radio money over to buy the Watch Guard, which is the new video system. Chief Napolitano said the \$24,000 was the amount of money that he needed to get the rest of the three radios done, for \$3,500 each without accessories. Chief Napolitano said this should be the last year they should have a major purchase of radios, then it will be just adding one or two for an officer coming on board. Chief Napolitano said that under #17100 Capital Purchase Furniture included a new desk for Lt. Rosario last year and then one in the Administrative Assistant's Office. Chief Napolitano said eventually they will probably have to do something with the patrol room. Mr. Yates asked the Chief if he still needed \$6,000 for furniture. Chief Napolitano said they could cut that amount in half. Mr. Yates said they would reduce it to \$3,500 for #17100 Capital Purchase Furniture. Chief Napolitano advised that any of the police training would be deducted from the \$10,000 budgeted under Item #16241 Police Training/Education. Mr. Yates said that normally once or twice a month someone from the Department attends a school. The Chief advised that the officers attend SWAT school so they understand the tactics that are being used. Mayor Countryman stated they have the Montgomery ISD Police, Sheriff's Department, Constables Office and Montgomery Police Department, four agencies and asked if any of the other agencies have SWAT training. Chief Napolitano said that some of them do and said he did not know about MISD Police Department, but the Sheriff's Department will have some guys that are and some that are not. Chief Napolitano said the officers are not going to act like a SWAT team it will teach them how this all works should they have to respond to an area with SWAT involved. Chief Napolitano said District 5 of Montgomery County Sheriff's Department has as little as two people on a shift, which is everything west of I45 and north of Town Creek. Chief Napolitano said that Sheriff's Deputies can be far away, which leaves it to us and Montgomery ISD Police. Chief Napolitano said what you have to remember is if there is an active shooter or something going on at the high school it does not mean



that you leave all the other areas uncovered. Mr. Yates asked if the County SWAT Team had two units, with the vehicles and all the supplies that they need. Chief Napolitano said that SWAT is an hour away no matter what, so if it is a hostage situation they will be useful, but if it is an active shooter or mass casualty it will be the officer that makes contact to try and make the situation stop as quickly as possible. Mayor Countryman said she felt that it was important that the officers have the SWAT training. Mayor Countryman asked if every officer attends that training. Chief Napolitano said so far there are only three officers that do not have that training out of 10 officers. Chief Napolitano said that he felt that they needed to have the officers trained and be prepared on this end of the County; if they are in downtown Conroe you have a lot of Conroe Police officers. Chief Napolitano said the only other officers that would respond here would be Montgomery County Precinct 5 and 1 to assist our officers. Chief Napolitano said he met with Constable Cash the other day and Constable Cash has guaranteed that he would put three constables a day, one crisis intervention officer and two regular officers on the west side of the County, so we know that they are close by.

John Champagne asked how many schools they had within the City limits. Mayor Countryman said there are four inside the City limits and two in the vicinity, along with the new high school on FM 2854.

Chief Napolitano advised the price of ammo fluctuates with supply and demand. Mayor Countryman asked if there was a special place that the Chief purchases ammunition. Chief Napolitano said they look online for wholesale prices and use only premium ammo.

Mayor Countryman asked what Community Relations includes. Chief Napolitano said that would be things like Coffee with Cops, National Night Out and the stickers and coloring books that they hand out to the children, and come out of that line item. Chief Napolitano said they probably need to go back to the \$1,300. Mayor Countryman said she felt this is a smart investment. Lt. Belmares said they are also asking some of the local businesses to help with National Night Out. Lt. Belmares said that Brookshire Bros. usually donates so he is in the process of completing their application, along with Walmart, Kroger and they will meet with

some of the other local businesses. Mayor Countryman said she thought that McDonald's would probably do it too. Lt. Belmares said McDonald's donates tea and the cups. Lt. Belmares said National Night Out would be on October 2, 2018.

Chief Napolitano said under travel and training, they travel to training and they look for lower costing hotels to save funds. Mayor Countryman asked if this included training for new officers. Chief Napolitano advised that in another section of their budget they have police training for new officers and themselves and the travel and training is for going to a school. Insurance coverage is estimated at \$17,000 for the officers until the quote is received from TML. The City Secretary advised that she should be getting the insurance quote from TML in two weeks, because the rerate exposure survey has already been sent in, so they will use the estimated \$3,500 until the quote is received.

Chief Napolitano said the amount for the vehicles should have been \$64,500 for two new vehicles, either a Ford Expedition or Chevrolet truck. Chief Napolitano said he was shopping around right now to get the best price. Mayor Countryman asked if that would retire the two Chargers. Chief Napolitano said it would retire at least one of the Chargers. Chief Napolitano said one would remain for the Reserves and/or him to use and then the other one will be assigned to the new officer when they come on. Mr. Yates said they would put the sale of one of the Chargers in proceeds back over into the revenue. Chief Napolitano said he thought the Expedition would run \$29,000 and the truck is at \$33,000. Mayor Countryman asked how they get rid of the vehicles that they retire. The City Secretary advised that they advertise for bids to sell the vehicles. Mr. Yates said last time they had to advertise two times for bids. Mayor Countryman asked if the emergency lights and decals ran \$12,000 for each vehicle. Chief Napolitano said that was about right, stating that it costs almost as much to equip the vehicle as it does for the vehicle. Mr. Yates said they can't pull much out of the ones that they are getting rid of. Chief Napolitano said that was correct because of the change in technology and the style of the vehicles.

Chief Napolitano advised that he had body cameras for each of the officers, because he felt that they were great and every time he had a complaint on an officer, he went back and looked at the video and it cleared the complaints.

Mayor Countryman asked about the vehicle replacement item and asked if that was our first time to have this. Mr. Yates said they have not spent the money yet, but it is in this year's budget, so this would be \$30,000 and they can either use those funds next year or they can let it build up. Mr. Yates said in 2017-2018 they have \$15,000 budgeted that they have not spent so far. Mayor Countryman said she had nothing in that line item. Mrs. Branco said she was estimating that they were not going to spend those funds this year, but Mr. Yates is saying it is in the budget. Mr. Yates said he was going to spend it this year and next year, and budget for next year, so they will spend \$15,000 this year that they budgeted and will budget \$15,000 for next year. Mr. Yates said this is putting money back in the Capital Projects Fund for the Replacement Vehicle Program. Mr. Yates said they could use the \$30,000 toward the \$64,000. Mr. Yates said if they have enough money in the budget they could just let it ride. Chief Napolitano said he looked at it like an insurance policy for them. Chief Napolitano said they have not had a serious car accident only some bumps.

City Secretary advised that under 16281 Records Shredding under Contract Services they needed to add \$600. Chief Napolitano said the computer equipment went up since they are going to be replacing some computers. Chief Napolitano reviewed Copsync advising that was what they used for their report. Mayor Countryman said she thought that was under another line item, computers and website for \$21,000 on page 9, Item 16342. Chief Napolitano advised he would have to come back and look at that information. Mrs. Branco said they would have to question both items. Mayor Countryman said that would be \$22,500 for computers and Copsync, plus \$21,000 for computers and websites. Chief Napolitano said Copsync used to be its own separate item. Chief Napolitano said when Mr. Yates started doing the line item budget, they started pulling some of those items out and making it a separate item. John Champagne asked what RMS meant. Chief Napolitano advised RMS has everything that the officer does during the day, including reports, ticket writing and license and registration.

Chief Napolitano advised under investigative and testing equipment he has doubled up on the amount. Chief Napolitano said he noticed under protective gear they had bullet proof vests listed again, which it was not supposed to state because that was addressed earlier. Chief Napolitano said that was supposed to be a shield and not a vest, and this was for just one shield for \$10,000.

Mrs. Branco asked if the Police Department goes out for ballistic gear, specify what they are getting, such as vests or shields and she will need to know how much they will bring in and how much is spent. Chief Napolitano said all the officers that attended SWAT school had to have a helmet and they are \$1,000 each. Mrs. Branco asked if they were going to need to separate the vests from the shield. Chief Napolitano said they would have to separate them. Mr. Yates asked where they would keep the one shield. Chief Napolitano said it would be kept at the office and handed from officer to officer when they change shifts so they can have it with them out on patrol.

Chief Napolitano advised the patrol weapons were supposed to remain on the budget, which includes hand guns and rifles. Chief Napolitano said the patrol rifles needs to be changed to capital outlay which was to include several items that they could invest in capital purchases as follows:

- \$2,500 - air conditioning unit for the server room;
- \$21,591 to redo the property room including ventilation and layout of the room. Mayor Countryman asked if the footprint of that room was adequate. Chief Napolitano said no, but if they can reorganize the room, they can work with ventilation and reorganization.
- \$15,000 for upgrading the security cameras to include a recording system, upgrade alarm system and add panic buttons for the desks. Mayor Countryman asked if the officer is on duty and the alarm goes off, is the officer able to see on their phone a video of the building. Chief Napolitano said they will, with the upgrade.
- \$10,000 – \$1,000 each, 10 - water filled barriers that are 8-foot long by 3-feet tall for use during festivals;

- \$1,500 (used) - \$3,000 (new) – Conex box (shipping container) for storage of police items, with concrete pad \$5,000;
- \$2,000 – for 10 spike strips for all the patrol units;
- \$3,000 – for four finger print scanners that could identify someone;
- \$8,000 – wooden fence (6-foot tall) installation in the back of the building to the parking lot to protect the exiting employees. Mr. Yates said they have thought about setting up a break area in the back and the fence could also wrap around that area; and
- \$17,000 – All terrain police vehicle (ATV) for events or for going off road to search for people. Chief Napolitano said they could transport a prisoner on the ATV to a patrol vehicle to get them out of the crowd.

Chief Napolitano said the following items were of importance, in the order as follows:

1. Employee Security
2. Evidence Room
3. Air Conditioner for the Server Room
4. Water filled barriers

Chief Napolitano said all the items were of importance. Mrs. Branco said the Magnolia Fire Department just purchased an ATV that goes on water and on land and pulls a trailer, so they might be getting rid of some of their smaller equipment. Chief Napolitano said he would check with the Magnolia Fire Department.

Lt. Belmares said they need to make a line item for medical testing that would include the sexual assault kits that they will pay out to the hospitals. John Champagne asked if the City retained the forensic evidence. Lt. Belmares said that was correct it will be placed in the City's evidence file. Lt. Belmares said the costs that the City is charged by the hospital is 100% refundable through the Attorney General's Office. Lt. Belmares said they do not have a specific line item for that expense to show where the money is going, so they are requesting to get the line item created. Mrs. Branco asked if they would have a revenue for that line item. Lt. Belmares said yes, they will be getting reimbursed for 100% of the cost. Mrs. Branco said they will need a revenue and expense item, at \$750 each. Chief

Napolitano said he was estimating \$4,000. Lt. Belmares said he also wanted to make a separate line item for when the officers are tested for exposure. The City Secretary advised that was covered under Worker's Compensation.

Chief Napolitano said they need to set up an account for cash evidence, where the officer's will put the cash in as a deposit in a bank account. Chief Napolitano said the funds will stay in the bank and then when they come in to claim their reimbursement and the Judge says they can have the funds back, the City would write them a check for the amount from a separate checking account. Chief Napolitano said it would be a checking account in the name of the Police Department from the City where they put cash that they take from suspects at the time of their arrests. Mrs. Branco asked what they would want that account named. Mr. Yates said "Cash Evidence Fund" and asked if they could make interest on the funds. Chief Napolitano said yes, they could make interest on the funds.

City Council took a break at 6:40 p.m.

City Council reconvened at 6:56 p.m.

- Court – Court Administrator Kimberly Duckett presented her budget to City Council. Mr. Yates said that he only included Mrs. Duckett and the Clerk in the wages, so he will need to add a part-time person, which would make the total personnel \$154,140. Mr. Yates said he would also have to go back to the individual items, but the total is \$22,000 for salary and wages, \$80 in unemployment insurance, \$200 workers compensation, and \$1,500 payroll taxes. Mrs. Duckett said she was instructed to hire the part-time person at \$23 per hour. Mr. Yates advised the salary would be \$22 hour for 20 hours times 50 weeks is \$22,000. John Champagne asked to confirm that wages would be \$122,300. Mr. Yates said that was correct.

Mrs. Duckett said the prosecutor fees would go up because sometimes they use two prosecutors on court night. Mrs. Duckett said the Judge's fees would remain about the same because when the full-time Judge can't appear, the part-time Judge appears and he is paid out of the Judge's fee. Mrs. Duckett said they are going to keep the collection agency at \$45,000 but she is considering looking at other

agencies just to compare costs. John Champagne said the cost could go down. Mayor Countryman asked if the cost could go down since they are collecting the warrants and not having to give them anything. Mrs. Duckett said it is not that much of a savings. Mrs. Duckett said she has reached out to a couple of different agencies and they are willing to show her what they can offer. Mayor Countryman asked if we are using the same firm that Montgomery County uses. Mrs. Duckett said we are not using the same agency as Montgomery County.

Mrs. Duckett said the telephone is a zero funds because she does not have a City phone. Mrs. Duckett stated they are budgeting for the fines to go up according to our traffic stops and the fees going up. Mayor Countryman said when they get the fees they have to pay the State fees. Mr. Yates said if they pull in \$170,000 in state fines this year, they should be able to get by with \$190,000 state portion of fines next year rather than \$250,000. Mayor Countryman asked about the state fees and when the state collects the money, what fund does that go into, Department of Public Safety, roads, where does it go?

Mrs. Duckett said when they get the part-time person, they will determine how much the uniform cost will be. Mrs. Duckett said that person would not need multiple sets of uniforms because they would be part-time. Mr. Yates said they might be able to get one of the used uniforms that they have a lot of.

Mrs. Duckett said furniture is the only item that might increase a little bit because hopefully once they get the second window they will be able to sell the desks that they currently have, to have a built in desk area to make more room in the front, and a more efficient office space to function out of both windows. Mayor Countryman asked where the second window was going. Mrs. Duckett said it would be next to the current window so they can work side by side, especially during court night. Mr. Muckleroy said it will essentially function as one window during normal days and have the capability to open both. Mrs. Duckett said with two windows during court night things would run a lot smoother. Mrs. Duckett said the desks are only a year and a half old so hopefully they can sell them, to help pay for the built in office space.

Mr. Yates said if you take the total of the court's fines and forfeitures, it is \$498,000, and the court costs are \$497,000. John Champagne said from 2017 to 2019 it is essentially flat. Mayor Countryman asked how they could grow that delta, more tickets. Mr. Yates said they could bring in a lot more warrants because they have \$700,000-\$800,000 in outstanding warrants. Mrs. Duckett said they were going to prepare to do a purge later to try and move warrants off the log that are very old. Mrs. Duckett said they were going to start talking to other courts to try and figure out a program to clean the shelf because they are so old, which is why she did not want the collection agency paid on those, because we are essentially the ones doing the leg work on them. Mayor Countryman asked what the shelf life is of a warrant. Mrs. Duckett said they do not go away, they are there. Mayor Countryman said they could be potentially eight years old. Mrs. Duckett said there are warrants from people that are from 2003 coming in to pay their warrants. John Champagne said if you are a private business how long do you think you would stay in business that way. Mayor Countryman said you wouldn't stay in business. Mayor Countryman asked how they know they have warrants outstanding. Mrs. Duckett said when they renew their driver's license, and there are some people that are incarcerated and they want to try and get their warrants removed so they will write a letter to get jail credit. Mayor Countryman asked if they accrue late fees. Mrs. Duckett said they only have collection, warrant and OMNI fees. Mr. Yates said the older they are the more efficient your time is to get the ones in the past six months because you can get in contact with them easier. Mrs. Duckett said they have to have an efficient warrant officer that is going out and do door hangers and knock on doors, and do physical work to bring in the revenue. Mayor Countryman asked to confirm that was who they were hiring. Mrs. Duckett said that was correct. Mayor Countryman asked if the person with the warrant moves out of state, is the warrant then moved to bad debt or do they keep it live. Mrs. Duckett said they keep it live. Mr. Yates said mostly they don't write them off because there is no reason to write them off. Mayor Countryman asked if a person is deceased do they request a death certificate. Mrs. Duckett said she requests that information. Mayor Countryman said if they have an aggressive warrant officer that could make a difference.



Mr. Yates said the reason to keep the Municipal Court is the long time future of the warrants and the long time future of the City. Mr. Yates said five years from now they could easily be writing twice as many fines and only go up one staff person in the Court.

- Public Works – Mr. Muckleroy presented his budget. Mr. Yates advised that they were asking for one more person that will be put over in utilities. Mr. Muckleroy commented on overtime stating that in their department it translates to savings, because if he sends two men out to fix a water leak on overtime it is a lot cheaper than calling Gulf Utility to come and fix the leak. John Champagne said they were only showing \$6,000 for overtime. Mr. Muckleroy said they were estimated this year for \$6,000. Mr. Muckleroy said just ballpark what they have fixed is probably \$15,000 in savings. John Champagne asked why they were asking for another person if they were only running \$6,000 in overtime. Mr. Muckleroy said the overtime is leaks that are coming in and not related to their day-to-day work. Mr. Muckleroy said they do not stay late because they did not get something done during the day. John Champagne said that Mr. Muckleroy has four guys now and he wants one more and asked where they are running behind. Mr. Muckleroy said this would make two complete crews and would give two 2-man crews with a foreman over them. Mr. Muckleroy said right now they are running one 2-man crew and then a single man by himself. Mr. Muckleroy said the single guy works okay for running the parks, but there are a lot of times where you need a second person on the job. Mr. Muckleroy said to him it is not a waste of time to have two guys run the parks because they get it done twice as fast and then they can move onto a project. John Champagne asked what the foreman is doing while two crews are working. Mr. Muckleroy said he sets them up in the morning and gets them going and then while he is checking on what they are doing and offering a third hand, he is also doing whatever Autumn calls and asks to have water turned on a specific location, deliver trash cart and he is free to do those duties. Mr. Yates said they will be doing man hole inspections this year and they will save 2/3 of his salary just by doing the man hole inspections. John Champagne said he also increases customer service so he understands. Mr. Muckleroy said he really feels that when they get the two 2-man crews they will be set for a while and things will run smoother, and hopefully they won't have to add another person the following year.

Mr. Muckleroy said he always feels that their list is growing faster than they can get it crossed off and never stops coming in.

Mr. Muckleroy said he was putting extra money for mowing based on the possibility of having to take over Lone Star Parkway. Mr. Muckleroy said he obtained a quote from our mowing contractor and it would add \$40,000 - \$45,000 a year to mow Lone Star Parkway if we accept it from the County. Mr. Muckleroy said that would be mowing Lone Star Parkway 12 times a year, and right now they mow the rest of the right-of-ways 18 times a year. Mr. Muckleroy said the quote for 18 times per year was almost double the contract, so he asked the contractor what they could do to lower that amount. Mr. Muckleroy said currently that area is only being mowed three times per year so 12 times a year would be a dramatic improvement over what is being done now. John Champagne asked if they were enforcing the ordinance for undeveloped property regarding grass height. Mr. Yates said unless it is next door to a house that is true, and even on some of the ones that are next to houses, they are not enforcing. John Champagne said they are not enforcing the ordinance, and said he had an issue as to why in the middle of town we allow people to have grass grow three feet high, but we are keeping out right-of-ways the way they should be. John Champagne said, in his mind the way he thinks, if they were keeping their property the way that it should be they should also be keeping the right-of-way, and to him that is community involvement, but that is not how it works. Mayor Countryman said that is if we accept Lone Star Parkway. John Champagne said it was a large number without Lone Star Parkway. Mr. Muckleroy said they have an interlocal agreement with the State of Texas that says any state road, SH 105, FM 149 and FM 1097, they assume maintenance of the road, but the City assumes the mowing responsibilities. John Champagne said he was okay with that, it is the internal roads that he has an issue with. Mr. Muckleroy said they looked at the option last year of what they could do to lower the mowing budget, and when they looked at the internal roads it was only \$10,000 or \$12,000, because the majority of the footage is the right-of-ways. Mr. Muckleroy said City Council agreed that they wanted to keep everything looking nice so that is what they are going with. Mr. Muckleroy said that is something that City Council could come back and review.

Mr. Muckleroy said there is nothing in records shredding so they will need to add \$200 for that cost. Mr. Muckleroy said inspections and permits is going up with increased development coming into the City. Mr. Yates said that is for the building inspector and the plan reviewer. John Champagne asked if this was taken out of the revenue number they saw. Mr. Yates said that was one way of looking at it, so they will bring in \$200,000 and possibly more if the rates are increased. Mayor Countryman said they pay the inspector \$123,000 of the \$200,000. Mr. Yates said he would be paid \$115,000. Mayor Countryman asked how the inspector is paid per inspection. John Champagne asked when the last time that they have shopped that position was. Mr. Muckleroy said he had no idea. John Champagne asked that this position be shopped. Mr. Yates said he would do that. Mayor Countryman asked if the inspector worked for other cities or just ours. Mr. Yates said he performs the inspections for many cities. Mr. Muckleroy said the inspector has been really good for the City, he has pushed for the stronger standards. John Champagne said it is always good for a guy in that business to push for the stronger standards. Ms. Hensley stated that she thought Ms. Redman and Mr. Hanna had looked at all the surrounding areas as far as their permit fees, and how the breakdown was. John Champagne said that he wanted to request a quote for that service. Mr. Yates said he understood. Mrs. Branco said she would ask that they put the names across her because she hears a lot about different inspectors. John Champagne said they can do that.

Mr. Muckleroy said they were doubling their engineering number. Mr. Yates said he felt that he needed to get more information together for us to possibly hire our own engineer. Mr. Yates said he thought they could get a functioning engineering department for about \$160,000 to \$170,000, and if you add up how much we are paying Jones & Carter per year on just basic engineering items, they are probably at about \$200,000 - \$225,000. Mr. Yates said if you add all the special studies, which they would not get away from Jones & Carter completely because of those studies and some of the work that they would want them to perform. Mr. Yates said he did think if they looked at it they could have a chance of saving money. Mayor Countryman said she liked the idea. John Champagne said he thought Mr. Yates was on the right track. Mr. Yates said he should have some information by the next time they get together.

Mr. Muckleroy said they were going up on street signs by a small amount, because they are requiring more signage in the City. Mr. Muckleroy said the telephone amount does not reflect a dramatic increase in the number of phone lines. Mr. Muckleroy said what happened between the public works and utility budget was whenever he started coding all of the bills in January after the audit, he found some things were being coded wrong. Mr. Muckleroy said everything is in the proper place now, so everything telephone-wise is where it is supposed to be. John Champagne said there should have been a corresponding decrease somewhere else. Mr. Muckleroy said he needed to go back and look, and said the biggest one is going to be City Hall with the way City Hall was done has been changed. Mr. Muckleroy said this one does have some of the cell phones and land lines included. John Champagne said the City's phone bill is pretty heavy and asked when was the last time they looked at pricing that service. Mr. Yates said it has been a year that they have been actively trying to get a quote. Mr. Yates said Suddenlink service is faster and cheaper.

Mr. Muckleroy said they might need to raise gas and oil a little bit more. Mayor Countryman asked how many vehicles they had in the department. Mr. Muckleroy advised they had four vehicles. John Champagne asked what maintenance covers, and whether it would be around the pump. Mr. Muckleroy said not a pump because that would be utility, but it could be anything related to streets; he uses that item when they have to buy a pallet of grass to put in the ditch. Mr. Muckleroy said it is a miscellaneous item. Mr. Muckleroy said he was taking out vehicle maintenance and equipment because they are due for a full backhoe service this year, which is a \$1,000 service. John Champagne said that was actually pretty cheap. Mayor Countryman asked if the trucks are newer vehicles. Mr. Muckleroy said the oldest vehicle they have is 2013 and it is in good shape.

Mr. Muckleroy said they went up three percent on street repairs, such as pot holes and crack sealing. John Champagne asked where speedbumps were taken out. Mr. Muckleroy said that would be streets – preventative maintenance or street repairs - minor.

Mayor Countryman asked who was to repair Lone Star Parkway from the damage caused by the 18-wheeler last week. Mr. Muckleroy said that was outside the City limits. Mayor Countryman asked if the road was ever repaired. Mr. Yates asked if Officer Bracht had contacted Montgomery County. Chief Napolitano said that Officer Bracht had filed a report and said he would check with him in the morning as to whether he contacted Montgomery County.

Mr. Muckleroy advised that they reduced the cost a little on uniforms because they negotiated a new contract with a new company. Mr. Muckleroy said he reduced Cedar Brake Park because they are not using the amount that was listed; Fernland Park is increasing just a small amount due to them getting busier and they need more supplies; the Community Center is being reduced a little because that amount is not being used; and he had zeros on everything else. Mr. Muckleroy said their training and education is the same as the other departments, just classes for continuing education hours for their licenses. Mr. Muckleroy said everyone in his department is licensed except one employee.

Mr. Muckleroy said this year he is signing his staff up with the Texas Water Utility Association for \$65 per person and getting continuing education hours by attending a monthly meeting, which will come out of the Utility Fund. Mr. Yates said they could send someone to street safety school in Public Works. Mr. Muckleroy said training and travel went up five percent.

Mr. Muckleroy said they were reducing maintenance for Memory Park a little bit because they are not using the full amount. Mr. Muckleroy said the Rotary Club is taking care of quite a bit there. Mayor Countryman said that might be changing so they might need to keep those funds in there. Mr. Yates said so far the Rotary Club is saying that they are going to keep doing the same amount of work. Mr. Muckleroy said they basically want a written agreement with the City. Mayor Countryman said she just wanted to make sure. Mr. Muckleroy said last year they had the large number in the budget for the sidewalk improvements, which are done so they can bring that back down. Mr. Muckleroy said Cedar Brake went up a little bit and Homecoming Park stayed the same. John Champagne asked about the \$25,000 for Fernland Park. Mr. Muckleroy said that was for the sidewalks. John

Champagne asked if the City paid for half of that. Mr. Muckleroy said that Troy paid for half of the concrete costs and the City had to pay for all the labor.

Mrs. Branco advised that the liability insurance shown is exactly what it is going to be, \$1,843. Mr. Muckleroy said they need to match it. Mrs. Hensley advised they do not have that figure yet from TML.

Mr. Muckleroy advised that street lights are increased a little bit because they have a couple extra lights going in. Mr. Muckleroy said that downtown utilities is a new line item that is part of moving things around where they should be located. Mr. Muckleroy said they had a line item that said "traffic lights" that was actually a "lift station", they had the lights on McGowan Street that are also tied into the poles and used for festivals, and so he separated them out and created its own line item and the welcome flags; they were paying the water bill towards the electronic sign, so he put all of those into one downtown utilities line item. Mr. Muckleroy said the LED lighting that they did two years ago and the air conditioner that they replaced has brought the utilities down. Mr. Muckleroy said the capital outlay Community Center project was completed last year.

Mr. Muckleroy asked Ms. Hensley about Laserfiche and whether they needed to include that in the budget. Ms. Hensley said they should not be zeroed out in the budget.

Mr. Muckleroy said the public works items have dropped because they are not adding a truck this year. Mr. Muckleroy said they were asking for a couple of items that include:

- Attachment for the bob cat excavator, which is a flail mower attachment that is like a miniature brush hog on a boom;
- A commercial ice machine, which will be housed at the Public Works office, but will be available if the Police Department needs ice or for any function;
- \$2,500 for the new bob cat, because the one that they purchased last year was purchased on a municipal exchange program, which allows them every year, as long as they keep the machine under 500 hours, they can exchange

it for a brand new machine every year for \$2,500. Mr. Muckleroy said that fee is the trade in fee and to have their mechanics switch over the tracks and the digging bucket, which are the only two items that they do not replace. Mr. Muckleroy said there is no maintenance cost, and with the brand new machine they get the first 50 hour service for free. Mr. Muckleroy said the equipment is completely owned by the City and it is not a lease program. Mr. Muckleroy said they can trade the machine in on October 1 and get their brand new machine that will be 100 percent owned by the City of Montgomery. Mr. Muckleroy said they can upgrade the machine anytime they want to; they only have to pay the difference in the two machine sizes. Mr. Yates said the bob cat has been a success and does really well.

- \$800 for a steel hand held auger, which is the pole auger that they use for street signs.

Mr. Muckleroy said the drainage improvements are remaining the same; and contract labor streets is going down and is the balancing account where they place the funds.

Mr. Yates said the FM 149 and SH 105 is funds for tearing down the building at that location after they purchase it.

John Champagne said this department proposed base budget is going down 6 percent from the 2018 budget and is appreciably less than the actual 2017 budget. Mayor Countryman said it includes adding a potential fifth person.

Mr. Muckleroy said the \$3,000 is the number that Mr. Yates told him to put into the capital purchase. Mr. Yates said that was supposed to be part of the building at the sewer plant assigned to Public Works as opposed to utilities.

- Utility Fund

Mr. Yates said regarding the water and sewer fees he and Randy Burleigh had gotten together and the suggestion is to go up \$.25 cents per 1,000 gallons for 2,000 up to

20,000 gallons for the water and sewer, which would raise \$39,000. Mr. Yates said they are already putting about \$800,000 from the utility fund and from the capital project funds over for water and sewer capital improvements, which they thought was enough, plus the addition that they are doing to the debt service fund. Mr. Yates said this sort of follows the third year of the three-year plan. Mr. Muckleroy asked if there were any numbers that they needed to change. Mr. Yates said no, he had already plugged them in.

John Champagne asked what comes after they reach 20,000 gallons. Mr. Yates said it would be \$5.00 per 1,000 gallons for over 20,000 gallons, which City Council did last year. Mr. Yates said this also gets the City to our cost of service. Mr. Yates said the City's water consumption is down about 12 percent from last year, which is great. Mayor Countryman asked if they could contribute that to more rain. Mr. Yates said yes and higher rates. Mr. Yates said Randy Burleigh is going to figure out everyone that has an 11,000 gallon average and they will write them a special letter explaining how the irrigation meter will help use less sewer. Mayor Countryman said they will be saving them money in the long run and looking out for the best interests of the citizens and helping them save money. John Champagne asked if they could put a six month pay plan on the meter cost and they might get more interest.

Mr. Yates advised there were more impact fees this year and less tap fees. Mr. Yates advised that they needed to remove the impact fees – other. Mayor Countryman asked about ETS Revenue. Mr. Yates said he thought that was a typo and that he was going to remove and change to Miscellaneous Revenue. Mayor Countryman asked what those funds were from. Mrs. Branco advised they were the credit card fees.

Mr. Yates said he added one personnel under the personnel. Mr. Yates said he did not understand why personnel was so low for this year at \$139,000. Mrs. Branco advised that was because they had pulled Mr. Yates pay out of that line item. Mr. Yates said  $\frac{1}{4}$  of his salary and three employees comes out of this fund. Mayor Countryman confirmed that water/sewer pays for  $\frac{1}{4}$  of Mr. Yates salary and three public works employees. Mr. Muckleroy advised that was correct, his department is split between public works and utilities. Mrs. Branco advised that Mr. Muckleroy and the utility clerk are under utilities, and the rest of public works are in water/sewer. Mr. Yates said the



proposed personnel wages for 2019 is \$266,000, including adding one person. Mr. Yates said this new position is a labor position that would be paid \$15 - \$16 per hour.

Mr. Muckleroy advised that license and permits for the sewer plant was a typo, it is not supposed to be \$10,400 it is supposed to be \$19,400. Mr. Muckleroy said everything else is zeros except for operating supplies, and they are just going up a little bit on that item, because that is where all their water meters come from. Mr. Yates said they are completely up to speed on new meters, including the compound meters. Mr. Yates said they did a lot of investing this year on meters. Mr. Muckleroy said when they did the original meter swap out 2 ½ years ago they elected to keep some of the Neptune brand meters in the ground, because that was the only brand that you could put Badger electronics on. Mr. Muckleroy said what they were not told at the time was the Neptune meters would only read in 500 gallon increments, so you do not get the true usage and they are old meters and at the point of being replaced anyway. Mr. Muckleroy said they went through this year and switched out 16 of the 2-inch meters and put Badger meters in and they will get truer numbers, in fact Randy Burleigh has already pointed out a couple of them that the usage has gone up; it is not the usage it is just the accuracy of the meter. Mr. Muckleroy said the new meters also helps with leak alerts, and said they already replaced a meter at Summit Business Park where the meter was only a couple years old, but they already had a leak on their side that was not alerting them because it was not rolling more than 500 gallons an hour. Mr. Muckleroy said they found it when they dug up the meter. Mr. Muckleroy said it was a good investment to get them up to speed, and they only have a few Neptune meters left in the system. Mr. Muckleroy advised the figure for sludge hauling is not correct, it was supposed to be \$19,250, and said they were not going to hit \$20,000 this year.

Mayor Countryman asked about the testing line item. Mr. Muckleroy advised that was for both water and sewer testing, which they do every week. John Champagne asked if Gulf Utilities was doing the testing. Mr. Muckleroy advised no, a third party was doing the testing after Gulf pulls the sample and they have another company that comes and picks up the sample for testing. Mr. Muckleroy said they increased taps and inspections based on the number they have coming in. Mr. Muckleroy said they are going up on maintenance and repairs, which is for anything that goes wrong with the utility system goes under that item. Mr. Muckleroy said they were going up a little on

gas and oil, which also includes diesel for generators, but after discussion they decided to increase to \$6,200. Mr. Muckleroy advised they increased a little bit for staff development since they would be hiring another person.

Mr. Muckleroy said the capital outlay sewer plant improvements is because they are out of space where they are located, so they are going to utilize the building that they are in right now. Mr. Muckleroy said the office space is in one third of the building and they want to expand out; originally they were considering another third of the building just to create more office space. Mr. Muckleroy said they want to get a portable building at the back of the property to house all of the items that are housed in the shop, then they can use the existing building that already has the electric, water and sewer to create some more office space. Mr. Muckleroy said if they hire a City Engineer this would be a prime location for them to work and space for a plotter if they need it, and a place to store blue prints.

John Champagne asked about page 23, and asked if he was to deduce from the engineering fees that this is Gulf or Jones & Carter. Mr. Muckleroy said it was Jones & Carter, advising that the operator is Gulf. John Champagne asked if \$40,000 was the budget. Mr. Muckleroy said that was correct for their base fee for running the plants and the rest of it is located in 26335, which increased to \$225,750. John Champagne said they had a budget of \$160,000. Mr. Yates said the budget was \$215,000 and they are actually going to use \$160,000. John Champagne said they estimate the total cost for Gulf Utilities for maintenance and repairs would be \$160,000. Mr. Muckleroy said it was not just for Gulf, it was any repairs, including preventative maintenance. Mr. Yates said what he probably should do is go to the invoices and add them up and break them out like he did last year. Mr. Muckleroy said Mrs. Branco can do that. Mrs. Branco said she could show if it was paid to Gulf or if it was somebody else. John Champagne said he would like to know how close Gulf is to their proposed contract. Mr. Muckleroy said the proposed contract has a lot of variables, but said Gulf has stuck true to their base, but we added \$25,000 in preventative maintenance on the entire utility system. Mr. Yates said most of Gulf's fees were comparable to two other people after the base fee, the other services were pretty comparable. John Champagne said as he remembers, they were in another industry in regards to the number that they submitted compared to the other two bidders. Mr. Yates said they were quite a bit less.

John Champagne said his point is he does not know what the other quotes had for preventative maintenance and was it part of their scope of services. Mr. Muckleroy said he still stuck to the simple fact that Gulf had already been servicing the City so they knew the true cost of what it was going to take to run this as opposed to someone coming in here and doing an hour walk through of the system but not getting details on everything. Mr. Muckleroy said he remembered Gulf telling him before the quotes came in, saying we had to be careful if somebody bids low because they are probably going to nickel and dime you on something else, and then they came in so much lower. John Champagne said they came in significantly lower so he immediately had red flags. Mr. Muckleroy said he treats them the same as any contractor that comes to the City, he is loyal to no one, so if we want to go out for bid in December, but what scares him about that is base price getting driven up. John Champagne said that was why he deferred to Mr. Muckleroy and to a lesser degree Mr. Yates on that decision. Mr. Muckleroy said they are still happy with Gulf.

- Special Funds

- Capital Projects Fund

- Mr. Yates said he was not prepared to review the Capital Projects at this time.

- Court Security Fund

- Court Technology Fund

- Hotel Occupancy Tax Fund

- Police Assets and Forfeitures

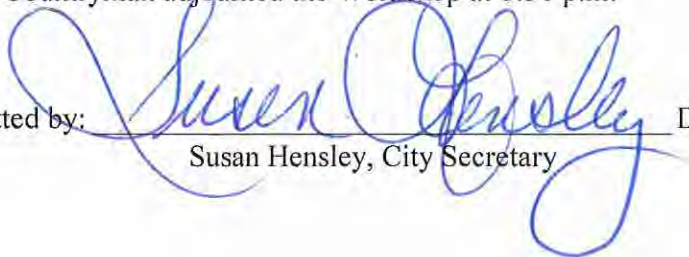
- Montgomery Economic Development Corporation

- ❖ Discussion 2018 Tax Rate

## ADJOURNMENT

Mayor Countryman adjourned the Workshop at 8:31 p.m.

Submitted by:



Susan Hensley, City Secretary

Date Approved: \_\_\_\_\_

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Mayor Sara Countryman

# MINUTES OF BUDGET WORKSHOP MEETING

August 7, 2018

## MONTGOMERY CITY COUNCIL

### CALL TO ORDER

Councilmember Jon Bickford called the Workshop Meeting to order at 4:06 p.m.

Present: Jon Bickford Place #1

Absent: Sara Countryman Mayor  
John Champagne, Jr. Place #2  
T.J. Wilkerson Place #3  
Rebecca Huss Place #4  
Dave McCorquodale Place #5

Also Present: Jack Yates City Administrator  
Susan Hensley City Secretary  
Mike Muckleroy Director of Public Works  
Cathy Branco Financial Consultant  
Chris Roznovsky City Engineer

Mayor Countryman commented during the Workshop via telephone.

### BUDGET WORKSHOP:

- ❖ Discussion of the following items related to the City of Montgomery 2018-2019 FY Proposed Operating Budget:

Mr. Yates advised that they would review the proposed budget and then when they can get a quorum present they can do a summary meeting.

- Summary
- General Fund Revenue
- General Fund Expenses
  - Administration - Mr. Yates reviewed the proposed budget, stating the big difference in the budget is adding a new position of Assistant to the City Administrator and keeping Tina Williams as the Finance Assistant so they can reduce the hours to the Municipal Accounting people that we use now. Mr. Yates said they are going to be pushing

\$95,000 this year, so what they are going to do is assign Ms. Williams to the Finance Department and hopefully reduce the hours.

Mr. Yates said the other position is the Promotions Director that he has budgeted \$41,600 for, and this is the position that MEDC is going transfer over \$80,000. Mr. Yates said the rest of the \$80,000 will cover expenses for furniture, computer and related expenses for the new person. Mr. Yates said the total for the wages of that position with benefits is \$53,194. Mr. Yates said the rest of the Administrative budget is a little bit less than the current budget.

Mr. Yates said the communications budget is down from the current amount of \$10,899 to \$5,600 next year, advising that the budget itself this year is \$3,127. Mr. Yates said the budget for general fund expenditures for engineering and contract services is down from \$223,000 to \$204,000; supplies and equipment is down from \$15,700 to \$15,300. Mr. Yates asked why travel and training was so much this year at \$12,500 as opposed to the budgeted amount of \$6,500. Mrs. Branco said that is an estimate of what they are going to use for this year. Mr. Yates said the liability insurance quote is about to be received from TML, which will be included in the next version of the budget.

Mr. Yates said the \$1,500 for admin utilities needs to be zero since it is covered under Public Works. Mr. Yates asked the City Secretary why they have so much for computers and equipment. Ms. Hensley said it is because they have to replace about 5-6 computers that are out of warranty. Mr. Yates said they would confirm the cost for the computers that need to be replaced. Mayor Countryman asked if the computers were separated by department. Ms. Hensley advised that was correct.

Mrs. Branco said travel and training is already at \$11,581. Ms. Hensley advised that she wanted to check the travel and training because they have not totaled that much and something was not correct.

Mr. Yates said the sales tax rebate to Milestone, and the 380 Ad Valorem Tax Rebate is the property taxes rebate. Mr. Yates said the PID property tax reimbursement is on the Summit Business Park, which also has the same figure on the revenue page. Mr. Yates said the reason for the addition on page 9, where they have total expense and said the primary reason for that is two new salaries in Admin. Jon Bickford asked if the Admin positions were part-time or full-time positions. Mr. Yates said they were

full-time positions. Jon Bickford asked if they were going to get both of those positions with benefits for \$106,000. Mr. Yates said that was correct.

- Police Department

Jon Bickford said the proposal is that the police budget be literally half of the City's budget, which is right at \$3.6 million dollars, and asked if they are leaving the budget there or are there adjustments. Mr. Yates said he has some recommended adjustments that are listed. Mr. Yates said his recommendation is to go down on the salaries from 16% increase to 4% cost of living increase and 2% merit increase. Mr. Yates said what he did on the other City salaries was a 2% cost of living increase and 2% merit increase.

Jon Bickford said he did some checking, and as a percentage of the budget he looked at the cities of Navasota, Shenandoah and Willis. Jon Bickford said he heard that there was some fuss made about Shenandoah and how big it is and how much money they have, but their \$2.9 million dollar Police Department budget is only 25% of the City's \$12.375 million dollar operating budget. Jon Bickford said Navasota Police Department budget is 25% of the City's budget and City of Willis Police Department budget is 47% of the City's budget.

Jon Bickford said Navasota has 7,500 people, Shenandoah 3,000 people and Willis has 6,300 people, so four times the number of people. Jon Bickford said the City of Willis Police budget is \$1.85 million, City of Navasota Police budget is \$1.8 million and the City of Shenandoah Police budget is \$2.9 million and the City of Montgomery Police Department is proposing \$1.5 million. Jon Bickford said the cities of Willis and Navasota have ten times the population of Montgomery so he struggles with that budget and going from \$1 million dollars to \$1.5 million dollars is a big jump and he does not understand why and said he would be interested in the recommendations. Mayor Countryman said it would be nice to see a cleaned up Police budget, because there were a lot of question marks, so maybe the budget will come down. Mayor Countryman said she agreed that it was a big jump.

Mr. Yates said he had the salaries down from \$984,000 to \$920,000, and the capital outlay down from \$67,500 to \$25,500. Mr. Yates said part of the reason for that is the water barriers and City Hall security were moved over to public works, which is where he thought they belonged rather than police. Mr. Yates said that he can review the Police budget between now and the next meeting. Jon Bickford said there are big jumps

in radios and a lot of other things, which they can discuss later. Jon Bickford said he felt that they needed to reconcile the Police budget because he just did not understand it. Mr. Yates said he knows that we have a lot of people coming into the City versus what the population, so that is part of the answer. Jon Bickford asked if they are talking about a couple patrol vehicles, or what. Mayor Countryman said they are talking about two more cars and two more police officers. Jon Bickford asked what they do with the extra patrol vehicles in the parking lot. Mr. Yates said they are primarily assigned to a person. Jon Bickford said he thought they had extra vehicles, such as a confiscated vehicle. Mr. Yates said they have reduced the purchases to one vehicle, but that could be cut too. Jon Bickford said if they need the vehicle he does not want to keep them from getting it, but if they have a confiscated car and they put a lot of money into decals, paint, and equipment, if they are using it, great. Mayor Countryman said the oldest vehicle they have is 2013 and they were talking about decommissioning two of the 2013 vehicles and getting a 2017. Mayor Countryman said they apparently can't salvage anything off of the old vehicles for the new vehicles. Mayor Countryman said there seems to be a lot of police vehicles sitting over there that do not get used. Jon Bickford asked why they can't salvage videos, radios and lights. Jon Bickford said when you sell a police vehicle you have to remove all the lights, decals and flashing equipment unless you sell it to another police department, and you have to pay someone to remove it. Jon Bickford said the lights are not car specific and said there is a lot of money in the police budget that needs to be looked at because there is a lot of cash in it.

Mr. Yates said he would work on that information before the next meeting. Jon Bickford said the City's budget is not going up a half million dollars, because last year it was \$3.069 and this year we are proposing \$3.7 million dollars, so we are talking up \$600,000 and almost the entire amount is the Police budget, which seems wrong. Jon Bickford said he has not seen the rationale for the increase and said it would be worth a presentation.

Mayor Countryman asked when the Chief was going to research several items on his budget and asked when that was going to be presented, such as items that were listed in two different places, items that he was not sure of what they were, and the item that said it was for rifles that was not really for rifles, fingerprint boxes and all kinds of things. Mayor Countryman said the budget was hard to follow and it would be nice to get a cleaner version and some questions answered. Mrs. Branco said on the Police

budget they had changed from purchasing two vehicles to one vehicle. Mr. Yates said they came down on the Police salaries from \$984,000 to \$920,000. Jon Bickford said that was still an increase of almost \$200,000.

Mr. Yates said this year the Police department went most of the year short one officer that he was allowed to hire, but his overtime was up quite a bit due to not hiring that officer. Mayor Countryman said she had quite a few questions, but she did not have her information with her out of town. Mr. Yates said if he could get the Mayor's notes he could review the Police budget.

Mayor Countryman said she liked Mr. Yates proposal of the 2% cost of living increase and 2% merit raise. Mayor Countryman said Mr. Muckleroy is adding a person and reducing his budget. Jon Bickford said Mr. Yates is adding two people to the City budget. Mayor Countryman said Mr. Muckleroy has a very good manageable budget and he manages it very well, and is very concise. Mayor Countryman said she is looking and the police vehicles have gone up on repairs, but yet they are decommissioning two cars, therefore they would take those repairs out of it and they are getting two new cars, so that cost should go down. Jon Bickford said they are proposing only one new police car. Mayor Countryman said even so, there should not be that big of a jump in auto repairs. Mr. Yates said in order to reduce the budget as much as they need to, they might not have any new patrol vehicles.

Jon Bickford asked about all the notes for the evidence room in the amount of \$20,000, and asked what that was for. Mayor Countryman said that was to redesign the evidence room. Jon Bickford asked about the fingerprint scanners. Mr. Yates reviewed the additional items that were requested by the Police Department including the vests and fingerprint scanners. Jon Bickford said he spoke to one police officer who says do not buy your officers guns, because if you buy them guns and tell them they have to use that gun and something goes wrong, the officer can say they were never comfortable with that gun. Jon Bickford said some feel that if you want to be a police officer buy your own gun, get whatever you want and be comfortable with it and be done with it, no allowance, just get your own gun. Mayor Countryman said she has spoken to others who have said the same thing. Mayor Countryman said the Chief told her the reason the officers did not have their own guns was because he did not want to write the handbook for each gun that is in the department. Jon Bickford said he would be interested in seeing what other departments have for handbooks, because he thought



when you buy a gun it has a book that says how to use the gun, so he did not know why they would need anything more complex than that, so that would be a lot of savings. Jon Bickford said unless the City gets 50% more money from Heaven and they decide that we need 50% more whatever, he does not know how you justify spending 50% more and what scares him is where do you stop. Mr. Yates said the ballistic vests are on a grant program and can be reduced to \$2,500. Mr. Muckleroy said the Chief had stated that when they purchase them he sends the invoice to the Attorney General's Office for reimbursement. Mrs. Branco said they get a certain portion of the money back, they do not get all the money back.

Mayor Countryman asked about the radios that are shown for purchase. Jon Bickford said his question is why they can't use the old radios. Mayor Countryman said that is correct, they work. Mayor Countryman asked what the operating supplies are. Jon Bickford said that was about what they spent this year, which was twice what was budgeted. Mr. Yates said he would review the Police budget line by line with the Chief. Jon Bickford said it would be worth it.

Jon Bickford said the mobile phones are supposed to be free now, correct. Mayor Countryman said that was what she heard. Jon Bickford said that was what they had been told. Mr. Muckleroy said they were not free, the Chief advised they went down in cost. Jon Bickford said that was correct, the phone was free and the monthly billing was supposed to go down 10-15%. Mr. Yates said even so, they are at \$2,880 this year. Jon Bickford asked if that was land lines or cell phones. Mr. Muckleroy said it could be both. Jon Bickford asked to confirm the information on the phones. Jon Bickford said what was interesting was the phone costs went up not down.

Mayor Countryman said capital outlay had the finger printer inside that number. Mr. Yates said that was correct. Mayor Countryman asked about the protective gear and if that was for one of those shields, because she sees ballistic vests and shields for \$10,000, and then you go on page 12, line item #16328.1 protective gear for \$5,000, and asked what was the difference. Mr. Muckleroy said he heard the Chief say the ballistic vests and shields the words "vests and" should have been crossed out and should have only been the "ballistic shields" on that line item. Mayor Countryman said she thought they were only getting one shield so that would be \$3,000 instead of \$10,000. Mr. Yates said that was correct.

Jon Bickford asked about the \$15,000 in vehicle replacement fund. Mr. Yates said it was setting money back for vehicle replacement. Jon Bickford said they have \$33,000 if they purchase one vehicle and asked if these funds were in addition to that. Mr. Yates said yes. Jon Bickford asked if they needed both of those accounts of \$15,000 and \$33,000. Mr. Yates said when they met the other day they decided not to spend those funds until they had enough in there for one vehicle; this is to set aside funds for the future allowing the funds to accrue. Jon Bickford said he understood and it made sense, similar to what they are doing with the impact fees.

- Court

- Public Works

Mr. Yates advised they have \$11,025 for City Hall utilities and \$4,860 for the Community Center utilities.

- Utility Fund

- Special Funds

- Capital Projects Fund

Mr. Yates reviewed the summary of the capital projects, which is on page 30 of the proposed budget. Mr. Yates said this year about all they will be spending is engineering money for the TWDB projects, just because of the amount of time that it took to do them, so they are probably looking at October or November of being able to start any of the projects. Mr. Yates said most of them are four to six month projects. Mr. Roznovsky said they vary, with the shortest one being the reroute of the force main that is a 90-day project and the longest one being the water plant improvements, which is one year. Mr. Yates said that is another reason that they won't have to borrow any money next year. Mr. Yates said they are expecting to have the GLO answer in October, which will be \$2.3 million dollars.

Mr. Yates said if you add up all the engineering and they are paying a lot of money to Jones and Carter for the engineering, which is good money spent because they get the projects and all that, but something that he worked up was an alternative if they were to hire a City Engineer to be put on staff. Mr. Yates said this would not do away with Jones and Carter at all, but he was thinking that the City Engineer would have to be a professional engineer that had an engineering seal so he could stamp plans, and would not be a surveyor but have the knowledge to work with the surveyor and be able to read and write the inscriptions. Mr. Yates said they would probably not take over the escrow and development reviews now being done by Jones and Carter, at least at first,

but maybe over time. Mr. Yates said the staff engineer could also take over plat reviews with Jones and Carter assistance until the person got up to speed doing it and could advise the Director of Public Works. Mr. Yates said the best use of the staff engineer would be the preparation of minor plans for water and sewer lines, review of escrow billings and in performing minor studies and reviews of City projects within the ability of the person that they are able to hire. Mr. Yates said if the staff engineer they hired could do one or more of the TWDB projects the savings could be substantial. Mr. Yates said in the capital projects fund they have \$628,000 for engineering. Mr. Yates said they pay Jones and Carter roughly \$400,000 per year for all the various projects and special assignments that they have done, which he felt they could cut that in half. Mr. Yates said for the current budget to the projected staff engineer the savings is about \$256,000. Mr. Yates said if the budget and expenses increase, which could happen and would mean that the staff engineer is doing more work, and the more that they can do, the less that they have to pay Jones and Carter. Mr. Yates said the amount that he is projecting that they would have to spend for a City Engineer is \$95,000 - \$100,000 in salary, along with supplies and equipment of \$20,000, office set up of \$3,500. Mr. Yates said he was thinking that they could put this person in the Public Works Department, and in Mr. Muckleroy's budget he has adding an office at the sewer plant. Mr. Yates said the type of person that they would get is someone that is two to four years into their career or they might be able to get a close to retiring engineer. Mr. Yates said this is not in the budget, but he does have it as a proposal and reviewed some backup information on the proposal. Mr. Yates said they might not have to get a plotter, but they could make arrangements to have the documents printed and prepare plans and get up to speed. Jon Bickford asked if Jones and Carter has engineers drafting. Mr. Roznovsky said they are transitioning that way because they found that the new software is easier to design and engineer at the same time, and they were losing efficiencies with drafters so they made that switch earlier this year. Mr. Yates said they would still want Jones and Carter to perform studies because of the detail. Jon Bickford said they are going to have to balance the duties because they could have back and forth, but said that it is an interesting idea, and at some point the City will have to get an engineer, but again we are at a population of 1,000. Mr. Yates said he felt the position was based more on the amount of work versus population. Jon Bickford said that was absolutely true and as long as there is land left, there is work. Mr. Roznovsky said in the ETJ there are still 3,600 acres of undeveloped land. Mr. Roznovsky said inside the City limits, based on the future land use map, you have approximately 770 acres of residential land, 300 acres of commercial land, and in the

ETJ you have an additional 4,200 acres of residential land, and 260 acres of commercial. Jon Bickford said the City's ETJ is four times as big as the City right now. Mr. Roznovsky said that is all undeveloped land. Mr. Yates said he would look at all the active projects they have, which they have 12-15 active projects right now. Mr. Roznovsky said since January 1, 2018 there have been 10 escrow accounts opened and before that there were another 10 active escrow agreements from the previous year. Mr. Yates said the duties of the staff engineer will depend on the qualifications and fortitude of the person. Mr. Roznovsky said there is enough going on to keep everyone busy, at least for the next two or three years. Jon Bickford asked if Mr. Yates was sure he could find a civil engineer with a stamp for \$95,000 a year. Mr. Yates said he thought he could.

Mr. Yates said they were planning on spending all the TWDB funds this year. Mr. Roznovsky asked about the CDBG Block grant and if it was the Baja project. Mr. Yates said yes, it was. Mr. Roznovsky said he thought that number, since they will be entering construction right at the beginning of the fiscal year, which is going to be the majority of the cost so he thought it should be the \$300,000, because most of that will occur next fiscal year. Mr. Yates said he had thought it would be just the opposite. Mrs. Branco said they are saying that the proposed should be shown as \$300,000 and the estimate is \$50,000. Mr. Yates said they did not have the revenue pages, they only had the expenditures. Mrs. Branco said she would redo that information.

Mr. Roznovsky asked if the FEMA line item includes all the bridge and Atkins Creek, or the remaining that they are expecting for Atkins Creek. Mr. Yates said on page 34 they have Hurricane Harvey, which is Atkins Creek at \$310,000. Mr. Roznovsky asked what about the revenues. Mr. Yates said that was the page that is missing. Mr. Yates said when we get the revenues page, they will see there is \$450,000 for Hurricane Harvey for engineering and \$310,000 for construction. Mr. Roznovsky said they do not have the GLO listed, but they will do an amendment when they know the final official GLO information. Mr. Yates asked Mrs. Branco to prepare a revenue page to be included. Mrs. Branco advised that \$147,000 is for the GRP, \$50,000 is for maintenance, \$75,000 is for the transfer from utility fund for capital cost projects and an additional \$15,000 transfer from general fund for police vehicle replacement.

Mr. Yates said if they added up the revenues of \$3,593,000 for this year plus the beginning balance for this year, that is \$6,286,000 and the expenses for this year are

planned at \$5,475,000. Mr. Yates said that would leave roughly \$811,000 difference. Mr. Yates said the difference is the money that is being brought over from the utility fund for capital projects that they do not have specific items for. Mr. Roznovsky asked if the \$50,000 was utility projects repairs and maintenance. Mr. Yates said that is correct. Mayor Countryman said it would be very exciting for the City to be self-supporting. After discussion, the GLO funds are included in the budget.

Mr. Roznovsky said they also have in the budget the expenses for the 18 inch sewer line, but those funds are paid for by the developer and has a balance of \$380,000, of which the developer has paid \$57,500. Mr. Roznovsky said the developer is paying 100%. After discussion, Mrs. Branco said it would be better if they showed the revenue coming and the expense coming out so that you would have a better paper trail. Mr. Roznovsky said he would send Mrs. Branco the exact number. Mrs. Branco will add to the 380 Agreement for First Hartford, 18-inch Sanitary Sewer Line, for revenue that might hit this fiscal year with the expenses coming in the new fiscal year. Mr. Roznovsky said the first pay estimate will most likely be in September or October, which would get them into the next fiscal year.

Mr. Roznovsky addressed the Buffalo Springs Bridge repairs item saying they have an estimate for zero for 2018, but he knows the City has paid the contractor so he asked if that was shown somewhere else in the budget. Mr. Roznovsky said he knows it is around \$400,000 that the contractor has been paid, but they show zero estimate for 2018, and he asked if that was because they are using funds from a different account. Mr. Roznovsky said they have paid roughly 50% so they should have \$500,000 expenditures and \$500,000 remaining. Mr. Roznovsky said they could send them the exact figure that is remaining, but there is nothing shown in 2018. Mrs. Branco said she would have to check on the information, because it should be about \$460,000 for the cost of construction and the engineering is a different amount. Mrs. Branco advised that it will be a wash regardless, but she will find where they are in the budget.

- Court Security Fund
- Court Technology Fund

Mr. Yates advised this is an earmarked amount out of each ticket, and they have \$29,000 in there and the first of this year they expect it to go up about \$10,000. Mr. Yates said he has contract services for \$2,000, primarily for computer support. Mr. Yates advised that Court Security was for the bailiff.

- Hotel Occupancy Tax Fund

Mr. Yates advised that hopefully our new sales tax person is going to be checking hotel occupancy tax, so he expects that to increase. Mr. Yates said the sales tax person has gone physically to every tax payer location in the City and spoken to them and viewed their sales tax certificate and will report to City Council at the second meeting in August. Mr. Yates said he would predict that by this time next year the City will either have a hotel built or one planned because of the wedding venues and the Mayor is doing some good work on this matter.

Mr. Yates said he found out there is already a wedding group that meets every once every two or three months so they will need to get the new promotions person to meet with them to discuss different opportunities and hopefully convince a hotel to locate in Montgomery. Mayor Countryman said she hopefully will be able to give more updates on the information and she would also like to locate who heads up that group so that they can get included on their email chain. Mr. Yates said when they get a promotions person they can start spending some of this money because there are rules about what and how it is spent. Mr. Yates said if they had a hotel they would certainly be getting \$30,000 to \$40,000 a year. Jon Bickford asked where those funds have been going. Mr. Yates said it is in a fund, and is about five years' worth of funds. Mr. Yates said he has \$4,000 being spent out of those funds, where they have not spent any funds in the past several years. Mayor Countryman said it would be good if the account grows to \$40,000 a year and they can put half of that toward the tourism and hotels marketing person and let that account start spending those funds.

- Police Assets and Forfeitures

Mr. Yates said this item needs to be in the budget. Mr. Yates said he put about \$100 worth of revenue and zero expenses in the budget, and they have not had any revenue in that account for several years. Mr. Yates said he would work with the Chief on the Police budget. Mayor Countryman said when she gets back into town she will meet with Mr. Yates to go over those items.

- Montgomery Economic Development Corporation

❖ Discussion 2018 Tax Rate

Mr. Yates said the debt service fund, with the new assessment, the City is going to get \$553,000, by going down on the tax rate one penny from .4155 to .4055. Mr. Yates said he was proposing this year that they go down to \$.1942 for debt service, and the reason for that is they are still going to be able to pay all of our debt and increase the balance in the debt fund from roughly \$205,000 to \$403,000 next year. Mr. Yates said that was taking one and a half cents from the debt service and putting it over to general operating. Mr. Yates said the reason he was recommending that was because they are increasing the debt rate even with the lower rate by \$200,000, and in the utility fund putting about \$900,000 to capital improvements this year. Mr. Yates said he felt they were doing enough in water/sewer to pay for current increases and to make some long term improvements and increase the capacity because \$200,000 is about \$3 million dollars' worth of new debt. Jon Bickford asked what that would do to new debt that the City is going to go get in order to do a new sewer treatment plant or new water well, etc.

Mr. Roznovsky asked to clarify that they were saying to just move the debt service over to maintenance and operations so the overall tax rate would remain the same. Mr. Yates said the debt service would be \$.1942 and the maintenance and operations would be \$.2113 and that would get \$50,000 to \$60,000 over to maintenance and operations, which is the general fund and reduces the debt service. Mr. Yates said once you put money into debt service they can't take it back out. Jon Bickford asked how they get the penny out of debt service. Mr. Yates said you get it out by not putting it in to debt service, which you decide each year. Jon Bickford asked what happens if you put too much in debt service. Mrs. Branco said it remains there as a balance until you need it. Mr. Yates said they are still putting over \$900,000 over into capital projects.

Mr. Roznovsky said the threshold for the sewer treatment design phase is 75% of your current permit, which is 400,000 gallons a day; that would be 300,000 gallons a day you have to initiate engineering and financial planning. Mr. Roznovsky said that would mean initiate a study to determine what is the scope and cost of planning. Mr. Roznovsky said at 90% you have to initiate approval for construction, so you would need to have plans that are about ready, if not being reviewed for approval by the state. Jon Bickford asked how big a trick it would be to get everything completed so that they are ready to submit plans. Mr. Yates said he thinks what Mr. Roznovsky is saying is that it will take about two years from the telling them that we want to design the plant to having the permit. Jon Bickford said he was wondering if there was something that they could do ahead of time. Mr. Roznovsky said there is a window if you want to have the plans ready, but you don't want to get so far in advance that a rule changes and the plans are obsolete. Mr. Roznovsky said that is why he is saying this year they need to at least figure out the general scope of what needs to be done and then set a threshold or what can they carve out now and set the ground work for it. Mr. Yates said he thought conservatively for the foreseeable future, unless the economy just

completely tanks, they are going to be in the \$30-\$40 million dollar assessment increase every year for the next two or three years. Mr. Yates said if you take 80 houses times the assessed value of \$200,000 that is \$16 million right there and last year the assessment went up \$54 million dollars. Mr. Yates said Kroger last year was about \$7 million and this year they are about \$16 or \$17 million. Mr. Yates said they also had \$25 million dollars in new buildings and growth, and Kroger would not be included in that because it was in existence at the time.

Jon Bickford said it looks like the City is on a path to return a penny to the taxpayers. Mr. Yates said that it correct. Jon Bickford said if they keep returning money and lowering taxes, the people will be very happy. Mr. Yates said as they continue to be a receiver City of sales tax, people coming in and spending their money and leaving, he foresees them being able to go down one cent in taxes each year if they stay up in the \$30-\$40 million dollar assessment range. Mr. Yates said this year sales tax is going to be up about \$350,000 and next year easily another \$150,000-\$200,000.

Mr. Yates said as far as the debt service fund they are increasing it by about \$200,000 and still paying all of the debt during this year. Mr. Yates said unless they borrow more funds, once they build up the borrowing capacity to \$7 million dollars, at that point if they have not borrowed anything for the water and sewer plant and say it is three years from now, and they have added \$175,000-\$200,000 per year, that will be one million dollars there. Mr. Roznovsky said they can use some of the impact fees to pay down debt. Jon Bickford said they should be doing that or put it into the bank. Mr. Roznovsky said the impact fees have to go to that list of projects, which are all the Water Development Board Projects that are current, and other projects that were approved on that list. Mr. Roznovsky said the impact fees can go to pay down that debt service on those Water Development Board Projects because those are immediate or, like you said, put it into the bank, use debt service to pay it back and pay the new upcoming items out of what is being collected. Mr. Yates said they will get to a point in three or four years where they will have enough in the debt fund to pay for \$10 million dollars' worth of debt. Mr. Roznovsky said the initial thinking is that the total cost of all the sewer plant improvements might be there, but that is phased out over time as the City grows. Jon Bickford asked how long they normally take on debt. Mr. Yates said the TWDB is 15 or 20 years. Mr. Yates said they are approaching the point of being self-supporting each year, and said he would work on the math for that information, because to have those projections would be a great step.

## **ADJOURNMENT**

Council Member Jon Bickford adjourned the Workshop at 5:55 p.m.



Submitted by:  Date Approved: \_\_\_\_\_  
Susan Hensley, City Secretary

\_\_\_\_\_  
Mayor Sara Countryman

# MINUTES OF BUDGET WORKSHOP MEETING

September 4, 2018

## MONTGOMERY CITY COUNCIL

### CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:11 p.m.

Present: Sara Countryman Mayor  
Jon Bickford City Council Place # 1  
John Champagne, Jr. City Council Place # 2  
T.J. Wilkerson City Council Place # 3  
Rebecca Huss City Council Place # 4  
Dave McCorquodale City Council Place # 5

Absent:

Also Present: Jack Yates City Administrator  
Susan Hensley City Secretary  
James Napolitano Chief of Police  
Cathy Branco Financial Consultant

### BUDGET WORKSHOP:

❖ Discussion of the following items related to the City of Montgomery 2018-2019 FY Proposed Operating Budget:

Rebecca Huss said that she had a question since Mr. Yates is calling this a zero based budget, and said that terminology needs to be discussed because her thought on a zero based budget is you start from scratch and talk about what you need, not necessarily just increasing anything. Rebecca Huss asked Mr. Yates what his definition was of a zero based budget. Mr. Yates said starting on what is actually needed and said he went through every line item trying to do that.

- Summary

- General Fund Revenue
- General Fund Expenses
  - Administration
  - Police Department

John Champagne said his first questions was on this amendment he sees some reductions on wages from \$788,000 to \$708,000. Mr. Yates said he figured out last year's budget was \$618,480, so he took that and added \$60,000 for one new officer and \$37,804 which would be 4% cost of living and 2% percent merit for the entire which got him to \$715,000 and for some reason he rounded down to \$708,000. Mr. Yates said the calculation was last year's budget plus one new officer. John Champagne asked how they got to the \$788,000 initially. Mr. Yates said that was the Chief's initial request. John Champagne said in other words Mr. Yates is saying that \$72,000 was wrung out of the Police Department salaries. Mr. Yates said that was reducing the request for 1 ½ officers to one officer. John Champagne said that makes sense. Mayor Countryman asked to confirm that instead of two officers, one officer is being requested. Mr. Yates said that was correct. John Champagne asked what the basis for reducing by one officer was. Mr. Yates said the initial request was for 1 ½ officers. The Chief confirmed that information and now it is down to one officer.

Mr. Yates said the difference is because the Chief had in the budget for 16% raises for the officers, and what he suggested was 6%. Jon Bickford asked what the rationale for 16% raises was because that caught him off guard. Chief Napolitano said he researched the local police departments, sheriff's office and all the constables as to what they are paying and then compared to Conroe Police Department, Shenandoah, Magnolia and Constables Office; he was trying to get them to the middle of the road. Chief Napolitano said he is trying to make it a level playing field to bring people to the City, so he tried to get that level at \$29.08 an hour that would be below Conroe Police Department but right at Shenandoah and the same as Montgomery County. The Chief advised the County pays the same as the Constables Office; they get the same pay based on years of service. Mr. Yates said the Chief compared with Houston Police

Department and the County levels, and never got the numbers for Magnolia or Willis. Mayor Countryman said she did not see the City of Magnolia information. The Chief advised that he could bring the information in, but he just came up with that number that would put them in the middle of the road, which would make it more enticing to stay. Chief Napolitano said he hated to say this but some of the officers are being recruited away, and two are on the cusp of leaving. The Chief said Mr. Yates came back and said they are going to have a 10% increase in your entire overall budget, so that reduces them down to the 6%, which is still higher than everyone else is getting at the City, if approved, and losing one of the officers that they would have gained at the year end. Rebecca Huss said that is higher than what other municipalities and the Sheriff's Department are giving their employees, so that is what will be happening with Mr. Yates' recommendation. The Chief said they will be catching up in that category but not all. Rebecca Huss said it is difficult to catch up all at once and take up a larger chunk of the City's budget when the City itself is not growing to the size of the County or Houston or the other things that the Chief used as his examples. The Chief said he did not use Houston, he used Harris County. Rebecca Huss stated that Houston is Harris County. The Chief said he was not looking at the tax base for the cities he was just looking at what they paid their officers. The Chief said the officers look at what is best for them and their family.

Jon Bickford said this is the first time that they have had this large of a request, and in the past they have been very supportive and doing right by the officers. Jon Bickford said this was really a large jump this year and asked if there was a really big jump that happened across all the departments this year or has this just been building and we are just now catching it. The Chief said they have been building and we have not been catching up with them. Jon Bickford asked if the City has been behind. The Chief advised yes. The Chief stated a few years ago they were still considered a rural Police Department outside the Houston Galveston area, and now the Houston population has caught up with us, but their income is a lot higher than us because of their tax base. The Chief

said when you have the Precinct 1 Constables office in Willis that can hire an officer away with a take home car and pay him more than he is getting paid now, it is hard for us to keep them. Mayor Countryman said there will always be someone offering more and better.

John Champagne said he was going to ask some rhetorical questions because he gets the impression that the request may have been irresponsible. John Champagne asked the Chief what was his immediate charge to his responsibilities. The Chief advised it was to protect the citizens of this City. John Champagne said it was to also manage his department. The Chief said that was correct. John Champagne asked if part of what the Chief does is to see how the overall budget fits into the City's budget. The Chief stated yes. John Champagne said really it is not. The Chief said he is in competition with these other Police Departments. John Champagne said his point is the fact is the Chief's focus should be the Police Department; Mr. Yates, along with City Council's focus should be how does the Chief's request fits into the overall expenses of the City. John Champagne said if the Chief threw something out there that they determined to be excessive that is our opinion, so good luck, throw it out there and if you get it great and if not, you understand. John Champagne said his deal is he is looking at last year's request for salaries, which he did not have for this year, the hourly rates for Napolitano was \$41.00, Rosario was \$29.00, Bauer was \$23.50, Belmares was \$32.00, and then it fluctuates. John Champagne said the proposed budget for this year, which he is not sure where it is, brings Rosario to \$29.50, Bauer to \$24.00 and they go down the line. Mr. Yates said that was the larger figure. John Champagne said he would say he sees a 4% increase and asked what the basis was for the 4% increase because inflation is not running 4%. Mr. Yates said it was an attempt by him to go up a little bit to get closer to other departments without going up to the 16%. John Champagne said cost of living is a term not necessarily tied to CPI.

John Champagne said he hates cost of living raises because they just spread out the funds and dust everybody with it, and the assumption is everybody is performing the same and this reeks of government pay, he loves merit-induced pay increases. John Champagne said they will always have a core in each department that they rely on, the fringe guys we manage them. John Champagne said he was against the 4% across the board, plus the 2%, but he was in favor of giving people that deserve it the raise they deserve. Mr. Yates said in response, they have done that before and the Chief particularly has practically given everybody the 4% because he thinks everyone is doing such a great job. John Champagne said that is his call. Mr. Yates said he understands that. John Champagne said he wants merit raises, and it is up to staff to determine who gets the raises not him. Jon Bickford said that could mean that one person could get one percent and someone else could get 12%. John Champagne said that is correct. The Chief said unfortunately it has been that way and in these other departments that is how they work, so when he was asked to come up with a number that is what he did. John Champagne said if the department heads are not looking at their individuals in terms of who is serving the City the best and who is the most productive, then he does not know what to say about that. Mr. Yates said he has no problem with going to the 4%.

Jon Bickford said they need to come up with a number that says this year they are going to allocate a specific amount to the raise pool. Mr. Yates said the employees have a written review every year. Mr. Yates said in this case it would be \$37,000 for raises for the Police Department. John Champagne said it would be up to the Chief to disburse it the way he sees fit.

Rebecca Huss said the whole point of the Department Head is not to just throw things out there to see what sticks, if they are going through line by line item and taking the difference between a fantastic belief in whatever they can get away with and in reality of what the taxpayers deserve in efficiencies then she did not think the department head is doing their job of truly mapping out what the goals and achievements and efficiencies of their department are. Rebecca

Huss said part of the job of every department head is in fact management of that department and the paperwork that goes into floating it and this budget is an important part of it. Rebecca Huss said the fact that you just put down some numbers and throw it out there to see what sticks is not particularly helpful in all of this, in her opinion. John Champagne stated that was her assumption, the fact is he believed the Chief used competitive salaries, entities in and around Montgomery, looking at his department and what he is competing against. Mayor Countryman asked the City Secretary if the Chief asked what cities to use. Ms. Hensley advised that was correct. Mayor Countryman asked if those cities were used. Ms. Hensley said yes except for Willis and Magnolia. Chief Napolitano said they used Montgomery County, Shenandoah, City of Comroe, Constables offices and Harris County. John Champagne said he understood what Rebecca Huss was saying, but if you want to use that to say that was an irresponsible submission, that is her opinion. John Champagne said the fact is he has personally no problem with someone submitting a budget and us saying it is not going to happen. Rebecca Huss said it would be better to just say that is fantastic we trust every number that you put down. John Champagne said it would be better if we had better employees and a better City Council. Rebecca Huss said the voters spoke in May. John Champagne said it would be better if they had better voters. John Champagne said he was saying let's get down to where we can have the most equitable budget that promotes and encourages people that are working well within the City, that brings value to this City and work within the flawed parameters that they have. Mr. Yates said he thought he did that by going from \$618,000 to \$788,000 which is \$170,000 for them to figure out how to staff the department. Jon Bickford said they learned something very valuable this year in as much as they went through some iterations on the budget where there were a lot of hours requested, and he thinks if they would have said okay everyone we do a bottoms up right from the beginning, we probably could have saved some iteration or two, and that might have caused some frustration.

John Champagne asked what you use as a basis for keeping an employee or letting them go, would it be cost to benefit ratio. Jon Bickford said as managers and leaders they have to say it is very costly to lose anybody. Mayor Countryman said sometimes people work for less with quality of life and benefits; there are a lot of factors. Jon Bickford said he would like to think that it is a whole lot less stressful to work in the City of Montgomery environment as a police officer than it is in Harris County as a Sheriff's officer. Mayor Countryman said they do not have officers here that are adrenalin junkies, the guys that are here want to be here, and sure, it can look greener on the other side. Jon Bickford said the most important thing is leadership and the second is are they satisfied at work. Jon Bickford said he would like to propose for next year we say before the budget starts, give direction to the department heads on zero budget, and another thing they need to start a raise pool. Mayor Countryman said they need to know how much money they have to deal with. Jon Bickford said the raises need to be performance based. John Champagne asked how many employees are with the City. Mr. Yates said there are 21 employees. John Champagne said 50% of that is represented by the Police Department. Mr. Yates said that was correct. John Champagne asked what the total percentage of the budget was for the Police Department. Jon Bickford said the Police budget is 35% of the total budget. Jon Bickford said Shenandoah Police Department is 23% of their budget and so is Willis. Jon Bickford asked how many people they have in the City of Montgomery, and how many apartments do they have in the City. Mr. Yates said there were approximately 210 apartments in the City. John Champagne said they have approximately 1,500 people in the City of Montgomery. Mr. Yates said he has been using 1,200 people. Jon Bickford said you can't function as a Police Department without a certain baseline and when you are a small City your ratio of what you have to spend on the Police Department relative to the rest of the budget is big because there is stuff that you have to have. Mayor Countryman stated that there are also four other agencies that overlap in the area. John Champagne asked what agencies. Mayor Countryman said DPS, MISD, Montgomery County Sheriff's Department and the Constables. John Champagne said the



assumption is that they are in here on a regular basis. Mayor Countryman said yes.

Chief Napolitano said he wanted to say that, unfortunately, these guys are government paid workers and they look at it in the sense that you were saying you don't like. Chief Napolitano said they look at Conroe PD, it says the first year they make this salary, and each year it goes up and then when they get to six years as a police officer they just stop improving because there is no more raises after six years; they just get their cost of living raise. Chief Napolitano said then the pay scale goes to the Sergeant and then to the four other positions. John Champagne asked if they could use that model. Chief Napolitano said he was trying to get the officers at a specific level and next year he won't approach it the same way he will do it in a different manner. John Champagne said the way that he understood it the Chief had \$37,000 to disperse as he sees fit. Mr. Yates said that was correct. Mayor Countryman asked how the department heads give themselves a raise. Jon Bickford said Mr. Yates does that. Mr. Yates said he also does a review of the reviews that the department heads have completed. Mayor Countryman asked if the department heads are done as merit raises or on the 6%. Mayor Countryman asked if the 6% would be done across board; would the department heads be done the same. Mr. Yates said if it was across the board everyone would be the same. Mr. Yates said he sends out the parameters to the department heads and gives them a range as to what raises they can give and the amount of funds that can't be exceeded.

John Champagne said from what he is understanding if someone comes up with a zero on their review Mr. Yates would have a problem with that and asked why. Mr. Yates said depending on what the review stated, if the review is the third bad review in a row he would say that he agreed with the zero, but if there had been two good reviews and the review trend has been positive and suddenly they get a zero he would question why that happened. Mr. Yates said it is just a review. Jon Bickford said he felt that should be done and was fair, but he would say about setting caps, if you say 7% is the cap and nobody can get 7%

then what you are creating is a system where the department head has to get rid of the money somewhere else. Jon Bickford said if he had someone that was a star performer but is really underpaid for that role, he might want to give that person 15%. Jon Bickford said he should not be capped; if he wants to give 15% he should be able to do that. Mr. Yates said if a department head walked in and said that was what he was doing, he would think that was all right. Jon Bickford said at some point you do peak out even if you are a star performer and if an officer, why haven't you moved up to a higher position. Jon Bickford said they don't have that many Sergeant's positions in Montgomery. The Chief said he has three or four officers that would be excellent in leadership roles.

John Champagne said he looks at a department head as running his own business, with certain guidelines so if I don't give him the wherewithal to protect his/her core employees that they have built their department around that they depend on day in and day out; then I am not letting him run his business. John Champagne said if the department head comes and says zero for a person he has no problem with that because he knows he better be weighing the pros and cons of giving a zero percent raise. John Champagne said he did not care if it seemed not right or unfair, hurts their feelings because at the end of the day he is holding the department head responsible and if he can't do the job he needs to go, and if he does not have that charge then we are missing the boat.

Chief Napolitano said Council had talked about the Police Budget being 35% of the overall budget, but when he started here five years ago they were right at 48% of the overall budget. Jon Bickford said that it has gradually gone down and it naturally will, but he felt that it was still a little high. Jon Bickford asked if they put a car in the budget. Mr. Yates said there were no cars in the budget. Jon Bickford said his concern was last year they had a car in the budget and this year they are going from \$1 million dollars to \$1.2 million dollars. Mr. Yates said they are putting in \$15,000 in the budget this year and next year for the price of a vehicle. Jon Bickford said what he had said was he did not want them in a situation where they have 10 vehicles out here if they are not replacing at

least a car or two a year, then by definition they are going to have an eight year old car. Mayor Countryman said they are going to have a parking lot full of vehicles they don't use, and asked what they are doing with the vehicles. Jon Bickford said if they have cars they are not using they should get rid of them. Chief Napolitano said the vehicles that have not been driven will be driven by the new officer and then one of the vehicles that they have out there, 2013 Dodge Charger, he will be driving. Jon Bickford said what they do not want to get into is a big maintenance headache. Chief Napolitano said he backed out one of the Chargers and they ended up spending \$2,500 on a new transmission for that vehicle. The Chief advised the Chargers are the biggest maintenance problems because they are junk. Rebecca Huss said if they are not getting a new car, what is the Copsync and radar shown under 17071 and 17071.2. Chief Napolitano advised that Copsync is for every officer that has Copsync they pay a yearly fee to use the software. John Champagne asked if it was licensing fees. Mayor Countryman asked if it cost \$3,000 for a new officer to use Copsync. The Chief advised that what it has gone up to.

Chief Napolitano said the radar line item is at \$8,000 because they have to replace three of the radar units that they have in the cars. The Chief advised the Dodge Chargers have old radar units. Chief Napolitano said the radar units are running \$2,200 each with installation. Jon Bickford asked if they purchased two units last year. The Chief advised they only purchased one and sent one unit back to be refurbished. Mayor Countryman said if they are \$2,000 is that \$6,600 then versus \$10,000. Mr. Yates said if they have another repair that has to be made on one of the older vehicles, he will need to meet with the Chief before they spend \$3,000 on the vehicle.

Rebecca Huss said they can drive the little black car that has been sitting in the parking lot and has not moved in months. Chief Napolitano said that is what you think, they have been using that vehicle for surveillance over and over again at night, they used it on a drug bust last weekend, and actually Mr. Muckleroy asked if he could use the black car, so he drove it and observed people stealing

water from what turned out to be another MUD. Chief Napolitano said when people see that car nobody pays attention to it so it works out for us. The Chief advised that car belongs to the District Attorney's Office.

Rebecca Huss asked about capital outlay miscellaneous, saying that she was not a big fan of miscellaneous in a zero based budget. The Chief said that was for them to repair the evidence room, which was a quote that he gave to Mr. Yates that came in at \$21,000 to meet the state standard. Rebecca Huss asked why it was in the Police budget and stated that she thought they looked at that last year. Chief Napolitano said they did look at that last year but they never spent the money. Mr. Yates said there was also \$2,500 for an air conditioner for the server room. Chief Napolitano said there was also \$2,000 to purchase a fingerprint reader. John Champagne asked if there was a line item that would be more definitive of the item and said he agreed with Rebecca Huss, he did not like miscellaneous, especially when it is \$25,500. Rebecca Huss said she was confused if they did not spend the funds this year, they are at \$155,987 for the estimate for 2018 versus a budget of \$144,000, so if it was supposed to be \$25,000 spent on that item that was in the budget but not spent. The Chief said last year they put in \$15,000 for that item, which was incorrect. Rebecca Huss said either way you are still \$10,000 over budget and if you did not spend \$15,000 that means you are \$25,000 over budget on other stuff. Jon Bickford said the good news is they are going to spend the \$25,000 next year and be \$10,000 under budget.

Mayor Countryman asked if they are anticipating the overtime to go down because the estimate for 2018 was \$37,600. Mr. Yates said that it is based on when they were at full capacity they had \$35,000, and said that it is just hard to get rid of the overtime even if they have a full staff. Mayor Countryman asked if the officer is on the clock when they get to City Hall or when they get in their car. Mr. Yates said it is when they check in with dispatch. Jon Bickford said that is when they get in their car the contact dispatch, but if they take their car home, when they get in the car they are on the clock. The Chief advised that

was correct. Jon Bickford said they should check in and be on the clock when they are working.

Mayor Countryman asked to clarify that Copsync was not the web site, and asked what the website was. Chief Napolitano said computers and the web site (16342) is GTIN combined with computer for every office, and they split some of that money that goes into the services the GTIN gives us and then gives the rest of City Hall. The Chief said they also have to have CJES come in and make sure that they comply with the state regulations for security, so all of that comes out of that computer/website. Chief Napolitano advised the department has a separate server because of the TCIC and NCIC that runs through that computer, which has a completely different firewall and server. The Chief said the other one that says Mobile Data Terminal (MDT) is for the computers in the vehicle, and they are paying the Sheriff's Department a fee for dispatching services. Rebecca Huss said since the Chief was not even close to his estimate last year she asked if he felt that \$16,000 was a little optimistic for this year. Mayor Countryman asked if the change in the carrier was the difference. The Chief advised yes, with the change in the carrier going from Verizon to AT&T, so that should keep them down to where they are not paying as much. Rebecca Huss said it is exactly the same as last year's estimate, so that was more of putting the number over rather than an actual calculation. The Chief said it was what they looked at and thought we would spend on those items that he just mentioned, but he can go back and get an exact number before you pass the budget to make sure that is where they are at. Rebecca Huss said she was fine.

Mayor Countryman asked about computer technology that was \$180 this year or is that proposed, and said she knew that it was going to \$2,500. The Chief said most of the stuff that they are looking at right now does not appear that they are going to have to purchase all that much for next year. Rebecca Huss said she loved that the Chief finally scrapped the scheduling system that they did not use; it is nice to see that they cancelled that. The Chief said they use that scheduling system just fine, it is just sometimes Mrs. Branco has a hard

time with the print out. The Chief said some of the officers do not use it and they just had that discussion today to make sure that they all log on, because if they don't they might not get paid. Mr. Yates said the estimate is done by the computer, based on what is spent up to this point. Rebecca Huss said she thought it was an annual subscription, so that should be a pretty accurate amount. John Champagne asked if they were looking at \$840 right now. The Chief advised that was what they have spent so far, and they probably have last month's bill and this month's bill to pay. Rebecca Huss said it is actually an estimate based on monthly payments that have been paid. Mrs. Branco said it will be about \$844 at the end of the year; they are at \$600 right now.

John Champagne said if he had to ask what the City's biggest liability day in and day out was, does anyone want to venture a guess. Rebecca Huss asked if he was asking about contingent liabilities. John Champagne said yes. Mr. Yates asked if he meant for getting sued. John Champagne said he was asking for catastrophic results being death, sued, financial liability, you name it, what is our biggest liability, do you think. Mr. Yates said probably the Police Department. John Champagne said you got it, so every individual that we send out there; the exposure today is unbelievable. Jon Bickford said he would agree with that. John Champagne said arguably he would think they got the best from a layman's point of view and from looking at the product over the last so many years, the experience, leadership and training that goes on in this Department as a result of this Chief he thinks is exemplary and as a hedge against what potentially exists by sending some knucklehead out there that screws it up, we can't even calculate so keep that in mind when you are looking at \$300 here and \$400 there. John Champagne said he would be really frank with everyone, when he reads what is going on out in the metropolitan areas that are just looking for a reason to come at a municipality because some guy did his job. John Champagne said they had a guy accused of racism after he bought everyone in the car an ice cream and a drink and said this is what they are up against. John Champagne said they manage this Department, but if we don't have confidence in who we have in place, they need to replace them. Rebecca

Huss said that is all fine and well but when we set our tax rate we are committing to the tax payers that the cost of running the government is the best that we can make it. Rebecca Huss said they talked about not spending money on things that are not justified, and even though it is silly we talked about things like are we buying the right type of pump for our lift stations and the differences in cost was only a couple thousand dollars. Rebecca Huss said for us to be spending time on something that might only be a couple hundred bucks here and there, whether it is the Police Department or Public Works, she thinks it is a commitment to the fine print, which is what it takes to keep taxes low and drive them lower. John Champagne said he did not disagree with that at all, his only qualm is when a Police Chief asks for a long rifle and we say no, based on what? Rebecca Huss said they are not talking about that, they are talking about the actual cost of a scheduling system, what is in the capital outlay miscellaneous line item; they are not talking about something more general than that. Rebecca Huss said she can't talk about something that happened last year that we were not in the same room when this was brought up last year. Rebecca Huss said that is not the issue at hand. John Champagne said he agreed with Rebecca Huss in principal, his only point is when deciding what is appropriate and inappropriate as a lay person he counts on people that we have in place to tell him why or why not. Rebecca Huss said John Champagne was plenty happy to know the details in other departments.

Jon Bickford said he would like to offer that we learned a lot in this budgeting cycle by going through the process of bottoms up, and he thinks that they are through that, so he would like to offer if there is any prudent questions based on the bottoms up look let's ask them. Jon Bickford said we have a \$3.5 million dollar budget to go through and picking apart \$200 or \$300 is probably pushing the envelope. Rebecca Huss said she would agree. Mr. Yates said he would also agree because of the surplus.

Rebecca Huss asked if there were other areas that they need to review. Jon Bickford said the rest of the budget seems to be pretty well, from what he observed, close to where it was last year.

Rebecca Huss said her personal feeling is that where we are now, they would really get so much out of having our own expertise on staff just in terms of the projects that we have going and the things that we don't know, having someone to guide us on that could save us hundreds of thousands of dollars on the millions of dollars of projects we are looking at. Mr. Yates said his guess is over the next three or four years close to a million dollars would be saved.

Jon Bickford asked if they have someone that they know of that they are thinking about. Mr. Yates said yes they do and they are talking to the person. Jon Bickford asked if when we apply for grants, they put the engineering services to get those grants in those grant requests. Mr. Yates said that is correct. Jon Bickford said if we have our own engineer can we also put his fees in the grants. Mr. Yates said yes. Rebecca Huss said except that she feels a lot of the grants they have done would be outside of one person's ability to do them. Jon Bickford said that was not the point he was trying to make, the point he was trying to make was he did not want to lose access to any funds regardless of how big or small they are if we hire someone, because if we do then that negates some of the gain they would get. Rebecca Huss said she was thinking of the TWDB projects.

Jon Bickford said the next one is do we have any sort of assessment of the number of hours they could limit Jones and Carter if they bring this person in. Mr. Yates said he would say approximately 60 percent. Mayor Countryman said Mr. Yates feels they could save over \$200,000 with having an engineer on staff. Mr. Yates said that would be 1,200 hours per year. This engineer could take over the plat review and escrow accounts. Rebecca Huss said one of the things she felt would be really good to have the things that are not really popular still done by a third party, such as inspections because we do not want our engineer doing inspections.



Jon Bickford asked what kind of dollars they have to pay for a P.E. Mr. Yates said it would be about \$150,000, which would be paying the engineer \$95,000. Jon Bickford asked if we have looked at other P.E. salaries in the area to see if that is high or low. Mr. Yates said they did look at comparable salaries. Jon Bickford said if we are going to do this, we need to make sure it is an appropriate amount. Jon Bickford asked what would be the process of moving forward with that position. Mr. Yates said the dollar figure that he has in the budget is \$225,000 for engineer, so what he would suggest is leaving that figure in the budget and when they actually hire someone we adjust the budget. Mr. Yates said he would also like to wait until December before hiring someone. Jon Bickford said he would be good with that because nothing would be better for us than to get someone that knows our City already and that would be awesome.

- Court
- Public Works
- Utility Fund
- Special Funds
  - Capital Projects Fund
  - Court Security Fund
  - Court Technology Fund
  - Hotel Occupancy Tax Fund
  - Police Assets and Forfeitures
  - Montgomery Economic Development Corporation

Mr. Yates confirmed with City Council their feelings regarding reducing the tax rate one cent. Rebecca Huss said it makes her so nervous because she loves banking the money, but maybe split the difference. Rebecca Huss said lets go down to .4000 to make it round and bank the difference. Jon Bickford said he liked the idea of reducing the tax rate and felt that was a great message to send. Rebecca Huss said she would rather have the difference of the funds somewhere not adding to their surplus, so put it in a depreciation fund or something like that.

## **ADJOURNMENT**

Jon Bickford moved to adjourn the workshop meeting at 7:21 p.m. John Champagne seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date Approved: \_\_\_\_\_  
Susan Hensley, City Secretary

\_\_\_\_\_  
Mayor Sara Countryman

# MINUTES OF REGULAR MEETING

November 13, 2018

## MONTGOMERY CITY COUNCIL

### CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:02 p.m.

Present: Sara Countryman Mayor  
Jon Bickford City Council Place # 1  
John Champagne, Jr. City Council Place # 2  
T.J. Wilkerson City Council Place # 3  
Rebecca Huss City Council Place # 4

Absent: Vacant City Council Place # 5

Also Present: Jack Yates City Administrator  
Susan Hensley City Secretary  
Chris Roznovsky City Engineer

### INVOCATION

T.J. Wilkerson gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAGS

### VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Ms. Mary Walker – addressing the consideration of possible action on Agenda Item #8 regarding preparation of an animal control ordinance. Ms. Walker said she wanted to make sure that if they make any City ordinances that pertain to animals that it is carefully considered with the growth that is

occurring, because in her neighborhood there is a home that is for sale that has a couple of acres, and the land behind that has a potential for sale, along with the land behind her property, which would leave more acreage than what she sits on. Ms. Walker said in her neighborhood they have a little more land than some other properties in the City of Montgomery. Ms. Walker said she wanted to make sure they take careful consideration of the initial problem that they have in the City regarding animals and they are not trying to fix something immediately that is long term for the people coming to our City. Ms. Walker said when you give a certain standard of what can and cannot be done, you have to remember there is a variation of sizes, homes and land within the City. Ms. Walker said she knows there has been a suggestion made, which she received in the mail, and she just wanted to make sure the citizens fully understand what is going on. Ms. Walker said some of us are privileged to know immediately what problem began this and while everyone has the right to do what they want to they also need to be considerate of their fellow people in our City. Ms. Walker said she was here to make sure that before a decision is made, the citizens of Montgomery are given the full extent of what is going on, why they are doing it and what they are going to do, which needs to be researched as to the amount of land that your house sits on and what is actually going to be allowed on your property.

Ms. Marisa Zamarripa – stated that she wanted to address the animal ordinance that the City would like to impose. Ms. Zamarripa said that she did not think sending a letter in the water bill, the way the City did this month, was ample time for anyone to really view things. Ms. Zamarripa said she opened her water bill on Monday and today is Tuesday and they are having the meeting so she did not have time to look at anything. Ms. Zamarripa said that she did not believe that most of the citizens really know what is going on in regards to the animal ordinance and why they are doing this. Ms. Zamarripa said she knew a few people on City Council and Mr. Yates have issues with his neighbor with the dogs and said she did not believe that they should all be punished, or other people that live in the City because of something that is going on in someone's neighborhood. Ms. Zamarripa said that she felt the issue is personal and she did not think that it involves everybody else, because if it does what are they going to do about the 4H building at the high school that is not on 1.5 acres and asked if they knew how many animals are housed at that location. Ms. Zamarripa asked what are they going to do with the guy downtown with the donkeys, and asked if they are going to do this to everybody or are they only going to do it to a select few, which is what she felt was going to be done.

Mrs. Jenny Stewart – stated she was here to address Agenda Item #8, and suggested that the citizens be given adequate notice time and input into the animal control ordinance before it is considered for

vote. Mrs. Stewart said a public hearing and/or workshop she felt would be the best consideration for everyone. Mrs. Stewart said having witnessed the ignorance of public safety protection by the release of former Police Chief Jim Napolitano, she has no faith in an animal control ordinance hastily created by the same people. Mrs. Stewart said it has come to her attention that Mr. Yates supported Maranda Lamberts dog kennel business in downtown Tishomingo, Oklahoma when he was City Manager there; what type of animal control ordinance did he have there, which might be something to look at if there was one at all. Mrs. Stewart said she thought it would better serve the public, at this time, if effort was concentrated on things that need our immediate attention. Mrs. Stewart said they need better police protection because she sees no police cars out, stating that she has seen the State Patrol, Constables and the Sheriff's Office. Mrs. Stewart said she was at the light on FM 149 and Lone Star Parkway on Monday and one of the big semis with the fracking sand container on it went by and those roads are not qualified to handle those 18 wheeler trucks, and they are not supposed to be on those roads, which no one watches. Mrs. Stewart said they have houses with junk stacked up so high in front of them that paramedics can't get to them, which is against the ordinance. Mrs. Stewart said the traffic problems caused by 18 wheelers around and behind Brookshire Bros. at times and there is no one directing traffic there at the time. Mrs. Stewart said she felt that right now this animal issue needs to be brought to the people's attention so that people can talk about it. Mrs. Stewart said they are going to have a very hard time she felt with the way things are in this town, because this was a rural town and people moved here because they wanted a rural type of life and they wanted animals. Mrs. Stewart said there will be so much grandfathered in that it needs to be thought of who is coming in later, you can't pass an ordinance and then make it retroactive for people who are already here. Mrs. Stewart asked City Council to consider the quality of life they have, the cost of living and taxes and the services that they get, and let the people have some input on this before it is voted on.

Mr. Scott Howard – stated two months ago he stood here and talked about this dog issue and an animal ordinance. Mr. Howard said he had written a speech but he did not want to bore everyone with all of it. Mr. Howard said he moved to Montgomery because it was small, rural and he did not get involved in politics because it is just not who he is. Mr. Howard said he raised two children here and it was and is a great place to live. Mr. Howard said the City is full of animal lovers which he understood, they have chickens in the back yard and they all get fresh eggs and they love it. Mr. Howard said until you live next door to 22 40-pound fecal factories, and wake up every morning and smell it and every day you listen to the hum of the pressure washer that cleans it off into the grass, and every day you listen to the dog whistles, it is like living in an industrial park made for dogs. Mr. Howard said he has come

to the City Council meetings a few times and the animal ordinance kind of took a back burner with the police situation that went on a few weeks ago. Mr. Howard said this is not a small town anymore, not rural anymore and they do not live on farms. Mr. Howard said they need a no nonsense animal ordinance because while you think having cats, dogs and chickens is fun; wake up one morning and realize you live next door to the worst case scenario. Mr. Howard said he knew that everyone will be affected, stating that he has thought about the legal right to do what you want in your own home, as long as you don't put a sign in the yard you can just crank out all the feces that you want, you can build bombs in your garage, you can store toxic waste in your driveway, and as long as you do not stick a sign in your yard it is not a big deal. Mr. Howard said he comes here and he listens to people that want to rezone their property and want to go from residential to industrial or commercial, and he chuckles and thinks why waste your time, just do what you want, no one can stop you. Mr. Howard said they have to find a happy medium, and said yes it is personal just like the last lady said, it is personal to him because he lives right next door to it every single day. Mr. Howard said he hoped they can find a happy medium where they can control, because if it is not animals it has got to be zoning. Mr. Howard said you can't just wake up one morning and there is a factory next to your house. Mr. Howard said there was a piece of property on Old Plantersville Road on the other side of the railroad tracks that they are trying rezone half of it, half of it is commercial and half is industrial and they are trying to make the whole thing industrial. Mr. Howard said some of the neighbors don't want it because you never know what you are going to get, it might be a wood chipping mill, concrete factory or something moves in there and they can't handle the traffic and noise, just like the dumpster factory down here. Mr. Howard said they don't want to see it, but what can we do to stop it. Mr. Howard said he was not given the opportunity to ask if they could rezone the property two doors down, he just woke up one morning and there were dogs everywhere. Mr. Howard said until you live in his shoes and smell it every day, it is not fun. Mr. Howard said he wanted to plead that City Council find a happy medium, and he hopes they do not just get a band aid for this one issue, he is not the only person in the neighborhood or town that has animal problems, they need a no-nonsense fix it now for the long term animal control ordinance.

**CONSENT AGENDA:**

1. Matters related to the approval of minutes for the Public Hearing and Regular Meeting held on October 23, 2018.
2. Consideration and possible action regarding scheduling a public hearing for rezoning of a 7.710 acre parcel property located at tracts 23-A and 24-A located at the southwest corner of Old

- Plantersville Road and Womack Cemetery Road, Montgomery from ID-Industrial to R-1-Single-family to be held on January 22, 2019 at 6 p.m. as requested by Michael and Judith Kammerer.
3. Consideration and possible action regarding scheduling a public hearing for rezoning of a 2.187 and a 0.475 acre properties located at 1062 Clepper Street, Montgomery from R-1 Single-family to B-Commercial to be held on January 22, 2019 at 6 p.m. as requested by James Ward.
  4. Consideration and possible action to correct the Official Zoning Map of the City of Montgomery to reflect ID-Industrial Use for the 2.148 acre tract of land located at 1005 Old Plantersville Road as ID – Industrial as requested by Mrs. Theresa Fisher.
  5. Consideration and possible action regarding adoption of an Escrow Agreement by and between City of Montgomery and Living Savior Lutheran Church regarding the Living Savior Lutheran Church tract (Dev. No. 1813).
  6. Consideration and possible action regarding renewal of a firewood sales Special Use Permit for Dewitt Lawson at 14611 N. Liberty Street, Montgomery, Texas.

Rebecca Huss stated that regarding the meeting minutes she had a follow up about the sewer issue and Lone Star Estates on College Street and asked if Mr. Muckleroy, Director of Public Works had followed up on that matter and what were the results.

Mr. Muckleroy said the manhole with the tree growing out of it, they took care of that, which was a located pipe inside the manhole and it was not anything that was attached to the sewer system, it was a pipe put in so that whenever you are walking through the woods you can identify it so that you do not hit it with a mower. Mr. Muckleroy said the pipe has some twigs in it and they took care of that and they also cleaned around the manhole. Jon Bickford asked to confirm that was not a tree that was growing out of the manhole cover. Mr. Muckleroy said no, it was not. Jon Bickford said the representation that City Council was shown was fictitious. Mr. Muckleroy said it looked like actual pieces of limbs were broken and stuffed into the pipe; it was not anything live and growing. Rebecca Huss asked if it was like kids had been playing. Jon Bickford said that was a real thoughtful use of Mr. Muckleroy's time to have him go out there and fool with that.

Mr. Muckleroy said regarding the sewer issue, they received the second smoke blower today and they had a shipping issue with the smoke blowers. Mr. Muckleroy said they have sanitary sewer smoke testing planned for Monday, and said they will put fliers out on Thursday and start the testing on Monday. Mr. Muckleroy said, hopefully, they will find something major. Rebecca Huss thanked Mr. Muckleroy and said that was all she had.

John Champagne asked about Item #4 regarding correcting the Official Zoning Map, and asked if he was to assume that this is to correlate with what they believe the ordinance to be. Mr. Yates said that is correct.

Jon Bickford asked about Item #6 and asked if the fire sale Special Use Permit was annually or just for a period of time. Mr. Yates said it was until the end of April. Jon Bickford asked if this was for the property on the corner of Lone Star Parkway and FM 149. Mr. Yates said no, this was located on FM 149 on the west side of the road.

Rebecca Huss moved to approve the Consent Agenda as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

#### **CONSIDERATION AND POSSIBLE ACTION:**

7. Consideration and possible action regarding a Petition for Approval of the Creation of Montgomery County MUD No. 150.

Mr. Yates advised this was to consider the approval of the petition for the creation of Montgomery County MUD #150 that will serve the Montgomery Ridge development area. Mr. Yates said this would be behind the KOA campground on approximately 126.846 acres. Mr. Yates said in the past City Council has twice declined the request to serve the area with City utilities. Mr. Yates said the developer will be looking to be served by the City of Conroe, and because the property is in the ETJ of both the City of Montgomery and City of Conroe a MUD can opt to be completely in one City's ETJ or the other. Mr. Yates said the MUD Board, with consent of the petition will eventually approve a resolution to be completely in Conroe's ETJ. Mr. Yates stated that resolution does not require approval from either City.

Rebecca Huss said she was confused as to why they require our approval if they do not need it. Jon Bickford said he was confused about that as well. John Champagne asked if we have authority over whether they present a petition right now. Mr. Yates said no. Jon Bickford said they are stating they can create a MUD and have that MUD completely a part of Conroe's ETJ, which sounds like their intent. Mr. Yates said that is correct. Rebecca Huss said she was not sure she wanted to approve something that she did not really know anything about and if they do not need us to approve it then she does not know why they should.



Mr. Roznovsky advised this was two pieces; the first piece being the consent to create the MUD, which would be in both cities ETJ's. Mr. Roznovsky said once the MUD is created what the developer has intended from day one is that the MUD Board would then elect to go into the Conroe ETJ, which is one of the factors why the City decided not to serve them because they did not want to be in the City of Montgomery's ETJ. Mr. Roznovsky said that is correct, this is for the creation of the MUD and said the City Attorney could provide more details when he arrives at the meeting. Rebecca Huss asked to confirm that they have to have the City's consent to create the MUD. Mr. Roznovsky said that was his understanding.

Jon Bickford recommended postponing this item until the City Attorney arrives at the meeting and then come back to this item, rather than asking legal questions without our City Attorney. Jon Bickford said they could postpone the discussion until after Item #12. Mayor Countryman moved on to the next item.

After Mr. Foerster, City Attorney arrived at the meeting, he spoke on this item. Mayor Countryman explained that City Council is wanting clarification because they understand that the property of the MUD is in half of the City of Montgomery's ETJ and half is in the City of Conroe's ETJ, yet when it is going to be created they are going to Conroe's ETJ, so why is the City of Montgomery needing to approve this action. Rebecca Huss said the resolution does not require approval of either City, so if it does not require our approval then why are we approving it.

Mr. Foerster said the legislation that passed required the approval of the cities that have part of the property in their ETJ, so the statute required that the MUD have the approval of each City. John Champagne asked if that was for the petition. Mr. Foerster said yes.

Jon Bickford asked if by the City of Montgomery supporting the petition could he imagine that would impact or persuade somebody to later think about taking the property out of our ETJ. Mr. Foerster said, in his judgement, once the MUD is created and the MUD Board is created, the Water Code allows that Board, if it wants to, to elect to be entirely in one city's ETJ versus the other. Jon Bickford said if the MUD picks Conroe how that would affect the property. Mr. Foerster said, by law, if they elect to be entirely in Conroe or Montgomery, the other city loses that portion of the ETJ that was part of the MUD territory. Jon Bickford then asked if they sponsor this creation of this MUD, the words they have indicate that they intend to head towards Conroe, and what if that switches around and they decide they want to move it all to the Montgomery ETJ, can they become part of Montgomery without the City having the ability of saying yes or no because we approved

the petition. Mr. Foerster said right now there is no MUD Board created, which they can't do without this consent by both cities. Jon Bickford said if we consent to this petition could they say they are going to take all 440 acres that Montgomery did not want and attach themselves to Montgomery. Mr. Foerster said yes, they could do that, there are no strings tied to the actions of either city. Jon Bickford asked if they could append their needs. Mr. Foerster said he is not privy to everything going on in Conroe, but in his conversations with Conroe City Attorney and with Mr. David Oliver, Attorney representing MUD 150, this development is owned by Signorelli Company which is developing several other tracts besides this one, some of which are already in the City of Conroe and some are in the City of Conroe ETJ. Mr. Foerster said for purposes of trying to facilitate and work out all the arrangements it is easier to work with one City where they are already engaged in other development agreements and so forth, then to have to deal with two different cities. Jon Bickford said he understood what Mr. Foerster was saying, what the likelihood is that they would not switch over and append themselves to Montgomery; he is just saying if they did, could they once they create their MUD Board say they are not going to Conroe and we do want to move over to Montgomery. Jon Bickford said then it would extend our ETJ, but would it also require that we provide them services, which is what he is getting to and could it cost the City to have to provide services to them based on their decision, not ours. Jon Bickford said he was talking about not only water and sewer, but police, fire, etc. Mr. Foerster said he told them the City was concerned about the water and sewer capacity, and they had approached the City more than once, and they said they appreciated that so they said they would look elsewhere for water and sewer services. Mr. Foerster said he doubted that they would come back to the City and say "aha we are in your ETJ now provide us with service." Mr. Foerster said if they did that, the City would treat them like any other developer; they would look at being annexed, and the impact fees that go along with that if that was to happen. Rebecca Huss said they do not have to annex when somebody asks, so they could stay in the ETJ forever. Mr. Foerster said they might stay in Conroe's ETJ forever because there are some challenges as they develop that residential property Conroe would be subject to a petition for election to be annexed into the City of Conroe, so the prospect that the property would be immediately annexed by the City of Conroe depends upon whether the developer can enter into a development agreement early on, before they sell residential lots.

Jon Bickford said his concern is not that they get annexed by Conroe, but they cause themselves to become a part of our community that we would then have to provide, not water and sewer because they have the MUD, but a part of the community that they would have to provide police, City and fire services, etc. Jon Bickford asked if there was any way they could cause themselves to be connected to us as a result of the ETJ expansion. Mr. Foerster said they are simply going to be in

the City's ETJ. Mr. Foerster said the City has a right to decide whether we want to annex them or not, and when that happens the only thing the City can do in terms of regulation, if they are in our ETJ, is to have some control over some of the subdivision development within the ETJ, just like Conroe can do. Jon Bickford said them being in the City's ETJ, the City does not have to provide them with police services. Mr. Foerster said that was correct. Jon Bickford said then he would be okay with it. Mr. Foerster said there is no burden to the City.

Rebecca Huss said what would happen to the City if we say no and chose not to sign their petition for creation of the MUD. Mr. Foerster said it would put them in a bind because they can't move forward with the creation of the MUD Board and he feels bad about that because they have come to the City twice and said they would like to be served by the City, and they have been told both times we thank you but we don't have the capacity and we are not prepared to undergo that major step. John Champagne said he did not see any advantage for the City in denying them this petition.

Mr. Foerster said this would be a motion to accept the petition for approval for the creation of Montgomery County MUD 150.

John Champagne said that was his motion, to accept the petition for approval for the creation of Montgomery County MUD 150.

Jon Bickford said he wanted to make sure that the City will not get stuck in any way and having to provide services if this goes forward. Mr. Foerster said that would only happen if you annex the property.

Jon Bickford seconded the motion.

Discussion: Rebecca Huss said that she would like to make it clear that she shares Jon Bickford's reservations about ever accepting them into our City limits and ever having a MUD within the City limits, which will require the residents of that MUD to pay additional for services that our residents get for free. Jon Bickford said they would not become part of the City unless we voted them in. Rebecca Huss said that is correct. Mr. Foerster said they can't force the City to annex them.

The motion carried unanimously. (4-0)

8. Consideration and possible action regarding direction to the City Attorney and City Administrator for preparation of an Animal Control Ordinance.

Jon Bickford stated having seen himself what the citizens are facing around the area, where they have at least one specific problem, he felt that they needed to do something, which he is 100 percent in favor of. Jon Bickford said his concern was that they do not need this to keep dragging on either. Jon Bickford said that Mr. Yates had indicated in his notes they still need to do some research and background work. Mr. Yates said not really, he just needed direction for he and the City Attorney on whether they want to limit the number of dogs and cats, and they have a section on chickens. John Champagne said it sounds to him that one size does not fit all, and they have this mixing of a historically rural City that is now becoming more developed. John Champagne said instead of focusing on the animals solely, maybe they should look at the density in terms of developments.

John Champagne said if someone has 5-10 acres, for them to be bound to two dogs or a cat does not seem quite the same as it would be for a homes that are on top of each other or 22 dogs living next door. Rebecca Huss said she thought that John Champagne was 100 percent on the correct tract, and part of that is in terms of where you house the dogs, cats or chickens, within a certain distance either to the property line or the neighbors residence is an important component of what the impact is on your neighbor. Rebecca Huss said different types of animals need different types of land, such as someone had mentioned the donkeys and said they would not fit on an 8,000 square foot lot, but if you have a two acre lot, two miniature donkeys are not an impactful problem. Rebecca Huss said they have relied on common sense in the past and clearly common sense no longer works. Jon Bickford said he would add common courtesy to that comment. Rebecca Huss said they have obviously come to the point where the middle road has to be laid out in writing, so she thought different size lots need to be specified for different types of animals, there needs to be an exemption for 4H projects, because that is an important part of our community, but overall she felt they could come up with something. Rebecca Huss said Mr. Scott Love had done a good job of thinking of a number of things and communities like the Cowboy Church where animals are an important component of what they do and bring to the community, so they have to incorporate that as well, and figure out a way to make sure what they do does not infringe upon what they have. Rebecca Huss said she felt that they are were part way there already with option B.

Jon Bickford said he wanted to be fair to those that did not get a chance to read what was proposed in time, because they just received the information. Jon Bickford said there are provisions for 4H, for special situations like they have at the Cowboy Church, so he thought the intent was to get those

covered. Jon Bickford said he did not want to delay this, but he also did not want to make a decision without getting others' input if there is something they need to do, and if there is something the "B" version of this would cause there to be issues with people that have property who should not be impacted. Jon Bickford said if someone had two acres versus 10 acres and you want four or five dogs that is up to them. Jon Bickford said they were not talking about a situation where someone has 3-5 family pets, they are talking about a house that is running a dog training operation in a neighborhood, with 15-20 dogs at a time and it is a mess.

Mrs. Stewart said she felt very bad for Mr. Howard and the situation. Jon Bickford said there are four other houses around there too. Mrs. Stewart said she feels that this is something that needs to be looked at quite strongly because you have almost a whole section of town that is agricultural that does not have water/sewer power. Mrs. Stewart said she has a house on one acre with three dogs and two cats, and she has a whole bunch of other land with anywhere from 9-15 horses at a time and that is agricultural. Mrs. Stewart said they can't do anything else with the land; it does not have water and sewer power, so her situation is different than his, so she felt that needed to be addressed. Mrs. Stewart said she did not think they could pass an ordinance to make it retroactive for someone because there would be a lawsuit. Mrs. Stewart said she hoped that everyone could work together to solve this problem. Jon Bickford said he thought it was important to have the whole story and to not draw conclusions without understanding what these people are going through and unfortunately they are in a situation where they have reached the end of their rope in terms of what they can do with what they have in place today and they have to find an alternative. Jon Bickford said this is not acceptable and he would be beside himself if that was happening next to his home; in fact he is kind of beside himself because it is happening in the home he used to own and did a lot of work on. Rebecca Huss said they need to make sure that they take away the subjective part of enforcement, and said the more quantifiable the ordinance is the better it will be for people to follow and to enforce.

John Champagne said there was always the rule of unintended consequences, in government's effort to do wonderful things for people unintended consequences result, such as some of the things they are hearing. John Champagne said for any person with common sense, 22 dogs living in a 40 foot front subdivision lot, the density is ridiculous, so this is a ridiculous, unacceptable situation. John Champagne said what they don't want to establish is an ordinance that people with vendettas can use as a hammer against their neighbors in the event they just don't like them and they heard their parakeet. John Champagne said he was all about doing things that are right for most of the people if not all of the people, without taking liberty away from each of us because everybody is

ready to take your liberty away. John Champagne said Mr. Howard's situation is totally understandable, and noted that they just need to be careful.

Jon Bickford said he was uncomfortable wrapping this up tonight because obviously some people did not get this information in the mail until Monday or Tuesday, so that does not give them enough time to review the information. Rebecca Huss asked when the water bills were mailed out. Mayor Countryman said it was one or two weeks ago. Jon Bickford said he was going to trust that if the person said they received it Monday that is when she got it. John Champagne said there is always going to be someone that did not get the information. Jon Bickford asked if there was something that they could do to get public input and then get this back for a vote. John Champagne asked if they could get a stop gap measure to reduce the dog population at this particular residence without making a formal ordinance, to reduce the dogs from 22 to four or five. Mayor Countryman said it can't just apply to them because there is another house that has 350 chickens and everyone around that location will want that applied to them, as well. John Champagne said he did not want to address anything but this house, and said he was not sure the legality allows us to do that. Mr. Yates said the closest thing, which he can discuss with the City Attorney, about whether or not this is a business and not a home occupation. Mr. Yates said if it is a business then they could act upon it through the zoning ordinance very quickly. Jon Bickford asked if they could do something in parallel to move this "B" version along with some common sense behind it. Mr. Yates said he could prepare an ordinance along the "B" vein. Mr. Yates said he could also do what amounts to an animal inventory, which they would have to do anyway under this, because they would have to know. John Champagne said it is going to have to be a fluid thing, and it can't be fluid if it is a law, so they have to be careful.

Rebecca Huss asked if this ordinance would also go to other things, such as dangerous dogs. Rebecca Huss said the "B" version does have an aspect of that addressed. Rebecca Huss asked if they would have something that would address community cats that no one specifically owns, but people take care of. Rebecca Huss also asked about prohibition on owning non-domesticated animals inside the City limits, which is included and asked if they want to include some of those other things. John Champagne asked if the proposed ordinance was on the website. Rebecca Huss said it has been in previous minutes. John Champagne asked if there was a way that citizens could give their input on the web site. Mayor Countryman said she did not think so, they would be able to download the information and we can put that they can write City Hall. John Champagne said since there is an email address on the web site that would be good enough for citizens to send their comments.

Rebecca Huss said the question is whether they want a more comprehensive ordinance rather than just the number of animals. John Champagne said he would just like to have input from the citizens and then do some fine tuning, but he just wants to get rid of those dogs for one, but he wants to be very careful with the ordinance. Rebecca Huss said that dogs, themselves, are fine in the right location, and on an 8,000 square foot lot is not the right location. Jon Bickford said that tigers are considered wild animals and there is a state law that prevents people from having them as pets.

Jon Bickford asked how they move this along.

John Champagne asked to have the City Administrator check with the City Attorney to see if they can't do something immediately to reduce the number of dogs at this particular residence, stating that he did not want to set a precedence, but we are, and said that he just does not want for them to say because he is operating a business, that all businesses be stopped because he operates a business out of his home, at a desk. John Champagne said if they can do that, because it is blatantly and overtly a business that is affecting people around it. John Champagne said this is to deal with this problem and that is all he wants to deal with; he is not dealing with all the other stuff. Rebecca Huss said this is not a motion since it is not on the agenda, but it is certainly a direction to Mr. Yates that she is 100 percent behind. Jon Bickford said he would simply add that in parallel that they let the information that was sent out be allowed to be reviewed for another three weeks and get the "B" version back on the agenda for the next meeting. Jon Bickford said they need to resolve this and not let it keep going on, so they need to either find a way to deal with the problem legally through Mr. Foerster or find some other way. John Champagne said he would ask that this be placed on the web site and once they come up with a final draft, that final draft be placed on the web site as well, before they vote on it, so if anyone wanted to air out problems they could get their information in as quickly as possible. Jon Bickford said he did not think anyone here wants to impact family pets, horses, etc., but having 15-22 dogs in and out barking and having it run as a business is crazy in a neighborhood and it is not fair.

Rebecca Huss stated another question as well, do they need to look at residential zoning and how we handle home based businesses; like John Champagne stated he sits at a desk all day in his home, which is a home based business that has zero impact on the surrounding community, but businesses that have traffic, smells or 22 dogs. Jon Bickford said it might be as simple as saying you can't have a home business where you train and sell animals, dogs, cats, birds, fish, etc. in a residential

area. Rebecca Huss said you would not want to infringe upon people that work from home because most people respect their neighbors, and said that she did not want to get all legislative with rules.

A resident stated that her neighborhood is called Sterling Heights and 20 years ago they asked for a POA, and at the time the land was available and the people were not selling it, and asked if they developed a POA in the Sterling Heights area, which is on the map, and instituted whatever POA's do, is that a quick way and can they do that. John Champagne said yes.

T.J. Wilkerson asked if this was related to a business or is it just a house where the dogs are located. Mayor Countryman stated that it is a house where the man is running a business. T.J. Wilkerson asked if the man had a permit to run the business. Mayor Countryman said the man does not require a permit. T. J. Wilkerson asked why the man that sold firewood at his home had to have a permit. Jon Bickford said they put a sign in front of their house and parking issues. Mr. Yates said it is really a question as to whether the business has a sign to attract traffic and if they act as a business. T. J. Wilkerson asked if stacked wood up at his home and did not put up a sign and people just happen to stop and buy the wood, would he be okay. Mr. Yates said it is a nebulous answer, it would depend on how many people stop. T.J. Wilkerson stated if the man has 22 dogs. Mr. Yates said it might be 24 dogs and 24 pickups two or three months apart that would cause two or three vehicles per week to go to that house.

Jon Bickford said that Mr. Yates has two tasks, 1) check with the City Attorney on whether or not they can do something immediately regarding that being a business, and 2) make sure that they solicit whatever input they can from the citizens and take that into consideration. Jon Bickford said they need to make sure that they get this on the agenda for the next meeting, as well. Mr. Yates said he understood. John Champagne said he would also say there is no big rush once they deal with this dog business, if it is solved through the City Attorney. Rebecca Huss said there is still a chicken problem. Jon Bickford said he understood about the chicken problem.

9. Consideration and possible action regarding authorization to City Administrator to expend an additional \$7,000 for acquisition and demolition cost of city property at the southeast corner of FM 149 and SH 105.

Mr. Yates said the estimate for the acquisition closing costs and demolition of the building was \$104,543. Mr. Yates said because asbestos was found in the building the actual costs will be \$110,928, which is an increase of \$6,385. Mr. Yate said the increase is solely due to finding



asbestos in the building, and this is a required expense. Mr. Yates said this would not require a general fund budget amendment he just wanted to keep City Council informed on the net cost of acquiring the property. Mr. Yates asked for the authorization to spend up to an additional \$7,000 for the purchase and demolition of the property at FM 149 and SH 105.

Rebecca Huss moved to authorize the additional \$7,000 for the acquisition and demolition cost of city property at the southeast corner of FM 149 and SH 105. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

10. Consideration and possible action adoption of the following Ordinance:

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY OF 1.758 ACRES OF LAND, MORE OR LESS, IN THE BENJAMIN RIGSBY SURVEY, ABSTRACT 31 AND THE ZACK LANDRUM SURVEY, ABSTRACT 22, TO THE CITY OF MONTGOMERY, MONTGOMERY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; ADOPTING AN ANNEXATION SERVICE PLAN FOR SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING THE EFFECTIVE DATE UPON PASSAGE OF THE ORDINANCE.

No action taken on this item, which was withdrawn by the requestor.

11. Consideration and possible action regarding adoption of the following Ordinance:

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OF PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF MONTGOMERY, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200 FOR THE VIOLATION OF THIS ORDINANCE.

Mr. Yates stated that TxDOT has completed a speed zone study and they have three reductions of speed zones in the City. Mr. Yates advised the following areas involved:

- Reduce the speed by five miles per hour to 45 miles per hour between the eastern City limits and the bridge over Lake Creek on SH 105;
- Reduce the speed from 45 to 35 miles per hour from the front of McCoy's Lumber to the middle of A&A Landscaping on SH 105; and
- Reduce the speed from 55 to 45 miles per hour in the school zone from the west City limits to Old Dobbin/Plantersville Road stop light intersection. Mr. Yates said also in the same area a reduction in the school zone from 35 miles per hour to 30 miles per hour when flashing.

John Champagne asked if there was any discussion regarding FM 149 where it comes in past Jim's Hardware heading south. John Champagne said he thought the speed limit was 30 miles per hour at that location. John Champagne asked if there had been any discussion about lowering the speed limit at that location because a tractor trailer could wipe out a couple of businesses if they came through there at 30 miles per hour. Mr. Yates said it was not included in the TxDOT presentation.

Rebecca Huss asked where exactly in front of McCoy's Lumber are they reducing the speed, right in front of McCoy's or are they going more toward Buffalo Springs Drive. Rebecca Huss said she did not really understand their reasoning on putting the 35 miles per hour at that location because people are going to be accelerating right at the intersection there, which is a big deal because people are turning off of CB Stewart or onto CB Stewart, so she was not sure that was the safest place to have people accelerating. Mr. Yates said they were reducing the speed there from 45 miles per hour to 35 miles per hour. Rebecca Huss said she was talking about coming out of town, where the people are turning left off of CB Stewart trying to get out just as people are accelerating on SH 105. Jon Bickford said he would say that he is not a traffic expert and would tend to want to leave it to those that are experts. Rebecca Huss said that was a good point and she withdrew her comment.

T.J. Wilkerson moved to approve the ordinance as presented. John Champagne seconded the motion, the motion carried unanimously. (4-0)

12. Consideration and possible action regarding inviting applications for an open position on City Council.

Mr. Yates said state law basically states that City Council has now through May 2019 to decide about appointing a successor for Place 5 on City Council. Mr. Yates said City Council could choose to leave the position vacant until the May 2019 Election, or under any method you choose, such as applications as they have done for Boards and Commissions, or decided by a vote at any time between now and May 2019.

John Champagne asked if the City formally send out a notice that they have a vacancy that needs to be filled. Mr. Yates said they did not. John Champagne asked if Mr. Yates needed direction to do that. Mr. Yates said that he did need direction as to what City Council wanted. John Champagne said he was reading the minutes and it appeared that there was not a consensus that they should fill that vacant spot. Rebecca Huss said they decided to take no action. John Champagne asked why they decided to do nothing. Jon Bickford said they decided to postpone making any decision on what they were going to do. John Champagne said that is what he read in the minutes. John Champagne asked where they were with this action. Rebecca Huss said they were in the same spot.

John Champagne moved to fill the position.

Jon Bickford asked how they would do this. John Champagne said like they always have in the past. John Champagne asked how they did with Rebecca Huss. Rebecca Huss said she won an election. John Champagne asked how they did with T. J. Wilkerson. T. J. Wilkerson said he won an election. Rebecca Huss said the last vacancy was when Mr. Fox left. John Champagne said Joe Shockley left and there has been three that left. Rebecca Huss said Mr. Fox was the most recent one that left. John Champagne said John Fox resigned his position as Mayor. Rebecca Huss said that was correct and then they left his term vacant and Kirk Jones acted as Mayor Pro Tem for the rest of the term until the election.

Jon Bickford asked if they should make an announcement. John Champagne said that he was making a motion to send out a notice for people interested in filling the vacant City Council position.

Rebecca Huss said unless they leave the position vacant until the term, because they have a lot of other stuff that they can just keep doing with four Council members. John Champagne said he did not see where that would impede anything.

Jon Bickford seconded the motion.

Discussion: Mr. Yates asked if by posting a notice of the opening it was to be done the same way that they have done for the Planning and Zoning Commission. John Champagne said he wanted it done the same way they have done for all the other people that they have put in those slots. Jon Bickford asked if they can get it posted and the word out in time to get it on the next meeting agenda. Jon Bickford said if they are interested then they can get an application form filled out so City Council can make a decision at the next meeting, which means they are going to need to have the applications ahead of the meeting. Mr. Yates said he can have them around Tuesday the week before the meeting, on the same form that they complete the same application as they do for the Planning and Zoning Commission. John Champagne said he did not see the point of not having an additional cross section of this community, the way it is designed with five Council members for another five to six months with a vacancy, where they could have additional insight and additional cross section of this community. John Champagne said they would have to be someone willing to come and work, which heretofore has been something that has not been too prolific.

Rebecca Huss said she felt it would be better just to stick with the four of us. John Champagne asked why just so he would know. Rebecca Huss said they all worked together for better and for worse and they have finally got it down. John Champagne asked if they had a club. Rebecca Huss said such as it is. Rebecca Huss said she felt that when they appoint somebody it is not from the cross section of the City it is one specific person. John Champagne said it gives them another area to his point, he would much rather have five heads than four. Jon Bickford said they have business to conduct so they need to get the best candidate and move forward. Rebecca Huss said she felt that it was more opportunity for things not to get along.

T. J. Wilkerson asked if the announcement would go in the newspaper or in the water bill. Mr. Yates said he would put the announcement on the web site and would prepare a press release that would go to the newspaper stating the way that people will apply will be to go to the web site and fill out the application. T.J. Wilkerson asked if the process would take a month. John Champagne said no, it would take two weeks and be decided at the next meeting. Mr. Yates said they will not have a meeting until December 11, 2018. Mr. Yates said he could get the announcement out by the end of the week, with the deadline being Tuesday the week before the meeting. Jon Bickford said they will need copies of the applications before the meeting.

John Champagne asked the City Secretary to provide a synopsis of the motion that was made. Ms. Hensley advised the motion was to post the notice of the vacant City Council position on the web site and in the newspaper, and seconded by Jon Bickford.

T. J. Wilkerson asked if the four City Council members would elect that person to serve in the vacant position. Mr. Yates said that is correct. Rebecca Huss asked if the Mayor would provide the tie breaking vote if necessary. Mr. Yates said that was correct.

The motion carried with 3-Ayes votes and 1-Nay vote by Rebecca Huss. (3-1)

Mayor Countryman stated the notice would be placed on the web site, in the newspaper and water bill in two weeks and will be ready for the December 11, 2018 City Council Meeting. Mr. Yates asked that they not include the water bill. John Champagne said including it in the water bill was not part of his motion.

13. Buffalo Springs Bridge Report by the City Engineer.

Mr. Roznovsky said this should be the last Bridge Report, advising that the Bridge is opened. Mr. Roznovsky said there were some last few items that were clean up, the water line and final testing. Mr. Roznovsky said he did not have much to report. Jon Bickford asked about the punch list and whether it was done. Mr. Roznovsky said the final cleanup and getting the slopes put back into place, but as far as the actual physical work the concrete and asphalt, there are no issues. Mr. Roznovsky said the only issue was a joint which they fixed.

Jon Bickford thanked Mr. Roznovsky for holding it all together while it took so long to get it done.

**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. (No items at this time.)

**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 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.

There were no comments made.

**ADJOURNMENT**

Jon Bickford moved to adjourn the meeting at 7:18 p.m. John Champagne seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: \_\_\_\_\_

Susan Hensley, City Secretary

\_\_\_\_\_  
Mayor Sara Countryman

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> City Administrator	<b>Exhibits:</b> Renewal application, 2018 inspection, 2017 inspection 2016 inspection
<b>Date Prepared: December 5, 2018</b>	

**Subject**

This is the Mobile Home Park Permit Renewal – Cedar Crest Park.

**Description**

Attached is the Park renewal application. Also attached is an inspection report of the Park – covering the health, safety and welfare status of the Park. I included the 2016 and 2017 report so that you can see the comparison/advances made.

**Recommendation**

Approve the renewal with no stipulations—as a part of the consent item agenda..

**Approved By**

City Administrator

Jack Yates

Date: December 5, 2018

CITY OF MONTGOMERY  
936-597-5434

REC#: 00030009 10/24/2018 10:40 AM  
OPER: BB TERM: 003  
REF#: 992

**CITY OF MONTGOMERY**  
OX 708 MONTGOMERY, TEXAS 77356  
Phone: (409) 597-6434 / 597-6436 / 597-6866

TRAN: 15.0000 MISC INCOME  
LIC RENEWAL FEE 2019  
CEDAR CREST MOBILE PARK  
UNANTICIPATED INCO 50.00CR

TENDERED: 50.00 CHECK  
APPLIED: 50.00-

CHANGE: 0.00

**HUD-CODE MANUFACTURED HOMES PARK**

**RENEWAL/TRANSFER APPLICATION**

This application is for any person desiring to renew or transfer license of a HUD-Code Manufactured Homes Park within the city boundaries of the City of Montgomery on or after April 20, 1999 in accordance with Ordinance No. 1999-4.

Type of Request:  X  Annual Renewal (Period: Year of 2019)  
  Transfer of License

1. Name of Applicant:

Marcy Bennett & Pat McCarty   
 PO Box 9692   
 Spring, TX 77387

2. Street Address of the Park:

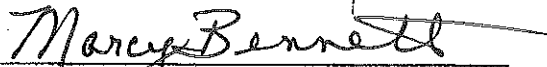
Old Plantersville Rd

3. Legal Description of the Park (as it appears in the Deed Records):

BEING 5.6735 ACRES, MORE OR LESS, SITUATED   
 IN THE ZACHARIAH LANDRUM LEAGUE A-22, A PART   
 OF AND OUT OF THE JOHN M. POWELL TRACT,   
 RECORDED IN VOLUME 272, PAGE 159 OF THE   
 DEED RECORDS OF MONTGOMERY COUNTY, TX.



4. A current, accurate copy of the HUD-Code Manufactured Home Park Register, as required by Section 4(D) and as described in Section 8(O) of Montgomery City Ordinance 1999-4 shall be attached to this application form.
5. A permit fee in the amount of Fifty Dollars (\$50.00) shall accompany submission of this application to the City of Montgomery.
6. Renewal of License applications must be completed and submitted to the City of Montgomery on or before December 1<sup>st</sup> of the year preceding the calendar year for which license renewal is being requested.
7. A transfer of License application must be submitted to the City of Montgomery within fifteen (15) days of the said Park having transferred ownership to the new owner. Approved applications are valid only for the remainder of the calendar year.
8. This application shall be considered by the City Council of the City of Montgomery at its next eligible meeting.
9. If this application is on behalf of a corporation or limited liability company the application must be signed by an authorized partner or officer. In the case of a corporation, a copy of the corporate board authorization and a copy of a "Certificate in Good Standing" from the Secretary of State (or its equivalent) of the state in which the corporation is registered must be attached to this application.



Signature of Applicant

10-25-18

Date of Application

**Marcy Bennett**

Printed Name of Applicant



**CITY OF MONTGOMERY**  
 P.O. BOX 708 MONTGOMERY, TEXAS 77356  
 Telephone: (409) 597-6434 / 597-6866

**Affidavit of Application**

I do hereby affirm and certify that the information contained in the attached HUD-Code Manufactured Homes Park Application, dated 10-25-18, is accurate and truthful to the best of my knowledge.

Marcy Bennett 10-25-18  
 Signature Date

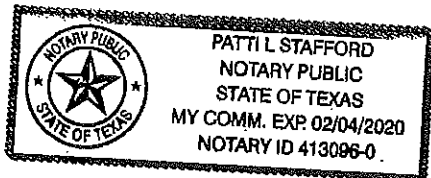
Marcy Bennett  
 Printed Name

State of Texas  
 County of Montgomery

This instrument was acknowledged before me on 10/25/2018 by Marcy Bennett by Marcy Bennett

Notary Seal:

Patti L Stafford  
 Notary Public Signature



## Mobile Home Park Renewal – Inspection

Date of Inspection: October 24, 2018

Inspected by: Jack Yates

Appearance of entrance, signs, street signs: Good condition of sign and entry area neat in appearance. Road entrance recently repaved and is in good condition.

Appearance/condition of streets and driveways inside Park: Overall good condition of streets. Road patch in front of #10 has a couple potholes, and two areas where pavement is buckling in front of units #19 and #20 at edge of street. Neither the pothole nor the buckling locations require immediate repair, but should be completed before April 1.

Appearance of yards and open areas in the Park: Generally, well mowed, clean of trash and debris. #19 has some clutter in front along base of trailer.

Appearance of individual homes in the Park: #21 looks very well kept—a major improvement from last year. #11 needs skirting repair (vacant).

Code violations/issues in the Park: None.

Police calls/issues at the Park: In line with the City as a whole; no call for service that have the severity or recurring calls which would prevent approval. The Police Department have documented 24 misc. calls for service for this calendar year and 2 of the events resulted in an arrest. No real major incidents

Utility issues at the Park: The City needs to complete the water meter & easement project.

Inspection result: Recommend approval with no stipulations.

## Mobile Home Park Renewal – Inspection

Date of Inspection: November 8, 2017

Inspected by: Jack Yates

Appearance of entrance, signs, street signs: Good sign/area appearance, well painted. Entryway to park in the process of being repaved by the City.

Appearance/condition of streets and driveways inside Park: Much improved. Completely new pavement on western portion of streets. Adequate repair of potholes and other areas.

Appearance of yards, open areas in Park: All well mowed, clean of trash, debris.

Appearance of individual homes in the Park: Appearance around homes is acceptable. Not all perfectly groomed/free from litter, but certainly no code enforcement issues.

Code violations/issues in the Park: None

Police calls/issues at the Park: There is no reason for severity of calls or habitual calls with regards to the mobile home park which would prevent approval.

Utility issues at the Park: An agreement has been reached regarding the master meter issue. Awaiting on the easement preparation for completion of the agreement (Ms. Bennett has not been unreasonable regarding the delay).

Inspection result: Recommend approval with no stipulations.

## Mobile Home Park Renewal – Inspection

Date of Inspection: November 28, 2016

Inspected by: Jack Yates

Appearance of entrance, signs, street signs: Good sign/area appearance, well-painted. Entryway to park needs re-paving, will be done as part of FEMA reimbursement for flood damage by city.

Appearance/condition of streets and driveways inside Park: Marginal – would probably be considered the sores street in the city. Perhaps require some new paving before 2017 Permit renewal.

Appearance of yards, open areas in Park: All well mowed, clean of trash, debris

Appearance of individual homes in the Park: #21 has some loose boards in yard. #14, one panel of skirting broken, litter on deck and broken 6' fence panel. #15 no skirting on west (narrow) side of home. All decks in good condition.

Code violations/issues in the Park : None, #14 borderline.

Police calls/issues at the Park: There is no reason and or habitual calls with regards to the mobile park which would prevent approval.

Utility issues at the park: None to knowledge, outside of a sewer backup (quickly repaired) and an occasional (no worse than general public) turn off due to late-payment

Inspection result: Recommend approval with street improvement needed before next renewal.

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: Agreement</b>
<b>Date Prepared: December 5, 2018</b>	

**Subject**

This is a proposed Retaining Wall Encroachment Agreement between the city and Stylecraft Builders, Inc. that involves a stone retaining wall within the city's existing right-of-way is in close proximity with existing public water and sewer lines.

**Description**

The City Engineers memo is attached. The situation is that Stylecraft constricted a stone retaining wall within the city's existing right-of-way along Scenic Hills Court in the Hills of Town Creek, Section 3 development. Because of the close proximity to existing water and sewer lines, the City Engineer recommends an encroachment agreement to allow the construction of the stone retaining wall improvement, since the retaining wall does no harm to their water and sewer lines in the agreement will release the city from all responsibilities for damages incurred to the stone retaining wall that might happen as a result of required future maintenance of the water and sewer lines.

**Recommendation**

Approve the Retaining Wall Encroachment Agreement as presented.

**Approved By**

City Administrator

Jack Yates

Date: December 5, 2018



1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380-3795  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

December 3, 2018

The Honorable Mayor and City Council  
City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316

Re: Proposed Retaining Wall Encroachment Agreement  
Hills of Town Creek, Section 3 (Dev. No. 1019)  
The City of Montgomery

Dear Mayor and Council:

It has come to our attention that the developer of Hills of Town Creek, Section 3 has constructed a stone retaining wall within the City's existing right-of-way along Scenic Hills Court. Per the construction plans, the encroachments are proposed to be in close proximity, but not in conflict, with existing public water and sanitary sewer lines.

We recommend the City enter into an encroachment agreement with the developer, Stylecraft Builders, Inc., to allow the construction of the proposed improvements within the City's right-of-way. This agreement will release the City from all responsibility for damages incurred to the improvements as a result of required maintenance and repairs to the public utilities.

As always, should you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2018\MEMO to Council RE Hills of Town Creek Encroachment Agreement.doc

Enc: Signed Encroachment Agreement

Cc (via email): Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

STATE OF TEXAS

COUNTY OF MONTOMERY

**ENCROACHMENT AND MAINTENANCE AGREEMENT**

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between the **CITY OF MONTGOMERY, TEXAS** (CITY) and **STYLECRAFT BUILDERS, INC.**, a Texas corporation (OWNER).

**RECITALS**

OWNER is the owner of certain property ("Property") located in the City of Montgomery, Texas on Emmas Way, which is being developed by OWNER as the Hills of Town Creek, Section 3, a new residential subdivision ("the Subdivision").

The Property is a \_\_\_\_\_-acre tract of land in the CITY, as more particularly described in the site plan attached hereto as Exhibit "A."

OWNER is proposing to place a small retaining wall on the CITY's street right-of-way on Scenic Hills Court in connection with a grade change, as described in Exhibit "B." OWNER has requested permission from CITY to install the retaining wall on the CITY street right-of-way on Scenic Hills Court.

As a condition to CITY's approval, OWNER has agreed that the Subdivision's home owners' association, the OWNER's successor and assignee, will maintain the small retaining wall at no cost to CITY. This obligation to the maintenance of the small retaining wall shall be described in the Subdivision plat and restrictive covenants which shall be recorded in the Real Property Records of Montgomery County, Texas.

CITY and OWNER agree that CITY may in the future need to make major repairs to Scenic Hills Court along the retaining wall.



If future major repairs to the CITY's street are necessary, the small retaining wall may need to be disturbed in order for CITY to perform the necessary repairs.

The small retaining wall shall be the property of OWNER or the Subdivision home owners' association. OWNER agrees that CITY shall not incur the expense of maintaining the retaining wall or removing or replacing it when any repair work by CITY to Scenic Hills Court is complete.

CITY has agreed to the proposed small retaining wall described in Exhibit "B" and OWNER'S installation of the retaining wall on and along the CITY street right-of-way, subject to the above recitals and the following terms and conditions agreed by OWNER.

**NOW, THEREFORE**, be it mutually agreed by OWNER and CITY as follows:

1. Consent to Encroachment. Subject to the above recitals and the terms of this Agreement, CITY hereby consents and allows OWNER to enter upon the above-described CITY street right-of-way for the purpose of installing, placing and maintaining the above-described retaining wall within the CITY street right-of-way, as described in Exhibit "B".

2. Term. This Agreement shall have an indefinite term and shall run with the Property until the CITY and the OWNER, or its successors and assigns, agree to terminate this Agreement.

3. Conditions.

- a. Prior to any construction in or along the CITY public street right-of-way, OWNER shall obtain all licenses or permits necessary to install the retaining wall.
- b. OWNER or its assignee, the Subdivision home owner's association, shall be solely responsible for the normal maintenance of the retaining wall and shall maintain it to avoid any damage to or interference with the CITY facilities, other public utilities or the general right of CITY to utilize the street right-of-way easement for its intended purpose. CITY shall be responsible for major repairs to Scenic Hills Court or any CITY utilities placed in the street right-of-way.

- c. CITY shall not be responsible to OWNER, its successors, assigns, or any other party for damages to the retaining wall or other improvements on or along the CITY street right-of-way caused by CITY or any third party.
- d. OWNER shall notify the City in writing of any change in ownership of the Property or assignment of the obligations to maintain the retaining wall to the Subdivision home owners' association.

4. Notices. Any notice required or permitted under this Agreement shall be deemed sufficient if delivered in hand or by First Class US Mail addressed to the parties as follows:

CITY

OWNER

City of Montgomery  
 ATTN: City Administrator  
 101 Old Plantersville Road  
 Montgomery, Texas 77356

Stylecraft Builders, Inc.  
 ATTN: Development Department  
4090 St Hwy 6 S  
College Station, Tx 77845

5. **Indemnity.** OWNER and its assignee shall indemnify, defend and hold harmless CITY, its elected officials, officers and employees, from any claims, suits, causes of action, costs or damages arising from the action or inaction of OWNER or its assignees relating to maintenance of the small retaining wall or any improvements by OWNER on or along the Scenic Hills Court street right-of-way.

6. Entire Agreement. This Agreement contains the entire agreement between the parties hereto. No promise, representation, warranty or covenant not included in this Agreement has been or is relied on by any party hereto.

7. Construction and Venue. This Agreement shall be construed in accordance with the laws of the State of Texas. Exclusive venue over any claim or cause of action arising hereunder shall be in the courts of Montgomery County, Texas.

8. Agreement a Covenant Running with the Land. This Agreement shall be recorded in the Real Property Records of Montgomery County, Texas and shall be a covenant running with the OWNER'S land and binding upon the OWNER'S successors and assigns.

**CITY OF MONTGOMERY, TEXAS**

By: \_\_\_\_\_  
Sara Countryman, Mayor

ATTEST:


\_\_\_\_\_  
Susan Hensley City Secretary

State of Texas                    §  
County of Montgomery        §

This instrument was acknowledged before me on \_\_\_\_\_, 2018  
by SARA COUNTRYMAN, mayor of and acting in behalf of the City of Montgomery,  
Texas.

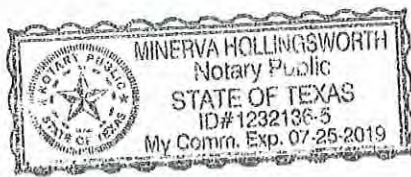
\_\_\_\_\_  
Notary Public, State of Texas

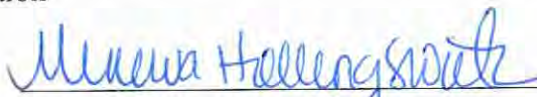
STYLECRAFT BUILDERS, INC.

By:  VP  
Name: Doug French  
Title: Vice Pres

State of Texas §  
County of Brazos §

This instrument was acknowledged before me on November 12, 2018,  
2018 by Doug French, acting under the authority of STYLECRAFT  
BUILDERS, INC., a Texas corporation



  
Notary Public, State of Texas

**After Recording Return to:**

Susan Hensley City Secretary  
City of Montgomery, Texas  
101 Old Plantersville Road  
Montgomery, Texas 77356

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> City Administrator	<b>Exhibits:</b> Memo from City Engineer Inspection checklist
<b>Date Prepared: December 5, 2018</b>	

**Subject**

This is to consider acceptance of the one year warranty, and release all warranty and maintenance bonds issued for the project.

**Description**

The City Engineer memo states no punch list items are remaining on this project.

**Recommendation**

Motion to read released all warranty and maintenance bonds issued for the Gardner Drive public road, water line, sanitary sewer and storm water line project.

**Approved By**

City Administrator	Jack Yates	Date: December 5, 2018
--------------------	------------	------------------------



1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

December 5, 2018

The Honorable Mayor and City Council  
City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316

Re: Gardner Drive Public Road, Public Waterline, Public Sanitary Sewer, and Public Storm Sewer One Year Warranty Completion  
City of Montgomery

Dear Mayor and Council:

We completed the one-year warranty inspection of the work completed for Gardner Drive Public Road, Public Waterline, Public Sanitary Sewer, and Public Storm Sewer on August 28, 2018 in the presence of Mr. James McCain – Jones|Carter, Mr. Jim Gregg – Jones|Carter, Mr. Francisco Salas – City of Montgomery, Mr. Eric Standifer – City of Montgomery, Mr. Jamie Cooley – Cooley Construction, and Mr. Mike Parker – Key Construction. All punch list items identified at the inspection were sufficiently addressed on November 26, 2018, and the work completed is in compliance with all City ordinances and standards, unless previously authorized by variance.

This letter also certifies that we are not aware of any liens currently placed against the project, and we recommend the release of all warranty and maintenance bonds issued for the project.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

P:\PROJECTS\W5841 - City of Montgomery\W5841-1003-01 Milestone Development-Public\Construction\Letters\One Year Warranty Letter.docx

Enc: Punchlist

Cc (via email): Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney  
Mr. Mike Parker – Key Construction  
Mr. Jamie Cooley – Cooley Construction



## ONE YEAR WARRANTY INSPECTION PUNCH LIST

**Project Name:** Gardner Drive Public Road, Public Waterline, Public Sanitary Sewer, and Public Storm Sewer      **JC Job No.:** W5841-1003-01

**Inspection Date:** 8/28/2018

<b>Contractor:</b> <u>Key Construction, Inc.</u>	<b>Construction Manager:</b> <u>James Ian McCain, C.Tech.</u>
<b>Sub Contractor:</b> <u>Cooley Construction, LLC</u>	<b>Field Project Representative:</b> <u>Mr. Jim Gregg</u>
<b>Owner:</b> <u>City of Montgomery, Texas</u>	<b>Design Engineer:</b> <u>Mr. Greg Strube, PE</u>

An Inspection was conducted at the above project by Jones & Carter, Inc. at 8:00 am on the above date. The following items are to be corrected or completed to comply with the Contract Documents:

Item No.	Description		Date Completed	FPR Sign Off
1	Install missing button along yellow striping.	✓	11/26/18	JG
2	Install caulking in curb joint west of the first intersection from Hwy 105 going north on Gardner Drive.	✓	11/26/18	JG
3	Remove sediment from inside Hydrant A box at the north eastern side of Gardener Drive.	✓	11/26/18	JG
4	Remove sediment from the A boxes on the north western side of Gardener Drive.	✓	11/26/18	JG
5	Install a new A box southwest of the first intersection heading north on Gardener Drive.	✓	11/26/18	JG
6	Dress side slopes along 105 that have signs of heavy erosion. <del>Vegetate as required.</del>	✓	11/26/18	JG
7	Remove silt from the concrete channels along Hwy 105.	✓	11/26/18	JG
8	Fill settlement around sanitary sewer manhole S-6 and S-7.	✓	11/26/18	JG
9	Adjust drainage flow on the west side of the intersection of Hwy 105 and Gardener Drive to permit flow from the west side of the row of Gardner Drive to enter the concrete channel.	✓	11/26/18	JG
10	Backfill the back side of the western concrete channel and vegetate.	✓	11/26/18	JG

JIM/caw

**Attendees:** Mr. James McCain – Jones and Carter, Inc.  
 Jim Gregg – Jones and Carter, Inc.  
 Francisco Salas – City of Montgomery  
 Mr. Eric Standifer – City of Montgomery  
 Mr. Jamle Cooley – Cooley Construction  
 Mr. Mike Parker – Key Construction

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: Memo from City Engineer</b>
<b>Date Prepared: December 5, 2018</b>	

**Subject**

This is to consider acceptance of the one year warranty, and release all warranty and maintenance bonds issued for the project.

**Description**

The city engineer memo states no punch list items are remaining on this project.

**Recommendation**

Motion to read released all warranty and maintenance bonds issued for the Flagship Boulevard pavement repair project.

**Approved By**

City Administrator	Jack Yates	Date: December 5, 2018
--------------------	------------	------------------------





1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

December 5, 2018

The Honorable Mayor and City Council  
City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316

Re: Flagship Boulevard Pavement Repairs One Year Warranty Completion  
City of Montgomery

Dear Mayor and Council:

We completed the one-year warranty inspection of the work completed for Flagship Boulevard Pavement Repairs on November 14, 2018 in the presence of Mr. Michael Carpenter – Jones|Carter, Mr. Jim Gregg – Jones|Carter, Mr. Eric Standifer – City of Montgomery, and Mr. Vernon Lang – VML Construction Services. No punch list items were identified at the inspection, and the work completed is in compliance with all City ordinances and standards.

This letter also certifies that we are not aware of any liens currently placed against the project, and we recommend the release of all warranty and maintenance bonds issued for the project.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

P:\PROJECTS\W5841 - City of Montgomery\W5841-0012-00 Flagship Boulevard Improvements\Construction\Contract Docs\One Year Warranty Letter.docx

Enc: N/A

Cc (via email): Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney  
Mr. Vernon Lang – VML Construction Services

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: Memo from City Engineer</b>
<b>Date Prepared: December 5, 2018</b>	

**Subject**

This is to consider acceptance of the one year warranty, and release all warranty and maintenance bonds issued for the project.

**Description**

The City Engineer memo states no punch list items are remaining on this project.

**Recommendation**

Motion to read released all warranty and maintenance bonds issued for the Heritage Place Medical Center 12" water line project.

**Approved By**

City Administrator	Jack Yates	Date: December 5, 2018
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1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

December 5, 2018

The Honorable Mayor and City Council  
City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316

Re: Heritage Place Medical Center 12" Waterline One Year Warranty Completion  
City of Montgomery

Dear Mayor and Council:

We completed the one-year warranty inspection of the work completed for Heritage Place Medical Center 12" Waterline on November 6, 2018 in the presence of Mr. Michael Carpenter – Jones|Carter, Mr. Jim Gregg – Jones|Carter, and Mr. Eric Standifer – City of Montgomery. All punch list items identified at the inspection were sufficiently addressed on November 6, 2018, and the work completed is in compliance with all City ordinances and standards, unless previously authorized by variance.

This letter also certifies that we are not aware of any liens currently placed against the project, and we recommend the release of all warranty and maintenance bonds issued for the project.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

P:\PROJECTS\W5841 - City of Montgomery\W5841-1003-01 Milestone Development-Public\Construction\Letters\One Year Warranty Letter.docx

Enc: Punchlist

Cc (via email): Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney  
Mr. Mike Parker – Key Construction  
Mr. Jamie Cooley – Cooley Construction

**ONE YEAR WARRANTY - PUNCH LIST**

Project: Heritage Place Medical Center 12" Waterline

J & C Job No.: W5841-0027-00

Inspection Date: 11/6/2018

Contractor: Statewide Services

Construction Manager: Michael D. Carpenter

Field Project Representative: Jim Gregg

Owner: City of Montgomery

Design Engineer: Jones|Carter

An Inspection was conducted at the above project by Jones & Carter, Inc. at 8:00 am on the above date.

The following items are to be corrected or completed to comply with the Contract Documents:

Item No.	Description	Date Comp.	FPR	Sign
1	Redo rip rap at ditch at STA. 1+68 and place at ditch outfall	11-6		[Signature]
2	Expose buried valve at Sta 5+59 at intersection of Caroline & Houston	11-6		[Signature]

- Attendees: Michael Carpenter - Jones and Carter, Inc.  
Jim Gregg - Jones and Carter, Inc.  
Eric Standifer - City of Montgomery



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: Assignment of Economic Development Agreement</b>
<b>Date Prepared: December 6, 2018</b>	

**Subject**

This regards the transfer of the recipient of funds reimbursed on the 380 Agreement that was originally with Milestone Properties Inc., through this Agreement assigns those reimbursements to Kroger, Texas. Because the City and the MEDC are parties to the original 380 Agreement, it is necessary that the City Council and the MEDC Board agree to this assignment.

**Description**

This does not change in any manner the amount paid for the reimbursement for the 380 Agreement - all it does is change the recipient from Milestone (the original developer) to Kroger.  
No payment has been made only 380 Agreement, awaiting this assignment agreement and confirming the sales tax received at the fuel station (which is not part of the 380 Agreement area).  
I will be in contact with the MEDC Board to gain their approval.  
City Attorney Larry Foerster has reviewed the Agreement and approves of the proposed recommendation.

**Recommendation**

Motion to authorize the Mayor to execute the Assignment of Economic Development Agreement as presented

**Approved By**

City Administrator	Jack Yates	Date: December 6, 2018
--------------------	------------	------------------------

## ASSIGNMENT OF ECONOMIC DEVELOPMENT AGREEMENT

This ASSIGNMENT OF ECONOMIC DEVELOPMENT AGREEMENT (this "Assignment") is entered into by and among MILESTONE PROPERTIES, INC., a Texas for profit corporation ("Assignor"), KROGER TEXAS L.P., an Ohio limited partnership ("Assignee"), the MONTGOMERY ECONOMIC DEVELOPMENT CORPORATION, a Texas 4A development corporation (the "EDC"), and CITY OF MONTGOMERY, a Texas Type-A general law municipality (the "City") effective as of the \_\_\_\_ day of December, 2018 (the "Effective Date"). Assignor, Assignee, EDC and City are hereinafter sometimes referred to individually as a "Party" and collectively as the "Parties."

**WHEREAS**, Assignor, the City, and the EDC are parties to that certain Economic Development Agreement dated June 15, 2015 (the "Incentives Agreement"), a copy of which is attached as Exhibit A;

**WHEREAS**, Assignor, the City, the EDC, and Spirit of Texas Bank, SSB, a Texas state savings bank ("Spirit"), are parties to that certain July 15, 2017 Monument Assignment and Assumption Agreement, a copy of which is attached as Exhibit B, pursuant to which Assignor assigned to Spirit all of Assignor's obligations to the City and EDC under Article II, Section 5 of the Incentives Agreement to construct and maintain a City gateway monument at the corner of State Highway 105 and Lone Star Parkway, and the City and EDC discharged Assignor from all obligations under Article II, Section 5 of the Incentives Agreement;

**WHEREAS**, Assignor and Assignee are parties to that certain Agreement to Assign Incentives dated November 20, 2015 (the "Agreement to Assign"), a copy of which is attached as Exhibit C;

**WHEREAS**, Assignee desires to acquire Assignor's rights, duties, and obligations under the Incentives Agreement, and the Agreement to Assign provides terms and conditions on which Assignor will assign to Assignee all Assignor's rights, duties, and obligations under the Incentives Agreement;

**WHEREAS**, Assignee has satisfied all terms and conditions in the Agreement to Assign necessary to create an obligation for Assignor to assign to Assignee all of Assignor's rights, duties, and obligations under the Incentives Agreement;

**WHEREAS**, the Incentives Agreement authorizes Assignor to assign or transfer its rights (including the right to receive payments), duties and obligations under the Incentives Agreement to any person or entity without prior written approval and consent by the City so long as the Developer is not in default under the terms of this Incentives Agreement and so long as Assignor prior to assigning the Incentives Agreement provides proof acceptable to the City that the assignee is in good standing with the Secretary of State and Comptroller of Public Accounts of Texas and that the assignee is not delinquent in payment of any taxes or other assessments due the State of Texas, Montgomery County, or the City of Montgomery on any other property;

**WHEREAS**, Assignor has provided proof acceptable to the City that Assignee is in good standing with the Secretary of State and Comptroller of Public Accounts of Texas and

that the assignee is not delinquent in payment of any taxes or other assessments due the State of Texas, Montgomery County, or the City of Montgomery on any other property; and

*WHEREAS*, Assignor has requested an instrument acknowledging that Assignor is released from all obligations arising under the Incentives Agreement, and Kroger, the City, and the EDC have agreed to such request..

*NOW, THEREFORE*, for and in consideration of the premises and the mutual covenants and conditions stated herein, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Assignor does hereby assign, transfer, set over and convey unto Assignee all right, title and interest of Assignor in and to the Incentives Agreement, to have and to hold the same unto Assignee, its successors and assigns, and Assignee hereby accepts such assignment.

2. Assignee does hereby assume, and agrees to perform and discharge, all of the responsibilities, conditions, and obligations of Assignor under the Incentives Agreement.

3. After the Effective Date and during the term of the Incentives Agreement, Assignor (i) shall, upon receipt from Assignee of written evidence that the City has made request upon Assignee under Article III, Section A.4. of the Incentives Agreement, use reasonable efforts to provide Assignee an updated list of tenants with respect to any portion of the Project (as such term is defined in the Incentives Agreement) owned by Assignor or an affiliate of Assignor, and (ii) shall provide notice to Assignee of sales by Assignor or any affiliate of Assignor of any portions of the Project (as such term is defined in the Incentives Agreement), such notice to include a description of the parcel that was sold and, if not otherwise prohibited, the identity of the purchaser. Notwithstanding anything to the contrary contained in this Assignment, the Incentives Agreement or elsewhere, Assignor's failure to perform in accordance with this Section 3 shall not constitute a breach or default under this Assignment, the Incentives Agreement or any other agreement to which Assignor or any affiliate of Assignor is a party or to which any portion of the Project is subject.

4. Each of Kroger, the City, and the EDC (a) release Assignor and its affiliates and their respective directors, officers, shareholders, partners, employees, agents, servants, representatives, contractors, subcontractors, affiliates, subsidiaries, successors and assigns from any and all obligations, liabilities, and duties under the Incentives Agreement, and (b) substitute Kroger as, and Kroger assumes the obligations of, the "Developer" in the Incentives Agreement.

5. All exhibits attached to this Agreement are incorporated herein by reference and expressly made part of this Agreement as if copied verbatim.

6. INDEMNITY. ASSIGNEE, FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS IN AND TO THIS ASSIGNMENT OR THE INCENTIVES AGREEMENT RIGHTS, AGREES TO INDEMNIFY, HOLD HARMLESS AND DEFEND EACH AND ALL OF ASSIGNOR, ITS AFFILIATES AND THEIR RESPECTIVE DIRECTORS, OFFICERS, SHAREHOLDERS, PARTNERS, EMPLOYEES, AGENTS, SERVANTS,

REPRESENTATIVES, CONTRACTORS, SUBCONTRACTORS, AFFILIATES, SUBSIDIARIES, SUCCESSORS AND ASSIGNS (COLLECTIVELY, THE "ASSIGNOR PARTIES") FROM AND AGAINST ANY CLAIMS, DAMAGES, EXPENSES, LIABILITIES OR JUDGMENTS, AND ALL OTHER SUMS (INCLUDING COSTS, EXPENSES AND ATTORNEYS' FEES IN DEFENDING THE SAME) WHICH ANY OF THE ASSIGNOR PARTIES PAYS OR BECOMES OBLIGATED TO PAY BY REASON OF ANY DEMAND OR CLAIM OR ASSERTION OF LIABILITY OR ANY CLAIM OR ACTION FOUNDED THEREON WHICH ARISES OR IS ALLEGED TO ARISE OUT OF THIS ASSIGNMENT AND/OR THE INCENTIVES AGREEMENT.

7. All notices and communications hereunder shall be in writing and shall be delivered and shall be transmitted pre-paid by overnight delivery service (such as UPS or Federal Express) to the notice addresses listed below, and notice shall be deemed given upon receipt of the notice by the overnight delivery service.

ASSIGNOR:

Milestone Properties, Inc.  
9800 Richmond Ave., Suite 490  
Houston, Texas 77042  
Attn: Jacobo Malca

with a copy to:

Michael J. Pappert  
Baker Hostetler  
811 Main Street, Suite 1100  
Houston, Texas 77002

ASSIGNEE:

Kroger Texas L.P.  
Corporate Tax Department  
Attn: Economic Incentives and Credits  
1014 Vine Street  
Cincinnati, Ohio 45202

EDC:

---

---

Fill  
IN  
Address  
←



CITY:

\_\_\_\_\_  
\_\_\_\_\_

← Fill  
IN  
Address

or such other address or addresses which any party may be notified in writing by any other party to this Agreement.

8. The provisions of this Assignment shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns.

9. This Assignment is not intended to create, nor shall it be interpreted to in any way create, an agency, employment, partnership, joint venture, or any similar relationship.

10. If any provision under this Assignment shall be invalid, illegal, or unenforceable, it shall not affect or impair the validity, legality and enforceability of any other provision of this Assignment.

11. This Assignment shall be governed by and interpreted in accordance with the laws of the State of Texas without giving effect to principles thereof relating to conflicts of law or rules that would direct the application of the laws of another jurisdiction.

12. This Assignment contains the entire agreement between the Parties concerning the subject matter of the Assignment and incorporates and supersedes all prior understandings and agreements, both written and oral. This Assignment may only be amended or modified by a written instrument signed by the Parties.

13. The applicable venue for any dispute arising hereunder shall be the appropriate district, county, or justice court in and for Montgomery County, Texas.

14. This Assignment may be executed in several counterparts, by separate signature pages, and/or by facsimile, each of which may be deemed an original, and all of such counterparts and/or separate signature pages together shall constitute one and the same Assignment.

*IN WITNESS WHEREOF*, the parties hereto have caused this Assignment to be executed effective as of the date first set forth above.

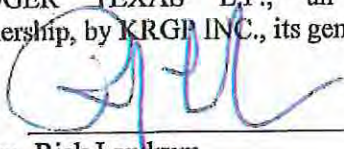
**ASSIGNOR:**

MILESTONE PROPERTIES, INC., a Texas for-profit corporation.

By:   
Name: Jacobo Malca, President

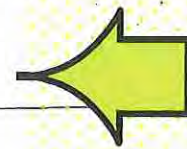
**ASSIGNEE:**

KROGER TEXAS L.P., an Ohio limited partnership, by KRGP INC., its general partner.

By:   
Name: Rick Landrum  
Title: Vice President

**CITY OF MONTGOMERY, TEXAS:**

By: \_\_\_\_\_  
Kirk Jones, Mayor



**SIGN  
& DATE**

**MONTGOMERY ECONOMIC  
DEVELOPMENT CORPORATION FOR CITY  
OF MONTGOMERY, TEXAS:**

By: \_\_\_\_\_  
Kirk Jones, President



**SIGN  
& DATE**

**ATTEST:**

By: \_\_\_\_\_  
Susan Hensley, City Secretary



**SIGN  
& DATE**

**Exhibit A**

June 15, 2015 Economic Development Agreement among Milestone Properties, Inc., the City of Montgomery, and the Montgomery Economic Development Corporation.

**Exhibit B**

July 14, 2017, Monument Assignment and Assumption Agreement Among Milestone Properties, Inc., the City of Montgomery, the Montgomery Economic Development Corporation, and Spirit of Texas Bank

**Exhibit C**

November 20, 2015 Agreement to Assign Incentives between Milestone Properties, Inc.  
and Kroger Texas L.P.

## CITY ADMINISTRATOR REPORT – NOVEMBER/DECEMBER, 2018

- Met with Planning Commission at three meetings
- Met with Board of Adjustment for three meetings – to set up a hearing on a height variance at Dusty’s Car Wash (an 80’ flag pole)  
Met with MEDC at two meetings. Assisted new Tourism/Promotions employee into work environment.
- Attended two Chamber Bd. of Directors meetings
  
- Met with city engineers, city attorney and GrantWorks representatives several times regarding; plans, system management, upcoming projects, bridge improvements, developments throughout the city, FEMA, State Dept. of Emergency Management (DEM), CDBG grant for Baja MLK area project, TORC Committee, payment to Kroger for 380 Agreement, and billing for Escrow Accounts.
  
- Met with several developers during the month regarding: Kenrock property west of Pizza Shack, Living Savior Lutheran Church, Shoppes of Montgomery, Risher Randall and Milam and Travis Mabry, Fellowship Church and other development possibilities meetings.
  
- Made several decisions during month as Zoning Administrator, including signs, coordinating variance requests, code enforcement and Historic District activities.
  
- Assisted several citizens with City, other governmental entities, issues.
  
- Worked with City Council individually, the Mayor and City Staff on a variety of administrative, personnel and coordination efforts -- including animal ordinance
- I have an attached draft of a letter to Mike Meador asking for 2019 street paving assistance. I want to make sure that it is what you are directing me to request. As to Mason Street, if the City is going to keep it as a street it needs repair. I estimate that the total cost will be less than \$23,000, with the funds coming from “Contract Labor-Streets” General Fund – Public Works budget line item. The intent is to hand carry the letter in ante to Mr. Meador by Mayor Countryman and myself.





December 12, 2018

Montgomery County Commissioner  
Mr. Mike Meador  
Willis, Texas

Dear Mr. Meador;

The City of Montgomery request your assistance in the pavement of two streets in the City.

The first street is Caroline Street from Liberty Street (FM 149) east to Prairie Street. The street measures 272' long by 17' wide. We are requesting your equipment and labor to pave this street. We think this can best be accomplished by mill and overlay by asphalt.

The second street is Mason Street from Maiden Street to Prairie Street. The street measures 135' long by 17' wide. We are requesting your equipment and labor to pave this street. We think this can best be accomplished by mill and overlay with asphalt with some possible addition to base material.

Thank you for your consideration and we continue to appreciate your cooperation with the City of Montgomery.

Sincerely,

Jack Yates  
City Administrator

# City of Montgomery – Public Works Department

## October 2018 Monthly Report

### General

- Located and repaired broken sewer taps on vacant lots in Terra Vista
- Repaired ditch at 779 Old Plantersville Rd.
- Spot treated for fire ants at Community Center
- Coordinated and repaired water leak at Pizza Shack
- Setup and cleanup for National Night Out
- Changed transmission fluid on mowing tractor
- Sprayed for crazy ants around City Hall generator
- Flooded Brock's Lane to evaluate street for "bird bathing"
- Attended GIS lunch and learn event hosted by Jones|Carter
- Repaired manhole on Plez Morgan damaged in vehicle accident
- Reset and/or replaced several endpoints for warranty replacement
- Assisted PD and Entergy with traffic control for accident on Eva St.
- Checked and cleared all storm inlets for debris
- Trimmed limbs from road edge in several areas
- Repaired asphalt sections on Buffalo Springs Dr. and Harley Dr.
- Acquired bids for demolition of auction building
- Repaired several potholes throughout city
- Completed "Meter box assessment" of entire city and started repairs
- Delivered several trash and recycle carts to customers
- Cleared ditch of trash and debris on Baja St.
- Repaired sewer cleanout at Abundant Life church to prevent infiltration
- Disconnected water and sewer service for auction building and moved them to property line in preparation of demolition
- Replaced brake pads on PW-1301
- Repaired several manhole lids throughout Lonestar Estates
- Weekly pre-trip inspections of vehicles
- Weekly conference calls with engineer and utility operator
- Weekly leak notifications from Beacon website



- Weekly pumping of Terra Vista manhole
- Daily removal of bandit signs as necessary
- Daily utility locates as necessary
- Monthly air filter and light bulb check of all facilities
- Monthly AED inspections
- Monthly cutoffs
- Monthly safety meetings with safety officer and department
- Continue performing safety inspection reports
- Monthly idle meter checklist for consumption
- Monthly weed killer list
- Monthly grease trap inspections
- 3 water taps
- 3 sewer taps
- 8 water leaks
- 2 sewer stop ups

## Parks and Recreation

- Removed grass and debris from Memory Park pond outflow
- Spread fire ant killer at Cedar Brake Park
- Repaired window blinds in Community Center
- Delivered requested supplies for Fernland Park docents
- Removed all light post electrical covers ahead of Solomon Electric installing receptacles in Cedar Brake Park
- M/W/F cleaning of all park facilities
- Weekly cleaning of Community Center building
- Monthly check of all park facility lights
- Monthly check of all irrigation systems with repairs as needed
- Monthly wasp check at Fernland

The docents at Fernland reported a total of 514 visitors for the month and provided 45 tours.

Report prepared by:  
 Mike Muckleroy  
 Director of Public Works  
 December 6, 2018

101 Old Plantersville Rd  
Montgomery, TX 77356  
Mailing Address:  
P.O. Box 708  
Montgomery, TX 77356

**CITY OF MONTGOMERY  
POLICE DEPARTMENT**

Office: (936) 597-6866

Fax: (936) 597-7893

During the month of October, The Montgomery Police Department responded and or generated 806 "calls for service" resulting in 36 reports. The reports and traffic contacts are as follows:

**Narcotics**

10/30 Aguirre – 24500 FM 1097  
10/11 Riley – 20300 Eva ST  
10/11 Aguirre – 20200 Eva ST  
10/2 Aguirre – 20700 Eva ST  
10/1 Aguirre – 300 Sheppard RD

**No DL / FMFR / Towed Vehicle**

10/29 Aguirre – 1900 Lone Star PKWY  
10/13 Thompson – Eva / Flagship

**Warrant Arrest**

10/28 Thompson – FM 1097 / DR Martin Luther King JR DR  
10/26 Hernandez – TX HWY 105 / Walden  
10/24 Bracht – 15100 Liberty ST  
10/15 Thompson – FM 1097 / Buffalo Springs  
10/9 Thompson – Eva / FM 2854

**DWI**

10/12 Thompson – FM 149 / Shannon Cir  
10/5 Thompson – 20850 Eva ST

101 Old Plantersville Rd  
Montgomery, TX 77356  
Mailing Address:  
P.O. Box 708  
Montgomery, TX 77356

**CITY OF MONTGOMERY  
POLICE DEPARTMENT**

Office: (936) 597-6866  
Fax: (936) 597-7893

**MVA**

- 10/27 Bauer -14200 Liberty ST
- 10/23 Thompson – Unknown Location
- 10/17 Carswell – Unknown Location
- 10/16 Bracht – 100 Plez Morgan
- 10/16 Bracht – 21200 Eva ST
- 10/14 Carswell – 21600 Eva ST
- 10/12 Hernandez – 22800 TX HWY 105
- 10/11 Bracht – 23500 Old Dobbin-Plantersville RD
- 10/7 Bracht – 15000 Liberty ST
- 10/5 Riley – 400 College ST
- 10/4 Carswell – 21100 Eva ST

**Other**

- 10/27 Bauer – 20900 Eva ST (Aggravated Assault w/Deadly Weapon)
- 10/26 Thompson – Westway (Suicidal Person)
- 10/24 Aguirre – 101 Old Plantersville RD (Child Discipline)
- 10/24 Bracht – 101 Old Plantersville RD (Theft of Service >=\$100 < \$750)
- 10/22 Carswell – 4300 Lone Star PKWY (Theft <\$100)
- 10/22 Carswell – 101 Old Plantersville RD (Found Property)
- 10/10 Riley – 200 Brocks LN (Theft >=\$100 < \$750)
- 10/7 Bracht – 20100 Eva ST (Forgery of a Financial Instrument)
- 10/6 Bracht – 1900 Lone Star PKWY (Criminal Mischief >=\$750 < \$2,500)
- 10/5 Thompson – 20800 Eva ST (Assault on a Public Servant)
- 10/2 Bracht – 20200 Eva ST (Theft >= 150,000 < \$300,000)

*Montgomery* Birthplace of the Texas Flag  
TEXAS

101 Old Plantersville Rd  
Montgomery, TX 77356  
Mailing Address:  
P.O. Box 708  
Montgomery, TX 77356

**CITY OF MONTGOMERY  
POLICE DEPARTMENT**

Office: (936) 597-6866  
Fax: (936) 597-7893

**Arrests / Charges:**

Misdemeanor Charges - 12

Felony Charges - 7

**Traffic Enforcement**

Citations Issued - 123

Warnings Issued – 106

Violations - 143



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During the month of November, The Montgomery Police Department responded and or generated 806 "calls for service" resulting in 36 reports. The reports and traffic contacts are as follows:

**Narcotics**

- 11/30 Bauer - 22200 FM 1097
- 11/24 Bauer - Eva ST / Stewart Creek RD
- 11/23 Bauer - 21100 Eva ST
- 11/18 Aguirre - 500 Shepperd ST
- 11/17 Aguirre - 20000 Eva ST

**No DL / FMFR / Towed Vehicle**

- 11/23 Bauer - 19700 Eva ST

**Warrant Arrest**

- 11/21 Thompson - 20100 Eva ST
- 11/20 Hernandez - 21500 Eva ST
- 11/1 Thompson - 22800 Eva ST

**DWI**

- 11/9 Thompson - 21600 Eva ST

**MVA**

- 11/30 Ravari - 20900 Eva ST
- 11/29 Ravari - 21200 FM 1097
- 11/29 Thompson - 22800 Eva ST
- 11/28 Thompson - Eva ST / Lone Star PKWY
- 11/26 Bauer - 22700 FM 1097

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**CITY OF MONTGOMERY  
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11/20 Carswell - 1200 Lone Star PKWY

11/11 Bauer - 21600 Eva ST

11/9 Carswell - 22500 Eva ST

11/9 Hernandez - 21600 Eva ST

11/9 Carswell - 20100 Eva ST

11/7 Hernandez - 22900 Eva ST

11/6 Belmares - 14400 Liberty ST

11/5 Carswell - 19700 Eva ST

11/4 Bracht - 20100 Eva ST

11/2 Bracht - 23000 Eva ST

**Other**

11/30 Bauer - 22200 FM 1097 (Unlawful Carrying of a Weapon)

11/30 Aguirre - 100 Abner LN (Criminal Trespass)

11/30 Ravari - 22300 FM 1097 (Found Property)

11/28 Hernandez - 300 Caroline ST (Criminal Mischief >=\$750<2500)

11/27 Bracht - 21300 Eva ST #100 (Welfare Check)

11/26 Bracht - 300 Flagship BLVD (Missing Person - Elderly)

11/22 Aguirre - 20100 Eva ST (Terroristic Threat)

11/21 Aguirre - 14000 Liberty ST (Found Property)

11/21 Hernandez - 21100 Eva ST (Theft >=\$100<\$750)

11/20 Carswell - 600 Worsham ST (Illegal Dumping)

11/19 Hernandez - 101 Old Plantersville RD (Lost Property)

11/15 Bauer - 20000 Eva ST (Criminal Trespass)

11/15 Bauer - 14000 Eva ST (Assault - Bodily Injury)

11/12 Aguirre - 22800 Eva ST (Found Property)

101 Old Plantersville Rd  
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**CITY OF MONTGOMERY  
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- 11/9 Hernandez - 101 Old Plantersville RD (Lost Property)
- 11/9 Thompson - 21600 Eva ST (Unlawful Carrying of a Weapon)
- 11/4 Bracht - 20100 Eva ST (Duty upon striking unattended vehicle)
- 11/3 Bracht - 700 Old Plantersville RD (Criminal Trespass)
- 11/3 Bracht - 20200 Eva ST #110 (Assault - Family Violence)
- 11/2 Aguirre - 22800 Eva ST (Possession of Drug Paraphernalia)
- 11/1 Bracht - 101 Waterstone DR (Reckless Damage)
- 11/1 Bauer - 20100 Eva ST (Deadly Conduct)

**Arrests / Charges:**

Misdemeanor Charges - 11

Felony Charges - 3

**Traffic Enforcement**

Citations Issued - 180

Warnings Issued - 131

Violations - 202



CITY OF MONTGOMERY MUNICIPAL COURT MONTHLY REPORT

OCTOBER 2018

KIMBERLY DUCKETT

COURT ADMINISTRATOR



# Comparison Chart

## Citations and Revenue January 2016 - Present

	Citations Filed		
	2016	2017	2018
<i>Jan</i>	470	332	207
<i>Feb</i>	351	233	199
<i>Mar</i>	353	394	163
<i>April</i>	323	268	218
<i>May</i>	229	268	229
<i>June</i>	163	254	257
<i>July</i>	153	240	282
<i>Aug</i>	324	189	320
<i>Sept</i>	212	143	211
<i>Oct</i>	313	190	143
<i>Nov</i>	226	251	202
<i>Dec</i>	195	217	

**Totals**      2164    2402    2431

	Total Revenue Collected		
	2016	2017	2018
<i>Jan</i>	\$44,702.82	\$41,830.44	\$45,128.89
<i>Feb</i>	\$67,466.54	\$67,937.61	\$51,188.10
<i>Mar</i>	\$86,201.43	\$62,992.57	\$52,380.12
<i>April</i>	\$59,388.14	\$47,163.40	\$39,781.86
<i>May</i>	\$50,854.90	\$47,225.90	\$55,321.25
<i>June</i>	\$41,238.67	\$37,817.25	\$25,193.20
<i>July</i>	\$42,990.97	\$43,405.62	\$39,922.89
<i>Aug</i>	\$52,923.17	\$31,540.77	\$51,021.18
<i>Sept</i>	\$44,256.40	\$24,281.60	\$50,959.23
<i>Oct</i>	\$44,138.80	\$37,395.63	\$37,954.40
<i>Nov</i>	\$55,221.23	\$35,410.95	\$25,461.47
<i>Dec</i>	\$42,698.95	\$41,335.06	

**Totals**      \$632,082.02    \$518,336.80    \$474,312.59

**Fiscal Year 2017-2018**

	2017	2018
Oct	\$37,395.63	
Nov	\$35,410.95	
Dec	\$41,335.06	
Jan		\$45,128.89
Feb		\$51,188.10
March		\$52,380.12
April		\$39,781.86
May		\$55,321.25
June		\$25,193.20
July		\$39,922.89
Aug		\$51,021.18
Sept		\$50,959.23

\$114,141.64

\$410,896.72

**Total****\$525,038.36****Fiscal Year 2016-2017**

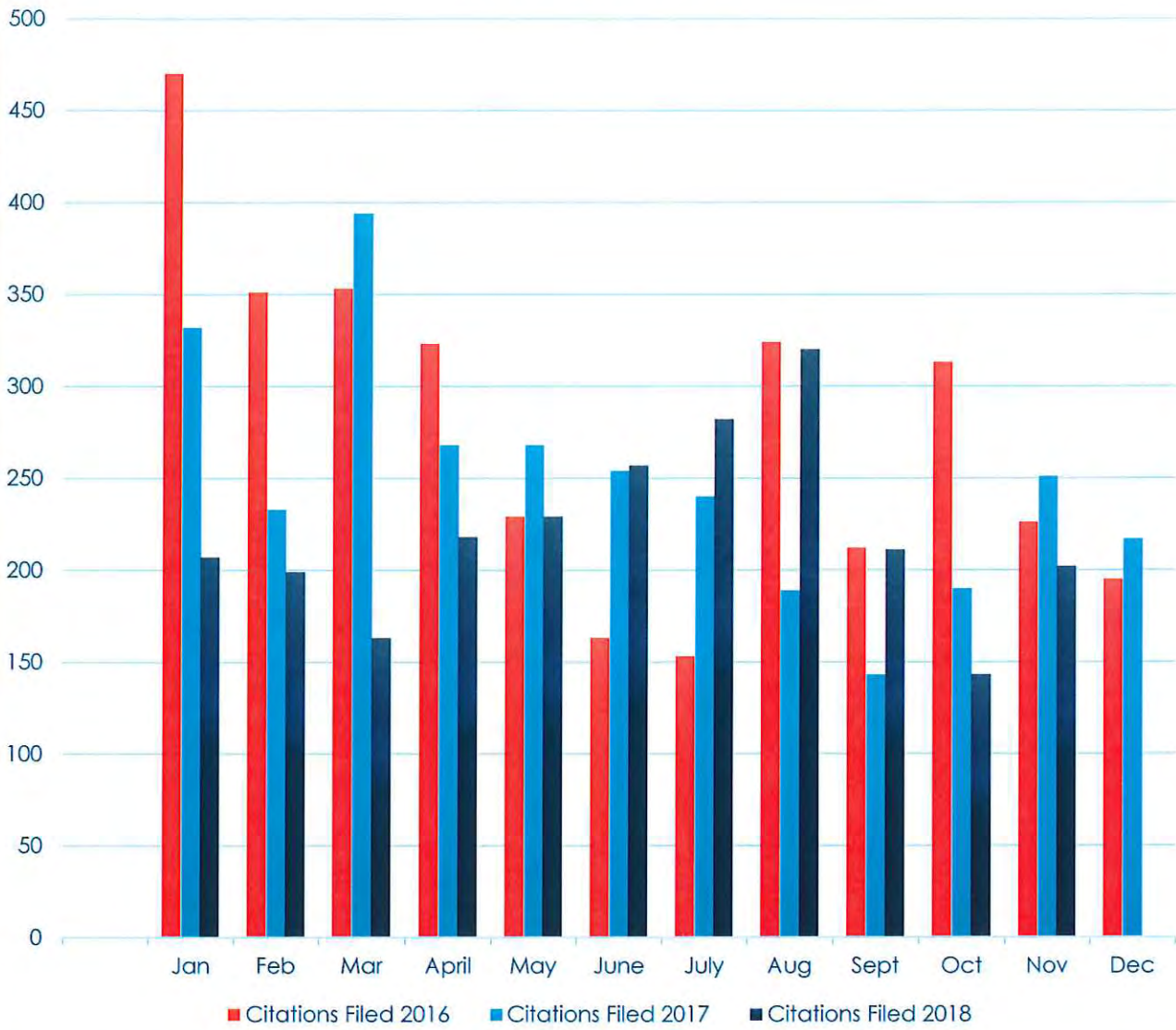
	2016	2017
Oct	\$44,138.80	
Nov	\$55,221.23	
Dec	\$42,698.95	
Jan		\$41,830.44
Feb		\$67,937.61
March		\$62,992.57
April		\$47,163.40
May		\$47,225.90
June		\$37,817.25
July		\$43,405.62
Aug		\$31,540.77
Sept		\$24,281.60

\$142,058.98

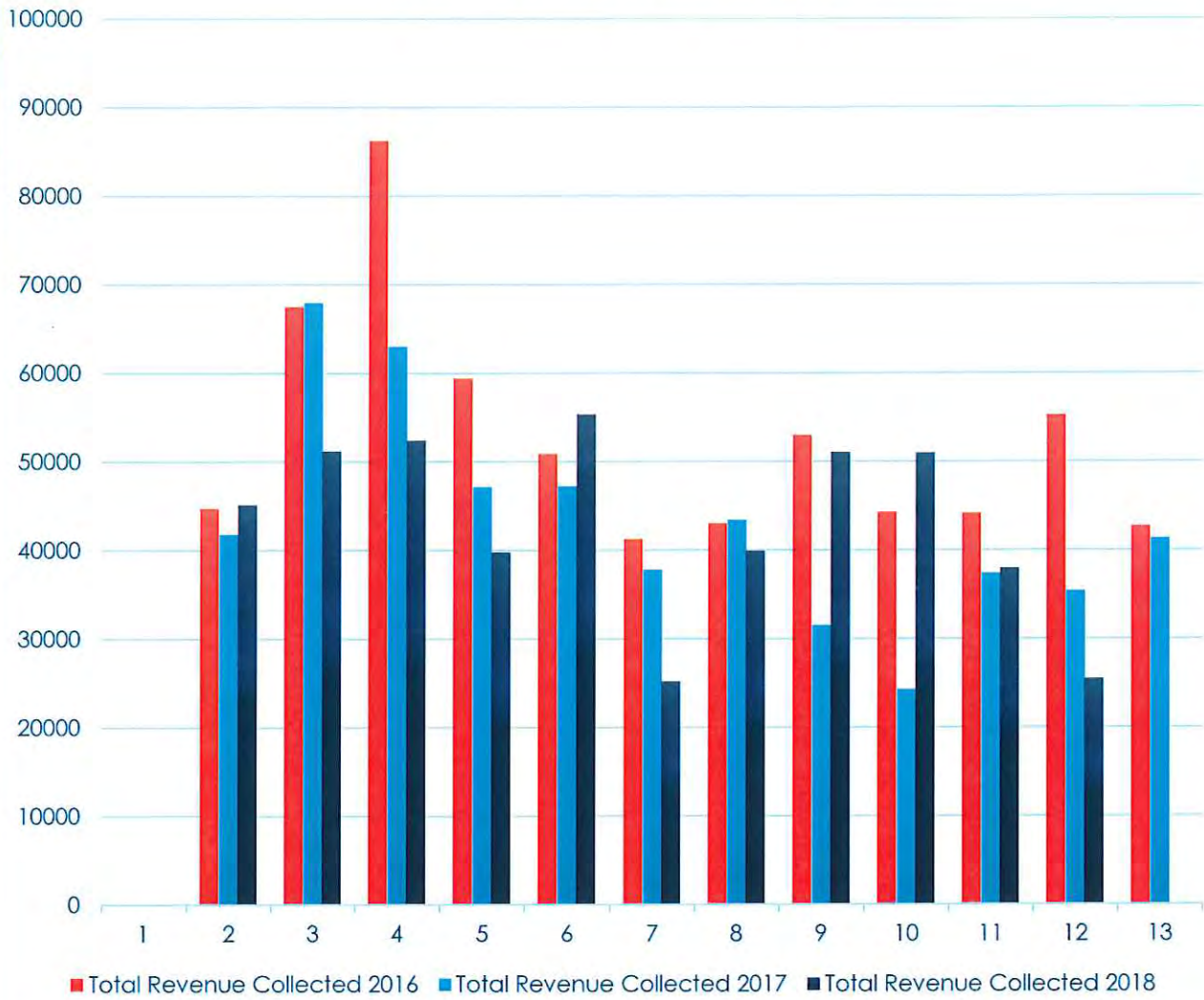
\$404,195.16

**Total****\$546,254.14**

## Citations Filed



## Total Revenue Collected



UTILITY REPORTS – NOVEMBER 2018

TOTAL REVENUE

Utilities	\$143,639.09
Permits	\$10,359.70
Community Building	\$1,335.00

UTILITIES

New Water Accts.	27
Disconnected Water Accts.	12
Total Number of Active Accts.	718

PERMITS

Type	Permit Total	Revenue
Building - Residential	6	\$5,497.50
Building - Commercial	0	\$0.00

Occupancy	1	\$60.00
Photography	7	\$175.00
Burn	1	\$25.00
Irrigation	6	\$577.70
Electrical	7	\$1,311.00
Mechanical	7	\$1,096.00
Plumbing	6	\$1,517.50
Sign	2	\$100.00
<b>Total:</b>	<b>43</b>	<b>\$10,359.70</b>

## COMMUNITY BUILDING

Type of Rental	Number of Bookings	Revenue
Profit	8	\$1,335.00
Non - Profit	13	\$0.00

## CITY ACCOUNT CONSUMPTION

	SEPTEMBER	OCTOBER	NOVEMBER
Community Building – Irrigation (01-8732-00)	8	5	4
Community Building (01-0130-00)	2	0	5
City Cemetery (01-1110-00)	0	0	0
City Welcome Sign Irrigation at HWY 105 & Prairie – Rose Garden (01-8733-00)	0	1	0
North Liberty Sewer Plant			
Cedar Break Park Irrigation (01-8736-00)	3	0	0
Cedar Break Park Restrooms (01-8735-00)	1	1	1
Ferland (01-8737-00)	6	4	5
Memory Park (01-5885-00)	184	116	11
Community Building Stage Irrigation – Rose Garden (01-6180-00)	2	2	2
City Hall & Irrigation (01-6190-00)	29	5	12
Homecoming Park Restrooms (01-8820-00)	0	1	0
Homecoming Park Drinking Ftn (01-8738-00)	0	0	0
Buffalo Springs Sewer Plant (01-8821-00)	1	2	1





# City of Montgomery

## Operations Report

October 2018

9/18/18-10/17/18

**TAP**

**INTO**

**TECHNOLOGY**



**Dear City of Montgomery Council Members:**

We are pleased to provide you with the monthly operations report. This report summarizes the major events that occurred during the operating month. Our mission, as always, is to assist the district in providing safe and reliable water to the residents.

The water plants, wastewater plant and drinking water quality is checked on a daily basis. Wastewater collection system lift stations are checked three times a week. Alarms are monitored, and our staff is on 24-hour call. Our construction crews are minutes away from the City.

Our operators collect and enter all facility data into Kardia. Our operators note any issues or problems that are observed during the day. Mission Control is instantly aware of the issue and immediately begins the resolution process. This approach benefits our clients because decisions can be made based on relevant data.

All the district's data can be accessed on-line. The data is username and password protected. The data is integrated with Kardia and updated daily. District alerts that are generated by Kardia can be sent to board designated recipients. GUS appreciates the trust and confidence that the board has in our team. We work diligently to provide our clients with accurate and useful information.

Michael Williams



Vice President of Operations  
Gulf Utility Service

**District Alerts 9/18-10/17**

**09/29/2018 – Lift station 2, High wet well**

Upon arrival operator found lift station 2 at high wet well due to possible rain water infiltration. Operator monitored facility and reset auto dialer to ensure level was lowered.

**10/07/2018 – Water plant 1 and Lift stations 2, 8, 9, 10, 13 & 14, Power failure**

Upon arrival operator found no power at plant and was running on generator due to a car hitting a power pole on liberty street. This also affected several lift stations Entergy was called to restore power.

**10/09/2018 – Lift station 2, High wet well**

Operator investigated issue and found lift station at high level due to heavy rain flow. Operator continued to monitor facility until levels dropped and lift station is back to normal.

**10/15/2018 – WWTP 1 and WP2, Power failure**

Upon arrival operator found facilities with no power, alarm was due to power surges in the area and power was restored.

**10/15/2018 – Lift station 2, Variable frequency drive (VFD) failure**

Upon arrival operator found lift pump #3 called out VFD failure, the pump was reset and tested. Operator monitored facility and reset alarm.

**10/15/2018 – Lift Station 2, High level**

Operator investigated issue, alarm was due to a rain storm. Operator monitored facility and reset alarms.

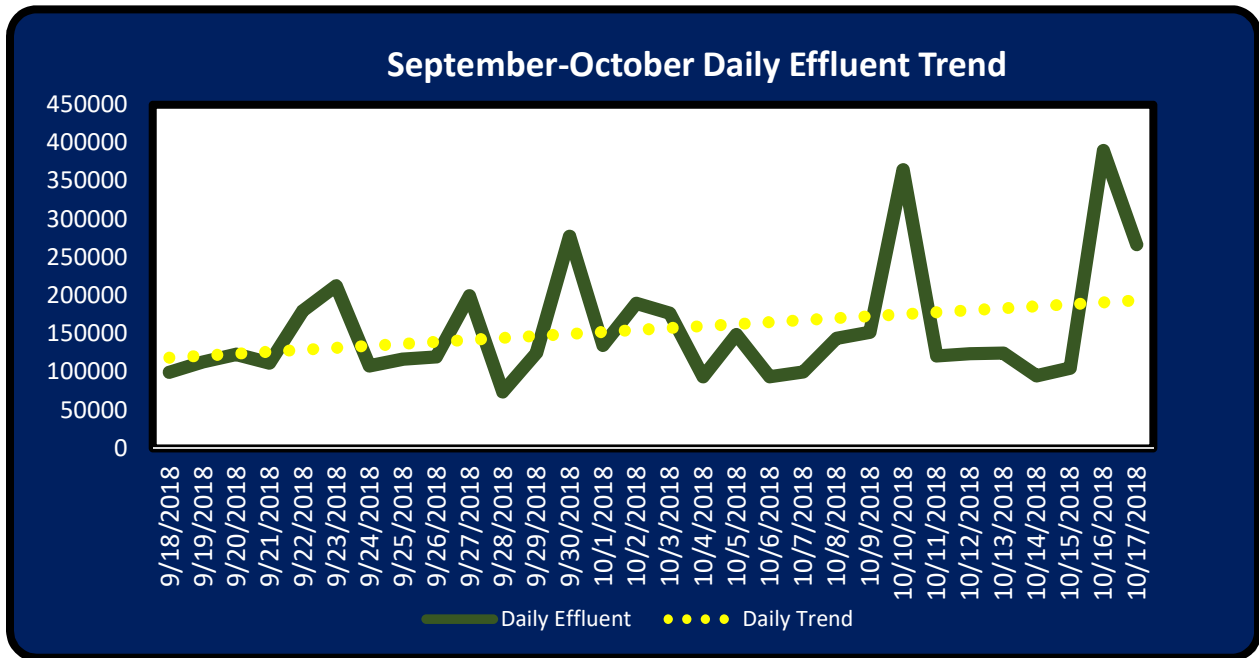
**10/16/2018 – Lift station 1, High level**

Operator investigated issue and found lift station at high level due to heavy rain fall. Operator continued to monitor facility until levels dropped and lift station is back to normal.

**10/17/2018 – Water plant 3, High Chlorine residual**

Operator found a high chlorine residual at the facility and discovered that the solenoid valve that feed chlorine to well 4 did not close when the well turned off. Water was drained from tanks and refilled to lower chlorine residual. The distribution system was flushed until chlorine levels were within normal parameters.

**Wastewater Plant Flow Detail**



- Flow for the month of September – October was 4,789,000 gallons
- Daily peak flow October 16, 2018 was 390,000 gallons
  - 98% of permitted value
- Average Daily Flow 154,500 gallons
  - 39% of permitted value


Discharge Limitations

- Daily Average Flow 400,000 gallons (0.4 MGD)
- 2-Hour Peak Flow 833 gpm
- CBOD daily average 10 mg/l
- Total Suspended Solids (TSS) 15 mg/l
- Ammonium Nitrogen (NH3) 2 mg/l
- Chlorine Residual >1.0 mg/l < 4.0 mg/l
- The current permit expires 06/01/2022

*Effluent*

TSS, DO, E.Coli, NH3N, PH sample results were all comfortable within the parameters set by the State of Texas.

Buffalo Springs WWTP Effluent Monitoring Report

Effluent Permitted Values	Parameter		Measured	Excursion
Average Monthly T.S.S.	15	mg/l	3.80	no
Average Monthly NH3	2	mg/l	0.20	no
Minimal CL2 Residual	1	mg/l	1.04	no
Max CL2 Residual	4	mg/l	3.73	no
Rainfall for the Month		12.75	inches	

**There were no excursions for the month of October**



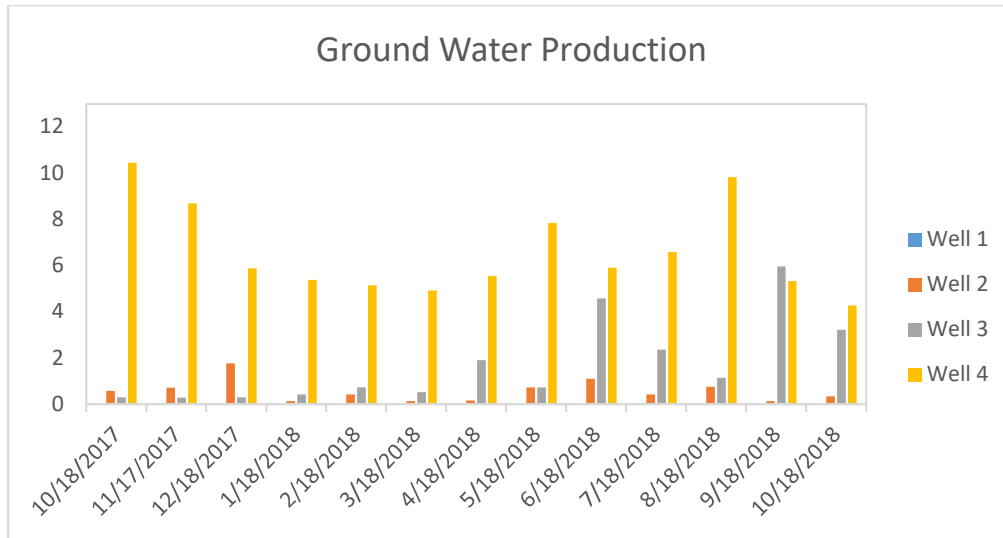
**Water Report**

9/18/2017-10/17/2018

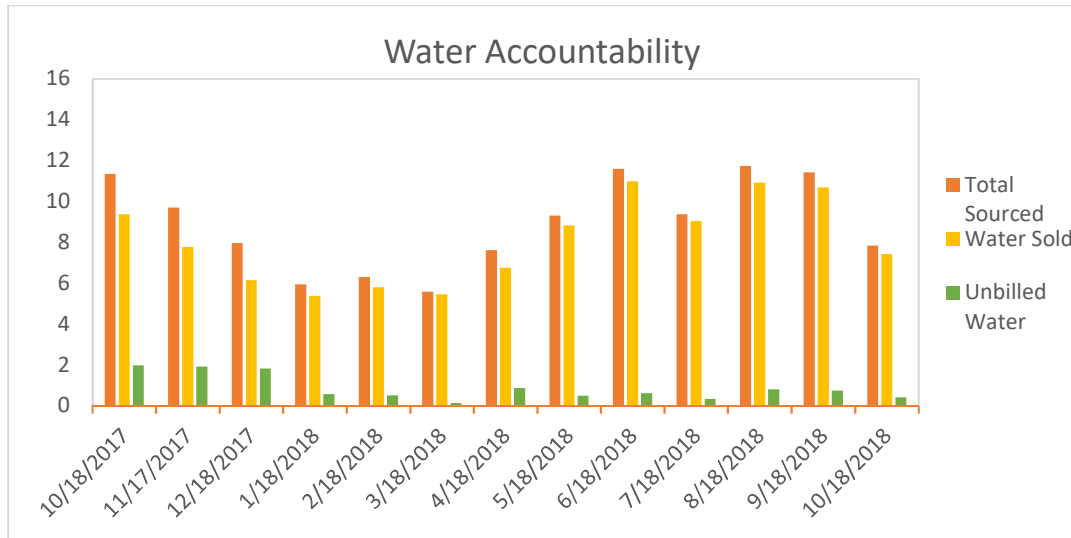
2018							
Well Name	Recorded Flow	% of Total	Rating G/Day	YTD Pumpage	YTD %	Permitted Value	Remaining Permit %
Well 2	0.338	4.31%	0.864	4.329	4.94%	47.551	45.53%
Well 3	3.224	41.14%	0.864	21.573	24.60%	47.551	45.53%
Well 4	3.274	54.54%	2.160	61.789	70.46%	75.100	17.72%
Total	7.836	100.00%	3.888	87.690	100%	122.651	
Flushing	0.3413						
Subtotal	7.4947						
Sold	7.418						
% Accounted	99%						

Accountability	
Total Water Sourced	7.836
Flushing	0.341
Subtotal	7.495
Sold	7.418
Accountability %	99%

CONNECTIONS	
School	12
Commercial Inside	142
Commercial Outside	1
Residential Inside	592
Residential Outside	25
Church	13
City	15
Hydrant	6
Multifamily	11
n/a	2
<b>Total</b>	<b>819</b>

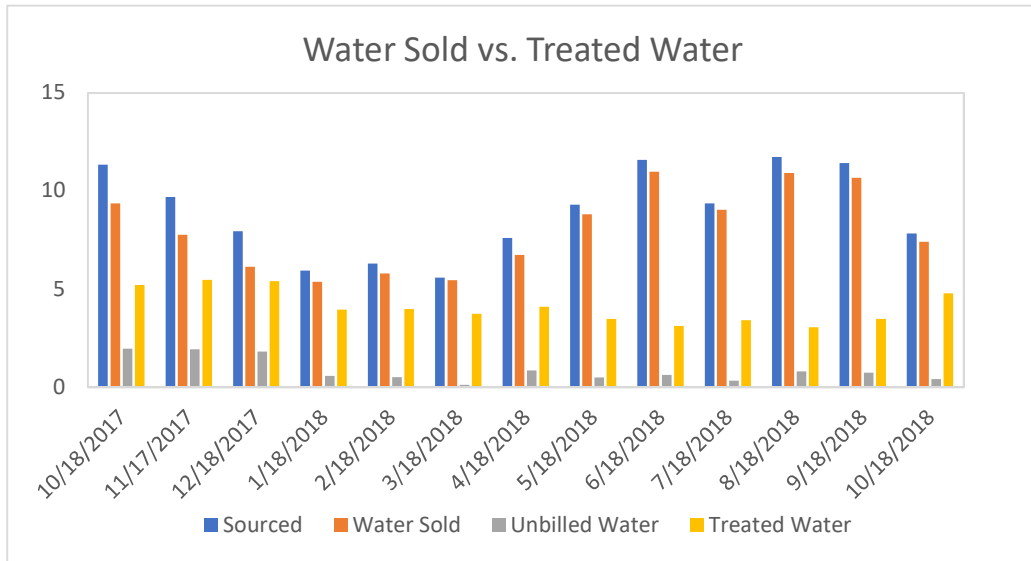


Date	Total	Well_1	Well_2	Well_3	Well_4
AVG	8.897	0.000	0.569	1.727	6.601
10/18/2017	11.337	0.000	0.581	0.297	10.459
11/17/2017	9.688	0.000	0.718	0.283	8.687
12/18/2017	7.951	0.000	1.769	0.299	5.883
1/18/2018	5.943	0.000	0.139	0.423	5.381
2/18/2018	6.299	0.000	0.418	0.735	5.146
3/18/2018	5.584	0.000	0.138	0.515	4.931
4/18/2018	7.61	0.000	0.160	1.899	5.551
5/18/2018	9.304	0.000	0.725	0.730	7.849
6/18/2018	11.593	0.000	1.105	4.582	5.906
7/18/2018	9.37	0.000	0.425	2.361	6.584
8/18/2018	11.73	0.000	0.751	1.145	9.834
9/18/2018	11.422	0.000	0.13	5.959	5.333
10/18/2018	7.836	0.000	0.338	3.224	4.274
Total	115.67	0.000	7.397	22.452	85.818



Date	Accountability	Unaccounted	Total Sourced	Water Sold	Flushing Leaks	Unbilled Water
10/18/2017	89%	1.279	11.337	9.368	0.690	1.969
11/17/2017	83%	1.615	9.688	7.767	0.306	1.921
12/18/2017	79%	1.7051	7.951	6.136	0.110	1.815
1/18/2018	93%	0.389	5.943	5.369	0.185	0.574
2/18/2018	95%	0.323	6.299	5.791	0.185	0.508
3/18/2018	101%	-0.077	5.584	5.459	0.202	0.125
4/18/2018	91%	0.709	7.610	6.75	0.151	0.860
5/18/2018	96%	0.327	9.304	8.814	0.163	0.490
6/18/2018	96%	0.458	11.593	10.976	0.159	0.617
7/18/2018	98%	0.141	9.370	9.043	0.186	0.327
8/18/2018	96%	0.422	11.730	10.922	0.386	0.808
9/18/2018	95%	0.621	11.422	10.678	0.123	0.744
10/18/2018	99%	0.0767	7.836	7.418	0.3413	0.418





Date	Sourced	Water Sold	Unbilled Water	Treated Water	Return %	Rain
10/18/2017	11.337	9.368	1.969	5.204	56%	2.75
11/17/2017	9.688	7.767	1.921	5.473	70%	4.15
12/18/2017	7.951	6.136	1.815	5.412	88%	3.74
1/18/2018	5.943	5.369	0.574	3.956	74%	2.75
2/18/2018	6.299	5.791	0.508	3.979	69%	3.50
3/18/2018	5.584	5.459	0.125	3.744	69%	3.75
4/18/2018	7.610	6.75	0.860	4.096	61%	6.75
5/18/2018	9.304	8.814	0.490	3.481	39%	2.50
6/18/2018	11.593	10.976	0.617	3.121	28%	3.25
7/18/2018	9.370	9.043	0.327	3.417	38%	7.00
8/18/2018	11.730	10.922	0.808	3.049	28%	2.75
9/18/2018	11.422	10.678	0.744	3.485	33%	6.31
10/18/2018	7.836	7.418	0.418	4.789	65%	12.75

December 7, 2018

The Honorable Mayor and City Council  
City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316

Re: Engineering Report  
Council Meeting: December 11, 2018  
City of Montgomery

Dear Mayor and Council:

The following information summarizes our activities on your behalf since the October 23, 2018 Council Meeting:

**Status of Previously Authorized Projects:**

All projects discussed below are included in the enclosed master schedule and maps of active developments and capital projects.

**a) Buffalo Springs Drive Bridge Repair (FEMA)**

The contractor has completed construction and the road is open for use. We held a final inspection on November 2<sup>nd</sup>, and the contractor has addressed all punch list items. We received and approved Pay Estimate No. 10 in the amount of \$146,631.59 to Glenn Fuqua, Inc. We also prepared and approved Change Order No. 3 to account for the final quantity adjustments and additional impact days. The change order resulted in a \$13,758.70 increase to the construction contract amount and 13 additional days to the contract. After the inclusion of the additional 13 days, the contractor will be assessed 86 days of liquidated damages, totaling \$21,500.00 (\$250 per day per the contract). The damages will be deducted from the final pay estimate for the project.

**b) Water Distribution System Analysis and Master Plan - CP No. 2, 12-inch Waterline Across Town Creek Bridge**

The contractor is substantially complete with construction and the waterline is in service. We held a final inspection on November 28<sup>th</sup> and the contractor is working to address all punch list items. We received and approved Pay Estimate No. 1 in the amount of \$83,140.33 to Spartan Direct Solutions, LLC.

**c) Water Distribution System Analysis and Master Plan – CP No. 3 – Downtown and SH-105 Waterline Replacement**

As a reminder, this project is included in the TWDB Drinking Water State Revolving Fund (“DWSRF”) loan. We submitted the Engineering Feasibility Report to the TWDB on October 30<sup>th</sup> and are coordinating with the TWDB to receive approval. We expect to complete the design this month and receive plan approval in January 2019. We expect construction to begin in March 2019.

**Status of Previously Authorized Projects (cont.):**

- d) Water Distribution System Analysis and Master Plan – CP No. 9 - Water Plant No. 3 Improvements**  
As a reminder, this project is included in the TWDB DWSRF loan. This project has been delayed due other City projects taking priority but is moving forward again. We expect to complete the design and receive all plan approvals in spring 2019.
- e) Water Distribution System Analysis and Master Plan-CP No. 1, Water Plant No. 2 GST Backfill**  
As a reminder, this project will be rebid with the Water Plant No. 3 Improvements project.
- f) Sanitary Sewer System Analysis and Master Plan – CP No. 3b – Lift Station No. 1 Replacement**  
As a reminder, this project is included in the TWDB Clean Water State Revolving Fund (“CWSRF”) loan. The design is substantially complete and we are working with the TWDB for final approval.
- g) Sanitary Sewer System Analysis and Master Plan – CP No. 10 – Lift Station No. 3 Force Main Re-Route**  
As a reminder, this project is included in TWDB CWSRF loan. The design is substantially complete, has received TxDOT approval, and is under final internal review before undergoing TWDB review. We expect construction to begin in Early 2019.
- h) 18” Gravity Sanitary Sewer Extension**  
The contractor is substantially complete with construction of the sanitary sewer pipe, and we are completing all testing. We received and approved Pay Estimate No. 2 in the amount of \$218,539.17 to Randy Roan Construction, Inc. and are preparing Pay Estimate No. 3.
- i) Baja Road Water and Drainage Improvements (CDBG)**  
We held a pre-construction meeting for the project on November 27<sup>th</sup> at City Hall and issued a Notice to Proceed on November 30<sup>th</sup>. It is our understanding the contractor has mobilized onsite and is beginning work. As a reminder, the contract period of performance will end on January 29, 2019. We are coordinating with the City Administrator to discuss potential options for Phase II of the project.
- j) Baja Road Rehabilitation (FEMA)**  
We received bids for the project on November 29<sup>th</sup> at City hall. Enclosed under separate cover is a letter to Council regarding the receipt of bids for the Baja Road Rehabilitation project. The bids received were significantly higher than the original cost estimate, and we recommend not awarding the contract to the low base bidder and rebidding the project.

**Agenda Item** – Consideration and possible action regarding award and execution of construction contracts for the Baja Road Rehabilitation project.

**Status of Previously Authorized Projects (cont.):****k) Atkins Creek Water, Sanitary, and Storm Sewer Repairs (FEMA)**

We have completed the required drainage and scour analysis, are substantially complete with the plans and have submitted the application for a Nationwide permit to the US Army Corps of Engineers for review. During a weekly conference call with FEMA on December 4<sup>th</sup>, the City was informed that FEMA only determined there was approximately \$68,000 in damages to put the project back to the pre-disaster condition, therefore they would not approve the mitigated project. Enclosed for your reference are the current cost estimates we prepared for the pre-disaster and mitigated projects. As we have discussed previously it is not possible to put the project back to its pre-disaster condition due since you only fill a 40-foot-wide section of the 1,600 feet that has been lost. We discussed this with FEMA on December 7<sup>th</sup> and they are reevaluating the estimated cost and alternatives to move forward with the project.

**l) GLO Projects**

We received Request for Information No. 2 on October 25<sup>th</sup> and worked with the City Administrator and GrantWorks to provide a response on November 1<sup>st</sup>. We are continuing to coordinate with GrantWorks to determine when funds will become available.

**Existing and Upcoming Developments:****a) Feasibility Studies**

There are no active feasibility studies at this time.

**b) Plan Reviews**

- i. Peter Hill Public Infrastructure** – We received revised plans on July 3<sup>rd</sup> and await the deposit of funds from the developer before proceeding with our review.
- ii. Shoppes at Montgomery, Phase II** – We received revised plans on November 8<sup>th</sup>. All outstanding comments are related to the City's tree ordinance that is currently under review. We returned our comments, based on the current tree ordinance, on December 7<sup>th</sup>.
- iii. Exxon Eva Street** – We received plans on August 28<sup>th</sup> and returned our comments on October 17<sup>th</sup> after discussing requirements to be shown on the plans. It is our understanding the City Administrator plans to meet with the developer to discuss acquiring additional right-of-way for TxDOT.
- iv. Wendy's (Haza Foods)** – We did not receive revised plans this month.
- v. Living Savior Lutheran Church** – We received plans on October 25<sup>th</sup> and returned our comments to the plans on November 7<sup>th</sup>.
- vi. Best Donuts (Samdana Investments)** – We received plans on October 19<sup>th</sup> and returned our comments to the plans on November 7<sup>th</sup>.

c) **Plat Reviews**

- i. **Samdana Investments Minor Plat** – We did not receive a revised plat this month.

d) **Ongoing Construction**

- i. **Hills of Town Creek, Section 3** – Construction on the public improvements to serve the development is substantially complete. We performed a final inspection on the infrastructure on December 4<sup>th</sup> and are preparing the punch list to submit to the contractor.

**Ongoing Construction (cont.):**

- ii. **Emma's Way** – We completed a punch list inspection on December 4<sup>th</sup> to determine if all punch list items have been addressed. The contractor is working to address the remaining punch list items that were not addressed prior to the inspection.
- iii. **Shoppes at Montgomery, Phase I** – It is our understanding the contractor is substantially complete with construction of the public infrastructure. We are working to schedule a final inspection for the work.

e) **One-Year Warranty Inspections**

- i. **Lift Station No. 14** – We are working with Public Works and Gulf Utilities to bring the lift station to the proper specifications with the funds deposited by the developer for the replacement pumps.
- ii. **Gardner Drive** – We conducted a one-year warranty inspection for the public infrastructure installed on August 28<sup>th</sup>. We confirmed that all punch list items have been addressed, and we recommend acceptance of the infrastructure and release of all maintenance bonds.

*Agenda Item* – Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the Gardner Drive Public Road, Public Waterline, Public Sanitary Sewer, and Public Storm Sewer project.

- iii. **Lake Creek Village, Section 3** – We conducted one-year warranty inspection for the public infrastructure on October 19<sup>th</sup>. It is our understanding the contractor is working to address all punch list items.
- iv. **Flagship Boulevard Pavement Repair** – We conducted a one-year warranty inspection for the public infrastructure installed on November 14<sup>th</sup>. No punch list items were identified at the inspection, and we recommend acceptance of the infrastructure and release of all maintenance bonds.

*Agenda Item* – Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the Flagship Boulevard Pavement Repairs project.



- v. **Heritage Place Medical Center 12" Waterline** – We conducted a one-year warranty inspection for the public infrastructure installed on November 6<sup>th</sup>. We confirmed that all punch list items have been addressed, and we recommend acceptance of the infrastructure and release of all maintenance bonds.

*Agenda Item* – Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the Heritage Place Medical Center 12" Waterline project.

- vi. **Buffalo Springs Shopping Center Phase II Public Water and Sanitary Sewer** - We conducted a one-year warranty inspection for the public infrastructure installed on November 6<sup>th</sup>. It is our understanding the contractor is working to address all punch list items.

**Meetings and Ongoing Activities:**

- a) **Lone Star Parkway Transportation Improvement Plan (TIP)** – We are working with the H-GAC to discuss planning for the possible acceptance Lone Star Parkway by TxDOT in the future. We attended a meeting with TxDOT on November 6<sup>th</sup> to discuss including the project on TxDOT's Regional Transportation Plan before including it on the H-GAC TIP.
- b) **2018 Annual Water Plant Inspection** – We completed the 2018 annual water plant inspection of Water Plant Nos. 2 and 3 on November 6<sup>th</sup> and completed the electrical portion of the inspection on November 15<sup>th</sup>. We are preparing the report of our findings and plan to present our recommendations at your January 8<sup>th</sup> Council meeting.
- c) **FM 149 Southbound Turn Lane** – It is our understanding the City Administrator is planning to meet with the owner of the Exxon at the northwest corner of the FM 149/SH-105 intersection to discuss obtaining the additional right-of-way required to construct a southbound right turn lane.
- d) **Weekly Operations Conference Call** – We continue hosting a weekly conference call with representatives from Gulf Utility Service, Inc. and City Staff. Items of note discussed during the previous month included receiving estimates for repairs to Lift Station No. 14, updates on various warranty inspections, general updates on all active design and construction projects, and general operations of the City's water and sanitary sewer facilities.

Please contact Katherine Vu or me if you have any questions.

Sincerely,



Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

K:\W5841\W5841-0900-00 General Consultation\Meeting Files\Status Reports\2018\Engineer's Reports\Engineer's Report 12-11-18.docx

Enclosures:

Atkins Creek Cost Estimates  
Active Capital Projects Map  
Active Developments Map

Cc (via email):

The Planning and Zoning Commission – City of Montgomery  
Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney



# Construction Contract Change Order

**A505**

Grant Recipient: City of Montgomery Select:  City  County  
 Contract No.: 7215112 Change Order No.: 3 Region: HGAC

Contractor:

Glenn Fuqua, Inc.  
 P.O. Box 589  
 Navasota, TX 77868

Engineer:

Jones & Carter, Inc.  
 1575 Sawdust Road, Suite 400  
 The Woodlands, TX 77380

Select Change Order Type(s):  Change to Existing Line Items  New Items Requested  Change in Contract Duration

Grant recipient is requesting Texas Department of Agriculture review to determine eligibility of change order expenses.

### Changes to Existing Line Items (Items from original bid or added in previous change order ONLY)

Bid Item #	Item Description	Original Qty.	Proposed Qty.	UOM	Unit Price	Δ Qty.	Change in Contract Price	+
35	Installation of 2" HMAAC	426	934	SY	\$21.40	508	\$10,871.20	-
44	Hydromulch Seeding	1	3.25	AC	\$1,950.00	2.25	\$4,387.50	-
45	Anchored Sod	300	0	SY	\$5.00	-300	(\$1,500.00)	-
Contract Change Sub-Total:							\$13,758.70	

### Change in Contract Duration

Provide explanation below (attach separate documentation as necessary).

Addition of 13 days due weather delays on project in September & October 2018

Original Contract End Date: 7/2/2018  
 Net change of previous Change Orders (days): 22  
 Increase/Decrease of this Change Order (days): 13  
 Change Order Contract End Date 8/6/2018

### Justification for Change

	Increase	Decrease	No Change
1. Effect of this change on scope of work:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Effect on operation and maintenance costs:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Yes	No	Not Applicable
3. Will this Change Order change the number of beneficiaries or TxCDBG contract Performance Statement Exhibit A?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Has this change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Is the TCEQ clearance still valid?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Are other TxCDBG contractual special condition clearances still valid?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. If new items are included that were not included in the competitive bid, have the prices been determined to be reasonable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Grant Recipient: City of Montgomery Contract No.: 7215112 Change Order No.: 3

This form required as of September 1, 2016.  
 All previous versions no longer valid.



## Change Order Summary

Original Contract Price:	\$1,023,747.90	Original Contract End Date:	7/2/2018
Net Previous Change Order(s):	\$98,930.00	Net change of previous Change Orders (days):	22
This Net Change Order:	\$13,758.70	Increase/Decrease of this Change Order (days):	13
New Contract Price:	\$1,136,436.60	Change Order Contract End Date:	8/6/2018
Cumulative % Change:	11.007%		

**NOTE:** Change orders for an increase of more than 25% will be rejected. The State of Texas considers a change in the construction contract price of greater than 25% to be non-competitive, as other potential bidders did not have the opportunity to bid on the true scope of the project during the procurement process. Grant Recipient must rebid project in the event of an increase of 25% or more.

### Grant Recipient Approval (REQUIRED)

 Authorized Signature	11-30-2018 Date
---	--------------------

Jack Yates, City Administrator  
Authorized Signatory's Name and Title

### Engineer's Recommendation

 Engineer's Signature	11/30/18 Date
---	------------------

Rebekah L. Campbell  
Engineer's Name

### Contractor's Authorization

Contractor's Signature	Date
------------------------	------

Contractor's Name and Title

To receive an email copy of the TDA response, provide contact information below

Name	Email	+
		-

### For TDA office use only

This Net Change Order:	\$13,758.70	Increase/decrease of this Change Order (days):	13
Net Change Order Approved:		Increase/decrease of this Change Order Approved:	
Approved Contract Amount:		Approved Contract Time:	

Notes:

Contract Specialist Signature	Date
-------------------------------	------

Director Signature (optional)	Date
-------------------------------	------

Grant Recipient: City of Montgomery Contract No.: 7215112 Change Order No.: 3

This form required as of September 1, 2016.  
All previous versions no longer valid.

**CONCEPTUAL CONSTRUCTION COST ESTIMATE  
FOR  
ATKINS CREEK SANITARY SEWER AND WATERLINE REPAIRS  
OPTION 1: RETURN TO PRE-DISASTER CONDITIONS  
CITY OF MONTGOMERY, TEXAS**

December 7, 2018

<b>Item No.</b>	<b>Description</b>	<b>Unit</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total</b>
1.	Move-in, Bonds & Insurance	LS	1	\$ 30,000	\$ 30,000
2.	Import and Install Backfill	CY	2,000	20	40,000
3.	8" PVC Waterline	LF	153	80	12,200
4.	8" PVC Sanitary Sewer	LF	144	75	10,800
5.	2" Blow-Off Valve & Box	EA	1	500	500
6.	Cement Stabilized Sand Cradle	EA	1	15,000	15,000
7.	Connection to Existing 8" Waterline	EA	1	2,000	2,000
8.	Connection to Existing 8" Sanitary Sewer Line	EA	2	1,000	2,000
9.	Remove and Replace 42" Safety End Treatment	LS	1	15,000	15,000
10.	Trench Safety System	LF	297	2	600
11.	Storm Water Pollution Prevention Plan	LS	1	10,000	10,000
12.	Site Restoration including Hydromulch	LS	1	5,000	<u>5,000</u>

<p>This Document is Released for the Purpose of:  <b>General Financial Planning</b>  Under the Authority of:  Engineer: <u>Jeffrey M. Bishop, P.E.</u>  License No.: <u>126353</u>  It is Preliminary in Nature and not to be Used for Feasibility of Land Purchases,  Bond Applications, Loans or Grants.</p>
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Subtotal	\$ 143,100
Contingencies (15%)	21,500 <sup>(1)</sup>
Reimbursable Expenses	31,000 <sup>(2)</sup>
Engineering and Surveying	96,500 <sup>(3)</sup>
<b>TOTAL</b>	<b>\$ 292,100</b>

<b>Source of Funding: FEMA(90%)</b>	<b>\$ 262,890</b>
<b>City (10%)</b>	<b>\$ 29,210</b>
	<b>\$ 292,100</b>

**Notes:**

- <sup>(1)</sup> Contingencies include a 15% cost for additional, unseen, and future costs from time of proposal.
- <sup>(2)</sup> Includes geotechnical investigation, environmental sub-consultation, construction materials testing, advertising fees, and reproduction.
- <sup>(3)</sup> Includes engineering, coordination and meetings with FEMA, drainage and scour analyses, surveying, construction administration, and field project representation.
- <sup>(4)</sup> Proposed work does not and cannot include improvements to Atkins Creek on private property upstream and downstream of the project location. Therefore, the project cannot account for upstream and downstream erosion, and is not a feasible solution to the damages.

**CONCEPTUAL CONSTRUCTION COST ESTIMATE  
FOR  
ATKINS CREEK SANITARY SEWER, WATERLINE, & STORM SEWER REPAIRS  
OPTION 2: AERIAL WATER AND SANITARY SEWER CROSSING  
CITY OF MONTGOMERY, TEXAS**

December 7, 2018

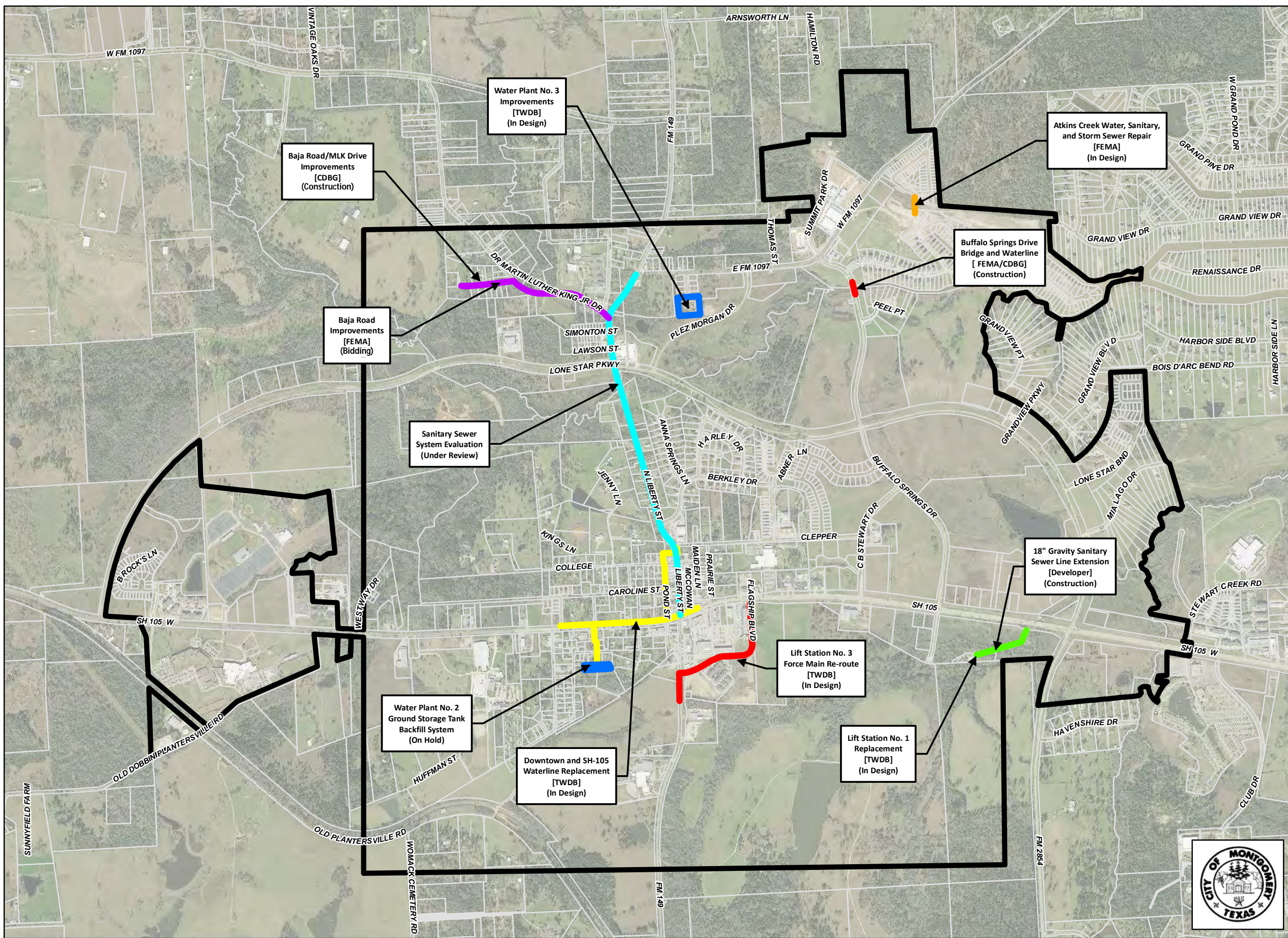
<b>Item No.</b>	<b>Description</b>	<b>Unit</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total</b>
1.	Move-in, Bonds & Insurance	LS	1	\$ 30,000	\$ 30,000
2.	Import and Install Backfill	CY	450	20	9,000
3.	16" Welded Steel Carrier Casing	LF	255	175	44,600
4.	8" PVC Waterline	LF	155	35	5,400
5.	8" PVC Sanitary Sewer	LF	150	30	4,500
6.	2" Blow-Off Valve & Box	EA	1	500	500
7.	Drilled Concrete Piers with Pile Cap and Saddle	LS	1	50,000	50,000
8.	16" Steel Saddle Connection	EA	4	2,000	8,000
9.	Connection to Existing 8" Waterline	EA	1	2,000	2,000
10.	Connection to Existing 8" Sanitary Sewer Line	EA	2	1,000	2,000
11.	Remove and Replace 42" Safety End Treatment	LS	1	15,000	15,000
12.	24" Concrete Rip-Rap	SY	324	80	25,900
13.	6" Slope Paving with Head & Toe Wall	SY	160	150	24,000
14.	Trench Safety System	LF	100	2	200
15.	Storm Water Pollution Prevention Plan	LS	1	10,000	10,000
16.	Site Restoration including Hydromulch	LS	1	10,000	10,000
Subtotal					\$ 241,100
Contingencies (15%)					36,200 <sup>(1)</sup>
Engineering, Surveying and Reimbursable Expenses					128,500 <sup>(2)</sup>
<b>TOTAL</b>					<b>\$ 405,800</b>
<b>Source of Funding: FEMA(90%)</b>					<b>\$ 365,220</b>
<b>City (10%)</b>					<b>\$ 40,580</b>
<b>TOTAL</b>					<b>\$ 405,800</b>

<p>This Document is Released for the Purpose of:  <b>General Financial Planning</b>  Under the Authority of:  Engineer: Jeffrey M. Bishop, P.E.  License No.: <u>126353</u></p>
---

**Notes:**

- (1) Contingencies include a 15% cost for additional, unseen, and future costs from time of proposal.
- (2) Includes engineering, coordination and meetings with FEMA, drainage and scour analysis, surveying, construction administration, field project representation, geotechnical investigation, environmental sub-consultation, structural sub-consultation, construction materials testing, advertising fees, and reproduction.







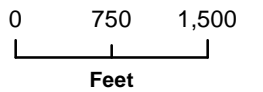
**VICINITY MAP**

Scale: 1 inch equals 20 miles

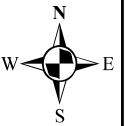
**LEGEND**

-  City Limits
-  MCAD Parcels

**ACTIVE CAPITAL PROJECTS (DECEMBER 2018)**



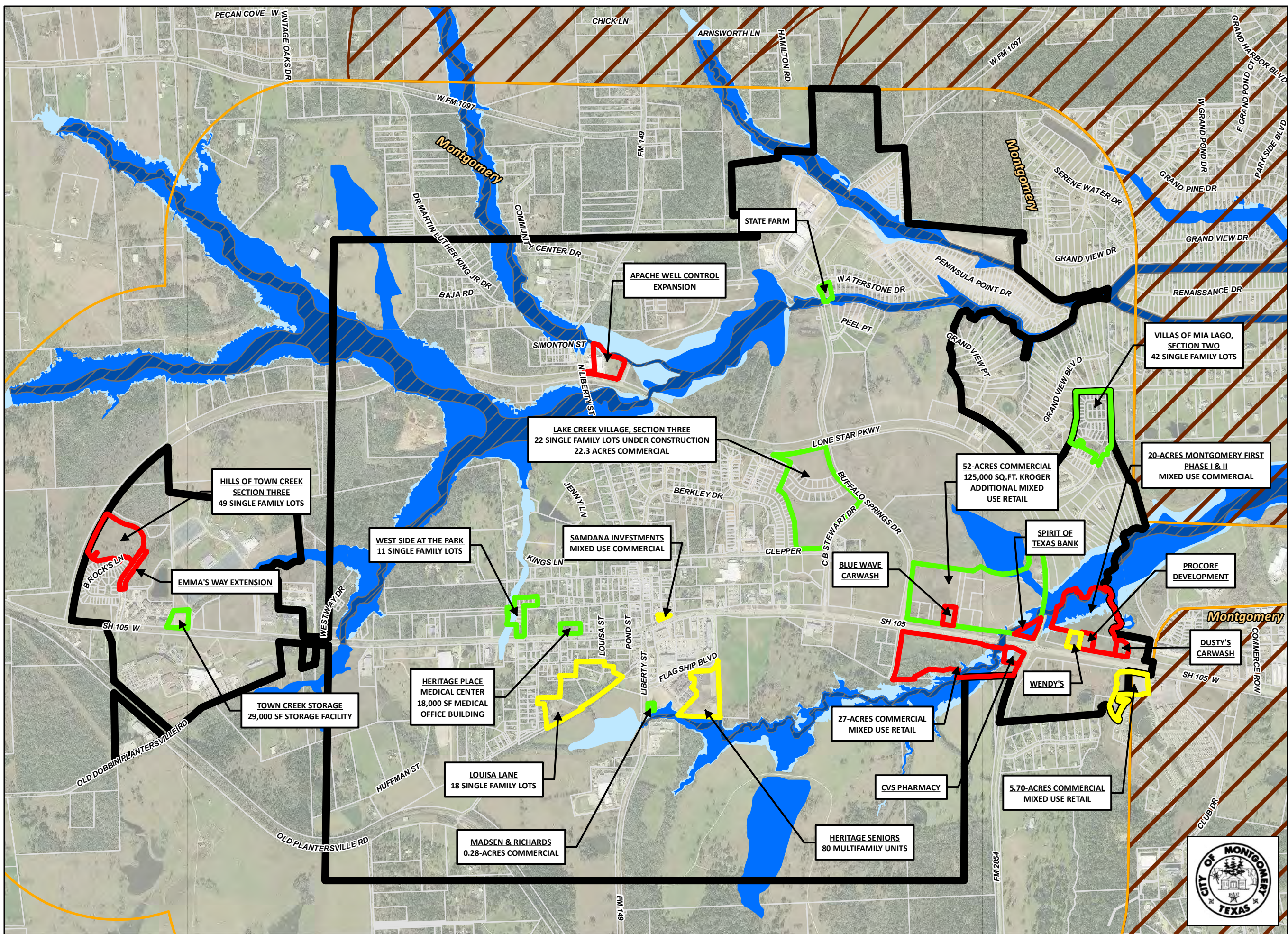
1 inch equals 1,500 feet



Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones|Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.







**LEGEND**

- Active Development (Phase)
  - Complete/Under Warranty (Green outline)
  - Under Construction (Red outline)
  - In Design (Yellow outline)
  - Planning/Feasibility (Purple outline)
- City Limits (Black outline)
- Stanley Lake MUD (Black outline with diagonal lines)
- City ETJ (Orange outline)
- City of Conroe ETJ (Brown outline)
- Floodway (Blue outline)
- 100-year (Dark blue outline)
- 500-year (Light blue outline)
- MCAD Parcels (White outline)

**ACTIVE DEVELOPMENTS (DECEMBER 2018)**

0 750 1,500  
Feet

1 inch equals 1,500 feet

Scale bar and north arrow.

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones|Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.

**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-439

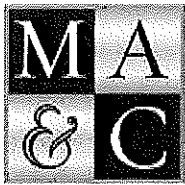


CITY OF MONTGOMERY  
ACCOUNT BALANCES  
For Meeting of November 23, 2018

	CHECKING ACCT BALANCES	PRIOR MONTH END INVESTMENTS	TOTAL FUNDS AVAILABLE
<b>GENERAL FUNDS</b>			
OPERATING FUND #1017375	\$ 221,968.34		\$ 221,968.34
HOME GRANT FUNDS /COPS UNIVERSAL #103289	\$ 10.00		\$ 10.00
ESCROW FUND #1025873	\$ -		\$ -
PARK FUND #7014236	\$ -		\$ -
POLICE DRUG & MISC FUND #1025675	\$ 10,675.64		\$ 10,675.64
INVESTMENTS - GENERAL FUND		\$ 300,000.00	\$ 300,000.00
TEXPOOL - GENERAL FUND # 00003		\$ 211,395.58	\$ 211,395.58
TEXPOOL - RESERVE FUND # 00005		\$ -	\$ -
<b>TOTAL GENERAL FUND</b>	<b>\$ 232,653.98</b>	<b>\$ 511,395.58</b>	<b>\$ 744,049.56</b>
<b>CONSTRUCTION FUND</b>			
BUILDING FUND #1058528	\$ -		\$ -
CONSTRUCTION ACCOUNT #1058544	\$ 408,457.70 *		\$ 408,457.70
BOK Financial Series 2017A	\$ 1,017,109.11		\$ 1,017,109.11
BOK Financial Series 2017BA	\$ 1,608,947.48		\$ 1,608,947.48
TEXPOOL - CONST # 00009		\$ 587,912.99	\$ 587,912.99
INVESTMENTS - CONSTRUCTION		\$ -	\$ -
<b>TOTAL CONSTRUCTION FUND</b>	<b>\$ 3,034,514.29</b>	<b>\$ 587,912.99</b>	<b>\$ 3,622,427.28</b>
<b>DEBT SERVICE FUND</b>			
DEBT SERVICE FUND #7024730	\$ 251,557.60		\$ 251,557.60
TEXPOOL DEBT SERVICE # 00008	\$ -	\$ 24,794.96	\$ 24,794.96
<b>TOTAL DEBT SERVICE FUND</b>	<b>\$ 251,557.60</b>	<b>\$ 24,794.96</b>	<b>\$ 276,352.56</b>
<b>COURT SECURITY FUND #1070580</b>	<b>\$ 3,428.80</b>	<b>\$ -</b>	<b>\$ 3,428.80</b>
<b>COURT TECHNICAL FUND #1058361</b>	<b>\$ 34,263.34</b>	<b>\$ -</b>	<b>\$ 34,263.34</b>
<b>GRANT FUND</b>			
HOME GRANT ACCOUNT #1059104	\$ 5,737.63		\$ 5,737.63
GRANT ACCOUNT #1048479	\$ 80.73		\$ 80.73
<b>TOTAL GRANT FUND</b>	<b>\$ 5,818.36</b>	<b>\$ -</b>	<b>\$ 5,818.36</b>
<b>HOTEL OCCUPANCY TAX FUND #1025253</b>	<b>\$ 11,021.23</b>	<b>\$ -</b>	<b>\$ 11,021.23</b>
<b>MEDC</b>			
CHECKING ACCOUNT #1017938	\$ 280,517.03		\$ 280,517.03
TEXPOOL - MEDC # 00003		\$ 239,408.28	\$ 239,408.28
INVESTMENTS - MEDC		\$ 250,000.00	\$ 250,000.00
<b>TOTAL MEDC</b>	<b>\$ 280,517.03</b>	<b>\$ 489,408.28</b>	<b>\$ 769,925.31</b>
<b>POLICE ASSET FORFEITURES #1047745</b>	<b>\$ 6,221.99</b>		<b>\$ 6,221.99</b>
<b>UTILITY FUND</b>			
UTILITY FUND #1017383	\$ 683,517.70		\$ 683,517.70
CUSTOMER DEPOSITS FUND #1017417	\$ -		\$ -
WATER WORKS & SAN SEWER #7013840	\$ -		\$ -
TEXPOOL - UTILITY FUND # 00002		\$ 18,266.34	\$ 18,266.34
<b>TOTAL UTILITY FUND</b>	<b>\$ 683,517.70</b>	<b>\$ 18,266.34</b>	<b>\$ 701,784.04</b>
<b>TOTAL ALL FUNDS</b>	<b>\$ 4,543,514.32</b>	<b>\$ 1,631,778.15</b>	<b>\$ 6,175,292.47</b>
<b>INVESTMENTS</b>			
TEXPOOL - GENERAL FUND			\$ 211,395.58
INVESTMENTS - GENERAL FUND			\$ 300,000.00
TEXPOOL - CONST # 00009			\$ 587,912.99
TEXPOOL - DEBT SERVICE # 00008			\$ 24,794.96
TEXPOOL - MEDC			\$ 239,408.28
INVESTMENTS - MEDC			\$ 250,000.00
TEXPOOL - UTILITY			\$ 18,266.34
<b>TOTAL ALL INVESTMENTS</b>			<b>\$ 1,631,778.15</b>

\*Note: Due to General Fund from Construction Fund (for Bridge Repair)  
of the \$400,000.00 approved by Council

\$287,307.37



MUNICIPAL ACCOUNTS  
& CONSULTING, L.P.

## City of Montgomery

### Bookkeeper's Report

October 23, 2018



City of Montgomery - General  
**Cash Flow Report - Checking Account**  
As of October 23, 2018

Num	Name	Memo	Amount	Balance
<b>BALANCE AS OF 10/06/2018</b>				<b>\$281,138.42</b>
<b>Receipts</b>				
	Deposit		4,080.25	
	Sales Tax Rev 10/10/18		141,162.59	
	Escrow Deposit- Living Savior 10/18		6,000.00	
	FEMA Funds received for Engineering- Buff Sp Brdg Repair		193,352.35	
<b>Total Receipts</b>				<b>344,595.19</b>
<b>Disbursements</b>				
28641	Daspit, Laurence F	Payroll - 10/12/2018	(99.28)	
28642	Office of the Attorney General	0012541428, 0012011313, 0013412154, 001180485	(2,597.61)	
28643	Rosario III, Miguel A.	Final Payroll - Accumulated Vacation at Separation	(6,029.67)	
28645	City of Montgomery - Utility Fund	Water Usage @ Parks, City Hall, Corn Center - 8/1	(2,070.20)	
28646	Daniel Wheless	Refund for Montgomery Community Building Dep	(150.00)	
28647	Darden, Fowler & Creighton, L.L.P.	Legal Fees 9/18	(11,653.34)	
28648	Darrell Rain	Refund of Deposit and Rental Fee- Replac check #	(215.00)	
28649	Ella Hatchett	VOID: Reimbursement of duplicate trash can 9/14	0.00	
28650	Entergy	Part Utilities per spreadsheet -8/21/18-9/26/18	(1,584.87)	
28651	Evident Crime Scene Products, Inc	Invoice 134886C	(153.00)	
28652	Innovative Outdoors	Mowing - Inv# 1791-10/18	(6,667.00)	
28653	Interstate All Battery Center	Inv1924102004353 6 pk flare	(299.80)	
28654	Jennifer Dodson	Community Building Deposit Refund - Replace chec	(100.00)	
28655	Jim's Hardware	Acct #102 - Invoices - 9/18	(316.87)	
28656	Kologik	Inv#7017036	(5,910.84)	
28657	LDC	CM100017 Gas 101 Plantersville 8/31-10/2/18	(21.95)	
28658	Linda Thomas	Refund of Community Building Deposit 10/7/18	(150.00)	
28659	McCoy's Building Supply Corporation	Acct - 0900-98046487-001 Invoice - 11315551, 11	(52.97)	
28660	Miller Uniforms & Emblems, Inc.	Uniforms Acct 299- inv 97713, 96188, 98293, 9799	(331.30)	
28661	Void	Voided in process	0.00	
28662	Montgomery Area Chamber of Commerce	Registration for Member Appreciation Luncheon 1	(40.00)	
28663	Municipal Accounts & Consulting, J.P.	Bookkeeping Inv 53863- 9/18	(11,427.21)	
28664	Municipal Code Corp.	Annual code of Ordinance - Internet fee #0031771	(950.00)	
28665	NAPA Auto Parts	Acct # 1670 - Inv 391822	(26.49)	
28666	Nexem Staffing Inc.	Inv# 40436 General Labor- Worked week: 9/30/1	(720.30)	
28667	Office Depot Business Credit	Supplies 8/29/18-9/22/18	(490.01)	
28668	Omnibase Services of Texas, LP	3rd Qtr Activity - 2018 PS ID # 114170 Report# 3	(516.00)	
28669	Robert Rosenquist	Municipal Court Judge - 9/18	(1,500.00)	
28670	Rotary Club of Lake Conroe	Inv#67895 Memory Park Pine Straw Bales	(240.00)	
28671	Sara Countryman	Total cost of Seminar and Misc Expenses-FB, milca	(717.66)	
28672	State Comptroller	Qtr ending 9/30/18	(54,600.12)	
28673	Stowes' Wrecker & Collision	3838, 3834	(127.69)	
28674	Texas Top Cop Shop	Police Supplies- Black Mamba Nitrex Gloves- Inv	(15.00)	
28675	TransUnion	Acct 300819 9/1-9/30/18	(250.00)	
28676	Verizon Wireless	521590387-00001	(919.94)	
28677	State Comptroller	Tax# 1-74-2063592-6 Child Safety Seat / Belt Viol	(88.40)	
28678	Allen's Safe and Lock, LLC	Inv 52232	(219.50)	
28679	AT&T Mobility	13827347,13930002,14033888,14138974	(4,900.29)	
28680	Card Service Center	First Financial Credit Card Account XXXX 0869 -	(4,075.00)	
28681	Consolidated Communications	936-597-6434, 936-597-7893	(811.12)	
28682	Crown Paper and Chemical	Supplies #117862	(56.85)	
28683	Eagle Mountain Flag & Flagpole	Inv#51688 PO#CM6235	(473.10)	
28684	Easley Enterprises of Texas, Inc.	City Hall General Cleaning 9/18 Inv#5519	(375.00)	

City of Montgomery - General  
**Cash Flow Report - Checking Account**  
As of October 23, 2018

Num	Name	Memo	Amount	Balance
<b>Disbursements</b>				
28685	Entergy	Part Utilities per spreadsheet - #370002761723 9/	(1,104.33)	
28686	Houston Chronicle	222716095, 96, 97	(1,635.99)	
28687	Loflin Environmental Services Inc.	Inv#26987	(500.00)	
28688	Nexem Staffing Inc.	Inv# 41209 Corporate- Worked week: 10/14/18 -	(448.00)	
28689	Northwest Pest Patrol	Acct# 32791 Mosquito fogging Sept 2018	(580.00)	
28690	O'Reilly Auto Parts	Acct# 700907 Inv 1838-446422,741,998,3160,3260,	(366.59)	
28691	R.A. "Mickey" Deison & Associates	Legan Services 9/12-9/28/18	(5,752.00)	
28692	Rick Hanna, CBO	17788, 17796	(7,361.50)	
28693	Roger D Williams	Refund of Community Building Deposit Refund 10	(150.00)	
28694	Southern Tire Mart	Inv#77027898	(150.00)	
28695	Stowes' Wrecker & Collision	Police Inv 3854- Unit 1304 -Brake pads, rotors, hea	(477.57)	
28696	TML-IRP	Contract# 6827 Insurance Premium Oct 2018	(4,624.50)	
28697	UBEO of East Texas, Inc.	61027320, 61028510	(1,125.45)	
28698	UBEO of East Texas, Inc.1	Contract 8628-01 - Overage 6/1-8/31/18 Inv 695	(975.91)	
28699	Willie Jean Williams	Refund of Community Building Deposit 10/14/18	(150.00)	
28700	UBEO of East Texas, Inc.	Contract# 25486363 Acct No. 124715 Inv #61028	(418.50)	
dd	Aguirre, Abel	Payroll - 10/12/2018	(1,657.30)	
dd	Bauer, Timothy M	Payroll - 10/12/2018	(1,659.66)	
dd	Belmares, Jose N.	Payroll - 10/12/2018	(2,006.15)	
dd	Bracht, James C.	Payroll - 10/12/2018	(2,160.04)	
dd	Carswell, Christopher M	Payroll - 10/12/2018	(1,365.73)	
dd	Duckett, Kimberly T.	Payroll - 10/12/2018	(1,586.39)	
dd	Dupree, April J	Payroll - 10/12/2018	(1,272.77)	
dd	Hensley, Susan L	Payroll - 10/12/2018	(1,945.03)	
dd	Hernandez, George J.	Payroll - 10/12/2018	(1,307.22)	
dd	Kohl, Julie J	Payroll - 10/12/2018	(283.45)	
dd	Kowarsch, Robert D	Payroll - 10/12/2018	(161.61)	
dd	Muckleroy, Micha D.	Payroll - 10/12/2018	(2,008.97)	
dd	Rains, Eva S.	Payroll - 10/12/2018	(55.41)	
dd	Rather, Regina S.	Payroll - 10/12/2018	(467.11)	
dd	Redman, Leslie A.	Payroll - 10/12/2018	(1,268.35)	
dd	Riley, James A.	Payroll - 10/12/2018	(1,613.44)	
dd	Rosario III, Miguel A.	Final Payroll - 10/12/2018	(1,130.48)	
dd	Rosendo, Jose A	Payroll - 10/12/2018	(1,206.29)	
dd	Salas, Francisco A.	Payroll - 10/12/2018	(1,162.06)	
dd	Standifer, Eric L.	Payroll - 10/12/2018	(1,550.86)	
dd	Thomas, Ryan A	Payroll - 10/12/2018	(1,294.64)	
dd	Thompson, Kevin A.	Payroll - 10/12/2018	(941.25)	
dd	Williams, Tina M	Payroll - 10/12/2018	(1,381.44)	
dd	Yates, Jack R	Payroll - 10/12/2018	(3,614.04)	
dd	Napolitano, James F	Payroll - 10/12/2018	(2,626.94)	
POL	EFTPS	Payroll Liabilities	(11,720.24)	
POL	EFTPS	Payroll Liabilities - Rosario Final Pay 10/12/18	(3,635.16)	
Transfer	City of Montgomery- Capital Projects	Transfer to cover Pay Est #8 - Bridge Repair	(125,480.99)	
Transfer	Monientum Title Company	Closing on Purchas of Hwy 105 & FM 149 Property	(79,438.53)	
<b>Total Disbursements</b>				<u>(403,765.27)</u>
<b>BALANCE AS OF 10/23/2018</b>				<u><u>\$221,968.34</u></u>

City of Montgomery - General  
**Cash Flow Report - Police Drug & Misc Fund Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$10,675.64
<b>Receipts</b>				
	No Receipts Activity		0.00	
<b>Total Receipts</b>			<u>0.00</u>	0.00
<b>Disbursements</b>				
	No Disbursements Activity		0.00	
<b>Total Disbursements</b>			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 10/23/2018				<u><u>\$10,675.64</u></u>

City of Montgomery - General  
**Cash Flow Report - Home Grant / COPS Universal Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 10/23/2018				<u><u>\$10.00</u></u>

City of Montgomery - General Fund  
Profit & Loss Budget Performance-All

accrual Basis

October 2018

	Oct 18	Budget	\$ Over B...	Oct 18	YTD Bu...	\$ Over B...	Annual B...
<b>Ordinary Income/Expense</b>							
<b>Income</b>							
14000.1 · Taxes & Franchise Fees							
14103 · Beverage Tax	3,192.55	1,000.00	2,192.55	3,192.55	1,000.00	2,192.55	12,000.00
14111 · Franchise Tax	0.00	6,000.00	-6,000.00	0.00	6,000.00	-6,000.00	72,000.00
14320 · Ad Valorem Taxes							
14320.1 · PID Tax Revenue	0.00	0.00	0.00	0.00	0.00	0.00	35,775.00
14320 · Ad Valorem Taxes - Other	0.00	43,340.38	-43,340.38	0.00	43,340.38	-43,340.38	520,085.00
<b>Total 14320 · Ad Valorem Taxes</b>	<b>0.00</b>	<b>43,340.38</b>	<b>-43,340.38</b>	<b>0.00</b>	<b>43,340.38</b>	<b>-43,340.38</b>	<b>555,860.00</b>
14330 · Penalties & Interest on Adv Tax	0.00	0.00	0.00	0.00	0.00	0.00	3,000.00
14331 · Rendition Penalties	0.00	8.37	-8.37	0.00	8.37	-8.37	100.00
14600 · Sales Tax							
14600.1 · Sales Tax ILO AdValorem Tax	0.00	0.00	0.00	0.00	0.00	0.00	739,377.00
14600 · Sales Tax - Other	105,871.94	125,096.87	-19,224.93	105,871.94	125,096.87	-19,224.93	1,501,162.00
<b>Total 14600 · Sales Tax</b>	<b>105,871.94</b>	<b>125,096.87</b>	<b>-19,224.93</b>	<b>105,871.94</b>	<b>125,096.87</b>	<b>-19,224.93</b>	<b>2,240,539.00</b>
<b>Total 14000.1 · Taxes &amp; Franchise Fees</b>	<b>109,064.49</b>	<b>175,445.62</b>	<b>-66,381.13</b>	<b>109,064.49</b>	<b>175,445.62</b>	<b>-66,381.13</b>	<b>2,883,499.00</b>
14000.2 · Permits & Licenses							
14105 · Building Permits	32,066.53	16,666.63	15,399.90	32,066.53	16,666.63	15,399.90	200,000.00
14146 · Vendor/Beverage Permits	40.00	41.63	-1.63	40.00	41.63	-1.63	500.00
14611 · Sign Fee	125.00	150.00	-25.00	125.00	150.00	-25.00	1,800.00
14612 · Misc Permit Fees(plats,& Zoning	625.00	166.67	458.33	625.00	166.67	458.33	2,000.00
14000.2 · Permits & Licenses - Other	25.00	8.37	16.63	25.00	8.37	16.63	100.00
<b>Total 14000.2 · Permits &amp; Licenses</b>	<b>32,881.53</b>	<b>17,033.30</b>	<b>15,848.23</b>	<b>32,881.53</b>	<b>17,033.30</b>	<b>15,848.23</b>	<b>204,400.00</b>
14000.4 · Fees for Service							
14380 · Community Bldg Rental	755.00	458.37	296.63	755.00	458.37	296.63	5,500.00
14381 · Kiosk Revenue	0.00	0.00	0.00	0.00	0.00	0.00	30.00
14385 · Right of Way Use Fees	112.62	250.00	-137.38	112.62	250.00	-137.38	3,000.00
<b>Total 14000.4 · Fees for Service</b>	<b>867.62</b>	<b>708.37</b>	<b>159.25</b>	<b>867.62</b>	<b>708.37</b>	<b>159.25</b>	<b>8,530.00</b>
14000.5 · Court Fines & Forfeitures							
14101 · Collection Fees	610.19	2,000.00	-1,389.81	610.19	2,000.00	-1,389.81	24,000.00
14102 · Asset Forfeitures	0.00	0.00	0.00	0.00	0.00	0.00	400.00
14106 · Child Belt/Safety (Dedicated)	260.89	16.63	244.26	260.89	16.63	244.26	200.00
14110 · Fines	35,448.77	39,166.63	-3,717.86	35,448.77	39,166.63	-3,717.86	470,000.00
14118 · OMNI	140.67	166.63	-25.96	140.67	166.63	-25.96	2,000.00
14125 · Warrant Fees	0.00	0.00	0.00	0.00	0.00	0.00	50.00
14126 · Judicial Efficiency (Dedicated)	119.19	125.00	-5.81	119.19	125.00	-5.81	1,500.00
14130 · Accident Reports	0.00	18.37	-18.37	0.00	18.37	-18.37	220.00
<b>Total 14000.5 · Court Fines &amp; Forfeitures</b>	<b>36,579.71</b>	<b>41,493.26</b>	<b>-4,913.55</b>	<b>36,579.71</b>	<b>41,493.26</b>	<b>-4,913.55</b>	<b>498,370.00</b>
14000.6 · Other Revenues							
15380 · Unanticipated Income	408.24	166.63	241.61	408.24	166.63	241.61	2,000.00
15391 · Interest Income	384.93	50.00	334.93	384.93	50.00	334.93	600.00
15392 · Interest on Investments	0.00	458.37	-458.37	0.00	458.37	-458.37	5,500.00
<b>Total 14000.6 · Other Revenues</b>	<b>793.17</b>	<b>675.00</b>	<b>118.17</b>	<b>793.17</b>	<b>675.00</b>	<b>118.17</b>	<b>8,100.00</b>
15350 · Proceeds from sales	0.00	0.00	0.00	0.00	0.00	0.00	200.00
15393 · Police Grant Revenue	0.00	0.00	0.00	0.00	0.00	0.00	300.00
<b>Total Income</b>	<b>180,186.52</b>	<b>235,355.55</b>	<b>-55,169.03</b>	<b>180,186.52</b>	<b>235,355.55</b>	<b>-55,169.03</b>	<b>3,603,399.00</b>
<b>Expense</b>							
16000 · Personnel							

City of Montgomery - General Fund  
Profit & Loss Budget Performance-All

ccrual Basis

October 2018

	Oct 18	Budget	\$ Over B...	Oct 18	YTD Bu...	\$ Over B...	Annual B...
16353.1 · Health Ins.	8,363.90	10,483.50	-2,119.60	8,363.90	10,483.50	-2,119.60	125,802.00
16353.4 · Unemployment Ins.	75.77	403.76	-327.99	75.77	403.76	-327.99	4,846.00
16353.5 · Workers Comp.	2,041.09	2,371.74	-330.65	2,041.09	2,371.74	-330.65	28,460.00
16353.6 · Dental & Vision Insurance	-397.50	1,051.73	-1,449.23	-397.50	1,051.73	-1,449.23	12,619.00
16353.7 · Life & AD&D Insurance	-304.70	93.37	-398.07	-304.70	93.37	-398.07	1,120.00
16353.8 · Crime-Ins	32.92	0.00	32.92	32.92	0.00	32.92	0.00
16560 · Payroll Taxes	8,707.41	9,007.12	-299.71	8,707.41	9,007.12	-299.71	108,085.00
16600 · Wages	106,815.67	109,859.63	-3,043.96	106,815.67	109,859.63	-3,043.96	1,318,316.00
16600.1 · Overtime	2,105.29	2,416.63	-311.34	2,105.29	2,416.63	-311.34	29,000.00
16620 · Retirement Expense	6,513.78	5,348.37	1,165.41	6,513.78	5,348.37	1,165.41	64,180.00
<b>Total 16000 · Personnel</b>	<b>133,953.63</b>	<b>141,035.85</b>	<b>-7,082.22</b>	<b>133,953.63</b>	<b>141,035.85</b>	<b>-7,082.22</b>	<b>1,692,428.00</b>
<b>16001 · Communications</b>							
16338 · Advertising/Promotion							
16338.1 · Legal Notices and Pub	652.92	325.00	327.92	652.92	325.00	327.92	3,900.00
16338.2 · Recording Fees	0.00	166.63	-166.63	0.00	166.63	-166.63	2,000.00
16338 · Advertising/Promotion - Other	0.00	166.63	-166.63	0.00	166.63	-166.63	2,000.00
<b>Total 16338 · Advertising/Promotion</b>	<b>652.92</b>	<b>658.26</b>	<b>-5.34</b>	<b>652.92</b>	<b>658.26</b>	<b>-5.34</b>	<b>7,900.00</b>
<b>Total 16001 · Communications</b>	<b>652.92</b>	<b>658.26</b>	<b>-5.34</b>	<b>652.92</b>	<b>658.26</b>	<b>-5.34</b>	<b>7,900.00</b>
<b>16002 · Contract Services</b>							
16102 · General Consultant Fees							
16102.1 · Sales Tax Tracking	0.00	1,540.00	-1,540.00	0.00	1,540.00	-1,540.00	18,480.00
16102 · General Consultant Fees - Other	3,720.77	2,666.63	1,054.14	3,720.77	2,666.63	1,054.14	32,000.00
<b>Total 16102 · General Consultant Fees</b>	<b>3,720.77</b>	<b>4,206.63</b>	<b>-485.86</b>	<b>3,720.77</b>	<b>4,206.63</b>	<b>-485.86</b>	<b>50,480.00</b>
16220 · Omni Expense	0.00	333.37	-333.37	0.00	333.37	-333.37	4,000.00
16242 · Prosecutors Fees	900.00	1,041.63	-141.63	900.00	1,041.63	-141.63	12,500.00
16280 · Mowing	6,667.00	10,666.63	-3,999.63	6,667.00	10,666.63	-3,999.63	128,000.00
16281 · Records Shredding	0.00	271.63	-271.63	0.00	271.63	-271.63	2,860.00
16299 · Inspections/Permits	11,998.75	9,583.37	2,415.38	11,998.75	9,583.37	2,415.38	115,000.00
16310 · Judge's Fee	1,500.00	1,500.00	0.00	1,500.00	1,500.00	0.00	18,000.00
16320 · Legal	7,739.88	2,375.00	5,364.88	7,739.88	2,375.00	5,364.88	28,500.00
16321 · Audit Fees	0.00	0.00	0.00	0.00	0.00	0.00	22,000.00
16322 · Engineering	0.00	11,000.00	-11,000.00	0.00	11,000.00	-11,000.00	132,000.00
16326 · Collection Agency Fees	2,884.27	3,333.37	-449.10	2,884.27	3,333.37	-449.10	40,000.00
16333 · Accounting Fees	8,327.01	4,583.37	3,743.64	8,327.01	4,583.37	3,743.64	55,000.00
16335 · Repairs & Maintenance							
16332 · Downtown Repairs	0.00	83.37	-83.37	0.00	83.37	-83.37	1,000.00
16335.1 · Maintenance - Vehicles & Equip							
16334 · Gas/Oil	4,197.13	3,016.63	1,180.50	4,197.13	3,016.63	1,180.50	36,200.00
16343 · Tractor & Mower	98.96	83.37	15.59	98.96	83.37	15.59	1,000.00
16357 · Auto Repairs	3,315.25	2,083.37	1,231.88	3,315.25	2,083.37	1,231.88	25,000.00
16373 · Equipment repairs	345.13	708.26	-363.13	345.13	708.26	-363.13	8,500.00
16374 · Building Repairs-City Hall/Comm	253.48	1,541.63	-1,288.15	253.48	1,541.63	-1,288.15	18,500.00
16375 · Street Repairs - Minor	893.70	2,825.00	-1,931.30	893.70	2,825.00	-1,931.30	33,900.00
16335.1 · Maintenance - Vehicles & Equip - O...	122.78	200.00	-77.22	122.78	200.00	-77.22	2,400.00
<b>Total 16335.1 · Maintenance - Vehicles &amp; Equip</b>	<b>9,226.43</b>	<b>10,458.26</b>	<b>-1,231.83</b>	<b>9,226.43</b>	<b>10,458.26</b>	<b>-1,231.83</b>	<b>125,500.00</b>
16335 · Repairs & Maintenance - Other	1,100.00	1,541.63	-441.63	1,100.00	1,541.63	-441.63	18,500.00
<b>Total 16335 · Repairs &amp; Maintenance</b>	<b>10,326.43</b>	<b>12,083.26</b>	<b>-1,756.83</b>	<b>10,326.43</b>	<b>12,083.26</b>	<b>-1,756.83</b>	<b>145,000.00</b>
16337 · Street Signs	1,395.70	500.00	895.70	1,395.70	500.00	895.70	6,000.00
16340 · Printing & Office supplies	173.10	649.89	-476.79	173.10	649.89	-476.79	7,800.00

City of Montgomery - General Fund  
Profit & Loss Budget Performance-All

accrual Basis

October 2018

	Oct 18	Budget	\$ Over B...	Oct 18	YTD Bu...	\$ Over B...	Annual B...
16342 · Computers/Website	3,483.74	2,328.37	1,155.37	3,483.74	2,328.37	1,155.37	27,940.00
16350 · Postage/Delivery	443.84	475.00	-31.16	443.84	475.00	-31.16	5,700.00
16351 · Telephone	2,664.32	1,466.63	1,197.69	2,664.32	1,466.63	1,197.69	17,600.00
16360 · Tax Assessor Fees	0.00	2,500.00	-2,500.00	0.00	2,500.00	-2,500.00	7,500.00
16370 · Election	0.00	0.00	0.00	0.00	0.00	0.00	12,000.00
17030 · Mobil Data Terminal	0.00	1,333.37	-1,333.37	0.00	1,333.37	-1,333.37	16,000.00
17031 · Police Officer Scheduling Serv	0.00	1,600.00	-1,600.00	0.00	1,600.00	-1,600.00	1,600.00
17040 · Computer/Technology	1,503.49	1,756.25	-252.76	1,503.49	1,756.25	-252.76	21,075.00
17510 · State Portion of Fines/Payouts	0.00	15,833.37	-15,833.37	0.00	15,833.37	-15,833.37	190,000.00
<b>Total 16002 · Contract Services</b>	<b>63,728.30</b>	<b>89,421.14</b>	<b>-25,692.84</b>	<b>63,728.30</b>	<b>89,421.14</b>	<b>-25,692.84</b>	<b>1,066,555.00</b>
<b>16003 · Supplies &amp; Equipment</b>							
16244 · Radio Fees	0.00	366.50	-366.50	0.00	366.50	-366.50	4,398.00
16328 · Uniforms & Safety Equip	593.75	966.74	-372.99	593.75	966.74	-372.99	11,600.00
16328.1 · Protective Gear	0.00	166.63	-166.63	0.00	166.63	-166.63	2,000.00
16358 · Copier/Fax Machine Lease	1,404.45	1,716.74	-312.29	1,404.45	1,716.74	-312.29	20,600.00
16460 · Operating Supplies (Office)							
16460.1 · Streets and Drainage	130.50	306.25	-175.75	130.50	306.25	-175.75	3,675.00
16460.2 · Cedar Brake Park	67.22	291.63	-224.41	67.22	291.63	-224.41	3,500.00
16460.3 · Homecoming Park	14.39	166.63	-152.24	14.39	166.63	-152.24	2,000.00
16460.4 · Fernland Park	14.39	218.75	-204.36	14.39	218.75	-204.36	2,625.00
16460.5 · Community Building	487.49	166.63	320.86	487.49	166.63	320.86	2,000.00
16460.6 · Tools, Etc	24.48	254.13	-229.65	24.48	254.13	-229.65	3,050.00
16460.7 · Memory Park	254.39	250.00	4.39	254.39	250.00	4.39	3,000.00
16460 · Operating Supplies (Office) - Other	556.45	1,895.76	-1,339.31	556.45	1,895.76	-1,339.31	22,750.00
<b>Total 16460 · Operating Supplies (Office)</b>	<b>1,549.31</b>	<b>3,549.78</b>	<b>-2,000.47</b>	<b>1,549.31</b>	<b>3,549.78</b>	<b>-2,000.47</b>	<b>42,600.00</b>
16503 · Code Enforcement Expenses	0.00	83.37	-83.37	0.00	83.37	-83.37	1,000.00
17010 · Emergency Equipment	299.80	333.37	-33.57	299.80	333.37	-33.57	4,000.00
17100 · Capital Purchase Furniture	0.00	458.37	-458.37	0.00	458.37	-458.37	6,700.00
16003 · Supplies & Equipment - Other	139.50	125.00	14.50	139.50	125.00	14.50	1,500.00
<b>Total 16003 · Supplies &amp; Equipment</b>	<b>3,986.81</b>	<b>7,766.50</b>	<b>-3,779.69</b>	<b>3,986.81</b>	<b>7,766.50</b>	<b>-3,779.69</b>	<b>94,398.00</b>
<b>16004 · Staff Development</b>							
16241 · Training/Education	767.10	375.00	392.10	767.10	375.00	392.10	4,500.00
16339 · Dues & Subscriptions	1,238.21	141.63	1,096.58	1,238.21	141.63	1,096.58	4,900.00
16341 · Community Relations	1,225.00	245.76	979.24	1,225.00	245.76	979.24	2,950.00
16354 · Travel & Training (Travel)	2,994.16	2,383.26	610.90	2,994.16	2,383.26	610.90	28,600.00
16004 · Staff Development - Other	0.00	100.00	-100.00	0.00	100.00	-100.00	100.00
<b>Total 16004 · Staff Development</b>	<b>6,224.47</b>	<b>3,245.65</b>	<b>2,978.82</b>	<b>6,224.47</b>	<b>3,245.65</b>	<b>2,978.82</b>	<b>41,050.00</b>
<b>16005 · Maintenance</b>							
16228 · Park Maint-Memory Pk	27.98	625.00	-597.02	27.98	625.00	-597.02	7,500.00
16229 · Park Maint - Fernland	0.00	333.37	-333.37	0.00	333.37	-333.37	4,000.00
16230 · Park Maint-Cedar Brake Park	65.00	525.00	-460.00	65.00	525.00	-460.00	6,300.00
16231 · Park Maint. - Homecoming Park	0.00	250.00	-250.00	0.00	250.00	-250.00	3,000.00
<b>Total 16005 · Maintenance</b>	<b>92.98</b>	<b>1,733.37</b>	<b>-1,640.39</b>	<b>92.98</b>	<b>1,733.37</b>	<b>-1,640.39</b>	<b>20,800.00</b>
<b>16006 · Insurance</b>							
16353.2 · Liability Ins.	1,822.21	1,884.37	-62.16	1,822.21	1,884.37	-62.16	22,601.00
16353.3 · Property Ins.	728.28	1,060.12	-331.84	728.28	1,060.12	-331.84	12,721.00
<b>Total 16006 · Insurance</b>	<b>2,550.49</b>	<b>2,944.49</b>	<b>-394.00</b>	<b>2,550.49</b>	<b>2,944.49</b>	<b>-394.00</b>	<b>35,322.00</b>
<b>16007 · Utilities</b>							
16352.0 · Electronic Sign-City	41.72	50.00	-8.28	41.72	50.00	-8.28	600.00
16352.1 · Street Lights	1,076.89	1,241.63	-164.74	1,076.89	1,241.63	-164.74	14,900.00
16352.2 · Downtown Utilities	107.82	100.00	7.82	107.82	100.00	7.82	1,200.00

City of Montgomery - General Fund  
Profit & Loss Budget Performance-All

accrual Basis

October 2018

	Oct 18	Budget	\$ Over B...	Oct 18	YTD Bu...	\$ Over B...	Annual B...
16352.3 · Utilities-Cedar Brake Park	134.71	250.00	-115.29	134.71	250.00	-115.29	3,000.00
16352.4 · Utilities-Homecoming Park	115.86	111.00	4.86	115.86	111.00	4.86	1,365.00
16352.5 · Utilities-Ferland Park	330.80	408.37	-77.57	330.80	408.37	-77.57	4,900.00
16352.6 · Utilities - City Hall	640.25	918.75	-278.50	640.25	918.75	-278.50	11,025.00
16352.8 · Utilities - Comm Center Bldg	289.70	405.00	-115.30	289.70	405.00	-115.30	4,860.00
16352.9 · Utilities-Memory Pk	907.02	1,166.63	-259.61	907.02	1,166.63	-259.61	14,000.00
16007 · Utilities - Other	26.26	8.37	17.89	26.26	8.37	17.89	100.00
<b>Total 16007 · Utilities</b>	<b>3,671.03</b>	<b>4,659.75</b>	<b>-988.72</b>	<b>3,671.03</b>	<b>4,659.75</b>	<b>-988.72</b>	<b>55,950.00</b>
<b>16008 · Capital Outlay</b>							
17070 · Capital Outlay - Police Cars							
17070.3 · Watch Guard	0.00	4,585.38	-4,585.38	0.00	4,585.38	-4,585.38	55,025.00
17070.4 · Tsf To CPF-Vehicle Replacement	0.00	15,000.00	-15,000.00	0.00	15,000.00	-15,000.00	15,000.00
<b>Total 17070 · Capital Outlay - Police Cars</b>	<b>0.00</b>	<b>19,585.38</b>	<b>-19,585.38</b>	<b>0.00</b>	<b>19,585.38</b>	<b>-19,585.38</b>	<b>70,025.00</b>
17071 · Cap Purchase - Computers/Equip							
17071.1 · Copsync	5,910.84	791.63	5,119.21	5,910.84	791.63	5,119.21	9,500.00
17071.2 · Radar	0.00	666.63	-666.63	0.00	666.63	-666.63	8,000.00
17071.4 · Laser Fish (Software Equip)	0.00	183.37	-183.37	0.00	183.37	-183.37	4,100.00
17071.6 · Investigative and Testing Equip	15.00	333.37	-318.37	15.00	333.37	-318.37	4,000.00
17071.7 · Ballistic Vests & Shields	50.00	3,000.00	-2,950.00	50.00	3,000.00	-2,950.00	3,000.00
17071.8 · Capital Outlay Miscellaneous	0.00	2,125.00	-2,125.00	0.00	2,125.00	-2,125.00	25,500.00
17071 · Cap Purchase - Computers/Equip - Other	0.00	2,625.00	-2,625.00	0.00	2,625.00	-2,625.00	25,000.00
<b>Total 17071 · Cap Purchase - Computers/Equip</b>	<b>5,975.84</b>	<b>9,725.00</b>	<b>-3,749.16</b>	<b>5,975.84</b>	<b>9,725.00</b>	<b>-3,749.16</b>	<b>79,100.00</b>
17071.5 · Patrol Weapons	0.00	5,200.00	-5,200.00	0.00	5,200.00	-5,200.00	5,200.00
17072 · Capital Outlay-PWorks Items	10,025.62	1,075.00	8,950.62	10,025.62	1,075.00	8,950.62	12,900.00
17080 · Capital Outlay-Improvements	0.00	416.63	-416.63	0.00	416.63	-416.63	10,000.00
<b>Total 16008 · Capital Outlay</b>	<b>16,001.46</b>	<b>36,002.01</b>	<b>-20,000.55</b>	<b>16,001.46</b>	<b>36,002.01</b>	<b>-20,000.55</b>	<b>177,225.00</b>
<b>16009 · Miscellaneous Expenses</b>							
16590 · Misc. Expense							
16590.2 · Property 149/105	80,098.53	7,753.62	72,344.91	80,098.53	7,753.62	72,344.91	104,543.00
16590 · Misc. Expense - Other	0.00	358.37	-358.37	0.00	358.37	-358.37	4,300.00
<b>Total 16590 · Misc. Expense</b>	<b>80,098.53</b>	<b>8,111.99</b>	<b>71,986.54</b>	<b>80,098.53</b>	<b>8,111.99</b>	<b>71,986.54</b>	<b>108,843.00</b>
<b>Total 16009 · Miscellaneous Expenses</b>	<b>80,098.53</b>	<b>8,111.99</b>	<b>71,986.54</b>	<b>80,098.53</b>	<b>8,111.99</b>	<b>71,986.54</b>	<b>108,843.00</b>
16010 · Contingency	0.00	8.37	-8.37	0.00	8.37	-8.37	100.00
16356 · Contract Labor- Streets	3,980.00	9,808.37	-5,828.37	3,980.00	9,808.37	-5,828.37	117,700.00
16500 · Leases - Parks and Recreation							
16504 · Adams Park	0.00	0.00	0.00	0.00	0.00	0.00	4,200.00
<b>Total 16500 · Leases - Parks and Recreation</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>4,200.00</b>
17000 · Capital Purchase	0.00	250.00	-250.00	0.00	250.00	-250.00	3,000.00
17500 · Tax Rebatement							
17500.1 · Sales Tax Rebate	0.00	0.00	0.00	0.00	0.00	0.00	169,125.00
17500.2 · 380 Ad Valorem Tax Rebate	0.00	0.00	0.00	0.00	0.00	0.00	83,408.00
17500.3 · PID Property Tax Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	35,775.00
<b>Total 17500 · Tax Rebatement</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>288,308.00</b>
<b>Total Expense</b>	<b>314,940.62</b>	<b>305,645.75</b>	<b>9,294.87</b>	<b>314,940.62</b>	<b>305,645.75</b>	<b>9,294.87</b>	<b>3,713,779.00</b>
<b>Net Ordinary Income</b>	<b>-134,754.10</b>	<b>-70,290.20</b>	<b>-64,463.90</b>	<b>-134,754.10</b>	<b>-70,290.20</b>	<b>-64,463.90</b>	<b>-110,380.00</b>
<b>Other Income/Expense</b>							



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City of Montgomery - General Fund  
Profit & Loss Budget Performance-All

accrual Basis

October 2018

	<u>Oct 18</u>	<u>Budget</u>	<u>\$ Over B...</u>	<u>Oct 18</u>	<u>YTD Bu...</u>	<u>\$ Over B...</u>	<u>Annual B...</u>
<b>Other Income</b>							
<b>14000.3 · Transfers In</b>							
14620.2 · Admin Transfer from MEDC	0.00	0.00	0.00	0.00	0.00	0.00	107,500.00
14620.4 · Admin Trf from Court Security	0.00	0.00	0.00	0.00	0.00	0.00	2,880.00
<b>Total 14000.3 · Transfers In</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>110,380.00</u>
<b>Total Other Income</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>110,380.00</u>
<b>Net Other Income</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>110,380.00</u>
<b>Net Income</b>	<u><u>-134,754.10</u></u>	<u><u>-70,290.20</u></u>	<u><u>-64,463.90</u></u>	<u><u>-134,754.10</u></u>	<u><u>-70,290.20</u></u>	<u><u>-64,463.90</u></u>	<u><u>0.00</u></u>

City of Montgomery - Capital Projects  
**Cash Flow Report - Const CkgW&S Proj 1058544 Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$251,606.46
<b>Receipts</b>				
	Trans from Gen to cover Bridge Pay Est 8		125,480.99	
	CDBG Funds for Bridge Est #8		31,370.25	
<b>Total Receipts</b>			156,851.24	156,851.24
<b>Disbursements</b>				
	No Disbursements Activity		0.00	
<b>Total Disbursements</b>			0.00	0.00
BALANCE AS OF 10/23/2018				\$408,457.70

City of Montgomery - Capital Projects  
**Cash Flow Report - BOKF, NA Escrow Series 2017A Account**  
As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$1,017,109.11
<b>Receipts</b>				
	No Receipts Activity		0.00	
<b>Total Receipts</b>			<u>0.00</u>	0.00
<b>Disbursements</b>				
	No Disbursements Activity		0.00	
<b>Total Disbursements</b>			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 10/23/2018				<u><u>\$1,017,109.11</u></u>

City of Montgomery - Capital Projects  
**Cash Flow Report - BOKF, NA Escrow Series 2017B Account**  
As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$1,608,947.48
<b>Receipts</b>				
	No Receipts Activity		<u>0.00</u>	
Total Receipts				0.00
<b>Disbursements</b>				
	No Disbursements Activity		<u>0.00</u>	
Total Disbursements				<u>0.00</u>
BALANCE AS OF 10/23/2018				<u><u>\$1,608,947.48</u></u>

City of Montgomery - Debt Service  
**Cash Flow Report - Checking Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$251,557.60
<b>Receipts</b>				
	No Receipts Activity		0.00	
<b>Total Receipts</b>			<u>0.00</u>	0.00
<b>Disbursements</b>				
	No Disbursements Activity		0.00	
<b>Total Disbursements</b>			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 10/23/2018				<u><u>\$251,557.60</u></u>

City of Montgomery - Ct Security Fund  
**Cash Flow Report - Checking Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$6,998.00
<b>Receipts</b>				
	No Receipts Activity		<u>0.00</u>	
<b>Total Receipts</b>				0.00
<b>Disbursements</b>				
1031	Card Service Center	First Financial Credit Card Acct xxxx0869 thru 10/	<u>(3,569.20)</u>	
<b>Total Disbursements</b>				<u>(3,569.20)</u>
BALANCE AS OF 10/23/2018				<u><u>\$3,428.80</u></u>

City of Montgomery - Ct Tech Fund  
**Cash Flow Report - Checking Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$34,263.34
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 10/23/2018				\$34,263.34

City of Montgomery - Grant  
**Cash Flow Report - Grant Account Account**  
As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$80.73
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 10/23/2018				<u><u>\$80.73</u></u>



City of Montgomery - Grant  
**Cash Flow Report - Checking Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$5,737.63
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 10/23/2018				<u><u>\$5,737.63</u></u>

City of Montgomery - Hotel Occupancy Tax Fund  
**Cash Flow Report - Checking Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$11,021.23
<b>Receipts</b>				
	No Receipts Activity		0.00	
<b>Total Receipts</b>			<u>0.00</u>	0.00
<b>Disbursements</b>				
	No Disbursements Activity		0.00	
<b>Total Disbursements</b>			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 10/23/2018				<u><u>\$11,021.23</u></u>

City of Montgomery - MEDC  
**Cash Flow Report - MEDC Checking Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$283,013.21
<b>Receipts</b>				
	No Receipts Activity		0.00	
<b>Total Receipts</b>				0.00
<b>Disbursements</b>				
1922	Kenneth Arnsworth	Demolition and removal of debris from 915 Martin	(2,300.00)	
1923	Waste Management of Texas, Inc. 2	CustomerID#20-86349-03007 Inv 1423711-1792-0	(196.18)	
<b>Total Disbursements</b>				(2,496.18)
BALANCE AS OF 10/23/2018				<u>\$280,517.03</u>

City of Montgomery - MEDC  
Actual to Budget Performance

October 2018

	Oct 18	Budget	\$ Over B...	Oct 18	YTD Bu...	\$ Over B...	Annual ...
<b>Income</b>							
55000 · Taxes & Franchise Fees							
55400 · Sales Tax	35,290.64	47,916.63	(12,625.99)	35,290.64	47,916.63	(12,625.99)	575,000.00
<b>Total 55000 · Taxes &amp; Franchise Fees</b>	35,290.64	47,916.63	(12,625.99)	35,290.64	47,916.63	(12,625.99)	575,000.00
55300 · Other Revenues							
55391 · Interest Income	435.11	266.63	168.48	435.11	266.63	168.48	3,200.00
<b>Total 55300 · Other Revenues</b>	435.11	266.63	168.48	435.11	266.63	168.48	3,200.00
<b>Total Income</b>	35,725.75	48,183.26	(12,457.51)	35,725.75	48,183.26	(12,457.51)	578,200.00
<b>Expense</b>							
56000 · Pub Infrastructure - Category I							
56000.6 · Downtown Dev Improvments	0.00	5,000.00	(5,000.00)	0.00	5,000.00	(5,000.00)	60,000.00
56000.8 · Utility Extensions	0.00	3,266.63	(3,266.63)	0.00	3,266.63	(3,266.63)	39,200.00
56430 · Tsf to Debt Service	0.00	0.00	0.00	0.00	0.00	0.00	160,000.00
<b>Total 56000 · Pub Infrastructure - Category I</b>	0.00	8,266.63	(8,266.63)	0.00	8,266.63	(8,266.63)	259,200.00
56001 · Business Dev & Ret -Category II							
56001.8 · Sales Tax Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	76,900.00
56423 · Economic Development Grant Prog	0.00	1,250.00	(1,250.00)	0.00	1,250.00	(1,250.00)	15,000.00
<b>Total 56001 · Business Dev &amp; Ret -Category II</b>	0.00	1,250.00	(1,250.00)	0.00	1,250.00	(1,250.00)	91,900.00
56002 · Quality of Life - Category III							
56404 · Seasonal Decorations	0.00	2,533.34	(2,533.34)	0.00	2,533.34	(2,533.34)	7,600.00
56423.1 · Walking Tours	0.00	0.00	0.00	0.00	0.00	0.00	6,000.00
56429 · Removal of Blight	1,242.44	1,250.00	(7.56)	1,242.44	1,250.00	(7.56)	15,000.00
56434 · Events	0.00	2,916.63	(2,916.63)	0.00	2,916.63	(2,916.63)	35,000.00
56439 · Downtown Enhancement Projects	0.00	1,666.63	(1,666.63)	0.00	1,666.63	(1,666.63)	20,000.00
<b>Total 56002 · Quality of Life - Category III</b>	1,242.44	8,366.60	(7,124.16)	1,242.44	8,366.60	(7,124.16)	83,600.00
56003 · Marketing & Tourism-Category IV							
56413 · Brochures/Printed Literature	0.00	833.37	(833.37)	0.00	833.37	(833.37)	10,000.00
56419 · Website	0.00	250.00	(250.00)	0.00	250.00	(250.00)	3,000.00
<b>Total 56003 · Marketing &amp; Tourism-Category IV</b>	0.00	1,083.37	(1,083.37)	0.00	1,083.37	(1,083.37)	13,000.00
56004 · Administration - Category V							
56004.1 · Admin Transfers to Gen Fund	0.00	0.00	0.00	0.00	0.00	0.00	107,500.00
56004.3 · Miscellaneous Expenses	0.00	83.37	(83.37)	0.00	83.37	(83.37)	1,000.00
56004.5 · Internship Program	0.00	833.37	(833.37)	0.00	833.37	(833.37)	10,000.00
56327 · Consulting (Professional servi)	120.00	833.37	(713.37)	120.00	833.37	(713.37)	10,000.00
56354 · Travel & Training Expenses	0.00	166.63	(166.63)	0.00	166.63	(166.63)	2,000.00
<b>Total 56004 · Administration - Category V</b>	120.00	1,916.74	(1,796.74)	120.00	1,916.74	(1,796.74)	130,500.00
<b>Total Expense</b>	1,362.44	20,883.34	(19,520.90)	1,362.44	20,883.34	(19,520.90)	578,200.00
<b>Net Income</b>	<b>34,363.31</b>	<b>27,299.92</b>	<b>7,063.39</b>	<b>34,363.31</b>	<b>27,299.92</b>	<b>7,063.39</b>	<b>0.00</b>

City of Montgomery - Police Asset Forfeiture  
**Cash Flow Report - Checking Account**  
 As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$6,221.99
<b>Receipts</b>				
	No Receipts Activity		0.00	
Total Receipts			0.00	0.00
<b>Disbursements</b>				
	No Disbursements Activity		0.00	
Total Disbursements			0.00	0.00
BALANCE AS OF 10/23/2018				\$6,221.99

City of Montgomery - Water & Sewer  
**Cash Flow Report - Water & Sewer Fund Account**  
As of October 23, 2018

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/06/2018				\$729,310.66
<b>Receipts</b>				
	No Receipts Activity		0.00	
<b>Total Receipts</b>				0.00
<b>Disbursements</b>				
14046	City of Montgomery - Utility Fund		(572.10)	
14047	Darden, Fowler & Creighton, L.L.P.	Legal Fees 9/18	(860.00)	
14048	DataProse, Inc.	DP1602491 - 9/18	(155.99)	
14049	DXI Industries Inc.	Chemicals - WP #3 9/18 Inv#055017055-18	(641.62)	
14050	Entergy	Part Utilities Sept 2018 8/21-9/26/18	(6,579.86)	
14051	Gulf Utility Service, Inc.	Operations - Inv 16601 Sept 2018	(15,744.63)	
14052	Jim's Hardware	Acct #102 -Part of invoice for 9/18	(32.92)	
14053	LDC	Utilities	(53.93)	
14054	Lincoln Aoki	Deposit refund	(295.41)	
14055	Ma. Victoria Trevino	Deposit refund for 30 Powell Circle 8/17-9/5/18	(67.06)	
14056	Municipal Accounts & Consulting, L.P.	Accounting Service Inv 53863 9/18	(400.00)	
14057	Neil Technical Services, Inc	82633, 82752	(714.50)	
14058	Stylecraft Builders	Deposit Refunds	(237.70)	
14059	Waste Management	Customer ID# 7-23067-13005 Inv# 5582841-17	(10,835.12)	
14060	Waste Management (2)	Acct 7-23166-83000 - Inv 5581019-1792-7 10/01/1	(620.60)	
14061	Badger Meter	Services for 9/18 Inv#80024874	(780.53)	
14062	Consolidated Communications	936-5977657, 936-597-8846, 936-597-3353	(118.26)	
14063	DXI Industries Inc.	Chemicals - WP #3 Inv# DE05008048-18 9/30	(100.00)	
14064	Entergy	Part Utilities Sept 2018	(3,791.35)	
14065	Hercules Industries, Inc.	CM6207 Inv#104189- Keys and supplies	(329.76)	
14066	Networkfleet, Inc.	Customer ID# PUBI.005 Inv#OSV000001574020	(75.80)	
14067	Texas Excavation Safety System, Inc.	Monthly Message Fees for Sept 2018 Inv# 18-1467	(63.65)	
14068	TML - IRP	Insurance Premiums Oct 2018	(2,620.67)	
14069	Tyler Technologies	Insite Transaction Fees Inv 025-237719 7/1-9/30	(55.00)	
14070	UBEO LLC	Contract # 25486363 Acct # 124715 Inv#610285	(46.50)	
<b>Total Disbursements</b>				(45,792.96)
BALANCE AS OF 10/23/2018				\$683,517.70

City of Montgomery - Water & Sewer Fund  
Actual to Budget Performance - Utility Fund

October 2018

	Oct 18	Budget	\$ Over Bud...	Oct 18	YTD Budget	\$ Over Bud...	Annual Bu...
<b>Ordinary Income/Expense</b>							
<b>Income</b>							
24000 · Charges for Service							
24100 · Water Revenue	44,658.08	46,666.63	(2,008.55)	44,658.08	46,666.63	(2,008.55)	560,000.00
24118 · Surface Water Revenue	517.86	500.00	17.86	517.86	500.00	17.86	6,000.00
24119 · Application Fee	0.00	125.00	(125.00)	0.00	125.00	(125.00)	1,500.00
24120 · Disconnect Reconnect	675.00	458.37	216.63	675.00	458.37	216.63	5,500.00
24200 · Sewer Revenue	43,210.57	41,000.00	2,210.57	43,210.57	41,000.00	2,210.57	492,000.00
24310 · Tap Fees/Inspections	67,187.72	20,833.37	46,354.35	67,187.72	20,833.37	46,354.35	250,000.00
24319 · Grease Trap Inspections	1,250.00	1,100.00	150.00	1,250.00	1,100.00	150.00	13,200.00
24330 · Late Charges	1,460.48	1,250.00	210.48	1,460.48	1,250.00	210.48	15,000.00
24333 · Returned Ck Fee	0.00	16.63	(16.63)	0.00	16.63	(16.63)	200.00
24334 · Backflow Revenue	0.00	416.63	(416.63)	0.00	416.63	(416.63)	5,000.00
25403 · Solid Waste Revenue	10,233.30	8,708.37	1,524.93	10,233.30	8,708.37	1,524.93	104,500.00
<b>Total 24000 · Charges for Service</b>	<b>169,193.01</b>	<b>121,075.00</b>	<b>48,118.01</b>	<b>169,193.01</b>	<b>121,075.00</b>	<b>48,118.01</b>	<b>1,452,900.00</b>
24101 · Taxes and Franchise Fees							
24110 · Sales Tax Rev for Solid Waste	835.75	666.63	169.12	835.75	666.63	169.12	8,000.00
<b>Total 24101 · Taxes and Franchise Fees</b>	<b>835.75</b>	<b>666.63</b>	<b>169.12</b>	<b>835.75</b>	<b>666.63</b>	<b>169.12</b>	<b>8,000.00</b>
24121 · Groundwater Reduction Revenue	12,206.70	13,750.00	(1,543.30)	12,206.70	13,750.00	(1,543.30)	165,000.00
25000 · Other Revenues							
25000.1 · Impact Fees							
25000.2 · Capital Cost Fees	0.00	16,666.63	(16,666.63)	0.00	16,666.63	(16,666.63)	200,000.00
25000.1 · Impact Fees - Other	0.00	6,250.00	(6,250.00)	0.00	6,250.00	(6,250.00)	75,000.00
<b>Total 25000.1 · Impact Fees</b>	<b>0.00</b>	<b>22,916.63</b>	<b>(22,916.63)</b>	<b>0.00</b>	<b>22,916.63</b>	<b>(22,916.63)</b>	<b>275,000.00</b>
25391 · Interest Income	13.29	18.37	(5.08)	13.29	18.37	(5.08)	220.00
25392 · Interest earned on Investments	33.25	0.00	33.25	33.25	0.00	33.25	0.00
25399 · Misc Rev & ETS Rev	224.80	108.37	116.43	224.80	108.37	116.43	1,300.00
<b>Total 25000 · Other Revenues</b>	<b>271.34</b>	<b>23,043.37</b>	<b>(22,772.03)</b>	<b>271.34</b>	<b>23,043.37</b>	<b>(22,772.03)</b>	<b>276,520.00</b>
<b>Total Income</b>	<b>182,506.80</b>	<b>158,535.00</b>	<b>23,971.80</b>	<b>182,506.80</b>	<b>158,535.00</b>	<b>23,971.80</b>	<b>1,902,420.00</b>
<b>Expense</b>							
26001 · Personnel							
26353.1 · Health Ins.	0.00	2,083.37	(2,083.37)	0.00	2,083.37	(2,083.37)	25,000.00
26353.4 · Unemployment Ins	0.00	35.87	(35.87)	0.00	35.87	(35.87)	430.00
26353.5 · Workers Comp.	321.82	158.37	163.45	321.82	158.37	163.45	1,900.00
26353.6 · Dental Insurance	0.00	186.63	(186.63)	0.00	186.63	(186.63)	2,240.00
26353.7 · Life & AD&D Insurance	0.00	75.00	(75.00)	0.00	75.00	(75.00)	900.00
26353.8 · Crime Insurance	32.92			32.92			
26501 · Retirement Expense	0.00	625.00	(625.00)	0.00	625.00	(625.00)	7,500.00
26560 · Payroll Taxes	0.00	1,200.00	(1,200.00)	0.00	1,200.00	(1,200.00)	14,400.00
26600 · Wages	0.00	7,937.50	(7,937.50)	0.00	7,937.50	(7,937.50)	205,250.00
<b>Total 26001 · Personnel</b>	<b>354.74</b>	<b>12,301.74</b>	<b>(11,947.00)</b>	<b>354.74</b>	<b>12,301.74</b>	<b>(11,947.00)</b>	<b>257,620.00</b>
26200 · Contract Services							
26102 · General Consultant Fees	1,355.20	908.75	446.45	1,355.20	908.75	446.45	10,905.00
26320 · Legal Fees	1,000.00	1,421.12	(421.12)	1,000.00	1,421.12	(421.12)	17,053.00
26322 · Engineering	0.00	6,250.00	(6,250.00)	0.00	6,250.00	(6,250.00)	75,000.00
26323 · Operator	3,300.00	3,365.00	(65.00)	3,300.00	3,365.00	(65.00)	40,380.00
26324 · Billing and Collections	1,188.14	1,783.37	(595.23)	1,188.14	1,783.37	(595.23)	21,400.00
26328 · Testing	2,248.30	1,200.00	1,048.30	2,248.30	1,200.00	1,048.30	14,400.00
26331 · Sales Tax for Solid Waste	840.00	718.62	121.38	840.00	718.62	121.38	8,623.00
26333 · Accounting Fees	400.00	400.00	0.00	400.00	400.00	0.00	4,800.00
26336 · Sludge Handling	0.00	1,604.13	(1,604.13)	0.00	1,604.13	(1,604.13)	19,250.00
26340 · Printing	0.00	100.00	(100.00)	0.00	100.00	(100.00)	100.00
26350 · Postage	323.21	308.37	14.84	323.21	308.37	14.84	3,700.00
26351 · Telephone	156.14	395.87	(239.73)	156.14	395.87	(239.73)	4,750.00
26370 · Tap Fees & Inspections	0.00	2,500.00	(2,500.00)	0.00	2,500.00	(2,500.00)	30,000.00
26399 · Garbage Pickup	0.00	8,916.63	(8,916.63)	0.00	8,916.63	(8,916.63)	107,000.00
<b>Total 26200 · Contract Services</b>	<b>10,810.99</b>	<b>29,871.86</b>	<b>(19,060.87)</b>	<b>10,810.99</b>	<b>29,871.86</b>	<b>(19,060.87)</b>	<b>357,361.00</b>
26300 · Communications							





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	<u>Oct 18</u>	<u>Budget</u>	<u>\$ Over Bud...</u>	<u>Oct 18</u>	<u>YTD Budget</u>	<u>\$ Over Bud...</u>	<u>Annual Bu...</u>
Net Other Income	0.00	0.00	0.00	0.00	0.00	0.00	(307,840.00)
Jet Income	<u>131,935.61</u>	<u>(203,640.85)</u>	<u>335,576.46</u>	<u>131,935.61</u>	<u>(203,640.85)</u>	<u>335,576.46</u>	<u>156,872.00</u>

City of Montgomery  
**Summary of Pledged Securities**

As of October 23, 2018

<b>Financial Institution: ALLEGIANCE BANK</b>		
Total CDs, MM:	\$100,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
<b>Financial Institution: CENTRAL BANK</b>		
Total CDs, MM:	\$100,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
<b>Financial Institution: FIRST FINANCIAL BANK (Depository Bank)</b>		
Total CDs, MM, and Checking Accounts:	\$1,917,457.73	Collateral Security Required: Yes
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: Yes
Total pledged securities:	\$1,868,635.28	Investment Policy Received: Yes
Ratio of pledged securities to investments:	112.06 %	
<b>Financial Institution: GREEN BANK</b>		
Total CDs, MM:	\$100,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
<b>Financial Institution: ICON BANK</b>		
Total CDs, MM:	\$150,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
<b>Financial Institution: TEXAS CAPITAL BANK</b>		
Total CDs, MM:	\$100,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
<b>Financial Institution: TEXPOOL</b>		
Total CDs, MM:	\$1,081,343.04	Collateral Security Required: No
Less FDIC coverage:	\$0.00	Collateral Security Agreement On File: Yes
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	



MUNICIPAL ACCOUNTS  
& CONSULTING, L.P.

## City of Montgomery

### Quarterly Investment Inventory Report Period Ending September 30, 2018

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#### BOARD OF DIRECTORS

City of Montgomery

Attached is the Quarterly Investment Inventory Report for the  
Period ending September 30, 2018.

This report and the District's investment portfolio are in compliance with the  
investment strategies expressed in the District's investment policy, and the  
Public Funds Investment Act.

I, hereby certify that, pursuant to Senate Bill 253 and in connection with the  
preparation of the investment report, I have reviewed the divestment lists  
prepared and maintained by the Texas Comptroller of Public Accounts, and the  
District does not own direct or indirect holdings in any companies identified on such lists.

  
\_\_\_\_\_  
Mark M. Burton

(Investment Officer)



Katherine Turner

(Investment Officer)

#### COMPLIANCE TRAINING

HB 675 states the Investment Officer must attend at least one training seminar for (6) six hours  
Within twelve months of taking office and requires at least (4) four hours training within each (2)  
two year period thereafter.

#### INVESTMENT OFFICERS

Mark M. Burton

Katherine Turner

#### CURRENT TRAINING

October 26, 2009 (Texpool Academy 10 Hours)  
November 5, 2011 (Texpool Academy 10 Hours)  
November 5, 2013 (Texpool Academy 10 Hours)  
November 27, 2015 (Texpool Academy 10 Hours)  
December 26, 2017 (Texpool Academy 10 Hours)

October 25-30, 2009 (Texpool Online 10 Hours)  
December 5, 2011 (Texpool Academy 10 Hours)  
January 9, 2014 (Texpool Academy 10 Hours)  
January 14, 2016 (Texpool Academy 10 Hours)  
February 25, 2018 (Texpool Academy 11.5 Hours)

City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2018 - 09/30/2018

<b>Fund: Operating</b>						
<b>Financial Institution: TEXPOOL</b>						
<b>Account Number: XXXX0003    Date Opened: 08/01/2005    Current Interest Rate: 1.99%</b>						
<u>Date</u>	<u>Description</u>	<u>Begin Balance</u>	<u>Cash Added</u>	<u>Cash Withdrawn</u>	<u>Int. Earned</u>	<u>End Balance</u>
07/01/2018		209,923.45				
07/09/2018	TCD CD XXXX0242 INTEREST		444.83			
07/31/2018					337.43	
08/31/2018					343.72	
09/30/2018					346.15	
<b>Totals for Account XXXX0003:</b>		<u>\$209,923.45</u>	<u>\$444.83</u>		<u>\$1,027.30</u>	<u>\$211,395.58</u>
<b>Totals for Operating Fund:</b>		<u>\$209,923.45</u>	<u>\$444.83</u>		<u>\$1,027.30</u>	<u>\$211,395.58</u>

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/AM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2018 - 09/30/2018

Fund: Capital Projects

Financial Institution: TEXPOOL

Account Number: XXXX0009 Date Opened: 12/27/2012 Current Interest Rate: 1.99%

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2018		579.78				
07/31/2018					0.93	
08/17/2018	transfer from checking (Y)		585,903.68			
08/31/2018					466.04	
09/30/2018					962.56	
<b>Totals for Account XXXX0009:</b>		<u>\$579.78</u>	<u>\$585,903.68</u>		<u>\$1,429.53</u>	<u>\$587,912.99</u>
<b>Totals for Capital Projects Fund:</b>		<u>\$579.78</u>	<u>\$585,903.68</u>		<u>\$1,429.53</u>	<u>\$587,912.99</u>

Methods Used For Reporting Market Values

Certificates of Deposits: Face Value Plus Accrued Interest  
 Securities/Direct Government Obligations: Market Value Quoted by the Seller of the Security and Confirmed in Writing  
 Public Fund Investment Pool/AM Accounts: Balance = Book Value = Current Market

City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2018 - 09/30/2018

Fund: Debt Service

Financial Institution: **TEXPOOL**

Account Number: **XXXX0008** Date Opened: **12/27/2012** Current Interest Rate: **1.99%**

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2018		24,674.46				
07/31/2018					39.58	
08/31/2018					40.33	
09/30/2018					40.59	
<b>Totals for Account XXXX0008:</b>		<u>\$24,674.46</u>			<u>\$120.50</u>	<u>\$24,794.96</u>
<b>Totals for Debt Service Fund:</b>		<u>\$24,674.46</u>			<u>\$120.50</u>	<u>\$24,794.96</u>

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2018 - 09/30/2018

Fund: MEDC

Financial Institution: TEXPOOL

Account Number: XXXX0006 Date Opened: 08/01/2005 Current Interest Rate: 1.99%

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2018		237,811.70				
07/31/2018					381.67	
08/31/2018					388.53	
09/30/2018					391.27	
Totals for Account XXXX0006:		\$237,811.70			\$1,161.47	\$238,973.17
Totals for MEDC Fund:		\$237,811.70			\$1,161.47	\$238,973.17

Methods Used For Reporting Market Values

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/AM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2018 - 09/30/2018

Fund: Utility

Financial Institution: TEXPOOL

Account Number: XXXX0002 Date Opened: 08/01/2005 Current Interest Rate: 1.99%

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2018		18,177.55				
07/31/2018					29.18	
08/31/2018					29.69	
09/30/2018					29.92	
<b>Totals for Account XXXX0002:</b>		<u>\$18,177.55</u>			<u>\$88.79</u>	<u>\$18,266.34</u>
<b>Totals for Utility Fund:</b>		<u>\$18,177.55</u>			<u>\$88.79</u>	<u>\$18,266.34</u>

Methods Used For Reporting Market Values

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/AIM Accounts:	Balance = Book Value = Current Market



City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: Operating</b>															
<b>Certificates of Deposit</b>															
ALLEGIANCE BANK	XXXX3545	02/06/18	08/05/18	100,000.00	0.00	0.00	0.00	100,000.00	0.00	0.85%	337.67	422.53	0.00	422.53	0.00
CENTRAL BANK	XXXX0787	08/06/18	02/02/19	0.00	0.00	100,000.00	0.00	0.00	100,000.00	2.22%	0.00	0.00	0.00	0.00	334.52
Rollover FROM CD XXXX3545															
GREEN BANK	XXXX0365	06/18/18	12/17/18	100,000.00	0.00	0.00	0.00	0.00	100,000.00	2.00%	71.23	0.00	0.00	0.00	569.86
TEXAS CAPITAL BANK	XXXX0242	01/08/18	07/06/18	100,000.00	0.00	0.00	0.00	100,000.00	0.00	0.90%	429.04	444.83	0.00	444.83	0.00
TEXAS CAPITAL BANK	XXXX0242	07/07/18	01/03/19	0.00	0.00	100,000.00	0.00	0.00	100,000.00	2.00%	0.00	0.00	0.00	0.00	465.75
<b>Totals for Operating Fund:</b>				300,000.00	0.00	200,000.00	0.00	200,000.00	300,000.00	N/A	837.94	867.36	0.00	867.36	\$1,370.13
<b>Beginning Balance:</b>		\$300,000.00						<b>Interest Earned:</b>		\$867.36					
<b>Plus Principal From Cash:</b>		\$0.00						<b>Less Beg Accrued Interest:</b>		\$837.94					
<b>Less Principal Withdrawn:</b>		\$0.00						<b>Plus End Accrued Interest:</b>		\$1,370.13					
<b>Plus Interest Reinvested:</b>		\$0.00						<b>Fixed Interest Earned:</b>		\$1,399.55					
<b>Fixed Balance:</b>		\$300,000.00						<b>MM Interest Earned:</b>		\$1,027.30					
<b>MM Balance:</b>		\$211,395.58						<b>Total Interest Earned:</b>		\$2,426.85					
<b>Total Balance:</b>		\$511,395.58													

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/AM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
 07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: Capital Projects</b>															
<b>Totals for Capital Projects Fund:</b>				0.00	0.00	0.00	0.00	0.00	0.00	N/A	0.00	0.00	0.00	0.00	\$0.00
	<b>Beginning Balance:</b>	\$0.00										<b>Interest Earned:</b>	\$0.00		
	<b>Plus Principal From Cash:</b>	\$0.00										<b>Less Beg Accrued Interest:</b>	\$0.00		
	<b>Less Principal Withdrawn:</b>	\$0.00										<b>Plus End Accrued Interest:</b>	\$0.00		
	<b>Plus Interest Reinvested:</b>	\$0.00										<b>Fixed Interest Earned:</b>	\$0.00		
	<b>Fixed Balance:</b>	\$0.00										<b>MM Interest Earned:</b>	\$1,429.53		
	<b>MM Balance:</b>	\$587,912.99										<b>Total Interest Earned:</b>	\$1,429.53		
	<b>Total Balance:</b>	\$587,912.99													

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
 07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest	
<b>Fund: Debt Service</b>																
<b>Totals for Debt Service Fund:</b>				0.00	0.00	0.00	0.00	0.00	0.00	N/A	0.00	0.00	0.00	0.00	\$0.00	
	<b>Beginning Balance:</b>			\$0.00												<b>Interest Earned:</b> \$0.00
	<b>Plus Principal From Cash:</b>			\$0.00												<b>Less Beg Accrued Interest:</b> \$0.00
	<b>Less Principal Withdrawn:</b>			\$0.00												<b>Plus End Accrued Interest:</b> \$0.00
	<b>Plus Interest Reinvested:</b>			\$0.00												<b>Fixed Interest Earned:</b> \$0.00
	<b>Fixed Balance:</b>			\$0.00												<b>MM Interest Earned:</b> \$120.50
	<b>MM Balance:</b>			\$24,794.96												<b>Total Interest Earned:</b> \$120.50
	<b>Total Balance:</b>			\$24,794.96												

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
 07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: CT Security</b>															
<b>Totals for CT Security Fund:</b>				0.00	0.00	0.00	0.00	0.00	0.00	N/A	0.00	0.00	0.00	0.00	\$0.00
<b>Beginning Balance:</b>		\$0.00						<b>Interest Earned:</b>		\$0.00					
<b>Plus Principal From Cash:</b>		\$0.00						<b>Less Beg Accrued Interest:</b>		\$0.00					
<b>Less Principal Withdrawn:</b>		\$0.00						<b>Plus End Accrued Interest:</b>		\$0.00					
<b>Plus Interest Reinvested:</b>		\$0.00						<b>Fixed Interest Earned:</b>		\$0.00					
<b>Fixed Balance:</b>		\$0.00						<b>MM Interest Earned:</b>		\$0.00					
<b>MM Balance:</b>		\$0.00						<b>Total Interest Earned:</b>		\$0.00					
<b>Total Balance:</b>		\$0.00													

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: CT Tech</b>															
<b>Totals for CT Tech Fund:</b>				0.00	0.00	0.00	0.00	0.00	0.00	N/A	0.00	0.00	0.00	0.00	\$0.00
<b>Beginning Balance:</b>		\$0.00					<b>Interest Earned:</b>		\$0.00						
<b>Plus Principal From Cash:</b>		\$0.00					<b>Less Beg Accrued Interest:</b>		\$0.00						
<b>Less Principal Withdrawn:</b>		\$0.00					<b>Plus End Accrued Interest:</b>		\$0.00						
<b>Plus Interest Reinvested:</b>		\$0.00					<b>Fixed Interest Earned:</b>		\$0.00						
<b>Fixed Balance:</b>		\$0.00					<b>MM Interest Earned:</b>		\$0.00						
<b>MM Balance:</b>		\$0.00					<b>Total Interest Earned:</b>		\$0.00						
<b>Total Balance:</b>		\$0.00													

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
 07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: Grant</b>															
<b>Totals for Grant Fund:</b>				0.00	0.00	0.00	0.00	0.00	0.00	N/A	0.00	0.00	0.00	0.00	\$0.00
<b>Beginning Balance:</b>		\$0.00						<b>Interest Earned:</b>		\$0.00					
<b>Plus Principal From Cash:</b>		\$0.00						<b>Less Beg Accrued Interest:</b>		\$0.00					
<b>Less Principal Withdrawn:</b>		\$0.00						<b>Plus End Accrued Interest:</b>		\$0.00					
<b>Plus Interest Reinvested:</b>		\$0.00						<b>Fixed Interest Earned:</b>		\$0.00					
<b>Fixed Balance:</b>		\$0.00						<b>MM Interest Earned:</b>		\$0.00					
<b>MM Balance:</b>		\$0.00						<b>Total Interest Earned:</b>		\$0.00					
<b>Total Balance:</b>		\$0.00													

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
 07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: Hotel Occupancy Tax</b>															
<b>Totals for Hotel Occupancy Tax Fund:</b>				0.00	0.00	0.00	0.00	0.00	0.00	N/A	0.00	0.00	0.00	0.00	\$0.00
<b>Beginning Balance:</b>		\$0.00			<b>Interest Earned:</b>		\$0.00								
<b>Plus Principal From Cash:</b>		\$0.00			<b>Less Beg Accrued Interest:</b>		\$0.00								
<b>Less Principal Withdrawn:</b>		\$0.00			<b>Plus End Accrued Interest:</b>		\$0.00								
<b>Plus Interest Reinvested:</b>		\$0.00			<b>Fixed Interest Earned:</b>		\$0.00								
<b>Fixed Balance:</b>		\$0.00			<b>MM Interest Earned:</b>		\$0.00								
<b>MM Balance:</b>		\$0.00			<b>Total Interest Earned:</b>		\$0.00								
<b>Total Balance:</b>		\$0.00													

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: MEDC</b>															
<b>Certificates of Deposit</b>															
ALLEGIANCE BANK	XXXX2047	06/06/18	06/06/19	100,000.00	0.00	0.00	0.00	0.00	100,000.00	2.00%	136.99	0.00	0.00	0.00	635.62
ICON BANK	XXXX5334	01/27/18	01/27/19	150,000.00	0.00	0.00	0.00	0.00	150,000.00	1.25%	796.23	0.00	0.00	0.00	1,263.70
<b>Totals for MEDC Fund:</b>				250,000.00	0.00	0.00	0.00	0.00	250,000.00	N/A	933.22	0.00	0.00	0.00	\$1,899.32

<b>Beginning Balance:</b>	\$250,000.00	<b>Interest Earned:</b>	\$0.00
<b>Plus Principal From Cash:</b>	\$0.00	<b>Less Beg Accrued Interest:</b>	\$933.22
<b>Less Principal Withdrawn:</b>	\$0.00	<b>Plus End Accrued Interest:</b>	\$1,899.32
<b>Plus Interest Reinvested:</b>	\$0.00	<b>Fixed Interest Earned:</b>	\$966.10
<b>Fixed Balance:</b>	\$250,000.00	<b>MM Interest Earned:</b>	\$1,161.47
<b>MM Balance:</b>	\$238,973.17	<b>Total Interest Earned:</b>	\$2,127.57
<b>Total Balance:</b>	\$488,973.17		

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market



City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
 07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: Policy Asset Forfeiture</b>															
	<b>Totals for Policy Asset Forfeiture Fund:</b>			0.00	0.00	0.00	0.00	0.00	0.00	N/A	0.00	0.00	0.00	0.00	\$0.00
	<b>Beginning Balance:</b>	\$0.00										<b>Interest Earned:</b>	\$0.00		
	<b>Plus Principal From Cash:</b>	\$0.00										<b>Less Beg Accrued Interest:</b>	\$0.00		
	<b>Less Principal Withdrawn:</b>	\$0.00										<b>Plus End Accrued Interest:</b>	\$0.00		
	<b>Plus Interest Reinvested:</b>	\$0.00										<b>Fixed Interest Earned:</b>	\$0.00		
	<b>Fixed Balance:</b>	\$0.00										<b>MM Interest Earned:</b>	\$0.00		
	<b>MM Balance:</b>	\$0.00										<b>Total Interest Earned:</b>	\$0.00		
	<b>Total Balance:</b>	\$0.00													

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/AM Accounts:	Balance = Book Value = Current Market

City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
 07/01/2018 - 09/30/2018

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: Utility</b>															
<b>Totals for Utility Fund:</b>				0.00	0.00	0.00	0.00	0.00	0.00	N/A	0.00	0.00	0.00	0.00	\$0.00
<b>Beginning Balance:</b>	\$0.00											<b>Interest Earned:</b>	\$0.00		
<b>Plus Principal From Cash:</b>	\$0.00											<b>Less Beg Accrued Interest:</b>	\$0.00		
<b>Less Principal Withdrawn:</b>	\$0.00											<b>Plus End Accrued Interest:</b>	\$0.00		
<b>Plus Interest Reinvested:</b>	\$0.00											<b>Fixed Interest Earned:</b>	\$0.00		
<b>Fixed Balance:</b>	\$0.00											<b>MM Interest Earned:</b>	\$88.79		
<b>MM Balance:</b>	\$18,266.34											<b>Total Interest Earned:</b>	\$88.79		
<b>Total Balance:</b>	\$18,266.34														
<b>Totals for District:</b>				550,000.00	0.00	200,000.00	0.00	200,000.00	550,000.00	N/A	1,771.16	867.36	0.00	867.36	\$3,269.45

City of Montgomery  
**Detail of Pledged Securities**  
 07/01/2018 - 09/30/2018

Financial Institution: FIRST FINANCIAL BANK															
Security: FHLB	Par Value:	500,000.00	Maturity Date:	10/25/2027	Pledged:	09/01/2018	Released:	Amount Released:							
CUSIP: 3137F4X64	Date	Value													
	09/30/2018	501,144.30													
Security: FJILMC	Par Value:	360,000.00	Maturity Date:	04/01/2022	Pledged:	07/31/2017	Released:	Amount Released:							
CUSIP: 067626HA2	Date	Value													
	07/31/2018	373,417.20													
	08/31/2018	366,360.84													
	09/30/2018	366,026.06													
Security: FHLMC	Par Value:	115,000.00	Maturity Date:	02/15/2025	Pledged:	07/28/2017	Released:	Amount Released:							
CUSIP: 078275Y81	Date	Value													
	07/31/2018	116,636.45													
	08/31/2018	114,892.97													
	09/30/2018	114,912.55													

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/AM Accounts:	Balance = Book Value = Current Market

**City of Montgomery**  
**Detail of Pledged Securities**

07/01/2018 - 09/30/2018

Financial Institution: FIRST FINANCIAL BANK

Security: FHLMC Par Value: 300,000.00 Maturity Date: 09/01/2018 Pledged: 07/27/2015 Released: 08/28/2018 Amount Released: 300,000.00  
 CUSIP: 3469081Z2

Date	Value
07/31/2018	300,102.00

Security: FHLMC Par Value: 300,000.00 Maturity Date: 04/01/2020 Pledged: 07/27/2015 Released: 09/12/2018 Amount Released: 300,000.00  
 CUSIP: 414199NN5

Date	Value
07/31/2018	300,780.00
08/31/2018	300,454.98

Security: FHLMC Par Value: 555,000.00 Maturity Date: 10/01/2025 Pledged: 09/10/2015 Released: Amount Released:  
 CUSIP: 66748PHH8

Date	Value
07/31/2018	560,283.60
08/31/2018	557,535.35
09/30/2018	557,340.33

Security: FHLMC Par Value: 330,000.00 Maturity Date: 02/15/2027 Pledged: 02/06/2017 Released: Amount Released:  
 CUSIP: 967791AS3

Date	Value
07/31/2018	334,474.80
08/31/2018	329,035.63
09/30/2018	329,212.04

Security: HARRIS CNTY MUN UTIL Par Value: 250,000.00 Maturity Date: 10/01/2018 Pledged: 08/12/2014 Released: 09/12/2018 Amount Released: 250,000.00  
 CUSIP: 41421AHJ4

Date	Value
07/31/2018	250,185.00
08/31/2018	250,101.25

Security: Red Oak Tex Indpt SD Go Q Par Value: 430,000.00 Maturity Date: 02/15/2020 Pledged: 02/01/2015 Released: 09/12/2018 Amount Released: 430,000.00  
 CUSIP: 756835QS6

Date	Value
07/31/2018	431,883.40
08/31/2018	432,708.25

**Methods Used For Reporting Market Values**

Certificates of Deposits: Face Value Plus Accrued Interest  
 Securities/Direct Government Obligations: Market Value Quoted by the Seller of the Security and Confirmed in Writing  
 Public Fund Investment Pool/SIM Accounts: Balance = Book Value = Current Market

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: December 6, 2018</b>	

**Subject**

This is to approve the Ordinance that approves expansion of 637.646 acres to the ETJ of the city of Montgomery, based on a petition from the Carwile family and Bethyl Laboratories Inc.

**Description**

This is to expand the city's extraterritorial jurisdiction to the Northwest as discussed in the public hearing. This will extend the City of Montgomery extraterritorial jurisdiction ½ mile northwest of the farthest point of the Carwile and Bethyl properties. By accepting this area into the City's extraterritorial jurisdiction, it creates a large area that can only be annexed by the City of Montgomery in the future rather than by the City of Conroe because the area proposed to be included in the Montgomery ETJ is not currently in the City of Conroe ETJ -- thus without a conflict, the property clearly is in the City of Montgomery's ETJ.

The land in this consideration, is not being proposed to be annexed to the city limits now or anytime in the near future. The act of approving the Ordinance for inclusion of this property into the City of Montgomery's ETJ has no effect on the requirement that a property owner must request the City for annexation to the city limits.

**Recommendation**

Motion to approve the Ordinance as presented.

**Approved By**

City Administrator	Jack Yates	Date: December 6, 2018
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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE BY THE CITY COUNCIL OF MONTGOMERY, TEXAS APPROVING A PETITION FOR EXPANSION OF A TOTAL OF 637.646 ACRES OF LAND, MORE OR LESS, IN THE BENJAMIN RIGSBY SURVEY INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MONTGOMERY, TEXAS; DECLARING SAID PROPERTY TO BE IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MONTGOMERY, TEXAS; PROVIDING A SEVERABILITY CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND DECLARING AN EFFECTIVE DATE UPON PUBLICATION AS PROVIDED BY LAW**

**WHEREAS**, the City Council has received a Petition By Area Land Owner Requesting Expansion of the Extraterritorial Jurisdiction of tract of land totaling approximately 637.646 acres comprised of fourteen (14) contiguous tracts in the Benjamin Rigby Survey, Abstract No. 31, which tract is owned by the Bethyl Laboratories, Inc. and members of the Carwile family (“the Petitioners”), and which tract is contiguous to the Extraterritorial Jurisdiction of the City of Montgomery (said Petition attached hereto as Exhibit “A”); and

**WHEREAS**, Section 42.021(a)(1) of the Texas Local Government Code places the Extraterritorial Jurisdiction distance limits of the City of Montgomery, Texas at one-half mile; and

**WHEREAS**, Section 42.022(b) of the Texas Local Government Code authorizes a Texas municipality such as the city of Montgomery to expand beyond its Extraterritorial Jurisdiction distance limitations of one-half mile if the owners of an area outside but contiguous to the City’s Extraterritorial Jurisdiction requests that said owners’ property be included within the City’s Extraterritorial Jurisdiction; and

**WHEREAS**, the City Council finds that the above described tract of land is contiguous to the City’s Extraterritorial Jurisdiction; and

**WHEREAS**, having considered the Petition and the arguments for and against the proposed expansion, the City Council by Resolution accepted the Petition requesting expansion of its Extraterritorial Jurisdiction and set a public hearing for December 11, 2018; and

**WHEREAS**, a public hearing was held on December 11, 2018 to consider comments from all interested parties concerning the proposed expansion of the City’s Extraterritorial Jurisdiction; and

**WHEREAS**, the City Council for the City of Montgomery finds that it is in the best interest of the citizens of the City and the Petitioners to expand the City’s Extraterritorial Jurisdiction to include that property described in Exhibit “A.”

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

**SECTION 1. APPROVAL OF RECITALS.** The City Council hereby adopts the above recitals set out in the preamble to this Ordinance as true and correct findings.

**SECTION 2. APPROVAL OF EXPANSION.** The City Council grants and approves the Petition requesting annexation of collectively 637.646 acres of land, more or less, as described in the Exhibit "A" attached hereto, and hereby declared said 637.646 acres to be within the Extraterritorial Jurisdiction of the City of Montgomery, Texas.

**SECTION 3. SEVERABILITY CLAUSE:** The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

**SECTION 4. TEXAS OPEN MEETINGS ACT:** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, of the Texas Government Code.

**SECTION 5.** This Ordinance shall be effective upon its publication as provided by law.

PASSED AND APPROVED this \_\_\_\_ day of December 2018.

CITY OF MONTGOMERY, TEXAS

\_\_\_\_\_  
Sara Countryman, Mayor

ATTEST

\_\_\_\_\_  
Susan Hensley, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry L. Foerster, City Attorney

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits:</b> “Animal Ordinance Being Reconsidered” notice to public, Proposed Ordinance
<b>Date Prepared: December 5, 2018</b>	

**Subject**

This is to discuss the proposed ordinance, hear public input and revise the proposed ordinance as determined.

**Description**

As provided in the notice to the public. The enforcement would be a new process for the city staff, definitely doable, but requiring more time and knowledge (training) of the Police Department who I foresee would be the enforcement arm for this ordinance.

Please take the time to read the Ordinance and mark up the elements that you have questions/issues with.

I have received no calls as I write this Report (Wednesday afternoon at 12:30 p.m.)

**Recommendation**

Consider and act as you deem appropriate.

**Approved By**

City Administrator

Jack Yates

Date: December 5, 2018

## Animal Ordinance Being Reconsidered

The City of Montgomery City Council asked me to let you know of potential changes to the City's animal ordinance. Currently, animal control within the City limits is limited to Texas state law—requiring rabies vaccinations for dogs and cats, and prohibiting animals from roaming freely outside of an owner's fenced property. Montgomery County Animal Control coordinates and at no charge picks up and houses stray animals and enforces virtually all other animal related state law violations. The City Council is currently considering a more comprehensive, adding animal care standards, more restrictive limitations on the number of specific animals (such as cattle, horses, sheep and pigs) based on property size (1.5 acres for the first animal, 1.0 acres for additional animals) with exemptions for 4H & FFA projects. This option would also stop the roadside sale of animals within the City, add guidelines for the types of allowable restraints/tethering used for dogs, and add dangerous dog enforcement options. This option would require more cost for administering.

The City Council would appreciate your opinion. Discussion, and possible action, regarding the animal ordinance will be held at the City Council meeting on December 11, 2018 at 6:00 PM at City Hall. You can give your opinion in person at the meeting or by email to:

City Secretary Susan Hensley: [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us)  
Mayor Sara Countryman: [scountryman@ci.montgomery.tx.us](mailto:scountryman@ci.montgomery.tx.us)  
City Administrator Jack Yates: [jyates@ci.montgomery.tx.us](mailto:jyates@ci.montgomery.tx.us)

You may also contact any individual City Council member directly or by writing a letter to the City c/o Jack Yates at P.O. Box 708, Montgomery, TX 77356.

Jack Yates, City Administrator



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE FOR THE CITY OF MONTGOMERY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, BY REPEALING CHAPTER 14 IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER; PROVIDING FOR DEFINITIONS; REQUIRED PROVIDING FOR A LOCAL RABIES CONTROL AUTHORITY; PROVIDING FOR PURPOSES, APPLICABILITY AND EFFECT; ANIMAL DENSITY, CARE AND PROTECTION; PROVIDING FOR A PENALTY; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES, RESOLUTIONS, AND/OR INFORMAL POLICIES TO THE EXTENT THE SAME ARE INCONSISTENT WITH OR IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Montgomery, Texas, believes that it would be in the best interest of the public and the citizens of the city of Montgomery that both domestic and wild animals be controlled or prohibited within the city limits; and

WHEREAS, the City Council desires to pass a new animal control ordinance, thereby repealing chapter 14 of the Code of Ordinances of the City of Montgomery, Texas, in its entirety; and

WHEREAS, Section 826.013 of the Texas Health and safety code (the "Code") provides that the governing body of a municipality may adopt the provisions of the Rabies Control Act of 1981 (Texas Health and Safety Code, Chapter 826); and

WHEREAS, Section 826.015 of the Code provides that a governing body of a municipality may adopt ordinances or rules that establish a local rabies control program in the municipality and set local standards that are compatible and equal to or more stringent than (1) the ordinances or rules adopted by the county in which the municipality is located; and (2) the program established by the chapter and the rules adopted by the Texas Board of Health; and

WHEREAS, Section 826.016 of the Code permits the governing body of a municipality to enter into contractual agreements with public or private entities to carry out the activities required or authorized under Chapter 826 of the Code; and

WHEREAS, Section 826.017 of the Code permits the governing body of a municipality to designate an officer to act as the local rabies control authority as provided in the Code.

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

## SECTION ONE

The Code of Ordinances of the City of Montgomery, Texas, shall be and is hereby amended by repealing Chapter 14 in its entirety and adopting a new Chapter 14 as follows:

### Chapter 14

#### ANIMALS

#### ARTICLE 1, IN GENERAL

##### Sec, 14-1 Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any vertebrate member of the animal kingdom, domestic or wild, excluding the human species.

Animal Control means Montgomery County Animal Control Department

Astray or Stray means any animal running free or otherwise without physical or other restraint whether on or off the premises of its owner.

Cat means any domesticated member of the family *felis catus*.

Community Cats means any unowned cats These cats may be feral, unsocialized, or friendly and may either have been borne into the wild or are lost or abandoned pet cats.

Director means the City of Montgomery Director of Public Works or authorized designee.

Dog means a domesticated member of the family *canidae* but shall not include a wolf, jackal, fox, or other wild animal of this family.

Fowl means any heavy bodied, terrestrial bird of the order Galliformes, including but not limited to chickens, ducks, geese, pheasants, turkeys, grouse, guineas, or other common domestic fowl, but not including caged pet birds kept inside a building and otherwise not a bird defined as fowl herein.

Livestock means any horse, swine, cattle, sheep, goat, mules jack, or jenny.

Owner means any owning, keeping, or harboring an animal and any person who permits an animal to remain on or about his premises, who has possession, or has control or the responsibility to control an animal.

Person means any individual, corporation, partnership, trust, association or other legal entity.

Quarantine means strict confinement under restraint by closed cage or paddock or on the premises of the owner in any other manner approved by the Local Rabies Control Authority or designee or at a facility approved by the Local Rabies Control Authority or designee.

Rabies means an acute viral disease of human and animal affecting the central nervous system usually transmitted through the bite of a rabid animal or contact with bodily fluid of a rabid animal and/or including the condition commonly known as rabies.

Reptile means any cold-blooded vertebrate of the class reptilia, such as lizards, snakes, etc.; of particular concern are those that are poisonous, constrictors, and/or carnivores.

Restraint, except as otherwise provided, an animal shall be deemed to be restrained when it is:

- (a) Confined on the premises of the owner within a fence or enclosure; or fastened or picketed by a lead, rope, or chain so as to keep the animal on the premises of the owner; or
- (b) Under the control of a person by means of a harness, leash, chain, or similar device attended by a person of sufficient strength to prevent the animal from running at large; or
- (c) On or within a vehicle being driven or parked if the owner is present to control the animal from jumping or falling out;
- (d) At heel beside or otherwise controlled and obedient to a person competent to restrain the animal by command.
- (e) Running at large means animals wandering or roving at will and unsupervised secure enclosure means a fenced or locked area that is capable of confining the animal in question.

#### Sec. 14-2. Local Rabies Control Authority designated; duties.

(a) The Mayor shall designate the Montgomery County Animal Control Department (Animal Control)) official designated by Montgomery County Commissioner's Court, as the Director or his designee as the Local Rabies Control Authority pursuant to state law.

(b) The duties of the Director and the Local Rabies Control Authority shall include but are not limited to:

- (ii) Enforcement of all ordinances and/or rules of the City pertaining to rabies and animal control; enforcement of the provisions of state law and administrative rules of the Texas Board of Health pertaining to rabies and animal control.
- (iii) Selection and establishment of facilities for impoundment, maintenance, shelter and dysfunction of stray, diseased, injured, or vicious animals.

(c) The Director or Animal Control may employ such Animal Control Officers or inspectors as are necessary and feasible to carry out the purposes of this chapter.

Nothing in this Ordinance shall be interpreted so to prohibit a service animal as defined in federal law, or an assistance animal defined in State law, that is specially trained or equipped to assist persons with disabilities.

Sec. 14-3, Citation of person in control; interference or false reports unlawful.

(a) Whenever an animal is found in violation of this chapter and when ownership is known to an Animal Control Officer, a peace officer or other authorized official, such person enforcing this Chapter may elect, in lieu of or in addition to impounding such animal, to issue a citation to the owner, harbinger, or other person in control of the animal which shall require the person to appear in the Municipal Court within ten (10) business days to answer a charge of violation of this chapter.

(b) The signature of the owner, harbinger or other person in control on a citation shall constitute only a promise to appear at the appointed date and shall not be construed as an admission of guilt.

(c) It is unlawful for any person, upon being issued a citation for violation of this chapter, to fail to provide proof of identification, or provide a false name, address, or other false information concerning an animal or its ownership to an Animal Control Officer or other enforcing official.

(d) It is unlawful for any person to interfere with, hinder or obstruct an Animal Control Officer or other official engaged in the enforcement of this chapter, including but not limited to the failure to release an animal for impoundment by any manner of interference with such impoundment.

(e) It is unlawful for any person to make a false report or complaint concerning a violation of this chapter to the Director, to any Animal Control Officer or to any other enforcing official.

Sec. 14-4. Authority to impound or destroy certain animals,

(a) The Director, the Police Chief, or their designee are hereby authorized to:

(i) Impound any stray animal found running at large within the city limits or within five thousand (5,000) feet thereof, or any animal being kept in violation of this chapter;

(ii) Impound any animal which has attacks, bites, or physically injures human beings, domestic animals, or livestock or which has acted in a vicious manner as described herein;

(iii) Destroy, any animal if it is in the act of pursuing or wounding livestock or wounding or killing poultry or attacking humans under circumstances of emergency;

(iv) Impound for treatment or, in the alternative } humanely destroy an animal that is injured to a degree presenting little or no likelihood of recovery, upon the recommendation of a licensed veterinarian, This provision shall not be construed to include veterinary hospitals 01' animals under active veterinary care.

(iii) If an animal running astray is found upon the premises of any person, the owner or occupant thereof shall have the right to confine the animal temporarily in

humane fashion pending notification and response by the Animal Control Department or other authority

Sec. 14-5. Reserved

## ARTICLE II. ANIMAL DENSITY, CARE AND PROTECTION

### Section 14-6 Nuisance

It is unlawful for the owner, custodian, or keeper of any animal to be a nuisance to any neighbor, including but not limited to: noxious odors from the animals or their enclosure, or any animal which soils, defiles, or defecates on public or private property, other than the property of the owner, unless the owner immediately removes and properly disposes of it, noise loud, persistent and habitual in nature,

No person shall keep or allow or permit to be kept on any premises occupied by him or under his charge or control, any animal or fowl in a pen or other enclosure under such conditions that an offensive or noxious smell or odor shall arise therefrom, to the injury, annoyance or inconvenience of any inhabitant of the neighborhood or City, Any odor which is detectable from a public right of way or adjacent property line is considered to be in violation of this section.

It is a violation to keep any dog, bird or other animal that causes frequent or long continued noise that disturbs the comfort and repose of any person of ordinary sensibilities in the immediate vicinity. Once a noise violation has been determined by the Director the violator has two weeks to remedy this violation through training technology or relocation of the animal(s).

Fines for animal owners found guilty of the above noise and odor nuisances shall be: One hundred dollars (\$ 100.00) for the first (1st) offense. Two hundred dollars (\$200.00) for the second (2nd) offense. And Three hundred dollars (\$300.00) for the third (3rd) offense and additionally a person convicted of a third (3rd) offense shall have his or her right to keep or maintain livestock within City revoked for one (1) year,

### Section 14-7 Keeping of Dogs

No person may keep more than six dogs over three months of age on a property of less than five acres.

No person may keep a dog outdoors within an enclosure such as a fence, kennel, or other device unless the enclosure contains at least one hundred square feet of unobstructed area per each dog weighing twenty pounds or less and at least two hundred square feet of unobstructed area per each dog weighing more than twenty pounds, The height of such enclosure should be no less than two feet above the tip of the animal's ears if the ears are upright or otherwise two feet above the animal 's head. This restriction shall not apply to government agencies, non-profit animal rescue organizations exempt from taxation under Internal Revenue Code section 501 (c)(3), humane societies or societies for the prevention of cruelty to animals.

No person shall keep, use or maintain a dog outdoors on any premises unless the dog is either provided with full access to an enclosed building or access to a dog house or similar shelter at all times.

No person shall keep, use or maintain any dog on any premises unless the dog has access to clean, fresh water at all times. Clean potable water shall be available to the dog unless restricted for veterinary care,

No person shall keep, use or maintain any dog on any premises unless the dog is provided sufficient food daily to maintain proper body weight and good general health.

It shall be unlawful for any person to tether, fasten, chain tie, restrain or cause a dog to be fastened, chained, tied or restrained to houses, trees, fences, garages or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confined, except in circumstances where all of the following requirements are met:

- a. The tethering shall not be for more time than is necessary for the dog owner or custodian to complete a temporary task that requires the dog to be physically restrained for a reasonable period; and
- b. The dog must be tethered by a non-choke type collar or a body harness to a tether that is at least three times the body length of the dog, measured from the dog's nose to the back of the hindquarters and which tether is free from entanglement; and
- c. The dog must have access to food, water and shelter as described above; and
- d. The dog shall be monitored periodically.

Restraint by a trolley system is permitted under the following conditions:

- a. Only one animal may be tethered to each cable run; and
- b. The device must be attached to a pulley on a cable run or trolley; and
- c. There must be a swivel on at least one end of the tether to minimize tangling of the tether; and
- d. The tether and cable must be of adequate size and strength to effectively restrain the animal. The size and weight must not be excessive as determined by the Director, considering the age, size, and health of the animal; and
- e. The cable run must be at least ten feet in length and at least four feet above the ground; and
- f. The tether must not allow the animal to move beyond the legal boundary of the owner's property; and
- g. The device must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness; and
- h. The device must be fastened so that the animal can sit, walk, and lie down comfortably, and must be unobstructed by objects that may cause the device or animal to become entangled or strangled;
- i. The animal must have easy access to adequate shade, shelter, food, and potable water; and
- j. The area where the animal is confined must be kept free of garbage and other debris that might endanger the animal's health or safety, Feces shall be cleaned regularly, but no less frequently than once per week.

#### Section 14-8 Keeping of Chickens and Rabbits

No person may keep more than 20 grown chickens and 6 grown rabbits or 18 flyer rabbits on a property of less than one acre. Students enrolled in a 4-H Future Farmers of America project may receive a temporary exception to this restriction, provided they are city residents who are members of the immediate household, they have filed with the City Secretary a letter from their 4-H adult leader or the teacher of their Future Farmers of America class, certifying their project; and no neighbor within 50 feet of the

animal's pen files a written complaint with the City Secretary. This exception to this chapter shall be available to a student only for the duration of his or her project. All other husbandry requirements of this section must be met.

The animals shall be provided with a covered, predator-proof pen that is thoroughly ventilated, of sufficient size to admit free movement of the animals, designed to be easily accessed, cleaned and maintained by the owners and be at least two square feet per adult animal in size. All enclosures shall be so constructed or repaired as to prevent rots, mice, or other rodents from being harbored underneath or within the walls of the structure

No animal pen will be located closer than fifty feet to any residential structure occupied by someone other than the owner of the animals and must be located no closer than ten feet to any adjacent property line.

The animals shall be shut into their pens at night from sunset to sunrise. The owner, custodian, or keeper of chickens or rabbits shall not keep animals in any location on the property other than in the backyard. For the purposes of this Section, "backyard" means the portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the residential structure and extending to the side lot lines.

The area containing the animals shall be adequately fenced to protect and contain the animals and to prevent access to the animals by dogs or other predators.

Stored feed must be kept in rodent and predator proof container. No person shall keep, use or maintain any animal outdoors unless the animal is either provided with natural shade or a man-made structure.

No person shall keep, use or maintain any animal unless the animal has access to clean, fresh water at all times. Clean potable water shall be available to the animal unless restricted for veterinary care.

No person shall keep, use or maintain any animal unless the animal is provided sufficient food daily to maintain proper body weight and good general health.

No more than two roosters shall be allowed on any property.

#### Section 14-9 Keeping of Livestock

Cows, horses, sheep, goats and other similar farm animals are permitted only on lots of at least one acre. Recommended stocking densities are as follows:

<u>Animal</u>	<u>Area Recommended for First Animal</u>	<u>Additional Animals</u>
Beef cattle/dairy cows	1 acre for first animal 1.5 acres for first animal	1 acre each 1 acre each
Sheep, goats, alpaca	1 acre for first animal	1 acre each
Llama	1.5 acres for first animal	1 acre each
Horses/equine-type animals	1.5 acres for first animal	1 acre each

The acreage on which such livestock are maintained must be enclosed by a fence of sufficient height, strength, and construction to keep such livestock from escaping from the premises.

Rodeo, roping, calf-wrestling or other such type of special activities with corrals and proper provisions for the animals are excepted from the area requirements of this Section.

All livestock kept under this Section shall be provided a stable, shed, pen, or other structure of adequate size for the storage, shelter, and safekeeping of such animals. This structure shall be located at least fifty feet from property lines.

No person shall keep, use or maintain any animal unless the animal has access to clean, fresh water at all times. Clean potable water shall be available to the animal unless restricted for veterinary care.

No person shall keep, use or maintain any animal unless the animal is provided sufficient food daily to maintain proper body weight and good general health.

Areas on which agricultural operations are conducted or livestock are kept that are annexed into the City shall remain as legal uses pursuant to state law, State law requires that regulations of agricultural operations or livestock in such newly-annexed areas can only be applied if the City Council, by resolution, makes findings that such regulations are necessary to protect the public health.

#### Section 14-10 Keeping of potbellied pigs

No more than two potbellied pigs may be kept as pets, provided:

- (a) Lot size is at least twenty thousand square feet; and
- (b) The animals are regularly housed indoors, and when outdoors are restrained by leash or within a durable fenced enclosure area; and
- (c) Animals over the age of four months are spayed/neutered, Exemption to this requirement will be considered when the Director is presented with evidence authored by a veterinarian stating that this procedure would be detrimental to the health of the animal; and
- (d) Tusks are regularly trimmed so as not to exceed one inch in length outside the outer lip.

No person shall keep, use or maintain any animal unless the animal has access to clean, fresh water at all times. Clean potable water shall be available to the animal unless restricted for veterinary care.

No person shall keep, use or maintain any animal unless the animal is provided sufficient food daily to maintain proper body weight and good general health.

Sections 14-11 to 14-16 Reserved



## ARTICLE III. PROHIBITED ACTS

### Sec, 14-17 Animals running at large

- (a) It is unlawful for any person to allow an animal to run at large, as defined in this ordinance on any public or private street, alley, sidewalk, vacant lot, or property. An animal control officer has the right to impound animals that are destroying public property or endangering the welfare of any person or animal that is lawfully on public or private property. All dogs, livestock, fowl or dangerous wild animals running at large within the city limits or within five thousand feet of such . are hereby declared a public nuisance.
- (b) A notice of impoundment will be left in each case that an animal is impounded from private property. An attempt will be made by the animal control officer to contact the owner.
- (c) Community cat colonies that are actively managed by a property owner are exempt from the provisions of this ordinance prohibiting animals from running at large. To be an eligible community cat colony manager, the property owner must show active work to trap, feed, vaccinate, sterilize, and release members of the colony, it is preferred, but not required, that animals that have been trapped and released will have their left ear clipped as a visual identification of sterilization and vaccination against rabies. Information for each colony cat will include a description of cat (gender, color, and approximate age), date of sterilization, location of colony, and property owner's name and contact information. In order to qualify for the ordinance exemption, it is the responsibility of the property owner to provide the Director with information about each cat in the colony as it is trapped and sterilized. Animals with appropriate markings and found on property elsewhere will be treated as though they were on the property where their colony is registered.
- (d) It is unlawful for any person to chain, stake-out, graze or herd any animal on any unenclosed premises in such a manner that the animal may go beyond the property line or that is detrimental to the animal's safety or health.
- (e) Any dog not deemed potentially dangerous or on its owner's property may be kept under the immediate physical control of a person capable of restraining the animal confined through a means of a buried electronic barrier/collar system if the animal is properly trained and the electronic system is functioning properly.

### Section 14-18 Animal fights

It is unlawful for any person to promote, stage, hold, manage, conduct or attend any game exhibition, contest, or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal,

### Section 14-19. Dangerous wild animals prohibited,

Dangerous wild animal or reptile means one not normally considered domesticated, that is wild by nature, which, because of habit, mode of life, or natural instinct, is incapable of being completely

domesticated, and requires the exercise of art, force or skill to keep it in subjection; and is dangerous by nature, capable of inflicting serious injury, death or disease to humans, and is more likely to do so than a domestic animal. In addition to wild animals prohibited by federal or state law, prohibited wild animals shall include, but are not limited to:

Racers, boas, water snakes, pythons, other constrictor snakes, venomous snakes, alligators, caymans, crocodiles, hawks, eagles, vultures, ostriches, rheas, cassowaries, bats, ocelots, margays, tigers, jaguars, leopards, cougars, cheetahs, lynx, bobcats, mountain lions, panthers, wolves, wolf hybrids, dingos, coyotes, fox, jackals, weasels, martins, mink, skunks, badgers, raccoons, bears, kangaroos, opossums, sloths, anteaters, armadillos, elephants, monkeys, chimpanzees, gorillas, porcupines, antelope, deer, bison or camels.

#### Sec. 14-20 Sale of animals.

##### Diseased animals

- a. It is unlawful for any person to, with knowledge, sell, barter, or otherwise transfer for use, retention, or resale as a pet any animal which has a disease or internal parasite.
- b. It is a defense to prosecution under subpart a. that the seller or transferor provided to the transferee at the time of such sale or transfer a certificate from a licensed veterinarian attesting that the veterinarian had examined the animal within ten (10) days prior to such sale or transfer and found the animal to be free of disease or parasites.
- c. It is unlawful for any person to, with knowledge, make any false statement in the certificate described in the preceding subpart.

#### Section 14-21 Roadside sale of animals

It shall be unlawful for any person to sell, trade\* barter, lease, rent, give away, or display for any purpose a live animal on a roadside, public right of way, commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event,

This Section does not apply to;

1. An event primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber product;
2. A tax exempt, registered 501(c)(3) non-profit organization founded for the purpose of providing humane sanctuary for abandoned or unwanted animals; or
3. County or municipal animal shelter or shelter-certified partner.

#### Section 14-22. Trapping prohibited; impoundment of traps; exceptions,

(a) It is unlawful for any person to set or place any trap designed for trapping animals in any street, alley, park, or other public place within the city limits.

(b) It is unlawful for any person to set or place any steel-jawed or tooth-jawed trap upon private premises within the City.

(c) Any traps mentioned in the preceding subparts, when found within the city limits, are hereby declared to be abandoned property and any peace officer or Animal Control Officer is hereby authorized to impound and process the same as abandoned property in accordance with state law and this Code.

(d) This Section shall not apply to any peace officer or Animal Control Officer engaged in the performance of their duties within the city limits or to persons using traps provided by Animal Control or with specific authorization,

#### Sec. 14-23, Duty to remove dead or decaying animal carcasses.

(a) It is unlawful for any owner, occupant, or other person in control of premises to knowingly suffer, permit or maintain the presence of a dead or decaying animal carcass upon any such premises within the City, whether' public or private, for more than six (6) hours,

(b) The presence of dead or decaying animal carcasses in violation of this section are hereby deemed a public nuisance,

(c) Dogs, cats or any other small dead animals shall not be placed in garbage containers nor collected as solid waste.

(d) Proper disposal shall include:

(i) Burial below the natural surface of the ground. Dead animals shall be buried to such a depth that no part of the dead animal shall be nearer than three (3) feet to the natural surface of the ground. Every part of the dead animal shall be covered with at least three feet of earth. The location of a burial site shall be in compliance with any applicable setbacks for sanitary or public health reasons; or

(ii) Drop off at a location that is approved by the Montgomery County Health Department for disposal of deceased animals; or

(e) Pick up by Montgomery County Health Department or designated representatives.

#### Sec. 14-24 Maintenance of mosquito breeding waters unlawful,

(a) The collection or maintenance of standing or flowing water in which mosquitoes breed or are conducive to breed is hereby declared to be an illegal public nuisance, unless such collection of water is treated in the manner prescribed by Animal Control, so as to prevent the breeding of mosquitoes,

(b) The methods of treatment of any collection of water for the purpose of preventing the breeding of mosquitoes is subject to approval by Animal Control and may include one or more of the following:

(i) Screening with wire netting of at least sixteen (16) meshes to the inch one way or any other material which will effectively prevent the ingress or egress of mosquitoes;

- (ii) Complete emptying every seven (7) days of unscreened containers together with their thorough drying or cleaning;
- (iii) Using an approved larvicide;
- (iv) Clearing and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito destroying fish (with absence of half-grown mosquito larvae to be evidence of compliance);
- (v) Filling or draining to the satisfaction of the Animal Control;
- (vi) Proper disposal of bottles, cans, boxes, tubs, broken or empty bottles or similar articles likely to hold water.

(c) The City or Animal Control shall forward written notice to comply with this section within three (3) days, to the owner, occupant or other person in control of premises describing with particularity the mosquito breeding conditions to be abated and the suggested method to abate them.

Sections 14-24 to 14-29 Reserved.

#### ARTICLE IV FIERCE OR DANGEROUS ANIMAL

##### Section 14-30 Regulation of fierce or dangerous animals.

- (a) No person who owns or keeps an animal shall allow the animal to engage in fierce or dangerous conduct. If any person witnesses an animal engaging in fierce dangerous conduct as described herein, a complaint can be filed in Municipal Court against the owner or keeper of the animal This Article shall not apply to animals that are in the service of law enforcement agencies or guard dogs restrained as provided in Sec. 14-31.

##### Determination That Dog is a Dangerous Dog

A dog may be determined to be a Dangerous Dog under the following procedures:

- (i) Incident Report. Any person may report by sworn statement an incident described in Section 14-30 to the Director. Such statement shall include a description of all elements of the act required under Section 14-30, including whether the incident related to actions against a person or actions against livestock, a domestic animal or fowl Reports of such Incident(s) received by police officers or other law enforcement officials or county representatives shall be forwarded to the Director.
- (ii) Investigation. The Director, will investigate any Incident Report received under Section 14-30 by taking sworn statements concerning the Incident from witnesses and gathering any other pertinent information related to the Incident

- (iii) Notice. Written notice will be given to the person filing the Incident Report (when that person provides sufficient to contact information), the Owner of the dog (when the Owner is known and sufficient contact information is available), and other interested parties known to the Director of the time and date of the hearing to review the Incident information.
- (iv) Hearing. A hearing will be held before the Director or his/her designated representative (with such person always being a person separate from the persons investigating the Incident) to hear testimony from witnesses and review all information gathered related to the Incident
- (v) Findings. Upon completion of the hearing, the Director (or his designated representative) shall make a determination based upon a preponderance of the evidence as to whether or not the dog meets the requirements to be determined a "Dangerous Dog" and shall issue such determination either at the end of the hearing or within a reasonable time after the hearing. The determination shall be made in writing and shall include the finding that the dog is a Dangerous Dog (with a description of the action which was the basis of the complaint specifying whether the action was against a person or another animal), shall order compliance with the requirements of these Rules regarding Dangerous Dogs (including a copy of those requirements), and shall advise the Owner of the possible results of failure to comply with those requirements.
- (vi) Notification of Findings. If the determination is not made at the hearing, the Director will promptly notify the Owner and those requesting such notification at the hearing and providing necessary contact information) of the finding by telephone or email, with written notification to follow (as allowed by available contact information), Written notification will include the elements of the determination described in subsection v above and will also be provided as follow-up to any determination made at the hearing. If the dog is determined to be a Dangerous Dog the Owner:
  - a. Has 15 days in which to appeal the decision to a court of competent jurisdiction; and/or if there is no appeal
  - b. has 30 days (measured from the date the Owner received notice under Section vi above, or the date a final decision is reached under an appeal, whichever applies) to comply with the requirements of Section and to provide proof of such compliance to the Director; or if an appeal is filed, during that appeal, the Owner must either comply with the requirements of this Section for Dangerous Dog or post sufficient bond, as determined by the Court, or allow the Director to continue to impound the dog and pay all fees and costs related to such impoundment on a weekly basis; or
  - c. shall deliver the dog to Animal Control or a licensed veterinarian for disposition and immediately thereafter provide proof of disposition to the Director,
  - d. Requirements for Dangerous Dog Owners Restraining the Dog,

The Owner of a Dangerous Dog must either deliver the dog to Animal Control or a licensed veterinarian for disposition or, no later than the 30th day after learning that the person is the Owner of a Dangerous Dog (and on an annual basis for as long as the Owner retains possession of the Dangerous Dog) comply with the following and submit to the Director proof of such compliance where required:

1. register the dog (and continue registration with current proof of the following) on an annual basis) with the Director as follows:

- (i) provide proof of compliance with the insurance requirements in Section;
- (ii) provide proof of current rabies vaccination;
- (iii) provide proof satisfactory to the Director of a Secure

Enclosure in which the dog is and will be kept when not on a leash or under the Owner's direct control (or direct control of a person designated or allowed by the Owner). Such proof may include pictures, statements, or other evidence, including an on-site visit by the Director, as determined by the Director, The Secure Enclosure shall be clearly marked as containing a Dangerous Dog;

- (iv) pay an annual \$50 fee; and
- (v) within 14 days of moving the dog, provide the Director notice of the new address,
- (vi) immediately ensure that the dog is restrained at all times on a leash in the immediate control of a person or in a Secure Enclosure. Failure to restrain the dog as required will subject the dog to immediate seizure and impound by Animal Control.
- viii) obtain liability insurance coverage or show financial responsibility in the following amounts to cover damages resulting from an attack by the dog on any person, livestock, domestic animal or fowl, and provide proof of such to the Director on an annual basis:
  - for acts against a person \$100,000.00 (ii) for acts against livestock, a domestic animal or fowl \$ 10,000.00

2. Comply with all other requirements of the Director contained in the Notification of Findings in which a Dangerous Dog determination has been made or imposed by the Director pursuant to these Rules. Any additional requirements will be reasonably related to the proper enforcement of the applicable provisions of these Rules and provided to the Owner in writing by the Director.

3. Notify the Director in writing if the dog dies or if ownership of the dog is transferred to another person within 7 days of such death or transfer of ownership. If ownership is transferred, the written notice shall contain the new Owner's name, address and telephone number. The original Owner must notify the new Owner of the Dangerous Dog status of the dog prior to transferring ownership\* The new Owner then becomes responsible for meeting all applicable requirements of these Rules.

4. Allow the Director to identify the dog by microchip with the cost for such identification being born by the owner.

A person learns that the person is the Owner of a Dangerous Dog under Section above when:  
a. the Owner knows of an attack described under Section

- b. the Owner receives notice that a court has made such determination related to proceedings under Section 14-30, or
- c. the Owner is informed by the Director that the dog is a Dangerous Dog under Section 14-30.

The status of "Dangerous Dog" remains with the dog regardless of ownership, and the requirements of these Rules apply equally to the Owner in possession of the dog when the determination was made and any future Owner.

Failure to Comply:

1. Application,

a. Act Against a Person. Any person may make application by sworn statement to the appropriate court to determine that an Owner knowingly has possession of a Dangerous Dog under Section 14-30 and has failed to comply with Section 14-30. A person will be considered to "knowingly have possession of a Dangerous Dog if that person learns" that the person has a Dangerous Dog as described under Section 14-30.

b. Act Against An Animal. Any person may make application by sworn statement to the Director to determine that an Owner knowingly has possession of a Dangerous Dog under Section 14-30 and has \_\_\_\_\_ failed to comply with Section 14-30. A person will be considered to "knowingly have possession of a Dangerous Dog if that person "learns" that the person has a Dangerous Dog as described under Section 14-30.

2. Hearing,

a. Act Against a Person. On receipt of such application under \_\_\_\_\_, the Municipal Court shall set a hearing date that is within 10 days of receiving the application, and give written notice of such hearing date to the Owner, the applicant and any other known interested parties.

b. Act Against an Animal, On receipt of such application under \_\_\_\_\_, the Director shall set a hearing date that is within 10 days of receiving the application, and give written notice of such hearing date to the Owner, the applicant and any other known interested parties.

3. Decision,

a. Act Against a Person. If the Municipal Court determines that the Owner has failed to comply with the requirements of these Rules regarding a Dangerous Dog where the act was against a person, the court shall order Animal Control to seize the dog and shall issue a warrant authorizing the seizure. The Owner may appeal the decision of the court to the appropriate court. Nothing in this subsection prevents Animal Control from seizing the dog at any time under this or any other applicable portion of these Rules.

b, Act Against an Animal. If the Director determines that the Owner has failed to comply with the requirements of these Rules regarding a Dangerous Dog where the act was against an animal, Animal Control shall seize the dog. The Owner may appeal the decision of the

Director to the appropriate court. Nothing in this subsection prevents Animal Control from seizing the dog at any time under this or any other applicable portion of these Rules.

4. Impound, Upon such court order or decision by the Director under \_\_\_\_\_ Subsection Section 14-30, Animal Control shall seize and impound the dog.

5, Compliance.



a, Appeal. No further action shall be taken regarding the dog (other than the Director continuing to impound the dog) if the Owner files an appeal under Section 14-30 until a final \_\_\_\_\_ decision is issued under such appeal. If the decision of the appeals court is that the dog is not a Dangerous Dog or that the Owner has not failed to comply, the dog shall be immediately released to the Owner. If the appeals court agrees that the dog is a Dangerous Dog and that the Owner has failed to comply with applicable requirements of these Rules (or if no appeal is filed) subsections "b" and "c" below will apply, with the time periods being measured from the date of such decision of the appeals court rather than the date the dog is seized, b, Release. The Court shall order the dog released to the Owner if the Owner:

(i) before the 11th day after the dog was seized, shows proof of compliance with the applicable requirements; and (ii) pays any cost (including necessary medical costs, as determined by a licensed veterinarian), fee or fines assessed by Montgomery County Health Department and/or the City of Montgomery related to the seizure, acceptance and impoundment.

c. Destruction,

(i) If the Owner does not fulfill the requirements of Section 14-30

\_\_\_\_\_ (i) and (ii) within the 11 day time period, in the event that the attack or acts were directed toward a person, the court shall order Animal Control to humanely destroy the dog.

(ii) If the Owner does not fulfill the requirements of Section 14-30 (i) and (ii) within the 11 day time period, in the event the attack or acts were directed toward livestock, a domestic animal or fowl, the court may make its own determination as to the action to be taken or submit the matter to the Director for consideration by hearing as set forth in subsection below. The Owner shall pay all costs related to the seizure, acceptance, impoundment and/or destruction of the dog (including necessary medical costs, as determined by a licensed veterinarian).

(iii) If the Owner of the dog is not found by the 15th day after the dog was seized, and the dog is a Dangerous Dog, the court shall order the dog humanely destroyed,

D. Attack by a Dangerous Dog. Subject to the following, Section 14-30 shall

apply to any attack by a Dangerous Dog after such determination has been made:

1. After a dog has been determined to be a Dangerous Dog, notification of an attack by a Dangerous Dog on any person, livestock, or domestic animal or fowl shall be given to the Director within 24 hours of the attack or as soon as such attack is known by any person to have occurred.

2 Attack on an Animal. The offense classifications of the statute (as set forth in Section \_\_\_\_\_ herein) shall only apply to attacks against a person. If the attack is against livestock, domestic animals or fowl, the attack shall be registered with the Director. After one such registered attack (an attack made after the dog has been determined to be a Dangerous Dog), the dog shall be surrendered to Animal Control. The Director shall schedule a hearing to be held pursuant to with prior notice of such hearing to the Owner. Unless good cause shall be shown at the hearing as to why the dog should not be destroyed\* Animal Control shall humanely destroy the dog, ff the Director finds reason not to destroy the dog, and a second attack occurs, then Animal Control must humanely destroy the dog.

E. Violation.

1. Attack by a Dangerous Dog Against a Person,

a. A person commits an offense if the person is the owner of a Dangerous Dog and the dog makes an unprovoked attack on another person outside the dogs enclosure and causes bodily injury to the other person.

b. An offense under this section is a Class C misdemeanor, unless the attack causes Serious Bodily Injury or death, in which event the offense is a Class A misdemeanor.

c. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person authorized under the AC Laws to perform such a procedure.

d. In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000, An attorney having jurisdiction in the county where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county.

2, Any person who keeps a Dangerous Dog which was classified as such because of an attack or act upon a person and does not comply with all requirements of these Rules commits an offense which is a Class C misdemeanor, unless it is shown at trial that the defendant has previously been convicted of an offense under this Subsection E.1. in which case the offense is a Class B misdemeanor. Defenses to prosecution under this Section are as set forth in Section. This Section applies only to a dog determined to be a Dangerous Dog as a result of an attack or acts against a person, and does not apply where the attack or acts were against livestock, a domestic animal or fowl.

( \*\*\* \*this dangerous dog language is from Travis County, Section 52. Reference is also made to Chapter 822 when describing the misdemeanor charges we either need to cut this out or make sure that we have equivalent laws)

Section 14-31. Guard dogs. .

Except for law enforcement agency dogs, it is unlawful to place or maintain any dog which has been specifically trained to attack) in any area for the protection of persons or property unless the dog is physically confined to a specific area or is under complete.

and absolute control, If a guard dog is to be maintained in a building, or adjoining fenced area, of a business after work hours, then the Fire Department and Police Department must be notified. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high and placed not less than every twenty-five (25) feet on or adjacent to the structure or barrier which confines the animal; at least one (1) warning sign shall be conspicuously posted,

Secs. 14-23--14-29. Reserved.

#### ARTICLE Iv. RABIES CONTROL

Sec. 14-30, Proof of vaccination required.

(a) All dogs and cats within the city limits must be vaccinated against rabies. It is the duty of all persons owning or keeping a dog or cat over the age of three months to have such animals vaccinated against rabies, The initial rabies vaccine shall be given in an amount sufficient to provide immunity from rabies for one year, Subsequent vaccinations, provided proof of prior rabies vaccination is provided, can be administered with a three-year vaccine, A certificate from a licensed veterinarian shall be evidence of vaccine and type. Montgomery County Health Department may require other animals to receive rabies vaccinations. All anti-rabies vaccines shall be administered by or under the supervision of a licensed veterinarian who shall issue a serially-numbered certificate and tag for each such administration.

(b) The minimum fine for violation of the requirement to have dogs and cats vaccinated for rabies annually shall be twenty-five dollars (\$25,00).

(c) The veterinarian administering anti-rabies vaccines to any animal shall issue to the owner or keeper of the animal a numbered vaccination certificate, The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the date of the vaccination and the expiration date of the period of immunity.

(d) It is unlawful for the owner or keeper of any dog or cat to fail to exhibit its certificate of vaccination upon demand by an animal control officer,

(e) From time to time, public health and safety requirements may result in the three-year vaccination period being modified by the Montgomery County Health Department The City requirement for rabies shall reflect any such change.

Sec. 14-31. Reserved.

Sec. 14-32, Impoundment, quarantine of animals; redemption by owner,

(a) Pursuant to state law, the Director or designee are authorized to impound and/or quarantine an animal when there is probable cause to believe that a person may have been exposed to rabies,

(b) A quarantined animal with rabies or rabies symptoms shall be confined in the County animal shelter or a veterinary hospital and disposition shall be made in accordance with state law.

(c) In the case of other animals quarantined, the Director or designee shall determine whether to confine the animal in the County shelter, a veterinary hospital, or on the premises of the owner,

(d) Home quarantine on the premises of the owner shall be permissible where:

(i) The owner is a City resident;

(ii) The owner possesses facilities adequate to restrain the animal so as to prevent exposure of persons or other animals;

(iii) Adequate documentation exists that the animal was vaccinated against rabies in the preceding twelve month period; and

(iv) The animal currently possesses no apparent symptoms of rabies.

(e) It is unlawful for any person to remove an animal from the premises of the owner following issuance of an order for home quarantine.

(f) During confinement, an animal may be inspected at any time by the Director or designee,

(g) The Director or designee shall determine the length of confinement and safety procedures. A licensed veterinarian shall make a determination of whether or not the animal is free of rabies pursuant to state law.

(h) If a licensed veterinarian determines that the animal does not show the clinical signs of rabies, the animal may be reclaimed by the owner upon satisfaction of applicable tests.

## SECTION TWO

It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are severable, and if any court of competent jurisdiction shall judge any provision of this ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this ordinance which are not specifically designated as being illegal, invalid or unenforceable.

## SECTION THREE

Any and all ordinances, resolutions, and/or policies of the City of Montgomery, Texas, whether written or otherwise, which are in any manner in conflict with or inconsistent with this ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

## SECTION FOUR

This ordinance shall become effective and applicable immediately upon its passage and approval as provided by law.

PASSED, APPROVED and ADOPTED by the City Council of the City. of

Montgomery, Texas, on this.....day of....., 2018,

CITY OF MONTGOMERY, TEXAS

Sara Countryman, Mayor

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ATTEST:

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Susan Hensley, City Secretary

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits:</b> Recruiting, Selection and Hiring process from City Personnel Policies Manual
<b>Date Prepared: December 5, 2018</b>	

**Subject**

This is on the agenda at the request of a Council member.

**Description**

The hiring of a Police Chief can be a very involved process or as simple as taking applications, reviewing them, interviewing people and checking references before hiring. The Police Chief position for the City of Montgomery should be of interest to the highest quality law enforcement personnel due to our growth, location and the City's brilliant future.

The City Personnel Rules regarding Recruitment, Selection and Hiring Practices states in Section 2.02 states: "Promotion. The City will attempt to provide promotional opportunities to existing Employees, when possible. A selection process may be limited to qualified City Employees are such employees may be given preference an application or consideration. Opportunities for promotion across organizational line shall also be possible, contingent on business necessities of the time. All promoted employee self-service survey 90 Day Orientation Period in the new position."

Following are usual Processes:

Internal Process – Would involve advertising the position and collecting resumes for the Council to narrow the applicants down to about six applicants who are interviewed by a select committee that could involve Council members, the City Administrator, neighboring city Police Chiefs and possibly members of the community.

Assessment Center Process – Would involve the hiring of an Assessment company that involves testing and screening by an outside service. I have not researched the availability or cost of such a service. A modification of this could be to hire a company such as Strategic Government Resources (SRG) to perform the solicitation of applicants and they also perform testing screening, the cost for this is approximately \$15,000.

Public Process – Would involve the positioning of a Committee made up of Council members and to hold public forums for the “type” of Police Chief the community needs. A select group of the public could also sit in on the interviews of the new Chief. There could also be an interview by an expert panel of law enforcement to also interview the candidates.

Hybrid Process – A combination of the above three processes might be best. Specifically, an advertisement is made in the Texas Municipal League and on the SRG job listing so as to get as full as possible coverage of notification, form a Committee made up of two council members and the Mayor, the City Administrator, two members of the public ( selection based on involvement in the community and of good judgement), the Human Relations Director of the City ( Susan Hensley) and one area Police Chief to narrow the applicants down to approximately six applicants. The Committee interview the applicants, the Committee narrows down to the top three applicants who are then given personality and leadership screening tests by SGR, then the full Council interviews the top three applicants and makes a selection.

**Recommendation**

Consider the selection process and direct the City Administrator to implement the steps in the process.

**Approved By**

City Administrator

Jack Yates

Date: December 5, 2018



<b>II. RECRUITING AND HIRING</b>		<b>Reference Number</b>	2.02
<b>Subject</b>	<i>Recruitment, Selection, &amp; Hiring Practices</i>	<b>Last Revised</b>	Feb. 26, 2008

## STATEMENT OF POLICY:

Each Department Director, in coordination with the City's Human Resources Official, is responsible for the recruitment, selection and hiring process in his/her respective Department(s) or Division. When considering whether to hire an applicant, each Department Director or Supervisor shall make such decision on the basis of the individual's job related qualifications for the position. Such qualifications may include work experience, education, physical condition, background and references, and driving record as applicable to the requirements for the position sought. The following procedure shall begin the recruiting process:

1. Departments notify the City's Human Resources Official of existing and anticipated vacancies by forwarding a completed Personnel Requisition Form to the City's Human Resources Official.
2. The City's Human Resources Official posts Non-Exempt vacancies internally for a minimum of 3 working days by sending job announcements to posting sites throughout the City.
3. If there are no qualified internal candidates, the City's Human Resources Official will then post the Non-Exempt position on the City website and through outside employment sources until the position is filled or a minimum of 3 days.
4. Exempt vacancies can be posted internally and externally at the same time.
5. All applications must be received and processed through the City's Human Resources Official in order to be considered.

The City has the following methods of recruiting and selecting persons to fill vacancies:

## 1. Promotion

The City will attempt to provide promotional opportunities to existing Employees, when possible. A selection process may be limited to qualified City Employees, or such Employees may be given preference in application or consideration. Opportunities for promotion across organizational lines shall also be possible, contingent on business necessities at the time. All promoted Employees shall serve a 90 Day Orientation Period in the new position.

When in the course of the normal budget process, a currently filled position will no longer exist, but will be replaced with a position having a higher classification, the Employee in the former position may be promoted to the new grade level/position without the formal hiring process.

## 2. Temporary Promotion

The City Administrator may authorize a temporary promotion if a position is vacant or its regular incumbent is absent for a minimum of 30 days. Temporary promotions are for a specific period of time as determined by the City Administrator. Employees temporarily promoted may be additionally compensated for the duration of their temporary assignments according to the promotional grade level. Employees temporarily promoted shall not acquire any status or rights in the class to which they are temporarily assigned.

## 3. Transfers

The City will attempt to transfer Employees wishing to transfer when it does not adversely affect the City's interests or the interests of other Employees.

The following terms shall govern all transfers:

1. A 90 Day Orientation Period shall be served in the new position.
2. If the Employee is not satisfied in any way during the Orientation Period, the Employee may request a transfer back to the former position, providing it has not been filled and the affected Department Directors and the City's Human Resources Official approve the return to the former position.



3. Should the Employee fail to meet the Orientation Period and their former position is no longer vacant, the Employee may be separated from the City's service.

4. Administrative Transfers

An administrative transfer is an assignment of an Employee from one position to another not involving promotion or demotion. A transfer may be for administrative convenience or upon request of the Employee, provided the Employee is qualified for the position. Transfers between grade levels or between Departments shall become effective following approval by the City Administrator. The Employee will not be required to serve a 90 Day Orientation Period and the position does not require the posting of the job opportunity announcement.

5. Lateral Transfers – Inter Departmental

A lateral transfer is the transfer of an Employee between two Departments and within the same grade level, provided the Employee is qualified for the position. The Employee will not be required to serve a 90 Day Orientation Period and the position does not require the posting of the job opportunity announcement.

6. Lateral Transfers – Intra Departmental

Nothing within this section shall prevent a Department Director from transferring an Employee within the Department to another position within the same Department, provided the new position is a lateral move with comparable job description and pay grade level. The Employee will not be required to serve a 90 Day Orientation Period and the position does not require the posting of the job opportunity announcement.

7. Voluntary Demotions

Voluntary demotions require the approval of the Department Director, the City's Human Resources Official, and/or the City Administrator, and will be considered only if they are in the best interest of the City. If approved, Employees may be administratively demoted at their own request, or as an alternative to layoff. Such demotions shall not be considered disciplinary actions or disqualify the Employee involved from consideration for future advancement. Demotions resulting from alternatives to layoffs may be fully or partially rescinded at any time. Demoted Employees shall successfully complete a 90 Day Orientation Period, but will not be eligible for a salary adjustment until one-year from date of demotion.

8. Involuntary Demotions

Involuntary demotions require the approval of the Department Director, the City's Human Resources Official, and the City Administrator. This action may be taken for disciplinary purposes. An Employee involuntarily demoted shall not be disqualified from consideration for future advancement. Demoted Employees shall successfully complete a 90 Day Orientation Period, but will not be eligible for a salary adjustment until one-year from date of demotion.

9. Appointments

The purpose of categorizing positions within the City service is to designate the nature of the position's work routine as well as to clarify the eligibility of benefits provided to the particular type of position.

There are two types of appointments: Regular and Temporary.

Regular Employees

1. Regular Full-Time Employees are those who work a minimum of 32-40 hours per workweek, or 56 hours per workweek for 24-hour shift personnel, but are not employed for only a specific period of time or for a special job task or project.
2. Regular Part-Time Employees are those who work less than 32 hours per workweek on a regular basis. Regular Part-Time Employees in the 24-hour shift job class may work over 40 hours per workweek, but less than 56 hours per workweek.

Temporary Employees

1. Temporary Full-Time Employees are those who work a minimum of 32-40 hours per workweek, or 56 hours per workweek for 24-hour shift personnel, but are employed only for a specific period of time or for a special job task or project.

2. Temporary Part-Time Employees are those who work less than 32 hours per workweek, or less than 56 hours per workweek for 24-hour shift personnel, for a specified period of time or for a special job task or project.

10. Emergency Temporary Appointments

During an emergency, if City Employees are unable to provide the necessary services, the City Administrator may immediately fill positions without regard to normal selection and appointment methods. Such appointments shall be for periods not to exceed 30 working days. Persons receiving emergency temporary appointments are not eligible for benefits other than Workers' Compensation coverage.

11. Selection from a valid current eligibility list.

1. The eligibility list includes solicited applications on file for 6 months of solicited date with the City's Human Resources official.
2. The eligibility list for the Police Department shall also include solicited applications on file for a maximum of 12 months from the opening occurring. Uniformed Police Positions have specific qualifications, hiring requirements, and pre-employment background checks as stated in the information regarding those positions and available in the respective Department.

12. Benefits

Regular Full-Time Employees are eligible to receive the full scope and level of benefits offered by the City.

Regular Part-Time Employees are not eligible to receive any benefits other than Workers' Compensation coverage.

Temporary Employees, whether Full-Time, Part-Time, or emergency temporary appointments, are not eligible to receive any benefits other than Workers' Compensation coverage.

13. Orientation Period

Department Directors and Supervisors shall use the 90 Day Orientation Period to closely observe and evaluate the Employee and if necessary recommend corrective actions to better fulfill the expectations of the job description. Only those Employees who maintain acceptable work performance during their Orientation Period shall be retained. The City's Appeal Procedures Policy does not apply to anyone terminated during the Orientation Period.

Tests may be utilized in the selection process. The hiring Department may, with the approval of the City's Human Resources Official, select from outside sources or develop internally appropriate job-related tests. These may include, as appropriate, assessment centers, physical agility tests, typing tests, and various written examinations. All pre-employment testing will be completed under the direction of the City's Human Resources Official, if applicable. All applicants for the same position will be afforded uniform and equal treatment in all phases of the examination process. Reasonable accommodation will be provided for qualified applicants who may need assistance in any stage of the recruitment and selection process.

Successful applicants that are hired will generally be brought in at the minimum salary (but not to exceed the first quartile) for the assigned pay grade (See "Compensation Plan"). Starting salary decisions are subject to the final approval of the City Administrator. 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, and business necessity.

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Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: December 5, 2018</b>	

**Subject**

This regards the repairs at Buffalo Springs bridge area.

**Description**

This report involves a final punch list items status, payment for reimbursement requests.  
Probably need one maybe two more months of reports before project will be wrapped up with all paperwork completed.

**Recommendation**

Listen to the report and comment as you think appropriate.

**Approved By**

City Administrator

Jack Yates

Date: December 5, 2018

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 26, 2018</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Current Zoning Map</b>
<b>Date Prepared: December 4, 2018</b>	<b>Maps of proposed rezoning areas</b>

**Subject**

Report regarding City-initiated rezoning of parcels in the City of Montgomery. The Planning and Zoning Commission have stated that they want to proceed with the proposed zoning changes. The commission desires a City Council review of the parcels before beginning the formal process, which is elaborate and carries certain costs. The anticipated costs associated with rezoning the subject properties are estimated to be:

Legal costs = \$1,000

Publishing legal notices = \$1,000

Certified mail notice to property owners = \$725

Staff time/cost = \$1,500

**Discussion**

Attached is a map of recommended rezoning parcels, along with a detailed map of each parcel. Factors determining potential rezoning action include geographic context (adjacent land use designations, street network), and current/future development patterns.

**Steps in City-initiated zoning amendments:**

1. Planning Commission identifies properties considered for rezoning and identifies fundamental reason for zoning change.
2. Staff researches owner and deed restriction information for each property under consideration for rezoning and presents information to Planning Commission.
3. Planning Commission develops a preliminary report of the proposed zoning amendments and sends the report to City Council for approval.
4. Planning Commission calls two public hearings on the proposed zoning amendments (either all or selected properties approved by Council).
5. Staff prepares & sends notices to adjacent properties within 200 feet of properties considered for zoning change (required for each public hearing).
6. Planning Commission holds public hearing and considers comments.
7. Planning Commission develops and adopts a final report for proposed zoning amendments (to include comment on each property under consideration).

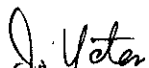
Montgomery City Council  
**AGENDA REPORT**

8. City Council considers the final report and may choose to hold a public hearing.
9. City Council directs Staff to prepare a zoning amendment ordinance of council-approved properties.
10. Council adopts zoning amendment ordinance.
11. Staff publishes adopted ordinance; new zoning is effective 30 days after publication.

**Recommendation**

Consider the current list of areas/parcels, determine whether to recommend that Planning & Zoning Commission continue with zoning reclassification process.

**Approved By**

Asst. to City Admin.	Dave McCorquodale	Date: 12/4/18
City Administrator	Jack Yates 	Date: 12/4/18

## Recommended Parcels for Zoning Reclassification

**Area #1:** Northwest side of city—Sections 2 & 3 of Hills of Town Creek currently zoned Commercial. Section 1 is R-2 (the apartments), Sections 2 & 3 are platted and under construction as single-family residential. **Goal:** Change areas currently platted as single family residential to R-1. Remainder of Commercial to remain unchanged.

**Area #2:** West side of city along HWY105 (south frontage)—currently zoned Industrial. Other parcels are located along the City’s primary corridor, Highway 105, are commercial or institutional. **Goal:** Change zoning for undeveloped parcels to Commercial, Spirit Industries parcel to remain Industrial for now—the current land use is only allowed in Industrial district. Next steps is to rezone remaining parcel to Commercial while providing regulatory certainty to existing user that current operations will not be affected.

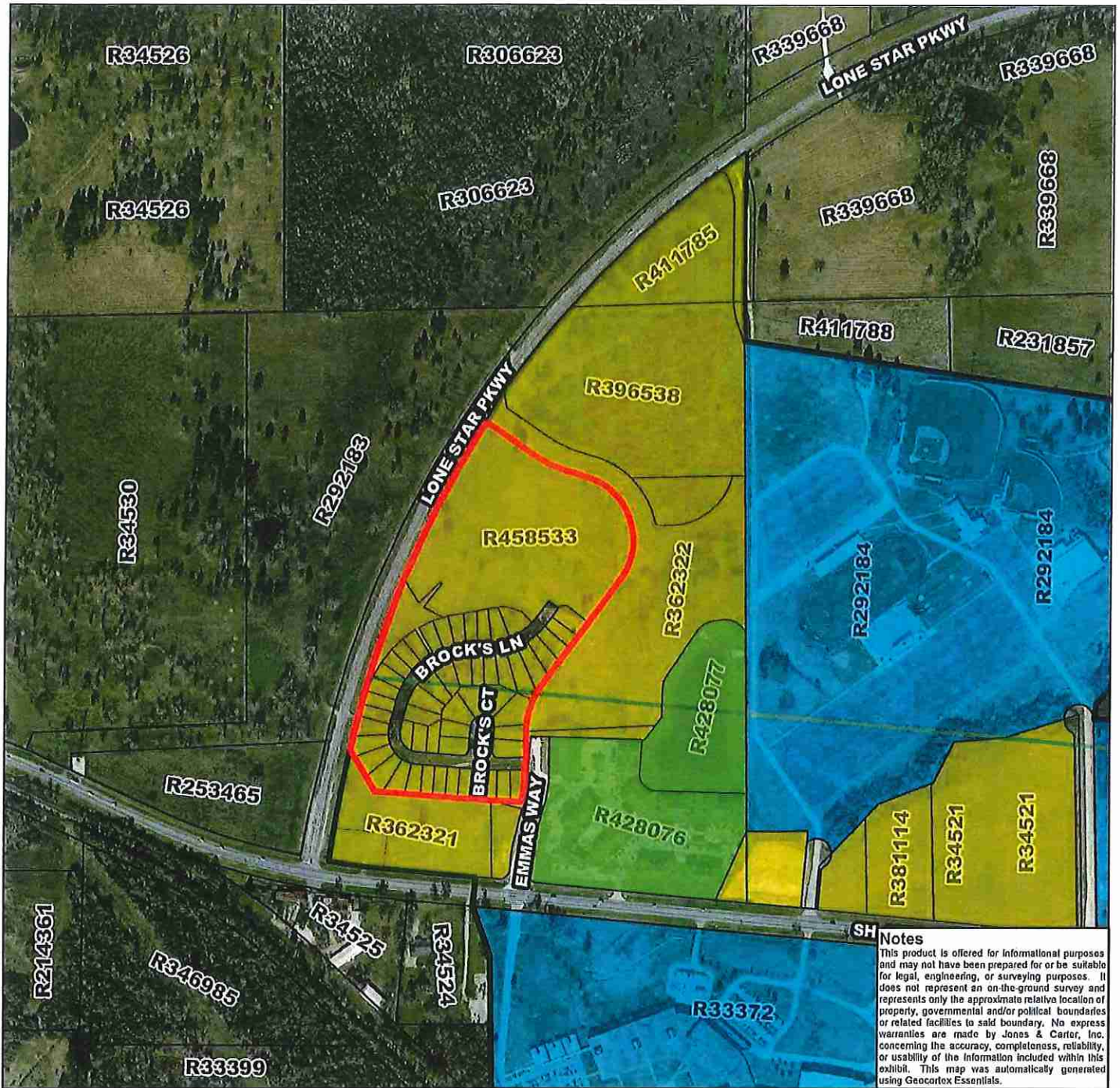
**Area #3:** In the southwest corner of City, two acreage homesites lie primarily outside of the city limits. The small portions of the homesites which lie inside the city, strips of land approximately 85’ wide, are zoned industrial. **Goal:** Change zoning from Industrial to single-family residential, which is the current use of the both parcels.

**Area #4:** East of Cowboy Church, south of New Cemetery—approximately 2.25 acres of Joe Shockley’s property is currently zoned Institutional. This appears to be incorrectly zoned due to the adjacency to the church and cemetery. **Goal:** Change zoning to R-1, consistent with other bordering properties and the rest of Shockley tract.

**Area #5:** South side of city along FM149S, the currently zoned R2 Multi-Family Residential and Commercial occur in an alternating “candy cane-like” pattern. **Goal:** Consolidate land uses into two areas. The landowner expressed interest in consolidating the zones into two large areas with R2 Multi-Family Residential at the northern end and B-Commercial at the southern end.

**Area #6:** North side of city at FM149 & FM1097—currently zoned Residential & Institutional. These properties are at the intersection of these roads. Ms. Easley’s property is zoned Institutional, likely a mapping discrepancy. **Goal:** Change zoning for parcels from R-1 to Commercial, and from Institutional to R-1 or Commercial (pending input from Ms. Easley).

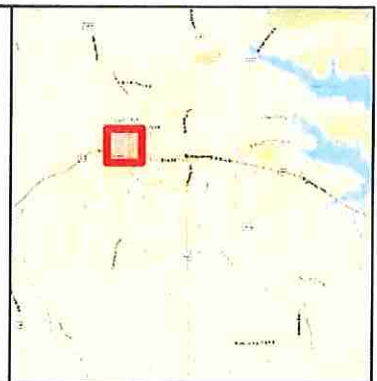




**Notes**  
 This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones & Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit. This map was automatically generated using Geocortex Essentials.

## LEGEND

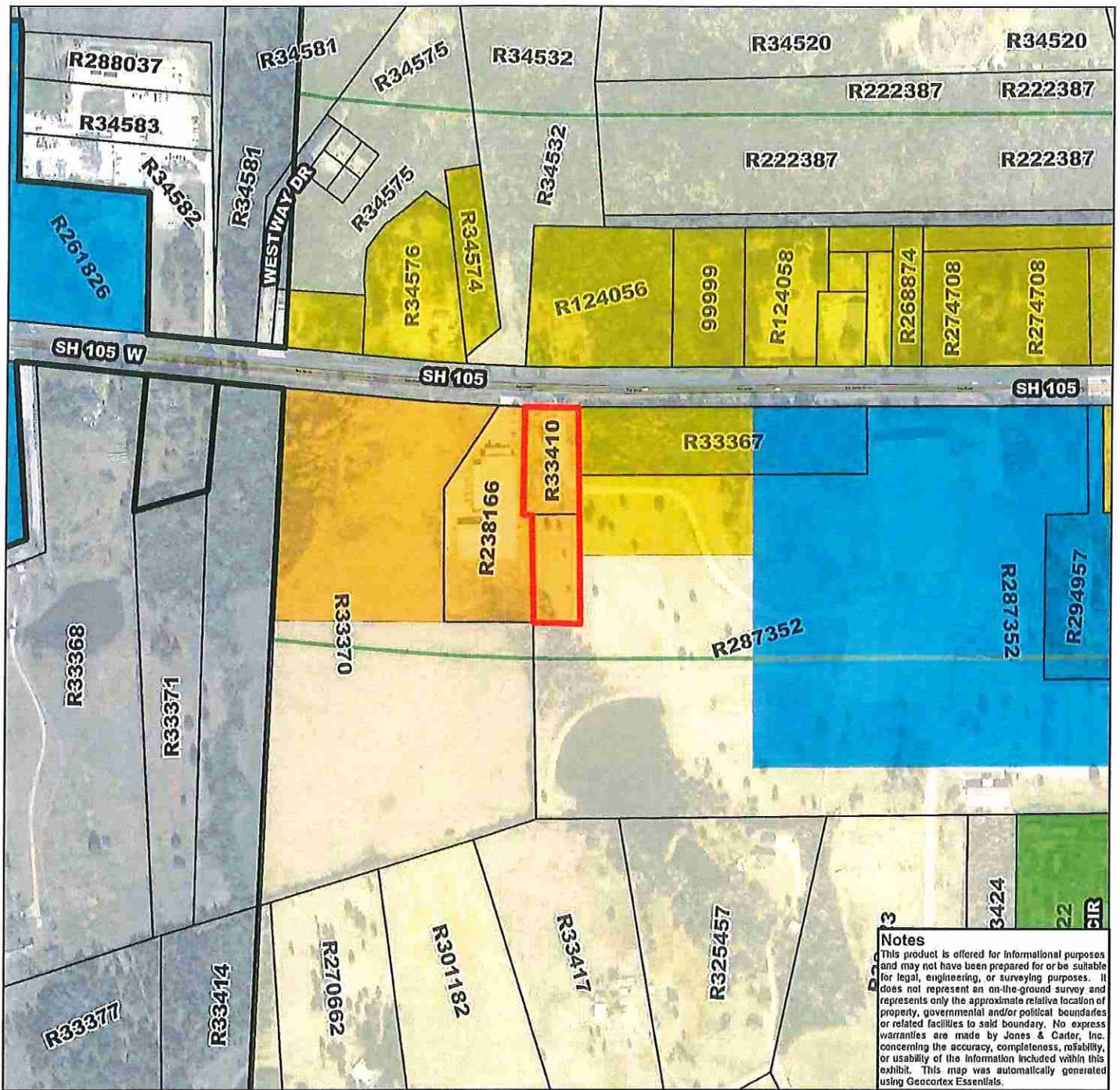
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|  | Corridor Enhancement |  | Multi-Family (R-2)       |
|  | Commercial (B)       |  | Multi-Family (R-2)       |
|  | Commercial (B)       |  | Planned Development (PD) |
|  | Industrial (I)       |  | Planned Development (PD) |
|  | Industrial (I)       |  | Residential (R-1)        |
|  | Institutional (I)    |  | Residential (R-1)        |
|  |                      |  | City Limit               |
|  |                      |  | MCAD Property Info       |



1 inch equals 666.7 Feet



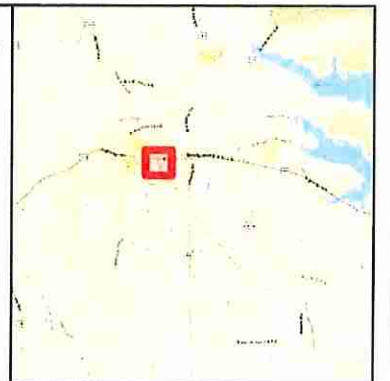
# Cowboy Church Partial Tract



**Notes**  
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## LEGEND

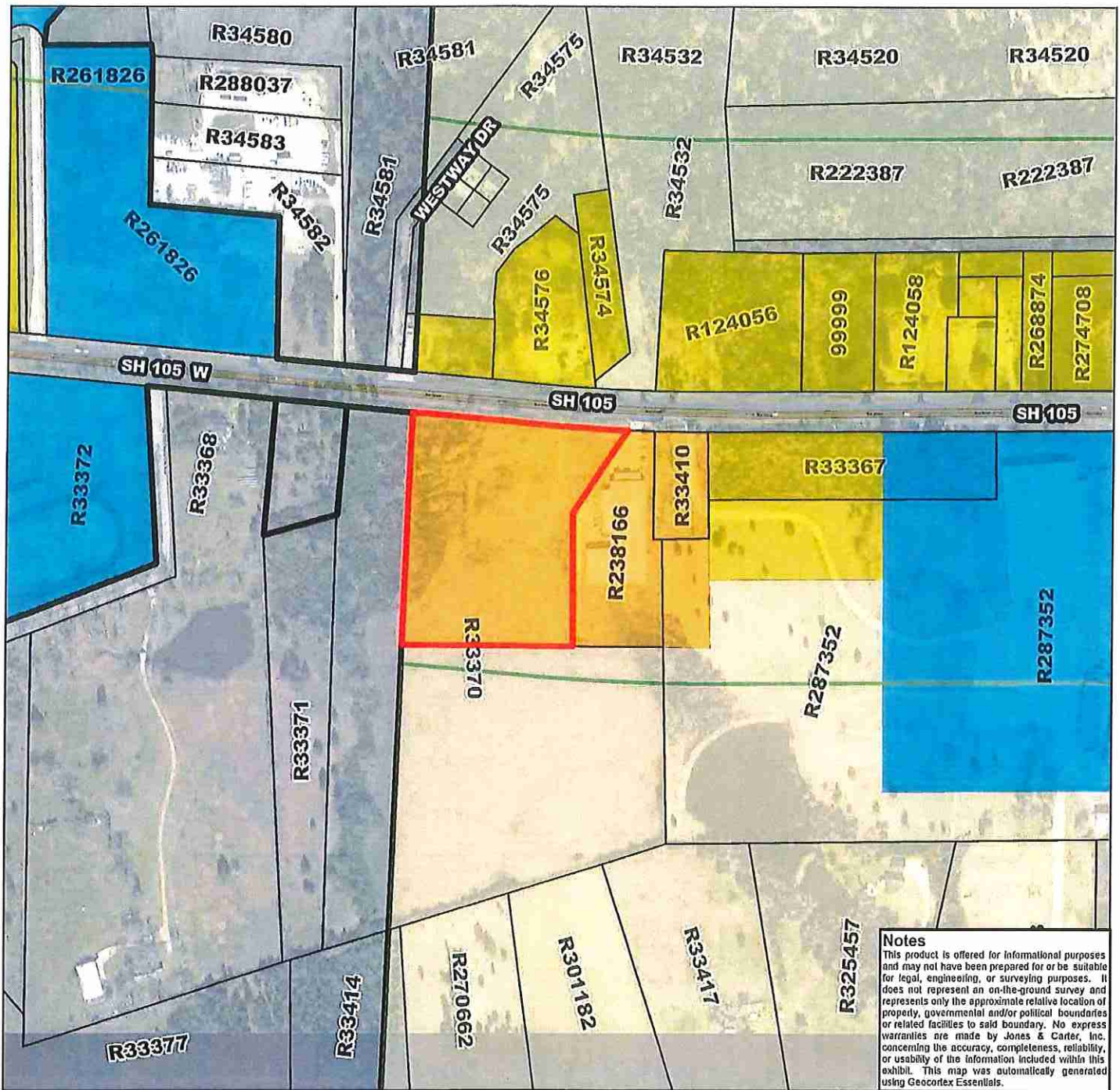
- |                   |                          |
|-------------------|--------------------------|
| Zoning            | Multi-Family (R-2)       |
| Commercial (B)    | Planned Development (PD) |
| Industrial (I)    | Residential (R-1)        |
| Institutional (I) | Residential (R-1)        |
| City Limit        | MCAD Property Info       |



1 inch equals 500 Feet



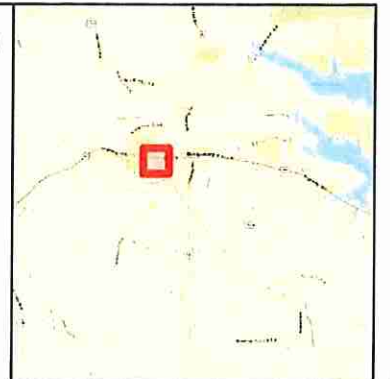
# Mann Partial Tract



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## LEGEND

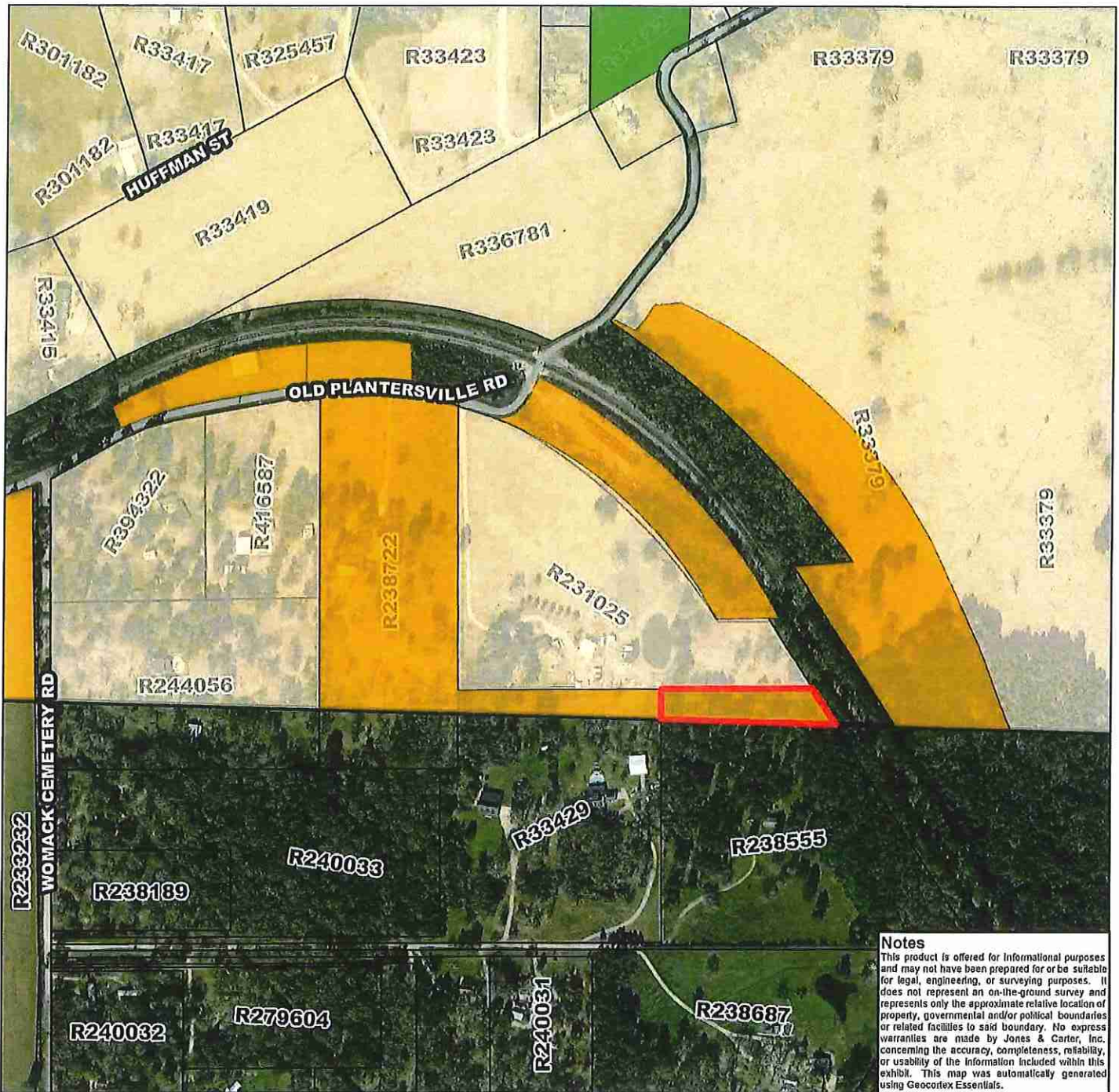
- |  |                      |  |                          |
|--|----------------------|--|--------------------------|
|  | Corridor Enhancement |  | Multi-Family (R-2)       |
|  | Commercial (B)       |  | Multi-Family (R-2)       |
|  | Commercial (B)       |  | Planned Development (PD) |
|  | Industrial (ID)      |  | Planned Development (PD) |
|  | Industrial (ID)      |  | Residential (R-1)        |
|  | Industrial (I)       |  | Residential (R-1)        |
|  |                      |  | City Limit               |
|  |                      |  | MCAD Property Info       |



1 inch equals 500 Feet



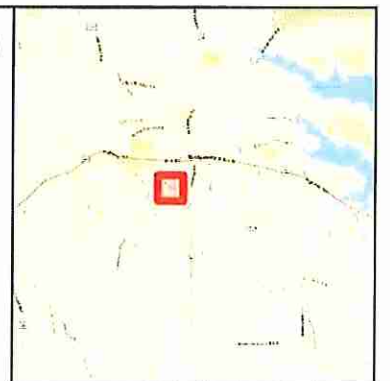
# Simmons Tract



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## LEGEND

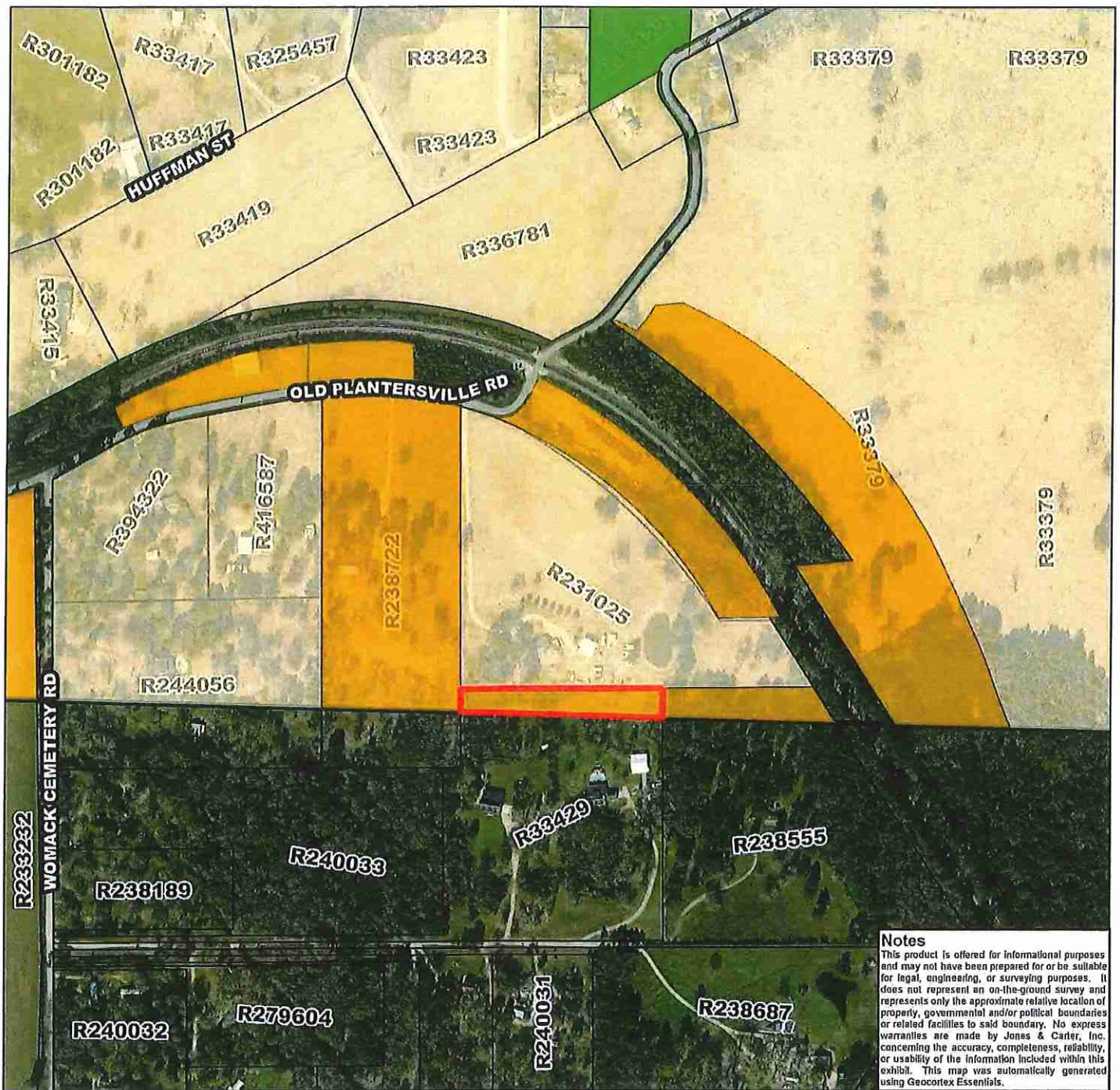
- |                      |                          |
|----------------------|--------------------------|
| Zoning               | Multi-Family (R-2)       |
| Zoning               | Multi-Family (R-2)       |
| Corridor Enhancement | Planned Development (PD) |
| Commercial (B)       | Planned Development (PD) |
| Commercial (B)       | Residential (R-1)        |
| Industrial (I)       | Residential (R-1)        |
| Industrial (I)       | City Limit               |
| Institutional (I)    | MCAD Property Info       |



1 inch equals 500 Feet



# Solomon Tract



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## LEGEND

### Zoning

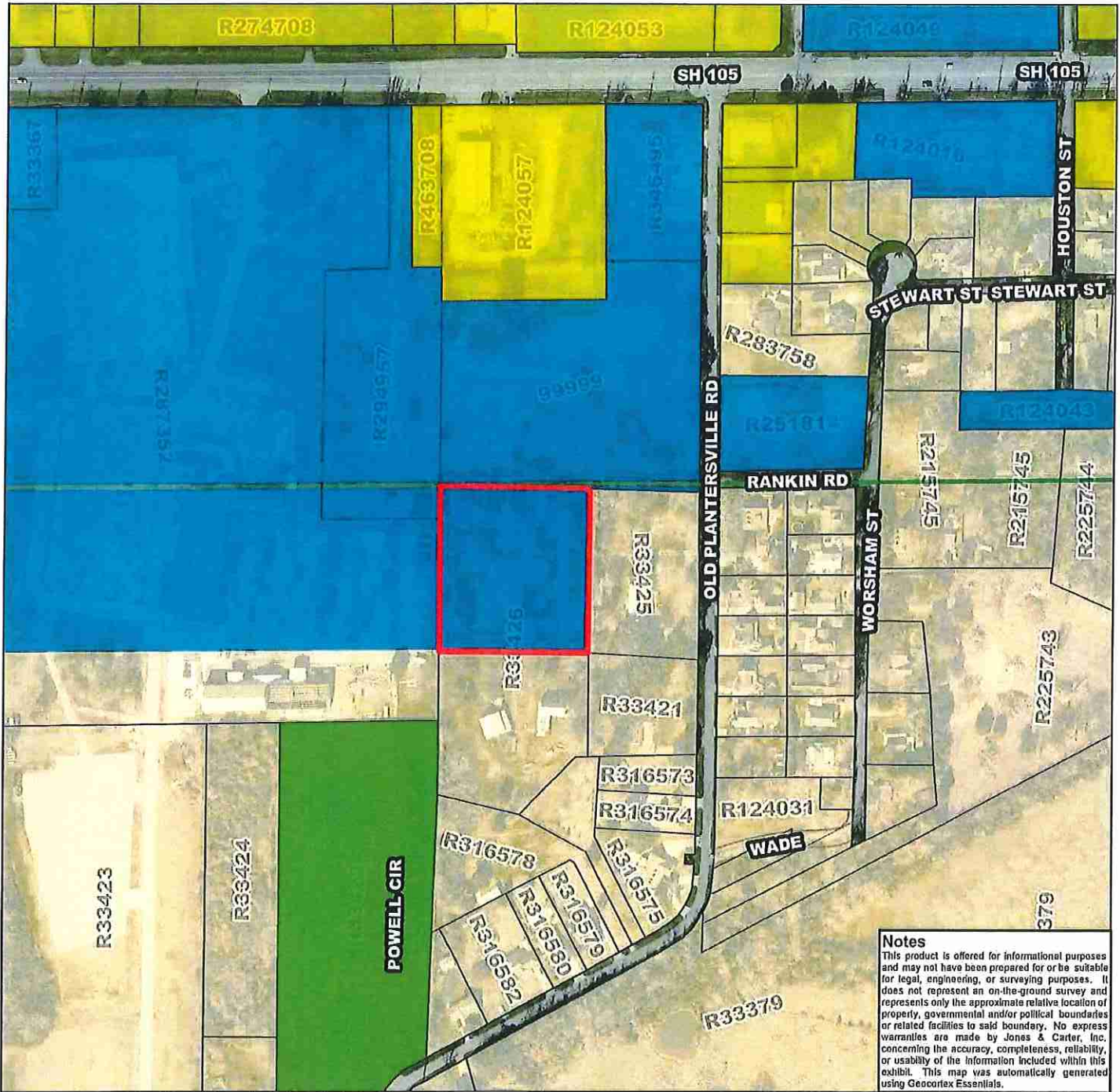
- |  |                   |  |                    |
|--|-------------------|--|--------------------|
|  | Residential (R1)  |  | City Limit         |
|  | Multi Family (R2) |  | MCAD Property Info |
|  | Commercial (B)    |  |                    |
|  | Industrial (ID)   |  |                    |
|  | Institutional (I) |  |                    |



1 inch equals 500 Feet



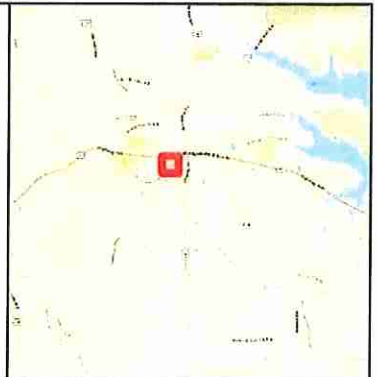
# Shockley Tract



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## LEGEND

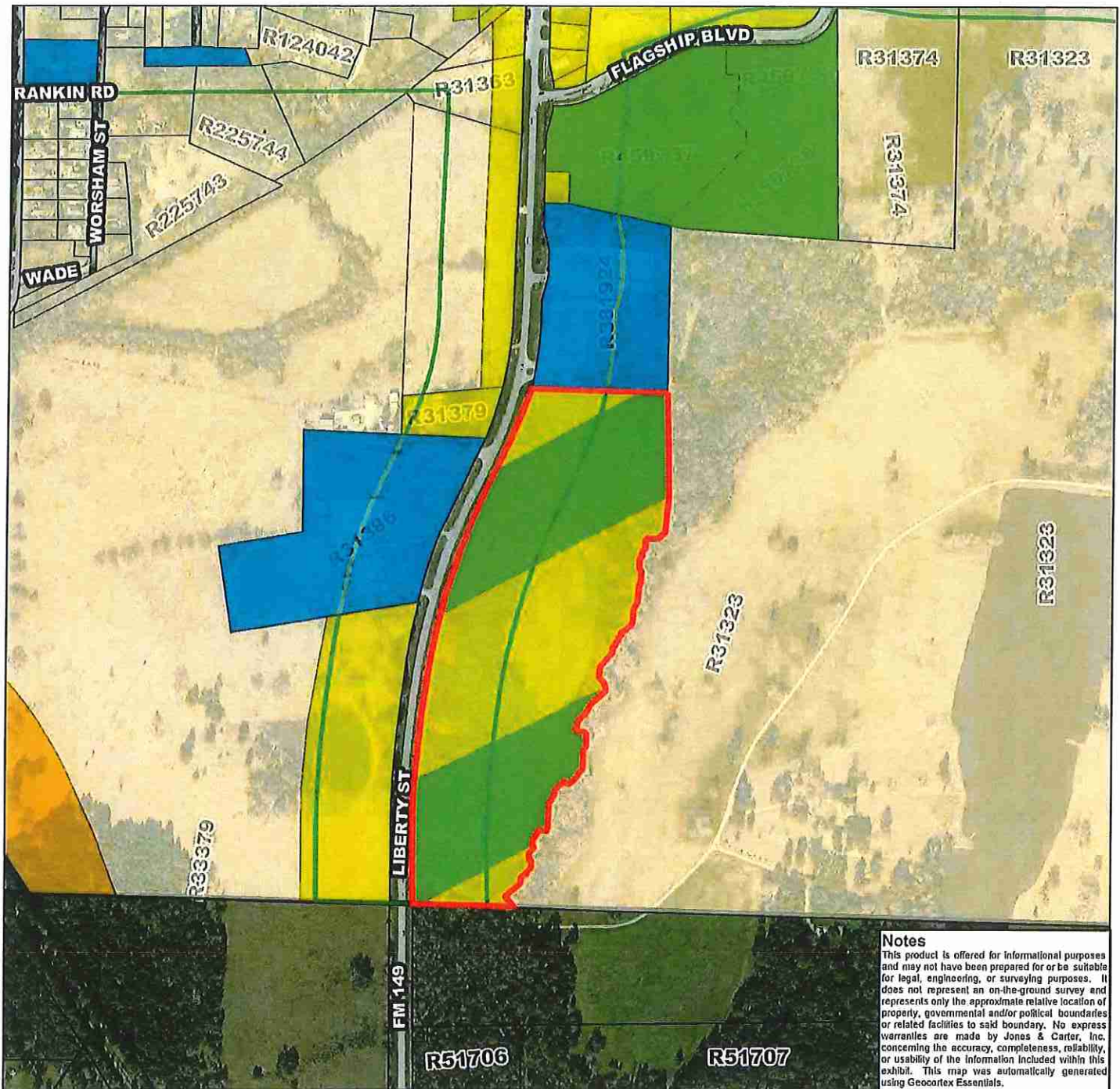
- |  |                      |  |                          |
|--|----------------------|--|--------------------------|
|  | <b>Zoning</b>        |  | Multi-Family (R-2)       |
|  | <b>Zoning</b>        |  | Multi-Family (R-3)       |
|  | Corridor Enhancement |  | Planned Development (PD) |
|  | Commercial (B)       |  | Planned Development (PD) |
|  | Commercial (B)       |  | Residential (R-1)        |
|  | Industrial (I)       |  | Residential (R-1)        |
|  | Industrial (I)       |  | City Limit               |
|  | Institutional (I)    |  | MCAD Property Info       |



1 inch equals 333.3 Feet



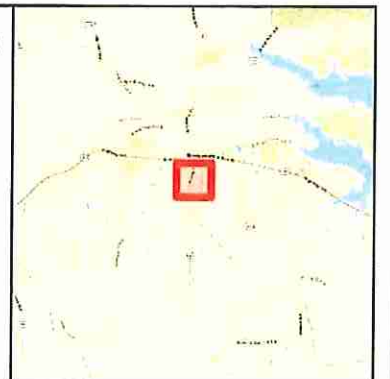
# Randall Tract



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## LEGEND

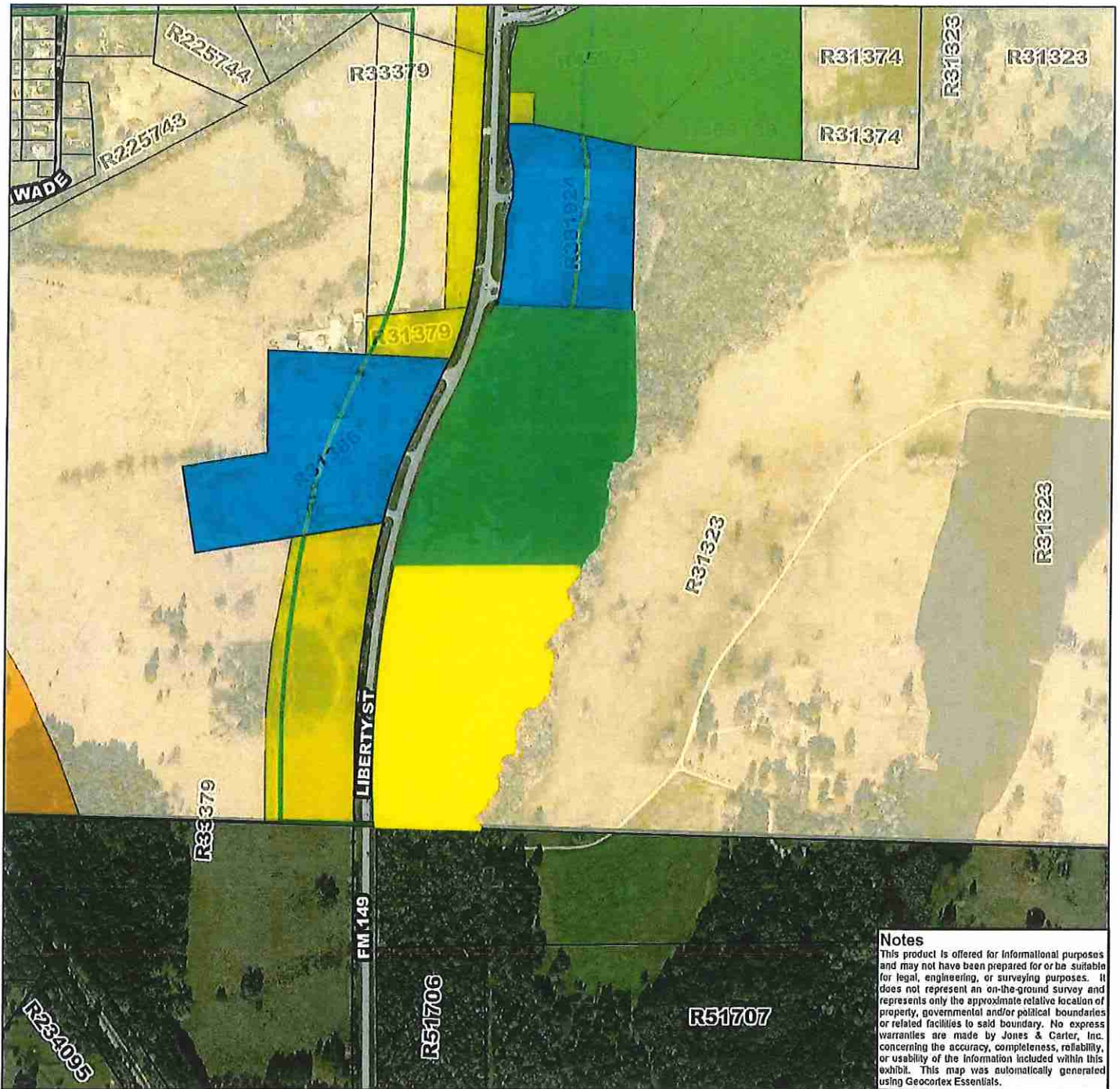
- |  |                      |  |                          |
|--|----------------------|--|--------------------------|
|  | Corridor Enhancement |  | Multi-Family (R-2)       |
|  | Commercial (B)       |  | Planned Development (PD) |
|  | Industrial (I)       |  | Residential (R-1)        |
|  | Industrial (I)       |  | Residential (R-1)        |
|  | Industrial (I)       |  | City Limit               |
|  | Industrial (I)       |  | MCAD Property Info       |



1 inch equals 666.7 Feet



# Randall Tract-Proposed Layout



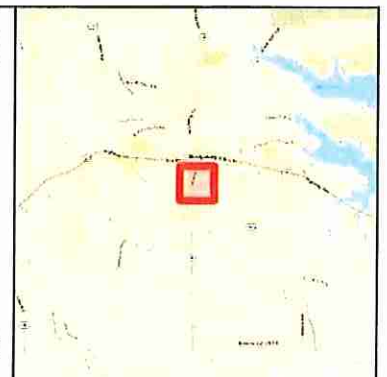
**Notes**  
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## LEGEND

- |  |                      |  |                          |
|--|----------------------|--|--------------------------|
|  | Corridor Enhancement |  | Multi-Family (R-2)       |
|  | Commercial (C)       |  | Multi-Family (R-2)       |
|  | Commercial (C)       |  | Planned Development (PD) |
|  | Industrial (ID)      |  | Planned Development (PD) |
|  | Industrial (ID)      |  | Residential (R-1)        |
|  | Institutional (I)    |  | Residential (R-1)        |
|  | City Limit           |  | MCAD Property Info       |

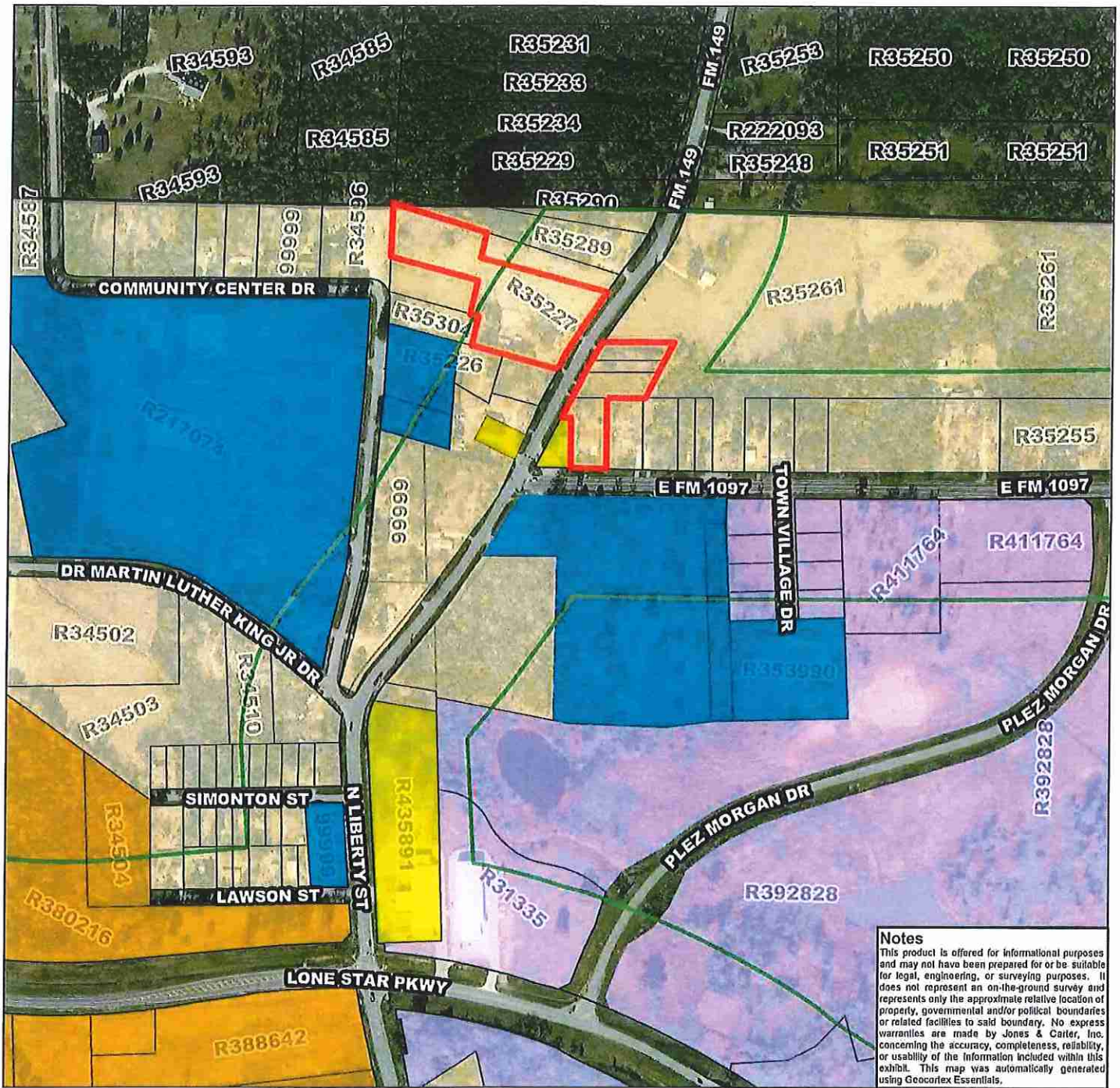


1 inch equals 666.7 Feet





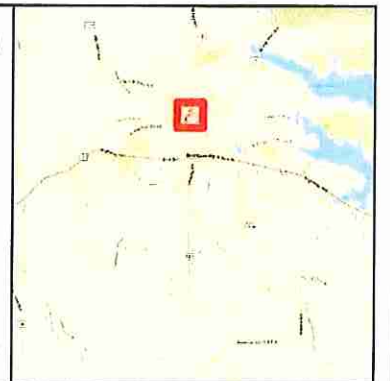
# Northside R1 to Commercial



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## LEGEND

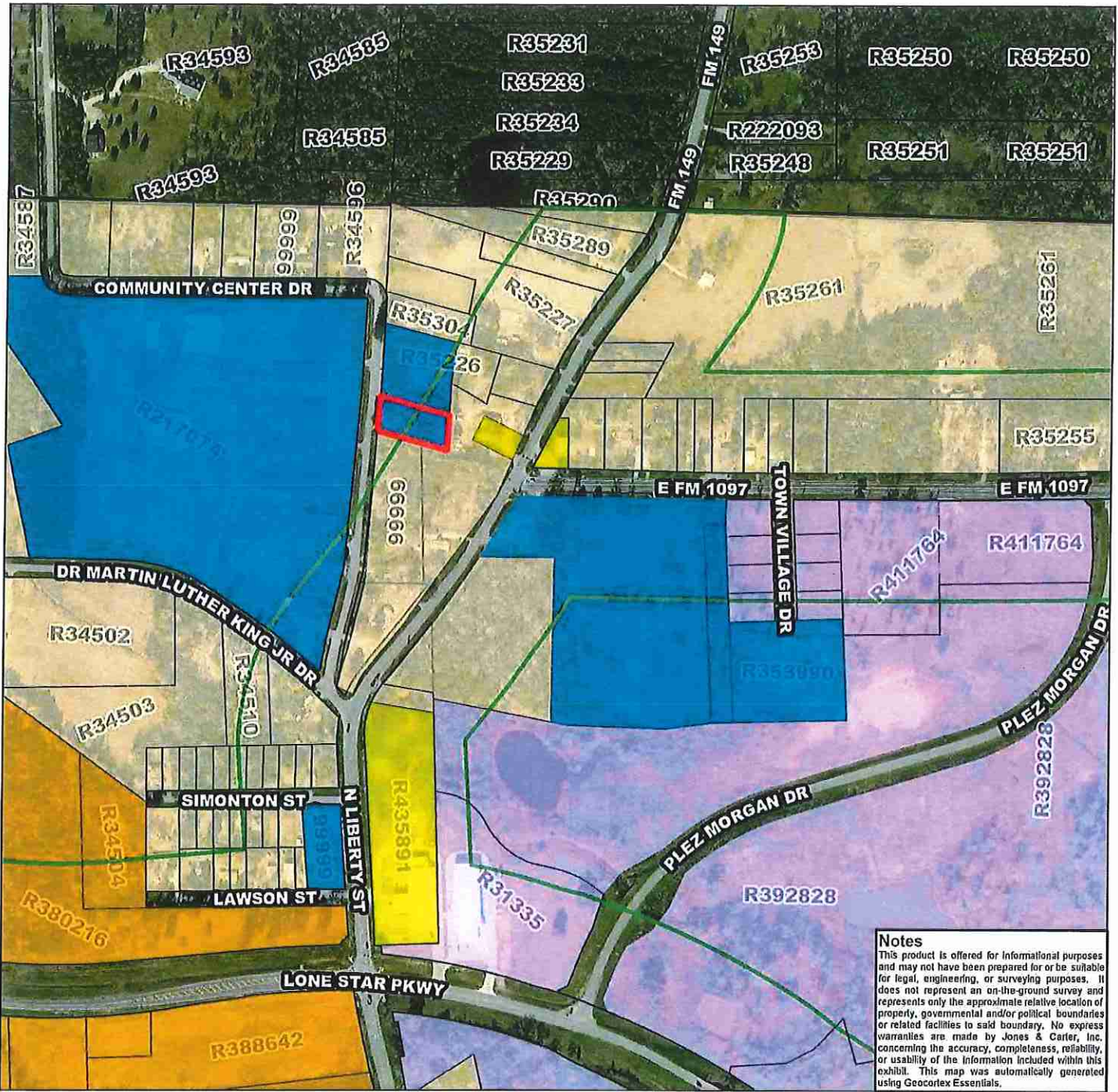
- |  |                       |  |                          |
|--|-----------------------|--|--------------------------|
|  | Corridor: Enhancement |  | Multi-Family (R-2)       |
|  | Commercial (B)        |  | Multi-Family (R-2)       |
|  | Commercial (B)        |  | Planned Development (PD) |
|  | Industrial (I)        |  | Residential (R-1)        |
|  | Industrial (I)        |  | Residential (R-1)        |
|  | Institutional (I)     |  | City Limit               |
|  |                       |  | MCAD Property Info       |



1 inch equals 500 Feet



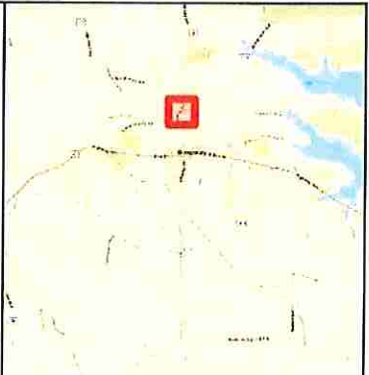
# Easley Tract



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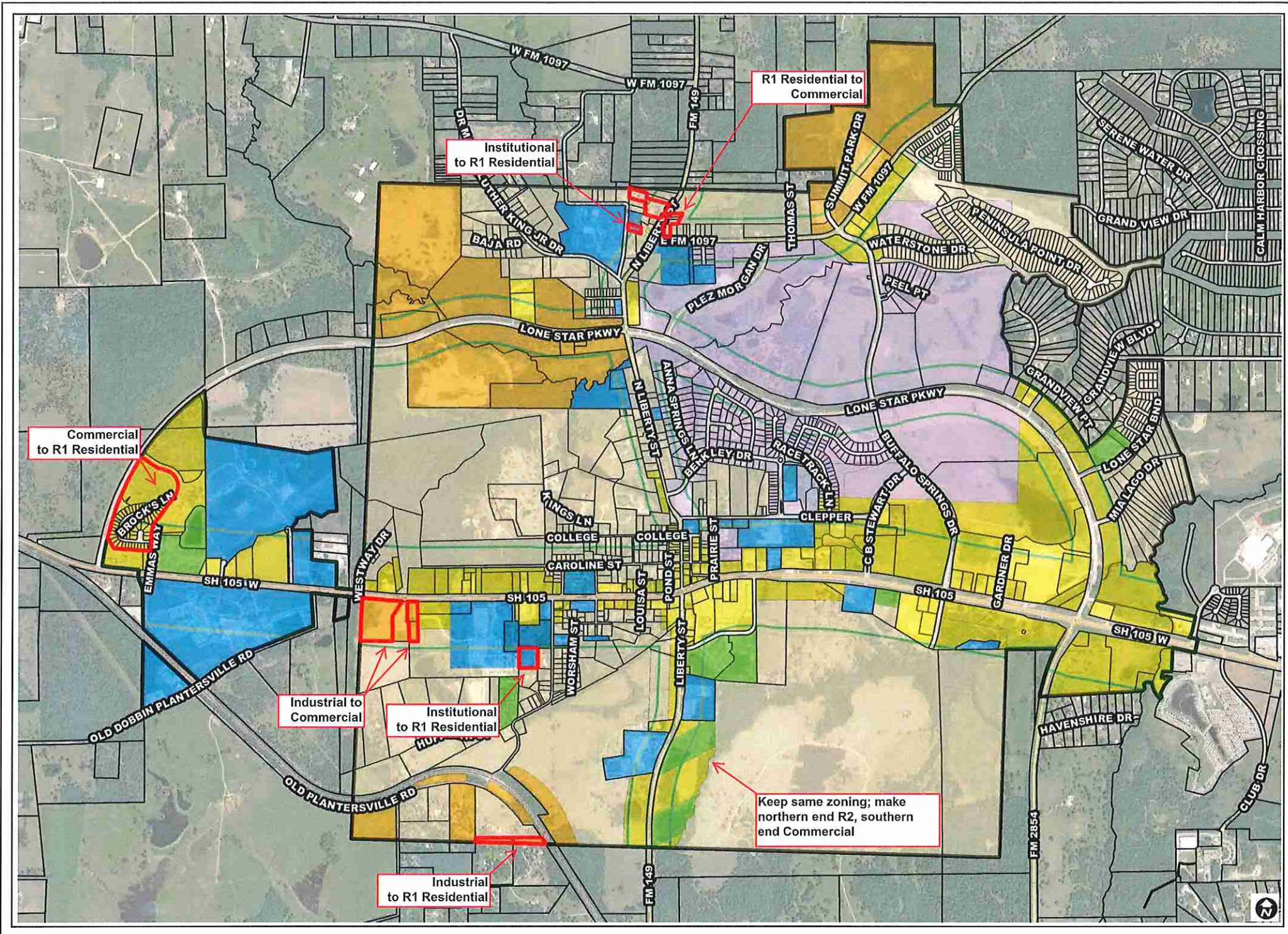
## LEGEND

- |  |                      |  |                          |
|--|----------------------|--|--------------------------|
|  | Corridor Enhancement |  | Multi-Family (R-2)       |
|  | Commercial (B)       |  | Planned Development (PD) |
|  | Industrial (I)       |  | Residential (R-1)        |
|  | Institutional (I)    |  | City Limit               |
|  |                      |  | MCAD Property Info       |



1 inch equals 500 Feet





**LEGEND**

- Zoning
- Corridor Enhancement
  - Commercial (B)
  - Industrial (ID)
  - Institutional (I)
  - Multi-Family (R-2)
  - Planned Development
  - Residential (R-1)
- City Limit  
 Parcels to be Rezoned



**City-Initiated  
Rezoning Parcel  
Map**

1 inch equals 1666.7 Feet



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b> City Engineer Memo, Bid tabulation, Project cost estimate sheet
<b>Date Prepared: December 6, 2018</b>	

**Subject**

This is to consider re-bidding the Baja Road pavement project because bids were considerably higher than expected and it is thought that lower bids will be forthcoming if re-bid.

**Description**

This is to replace the pavement on Baja Road. As the City Engineer provides in his memo the bid was considerably higher than estimated and he believes that re-bidding the project will result in different, lower bids. Only two bids were received.

Mike Muckleroy agrees and knows of a local asphalt paver who failed to submit a bid, that would be likely to bid if the project were to be re-bid.

FEMA funds in the amount of \$26,436, have been received. The difference between the overall cost of the project and the FEMA payment will come from "Contract Labor – Streets" budget line item in the General Fund - Public Works.

**Recommendation**

Motion to re-bid the planned Baja Street pavement project.

**Approved By**

City Administrator

Jack Yates

Date: December 6, 2018



1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

December 5, 2018

The Honorable Mayor and City Council  
City of Montgomery  
101 Old Plantersville Road  
Montgomery, TX 77316

Re: Construction of Baja Road Rehabilitation  
City of Montgomery  
TIN No. 74-2063592

Dear Mayor and Council:

We received bids for the referenced contract at the Montgomery City Hall on November 29, 2018 at 10:30 AM. Bids were publicly opened and read at that time.

Two (2) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. Walsh Construction Company, LLC submitted the lowest Base Bid proposal in the amount of \$89,530.00. The base bid is approximately \$34,330.00 higher than the estimated project cost, as shown in the attached cost estimate.

We recommend not awarding the contract at this time and rebidding the project.

As always, should you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

K:\W5841\W5841-0040-00 Baja Road Rehabilitation\3 Construction Phase\2 Bids & Bid Tab\1. W5841-0040-00 Recommendation to Rebid.doc

Enclosure: Bid Tabulation Summary  
Cost Estimate

Cc (via email): Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney



**CONCEPTUAL CONSTRUCTION COST ESTIMATE  
FOR  
BAJA ROAD REHABILITATION  
CITY OF MONTGOMERY, TEXAS  
August 30, 2018**

<b>Item</b>			<b>Unit</b>		
<b><u>No.</u></b>	<b><u>Description</u></b>	<b><u>Unit</u></b>	<b><u>Quantity</u></b>	<b><u>Price</u></b>	<b><u>Total</u></b>
1.	Bonds & Insurance	LS	1	\$ 1,500	\$ 1,500
2.	Mobilization	LS	1	2,000	2,000
3.	Reworking Base Course; Scarifying & Reshaping including existing asphalt pavement	SY	1,710	9	15,400 <sup>(1)</sup>
4.	Additional crushed concrete/limestone base material	CY	140	65	9,100 <sup>(2)</sup>
5.	Prime Coat, MC-30	GAL	340	10	3,400
6.	HMAC, Dense Graded Type "D"	TON	180	90	16,200 <sup>(3)</sup>
7.	Pavement Saw Cut, 2 Inches Deep	LF	100	4	400
8.	Pavement Milling at Intersection	SF	300	5	1,500
9.	Storm Water Pollution Prevention Plan	LS	1	2,000	2,000
10.	Traffic Control Plan	LS	1	1,500	1,500
11.	Site Restoration including grading within the right-of-way and hydromulch seeding	LS	1	\$ 2,200	<u>\$ 2,200</u>
				Subtotal	\$ 55,200
				Contingencies (10%)	5,500
				Construction Materials Testing and Reproduction	3,000
				Engineering (Design Phase)	6,000
				Engineering (Construction Phase and Inspection)	<u>10,000</u>
				<b>TOTAL</b>	<b>\$ 79,700</b>
				FEMA Share	\$ 21,856.00 <sup>(4)</sup>
				City Share	\$ 57,844.00

**Notes:**

- <sup>(1)</sup> Includes scarifying and reshaping to a typical cross section, including based and asphaltic concrete. Also includes compaction and watering of reshaped base.
- <sup>(2)</sup> Assumed need to import 3-inches of additional base over the entire area to obtain a 4"-6" compacted base.
- <sup>(3)</sup> All striping shall be completed by City of Montgomery Public Works Department.
- <sup>(4)</sup> FEMA share taken from Project Worksheet. City has already received and deposited funds.
- \* This estimate represents best judgement as a design professional familiar with the construction industry. Jones & Carter, Inc. has no control over the cost of labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidding or market conditions. Accordingly, we cannot and do not guarantee that bids will not vary from this estimate.

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b> Public Posting of Vacancy, Applications received, E-mails involving possible selection method.
<b>Date Prepared: December 5, 2018</b>	

**Subject**

This is to discuss the possible selection of a member of the City Council to replace the vacated Council Place 5.

**Description**

As you have been previously informed, you are under no constraint as to the selection method you choose to appoint their replacement – including the option not to appoint a replacement.

Attached is a series of e-mails from Jon Bickford and the City Attorney concerning a possible selection interview process.

**Recommendation**

Consider the applications and make a decision as to an appointment or to choose not to make an appointment..

**Approved By**

City Administrator

Jack Yates

Date: December 5, 2018



## CITY COUNCIL POSITION

The City of Montgomery City Council announces an opportunity for those interested in governing the City of Montgomery to apply for one seat being considered for appointment to the Montgomery City Council. Applicants are required to: be a United States citizen, be 18 years of age or older as of the date of appointment, have not been determined by final judgment of the court exercising probate jurisdiction to be (a) totally mentally incapacitated; or (b) partially mentally incapacitated without the right to vote, have resided continuously in the state for 12 months and in the City of Montgomery for six months immediately preceding the date of appointment, have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities, be registered to vote in the City and satisfy any other eligibility requirements prescribed by law for the office.

City Council members act on behalf of the City by adoption of ordinances, regulations and declarations regarding all functions of the City, including preparation and adoption of the annual budget. The City Council makes decisions on City utility and general infrastructure, zoning and subdivisions, makes contracts with City vendors, responds to citizen needs and through economic development efforts assist businesses locating and expanding in the City, considers various City improvement grants and works with the City Administrator who administers the day to day operations of the City including all functions and departments of the City.

The City Council meets the second and fourth Tuesdays of each month at 6:00 p.m. at City Hall in Montgomery. Service on the Council is a non-paid position. Applications can be found on the [montgomerytexas.gov](http://montgomerytexas.gov) website, click city government, then click Boards and Commissions and you will see the "Membership Application." Forward the application to the City Secretary, Susan Hensley at [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us) or bring the completed application to City Hall at 101 Old Plantersville Road, Montgomery, 77316. **Applications are due by 4:00 p.m. on December 5, 2018.**

Posted: 11/16/2018

By Susan Hensley



Hensley, Susan &lt;shensley@ci.montgomery.tx.us&gt;

**Re: Open City Council Position App**

1 message

**Hensley, Susan** <shensley@ci.montgomery.tx.us>  
To: Tom Cronin <tom@cozygrape.com>

Wed, Nov 14, 2018 at 3:33 PM

Thank you Tom, I have received your information.

Sincerely,

Susan Hensley  
City Secretary &  
Director of Administrative Services  
City of Montgomery, Texas  
(936) 597-6434

*ATTENTION PUBLIC OFFICIALS: A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. A "Forward" of this e-mail to another public official could also lead to violations of the Texas Open Meetings Act if a quorum is eventually involved. Please reply only to the sender.*

On Wed, Nov 14, 2018 at 3:05 PM Tom Cronin <tom@cozygrape.com> wrote:  
Hi Susan:

Please replace my original application with the attached.

Thank you,

Tom Cronin

Received 11/14/18  
by Susan Hensley





Hensley, Susan <shensley@ci.montgomery.tx.us>

---

## Open City Council Position App

1 message

---

**Tom Cronin** <tom@cozygrape.com>  
To: shensley@ci.montgomery.tx.us

Wed, Nov 14, 2018 at 3:05 PM


Hi Susan:

Please replace my original application with the attached.

Thank you,

Tom Cronin

---

 **App.City Council11.14.18.pdf**  
1350K

City of Montgomery  
Application for Consideration of Appointment

Name of Board/Commission/Committee: City Council

Name: Cronin Thomas F  
(Last) (First) (Middle)

Home Address: 501 Louisa  
(Street) (Home Phone No.)

Email Address: tom@cozygrape.com

Mailing Address: 14340 Liberty Street 77356 832-461-9892  
(Business Phone /Fax)

Employer: Cronin Group LLC  
(Name/Address)

Occupation: Self employed, (restaurant, real estate)

Do you live inside the city limits of Montgomery?\* Yes  No  If So, How Long? 6.5 years

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

If So, How Long? 6.5 years Name of Business Cozy Grape

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

Education: BA Law Enforcement Admin, University of Oklahoma

Related Experience/Community Service: Pres. Cherry Creek South Metropolitan District, POA Board, Pleasanton, CA, Self Employed

Small Business Owner in Montgomery, TX

Areas of Interests Related to this Committee: Business Owner, Montgomery, Mrg Member Cronin Group LLC, GM Papercraft, Union City, CA, GM, Papercraft, Phoenix, AZ (\$8 mill Sales, 10 employees)

Please specify membership on any other governmental board/commission/committee:

None currently

\$50 mill Sales, 32 employees all reported to me

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

As the only one with small biz experience in Montgomery I can provide a perspective, no ax to grind, only want to better the city and provide excellent services to the citizens back to basics recognizing who we serve and @ who's pleasure.

Thomas Cronin  
Signature

11/14/2018  
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.



Hensley, Susan &lt;shensley@ci.montgomery.tx.us&gt;

---

**CITY COUNCIL PLACE 5 APPLICATION**

1 message

---

**Tim Stephens** <ts.77356@gmail.com>  
To: shensley@ci.montgomery.tx.us

Mon, Nov 19, 2018 at 3:45 PM

Ms. Hensley,

Please refer to the attached application form for the City Council Place 5 opportunity.

I meet all requirements:

- US Citizen
- at least 18 years old
- not totally or partially mentally incapacitated
- resided continuously in Texas at least 12 months
- resided in Montgomery at least 6 months
- no felony convictions
- registered to vote in Montgomery

Please reply to acknowledge receipt of this email.

Very Respectfully,

Tim Stephens  
165 Waterstone Drive  
+1 (936) 777-5670

---

 **TIM STEPHENS CITY COUNCIL PLACE 5 APPLICATION.pdf**  
235K

Received 11/19/18  
SH

City of Montgomery  
Application for Consideration of Appointment

Name of Board/Commission/Committee: CITY COUNCIL PLACE 5

Name: STEPHENS, TIM  
(Last) (First) (Middle)

Home Address: 165 WATERSTONE DR. (Street) (936) 777-5670 (Home Phone No.)

Email Address: TS.77356@GMAIL.COM

Mailing Address: SAME AS HOME (Business Phone /Fax)

Employer: HDF / HOUSTON TEXAS (832) 502-1316  
(Name/Address)

Occupation: METAL STAMPING LEADERSHIP EXPERT & FIREARMS INSTRUCTOR (SIDELINE)  
SECURITY CONSULTANT

Do you live inside the city limits of Montgomery? \* Yes  No  If So, How Long? 37 YEARS

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

If So, How Long? — Name of Business —

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

Education: BACHELOR OF SCIENCE IN MANAGEMENT

Related Experience/Community Service: MONTGOMERY COUNTY SEARCH AND RESCUE (MOC SAR) VOLUNTEER TEAM MEMBER,  
MONTGOMERY COUNTY SHERIFF'S OFFICE CITIZEN ACADEMY  
ALUMNI ASSOCIATION VOLUNTEER MEMBER, TEXAS DPS CERTIFIED  
LTC INSTRUCTOR, TEXAS CERTIFIED SCHOOL SAFETY ACTIVE SHOOTER  
Areas of Interests Related to this Committee: RESPONDER

WATERSTONE ON LAKE CONROE COMMUNITY REPRESENTATION,  
COMMUNITY SAFETY (LAW ENFORCEMENT), COMMUNITY DEVELOPMENT

Please specify membership on any other governmental board/commission/committee:

NONE

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

I AM A CONSERVATIVE PATRIOT LIVING IN WATERSTONE  
WITH LAW ENFORCEMENT / CIVILIAN SELF-DEFENSE KNOWLEDGE  
AND ENTREPRENEURIAL EXPERIENCE THAT OFFERS STRONG,  
PRINCIPLED LEADERSHIP TO SOLVE PROBLEMS WHILE MAINTAINING  
TEXAN VALUES IN THE SMALL HISTORIC TOWN OF MONTGOMERY.  
Signature [Signature] Date 11/19/2018

\*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.



Recvd. 12/3/18  
at. 12:11pm.  
Jh.

City of Montgomery  
Application for Consideration of Appointment

Name of Board/Commission/Committee: City Council

Name: Stewart Jerry Mary  
(Last) (First) (Middle)

Home Address: 205 Kings Lane  
(Street)

Email Address: stew.8675309@gmail.com (Home Phone No.)

Mailing Address: same as home

Employer: Self (Business Phone /Fax)

Occupation: Horse Breeder (35 years)  
(Name/Address)

Do you live inside the city limits of Montgomery?\* Yes  No  If So, How Long? 27 yrs.

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

If So, How Long? 35 Name of Business Kings Lane Farms  
sole proprietorship

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

Education: Graduated Cum Laude in 1981 from A + M  
TX

(A) Related Experience/Community Service: 3 Term (elected) Montgomery  
city councilwoman. P + Z Committee Chairman  
Speared Cedar Brake Park Project. Negotiate  
purchase of land for current city hall site

(B) Areas of Interests Related to this Committee: all areas that need  
improvement. I have a lot of contacts  
that could be of benefit to the city

(C) Please specify membership on any other governmental board/commission/committee:  
Active in the MISO for 16 years: Participated  
on the MISO District Advisory Board

(D) Please provide a brief narrative outlining your reasons for seeking appointment to this board/  
commission.  
I believe my experience will  
benefit the citizens greatly until the  
next election. En The Last couple  
Jerry H. Stewart 12-3-18  
Signature Date

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Plantersville Rd. (physical), Montgomery, TX 77356. Your application will be kept on file for 12 months.  
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Information Act.  
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(A) from the county for one dollar.  
Spearhead the P+Z movement  
to reality in the city. Cedar  
Broke Park Chairman, Historic  
Preservation Committee, Parking  
Committee, Community Grant Project

(B) Infrastructure and Drainage  
need attention now.

(C) Fought and changed the MISO.  
Honor Society eligibility rules.  
PTO Board member, founding  
member of the National Charity  
League Montgomery Monarch  
Chapter, Bear Backers, past President  
Montgomery Junior Cotillion.

Past President of Lake Conroe Area  
Republican Women, 1st Vice President  
2 years, Legislative Chairman 2 years.  
Campaign Activities Chairman, State  
Republican Delegate to the 50 3  
Convention and State Convention

Board member of the Houston  
Equine Research Organization  
(H.E.R.O.) at Sam Houston Race Park  
1995 - 2005

(D) of months I've been able to shine  
some light on problems and

help solve them. I'm good at  
win/win situations for the  
city as my past track  
record reflects.



**Countryman, Sara**

Dec 2,  
2018,

to Jon, foerster, me

I am in favor of this format and would welcome it!

---

On Sun, Dec 2, 2018 at 5:10 AM Jon Bickford wrote:  
Sara and Jack -

Could we consider or otherwise make this (second point) the plan for selection night?

---

On Nov 26, 2018, at 11:43 AM, Larry Forester wrote:

Jon:

Let me answer your questions one at a time:

First, yes you have a right to interview a candidate for city council independently if you wish.

Second, I like your idea of giving each candidate for the position an opportunity to present his/her qualifications in an open session of the council, with an opportunity to respond to questions from city council.

Finally, in my experience there can be a nomination for a candidate and if there is a second to the nomination, the council can vote on that candidate. If there are two or more nominations with a second, then the council votes on each candidate. There will need to be 3 votes for the candidate. If there is a two-two tie, then the mayor breaks the tie.

Larry L. Foerster

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From: JonBickford  
Sent: Monday, November 19, 2018

To:LarryFoerster  
Subject:OpenCouncilSpot

Are the standing council allowed to "interview" candidates to gather more information from them re: their qualifications beyond the information they turn in w their application?

Another interesting option i could propose to Jack is we give each applicant 5 minutes to state their qualifications publicly, perhaps we (Council) could then each ask an "up to" 1 minute question and get back an "up to" 2 minute answer?

Last: How do we best "vote" on candidates? I thought we went through a process before where we voted on applicants one at a time - but I remember there being a (my personal?) problem in that if we had a unanimous decision on 1, we didn't go to the other candidate or something? Maybe it was that someone made a motion for a candidate, and if that candidate passed, that was it? So wondering what we do if we have 3-4-5 applicants? What is the legal process to get that down to 2 then 1?

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: December 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: December 7, 2018</b>	

**Subject**

This is to swear in a new Council member, if one is selected. Obviously the new appointee must be present.

**Description**

This is to get the new Council member involved as soon as possible. The Mayor, the City Secretary can give the oath of office.

**Recommendation**

No action required by Council.

**Approved By**

City Administrator	Jack Yates	Date: December 7, 2018
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