

NOTICE OF PUBLIC HEARING and REGULAR MEETING

October 9, 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, October 9, 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. **For the purpose of giving all interested persons the right to appear and be heard on the proposed annexation by the City of Montgomery, Texas of the following described land:**
Being a tract of land containing 1.758 acres comprised of 0.22 acres in the BENJAMIN RIGSBY SURVEY, A-31, and 1.538 acres in the ZACK LANDRUM SURVEY, A-22, both in Montgomery County, Texas. Said 1.758 acres being out of and a part of a 6.75 acre tract conveyed by deed from Mary A. Hooker to Hy. C. Furlow and recorded in Vol. 38, Page 217 of the Deed Records of Montgomery County, Texas, and also being out of and a part of a 0.99 acre tract conveyed by deed dated November 17, 1928 from Mrs. W.H. Bailey to H.C. Furlow and recorded in Vol. 120, Page 202, of the Deed Records of Montgomery Country, Texas. *(First of Two Hearings)*

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 Public Hearing and Regular Meeting held on September 25, 2018.
3. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery and NNAC, Inc. (Exxon Station, Dev. No. 1812).
4. Consideration and possible action to reappoint Nelson Cox and William Simpson to the Planning and Zoning Commission.

CONSIDERATION AND POSSIBLE ACTION:

5. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 98, "ZONING," FOR THE SHOPPES OF MONTGOMERY PROPERTY AT THE SOUTHEAST CORNER OF STATE HIGHWAY 105 AND BUFFALO SPRINGS DRIVE FROM "R-1" SINGLE-FAMILY ZONING DISTRICT, "R-2" MULTI-FAMILY ZONING DISTRICT AND "I" INSTITUTIONAL ZONING DISTRICT CLASSIFICATIONS AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT AND "I" INSTITUTIONAL ZONING DISTRICT CLASSIFICATIONS; AND PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.
6. Consideration and possible action regarding the rezoning of the eastern portion of a 2.148 – acre tract of land located at 1005 Old Plantersville Road from R-1 single-family to ID – Industrial as requested by Theresa Fisher.
7. Consideration and possible action regarding the Cade Tract Utility and Economic Feasibility Study.
8. Consideration and possible action regarding the Lone Star Parkway Expansion and commitment to participate.
9. Consideration and possible action regarding approval of the Montgomery Economic Development Corporation 2018-2019 FY Budget as recommended by the MEDC Board of Directors.
10. Discussion regarding the Developers Round Table Discussion.
11. Discussion of Report of proposed Water, Sewer and Garbage Rates amendments.
12. Consideration and possible action regarding a proposal from Municode for City Web Site services.
13. Buffalo Springs Bridge Report by the City Engineer.
14. Consideration and possible action regarding acceptance of the Resignation by City Council Member Dave McCorquodale.

EXECUTIVE SESSION:

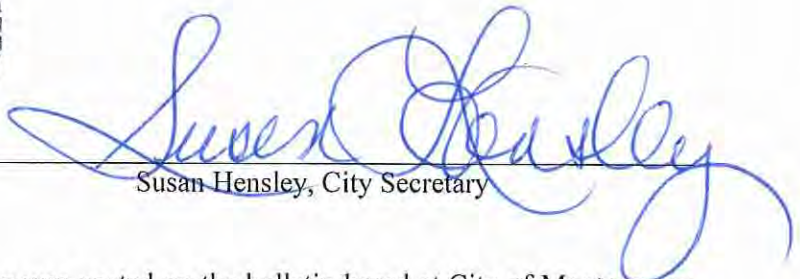
The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding 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,

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 5th day of October 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

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.

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Application, map
Date Prepared: October 4, 2018	

Subject

Public hearing on Al Cade 1.758 tract of land.

Description

This is the public hearing on the annexation of a 1.758 acres tract that is located approximately south of the NAPA store on SH 105. Water and sewer are available to this tract. The tract is completely surrounded by the present city limits.

There is a feasibility study completed on this tract that is later in this agenda. The Study says the city services are available with no capacity issues. The property would most probably be zoned B-Commercial upon its annexation.

Recommendation

Listen, consider any public comments

Approved By

City Administrator

Jack Yates

Date: October 4, 2018



CITY OF MONTGOMERY

P.O. BOX 708 MONTGOMERY, TEXAS 77356
Telephone: (936) 597-6434 / 597-6866

ACCOUNT #

New Commercial Water & Sewer Application

Name of Applicant/Company: Al Cade Cade Country
 Contact Person: Al Cade
 Mailing Address: 22491 Hwy 105W (16018 Arrow Chapel Rd)
 City, State, Zip: Montgomery TX 77356 77316
 Phone# 936-527-2930 Fax# _____
 Driver's License: 11557308 Last 4 digits of SSN#/TAX ID 6047

Service Address: 22491 Hwy 105W Email: al.cades@pol.com

Service Requested (circle applicable service): Water Sewer Both

Signature of Applicant: [Signature] Date: 8-27-18

MUST INCLUDE A COPY OF CONSTRUCTION DRAWINGS FOR A TAP FEE QUOTE. APPLICATION WILL NOT BE ACCEPTED WITHOUT IT.

411

FOR CITY USE ONLY

Application received/paid: _____

Date Service Connected: _____

Domestic Water Tap Fee: _____ App Fee: \$30.00

Fire Line Tap: _____ CSI Fee: \$100.00

Irrigation Water Tap Fee: _____ Deposit: \$250.00

Sewer Tap Fee: _____ Sewer Insp. Fee: \$50.00

Other: _____

Total Fee: _____

Employee Signature

PETITION REQUESTING ANNEXTION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF MONTGOMERY, TEXAS

The undersigned owner of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby petitions your City Council to extend the present city limits so as to include as part of the City of Montgomery, Texas, the following described territory, to wit:

Metes and Bounds attached as Exhibit "A".

I certify that the above described tract of land is contiguous and adjacent to the City of Montgomery, Texas, in the City's Extraterritorial Jurisdiction (ETJ), is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: Debra Cade

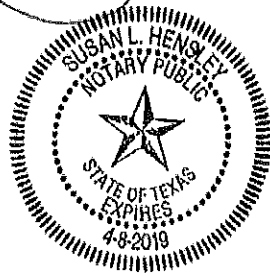
Signed: _____

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared DEBRA CADEY, known to me to be the person whose name is subscribed to the forgoing instrument and each 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 5th day of September, 2018.

Susan L. Hensley
Notary Public in and for the State of Texas



STATE OF TEXAS §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared AL CADE, known to me to be the person whose name is subscribed to the forgoing instrument and each 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 3rd day of September, 2018.

Susan L. Henley
Notary Public in and for the State of Texas



Exhibit A

E-Recording Number:

09-171896 MP

Date: _____

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.

GENERAL WARRANTY DEED

Date: February 6, 2018

Grantor: ROBERT G. ODEN, Individually and as Independent Administrator of the Estate of BRUCE CARROLL, Deceased, as provided in the Amended Decree Confirming Sale of Real Property attached

Grantor's Mailing Address:

19910 HIGHWAY 30
BEDIAS, TEXAS 77876

Grantee: AL CADE and DEBBIE CADE, a married couple

Grantee's Mailing Address:

16818 RABON CHAPEL ROAD
MONTGOMERY, TEXAS 77316

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

BEING a tract of land containing 1.758 acres comprised of 0.22 acres in the BENJAMIN RIGSBY SURVEY, A-31, and 1.538 acres in the ZACK LANDRUM SURVEY, A-22, both in Montgomery County, Texas. Said 1.758 acres being out of and a part of a 6.75 acre tract conveyed by deed from Mary A. Hooker to Hy. C. Furlow and recorded in Vol. 38, Page 217 of the Deed Records of Montgomery County, Texas, and also being out of and a part of a 0.99 acre tract conveyed by deed dated November 17, 1928 from Mrs. W. H. Bailey to H. C. Furlow and recorded in Volume 120, Page 202, of the Deed Records of Montgomery County, Texas.

STARTING at a fence corner at the intersection of the South right-of-way line of State Highway No. 105, having a width of 120 feet, with the East right-of-way line of the Old Dobbin Road, having a width of 50 feet. Said fence corner marking the Northwest corner of a 2 acre, more or less, tract conveyed by deed dated January 1, 1949, from H. C. Furlow to Rock Rabon of ux and recorded in Volume 290, Page 492 of the Deed Records of Montgomery County, Texas:

THENCE: S 83 deg. 31' E along the South right-of-way line of said Highway No. 105, a distance of 338.2 feet to a 1" G.I.P. for the Place of Beginning of the tract herein described;

THENCE: Continuing S 83 deg. 31' E along said right-of-way line a new distance of 210 feet to a 1" G.I.P.;

THENCE: S 6 deg. 29' W 323.92 feet to a 1" G.I.P. set on the Northwest edge of old abandoned road;

Received and E-Filed for Record
1/23/2018 4:28 PM
Mark Turnbull
County Clerk
Montgomery County, Texas

16-33866-P

NO. 16-33865-P

IN THE ESTATE OF
BRUCE CARROLL,
DECEASED

§ IN COUNTY COURT AT LAW
§
§ NO. TWO
§
§ MONTGOMERY COUNTY, TEXAS

AMENDED DECREE CONFIRMING SALE OF REAL PROPERTY

On this day the Court heard and considered the Report of Sale of Real Property of the following property:

BEING a tract of land containing 1.758 acres comprised of 0.22 acres in the Benjamin Rigsby Survey, A-31 and 1.538 acres in the Zack Landrum Survey, A-22, both in Montgomery County, Texas and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

The Court finds that at least five (5) days have expired since the filing of the Report of Sale and is in compliance with this Court's previous Order of Sale of Real Property and with the law; and that the real property has been sold for a fair price and such sale was properly made and in conformity with the law.

IT IS ORDERED and DECREED that the sale described in the Report of Sale is hereby **APPROVED and CONFIRMED** and conveyance of the property is authorized upon compliance by the Purchaser with the terms of sale.


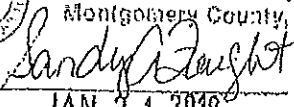
SIGNED _____

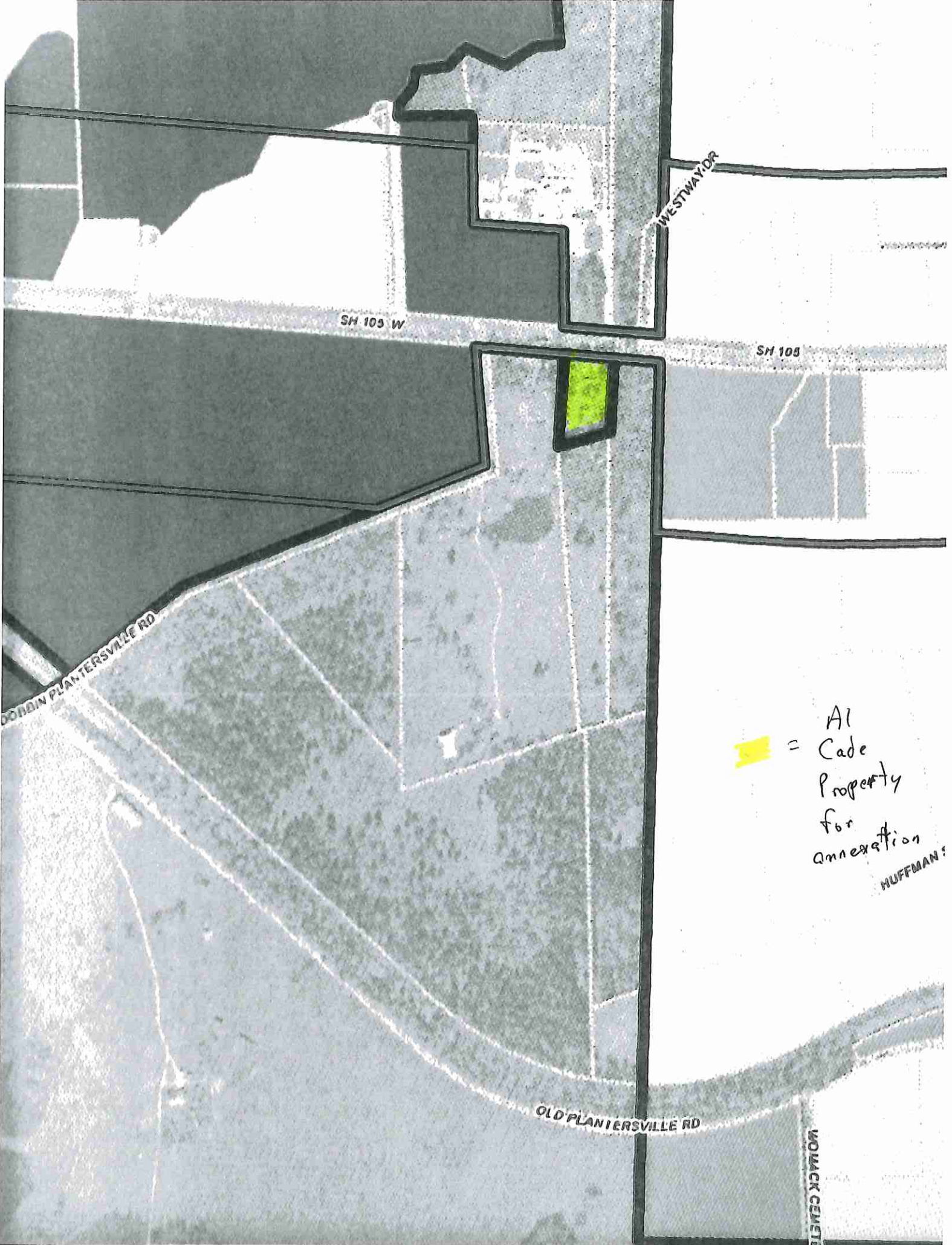
Signed: 1/30/2018 02:41 PM



JUDGE PRESIDING

I hereby certify that this is a true and correct copy of the original record on file in my office.


Mark Turnbull, County Clerk
Montgomery County, Texas
by  Deputy
Issued JAN 31 2018



SH 103 W

SH 103

WESTWAY DR

WOODRIF PLANTERSVILLE RD

OLD PLANTERSVILLE RD

WOMACK CENTER

AI = Cade Property for Annexation
HUFFMAN

MINUTES OF PUBLIC HEARING AND REGULAR MEETING

September 25, 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
Dave McCorquodale City Council Place # 5

Absent:

Also Present: Jack Yates City Administrator
Larry Foerster City Attorney
Susan Hensley City Secretary
Ed Shackelford City Engineer
Chris Roznovsky City Engineer

INVOCATION

John Champagne gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

1. Consideration and possible action regarding receiving the Final Report from the Planning and Zoning Commission, related to their second Public Hearing held on September 24, 2018 regarding the request to rezone the eastern portion of a 2.148 acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to ID-Industrial Use, as requested by Theresa Fisher.

Mr. Yates advised that the Planning and Zoning Commission met last night and held their second public hearing and prepared their Final Report. Mr. Yates said the Planning and Zoning

Commission is recommending by a vote of 3-Ayes and 1-Nay that the property that is currently designated with the zoning classification of R-1 Residential (eastern portion) and ID – Industrial (western portion), that it was in the best interest of the community to rezone the parcel that is zoned R-1 to ID – Industrial. Mr. Yates said that something that is not written in the Final Report, but was specifically mentioned was that this recommendation was made to include “with strong code enforcement.” Mr. Yates said the Commission discussed how they wanted to impress on City Council and staff that they wanted strong code enforcement.

Dave McCorquodale moved to accept the Final Report of the Planning and Zoning Commission as presented. T.J. Wilkerson seconded the motion.

Discussion: Jon Bickford asked what “strong code enforcement” meant. Mr. Yates said that he thought that it meant vigilance. Jon Bickford asked if the City had different levels of code enforcement, because that is a very subjective comment. Dave McCorquodale said anything that is subject to the Code should be subject to strong code enforcement. Jon Bickford said he did not understand the intent of “strong code enforcement.” John Champagne said that implication is the City is not strong in some other codes. Jon Bickford said that concerns him, and asked if there is something that the City needs to shore up to make sure of that, in the event they move forward. Mr. Yates said code enforcement is difficult to perfectly administer. Jon Bickford said that concerns him, but they will accept the report. Rebecca Huss clarified that City Council was just accepting the report.

The motion carried unanimously. (5-0)

PUBLIC HEARING:

Convene into Public Hearing for the purpose of giving all interested persons the right to appear and be heard regarding the following:

Mayor Countryman convened the Public Hearing at 6:08 p.m.

2. **Public Hearing – regarding a request to rezone the eastern portion of a 2.148 acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to ID-Industrial Use, as requested by Theresa Fisher.**

Mr. Steve Weisinger, Attorney for Mrs. Fisher, said that he wanted to make sure that City Council understands that the situation that exists is of no fault of anybody here now or for quite some time. Mr. Weisinger said the maps of the City of Montgomery, as far as designations of various districts, are just messed up and create a checkerboard effect. Mr. Weisinger said in the situation of Mrs. Fisher's property, she has one tract and for no apparent reason, where it used to be on the commercial industrial and then it was something that just appeared on the maps and no one can give an explanation on why half of the property was rezoned as residential. Mr. Weisinger said the residential part of the property is sitting on the railroad tracks and is totally unusable as residential property. Mr. Weisinger said the other part of the property, which is zoned ID-Industrial, has a building on it. Mr. Weisinger said it was their understanding that one of the complaints that has been raised about not wanting it zoned is appearance, and he wanted to make sure that City Council understands that the characteristics of what they are asking for call for everything to be enclosed. Mr. Weisinger said they had the Planning and Zoning Commission meeting last night and there was substantial discussion on the issue, and the issue that was raised related primarily to some property in the area that has issues. Mr. Weisinger said one of the Commissioners last night did ask for "strong code enforcement" and said he could not support this zoning request if there was a possibility that it would look trashy later. Mr. Weisinger said there were plenty of zoning requirements that allow the City to clean up that issue, but he wanted to make sure and the esthetics was the issue. Mr. Weisinger said the Zoning Ordinance gives the City the right to deal with esthetics, odor issues, noise issues and light issues. Mr. Weisinger said that what they are trying to do here is to look at the totality of the circumstances because this is what it was intended to be and then inexplicably somehow it changed between one map and then a revised map; no one can find any ordinance or action by City Council which would affect that change, it just changed. Jon Bickford asked if they knew when that change occurred. Mr. Yates said it was about 2003.

Mr. Weisinger said he totally understood that no comment by any City Council member has truly any affect, but before the Fishers' purchased the property they inquired as to how the property was zoned. Mr. Weisinger said the Fishers' were told that it was zoned commercial, and they, in fact, have a letter from the then Mayor saying what it was zoned, which he understands does not bind this City Council. Mr. Weisinger said the Fishers' in good faith inquired about the property before they purchased it, got assurances and there were maps that

said that it was commercial and then suddenly it was not. Mr. Weisinger said what they are here to do is really not just ask for rezoning but is fix a problem that should not exist, and the checker boarding in the City is pretty bad, with people who have built residences on tracts that are zoned commercial and he wants to fix the problem. Mr. Weisinger asked City Council to look at the totality of the circumstances and do what is right.

Jon Bickford asked if they had a letter that was written by a previous Mayor that declares this property commercial. Mr. Yates said yes and said the letter basically states that they could use the property the way they are using in now. Rebecca Huss said that when they looked at this before she thought the City Attorney had stated that the facts were different than Mrs. Fisher's attorney was asserting. Mr. Foerster said he did not remember saying anything about the facts being different. Rebecca Huss said it was related to the interpretation of the letter. Mr. Foerster said he might have said the Mayor's comments or conclusions about how the property is zoned is not binding on any City Council, and it is not. Mr. Weisinger said on the older maps it is zoned commercial. Jon Bickford asked that a letter be provided to City Council at some point. Rebecca Huss advised the letter was included in a previous agenda pack. Mr. Weisinger asked that City Council do what is right.

Mrs. Julie Davis, who lives close to the Fisher property, and said that everyone that lives around there agrees that Mrs. Fisher has gotten a raw deal on the zoning issue. Mrs. Davis said that she understood that their hands were tied on the Industrial zoning, and she would much rather, as a neighbor, have the property zoned Industrial versus Commercial, just because of the traffic. Mrs. Davis said her question to the City Council is what they are going to do when there is a property across the street that is zoned Industrial that actively has trash dumped in front of it, because some of the people are dumping their garbage. Mrs. Davis said that the property across the street from that is zoned Commercial and now you are talking about zoning this one Industrial, and the roadway is not suitable for the trucks and the equipment that is coming down it and her kids' bus stop is literally on the corner, 50 feet from this property. Mrs. Davis said they are talking about moving these huge trucks for the trash place, and then they are going to zone this property Industrial with strong code enforcement, and we are, as a City, enforcing the Code on a property that is right by it. Mrs. Davis said that a student just came home from the hospital from totaling his car and getting injured on this road last year. Mrs. Davis asked what it will look like to have increased industrial traffic on a very narrow roadway, with

culverts and ditches on both sides. Mrs. Davis said there is no correction area on the road, which is what happened to the student last year when he rolled his car. Mrs. Davis said they are going to be putting large trucks on the road with kids, that are speeding and said it was the responsibility of the City to step up and either stop the rezoning stuff or to improve the roadways so the kids and citizens are protected. Mrs. Davis said she was asking City Council, before they just pass on "strong code enforcement" that they dictate what the regulations are, with specific parameters for the safety of everyone in the City, not just for Mrs. Fisher's benefit. Mrs. Davis said she understands 100% that Mrs. Fisher is being run through the ringer and it is not fair; she gets it, but what does it look like once you unleash this on the rest of us.

John Champagne asked when Mrs. Davis bought her home. Mrs. Davis said she bought it four and a half years ago. John Champagne asked if Mrs. Davis checked with the surrounding properties on whether they were zoned a certain way before she purchased the property. Mrs. Davis said she was under the impression through an email to Mayor Jones, at the time, that all the properties out there were zoned residential, with the exception of the one with the roll off dumpsters. Mrs. Davis said she still did not know what the City's legal limits are to enforce anything out there with the roll off dumpsters, but that is just a regular nuisance. Mrs. Davis said she has since found out that one of the properties is zoned Commercial, then the Industrial and now we have this one. John Champagne said he was just interested as to whether Mrs. Davis had gotten any information regarding what the property was or was not zoned, and if she had based her decision on buying her property, based on that. Mrs. Davis said after they purchased their property it was rumored and is still rumored that this roadway was going to be the other corridor of the loop for the Lone Star Parkway, which is three and a half times the size of this roadway. Mrs. Davis said they are comparing apples to oranges, and if this is going to be the other corridor loop for Lone Star Parkway they are a long ways off in the safety parameters for our kids.

T.J. Wilkerson asked Mr. Weisinger if Mrs. Fisher was in real estate. Mr. Weisinger said yes, Mrs. Fisher was in real estate, and is a licensed realtor. Mrs. Fisher said yes, she was a realtor when she purchased the property. Mrs. Fisher said she and her husband did their homework and it all came back that it was Commercial, they don't call it Industrial. Mrs. Fisher said the Appraisal District does not call it Industrial; they have the entire property listed as Commercial. Jon Bickford asked how much of the property is zoned Industrial versus what is zoned

Residential. Mr. Yates said he thought the property was 55 to 60 percent Industrial. Jon Bickford asked if the Planning and Zoning Commission saw that information. Chairman Cox advised they were told 60 percent was Industrial and 40 percent Residential. Mr. Weisinger stated that this was only one address.

Mr. David Potter stated that he was completely against this. Mr. Potter said he could tell City Council when this changed over, it was changed in 2007-2008. Mr. Potter said in 2007 he was not paying any City taxes and in 2008 he was paying City taxes. Mr. Potter said the City Planning and Zoning Commission rezoned all that property in there and that is when it happened. Mr. Potter said Mr. Yates said last night it was 2004 and now he is saying it was 2003, and he would like to know when it was, because it was between 2007-2008 when the Planning and Zoning Commission met and voted on which property would be zoned what. Mr. Potter said he has been here since 1992. Mr. Potter said Mr. Giles used to own that property that Mrs. Fisher now owns, and Mrs. Fisher bought the property from Mike Hammer. Mr. Potter said he would like to see how they got 60% zoned Industrial and what year and date it was zoned, and said he was completely against going with Industrial because, for one reason you do not know when they are going to be working 24 hours a day and what kind of lights they are going to have, what type of noise they are going to have, type of truck and it does not make any sense that they have nice houses in a residential area and for one more piece of property to go industrial in that area. Mr. Potter said they have enough problems in there with Mabry right now, with all the trash in front of his place because of the junk pile over there. Mr. Potter said there is no fence or gate there. Mr. Potter said Mrs. Fisher has a fence and gate. Mr. Potter said he was totally against the rezoning and said he would like to see further proof of what they are talking about with the 60 percent and he would like to see the letter. Mr. Potter said if they look across those dumpsters there is still trash in those dumpsters, and Mr. Yates said it has all been taken out, but it has not.

John Champagne said the ordinances that they are entertaining here encompass Mr. Mabry's property, as well. Mr. Yates said Mr. Mabry's property is zoned Industrial. John Champagne said, based on Planning and Zoning, the City would be strongly enforcing the requirements on that property, as well. Mr. Yates said that was correct. Mr. Potter said when Mr. Giles owned that property he had a pulp wood yard there and they hauled and delivered pulp wood out of there; Mr. Giles built the building that is there. Mr. Potter said they complained about the noise

that was being made from daylight to past dawn from the shaving mill, and who is to say that whoever buys this place will be going 24 hours a day. John Champagne said his only point was the ordinances that are being entertained for rezoning Industrial are applied to existing Industrial properties, as well. Mr. Potter said there are ordinances right now that are not being enforced. John Champagne said he was with Mr. Potter 100 percent. Mr. Potter said he did not want the community to get any worse.

Mr. Weisinger said that the Fishers' built the building that sits on the property. Mr. Potter said there was a building on the property. Mrs. Fisher said there was a structure that was not really a building because it was wide open. Mayor Countryman stated that this is a Public Hearing and there is no need for back and forth conversation.

Mr. Weisinger said the letter was from Mayor Sue Timmerman and was dated October 31, 2003. Mayor Countryman asked that the letter be given to Mrs. Hensley so they can take a look at it.

Adjourn Public Hearing.

Mayor Countryman adjourned the Public Hearing at 6:32 p.m.

Convene into Regular Meeting.

Mayor Countryman convened into the Regular Meeting at 6:32 p.m.

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.

Mr. Charles Booth – advised that he was 81 years old and has lived in Montgomery for 27 years, and retired from the United States Secret Service in 1997, in the Houston field office. Mr. Booth said in 1986 your Chief of Police Napolitano started his career in the same office. Mr. Booth said the boss assigned all new guys to report to him for one year. Mr. Booth said after he retired two or three years later he got a phone call from his son, who was a Federal Agent and still is. Mr. Booth said his son said guess what, I am working with an old friend of yours from the Secret Service, Napolitano and

always told him great stories about what they were doing and we both called him Nappi News. Mr. Booth said it was just a joy to be around the man, to work with him and he has no complaints about him at all. Mr. Booth said he would like to tell City Council that he didn't know why a retired Secret Service Agent would want to be Chief of Police in Montgomery, in the first place. Mr. Booth said after 22 years working in 40 countries and being away from home all the time, all the jobs for them when they retired required a lot of travel. Mr. Booth said he turned all that down and got the perfect job for him, investigating lawyers for the State Bar of Texas. Mr. Booth said he had to drive downtown every day, and Nappi lived a few blocks from him and he was telling him he was with the Montgomery Police Department. Mr. Booth said he followed his accomplishments with the Police Department, and said he could go up to one of his officers and talk to them and ask them how they liked working for Chief Napolitano. Mr. Booth said he loved what he heard from them. Mr. Booth said he really liked the fact that when he asked Nappi how the job was going he would always compliment a male or female officer that was working for him, and said that was good stuff. Mr. Booth said if they can look at the training that the Chief has had, that is as good as it gets and it is not going to get any better. Mr. Booth said if by chance you folks think he is just saying all this, he said he really loves the Chief. Mr. Booth said if you hire a polygraph operator and pay for it, he will be sure that the results go to the City and the news media. Mr. Booth said what is going on does not make any sense to him. Mr. Booth thanked City Council for their time.

Mr. Larry Jacobs – said that he was here to discuss the future of Lone Star Parkway and said that they had a collective experience on that recently. Mr. Jacobs said since that time it has caused him a lot of concern not only from a personal point of view, but his neighbors. Mr. Jacobs said the Simontons, Marilyn, Martin, Collins, Mr. Smith, Larry Ashley, all of them have been under similar impressions. Mr. Jacobs said back in early 2005-2006, the Simontons, Carwiles, Chris Cheatham and Jennie Stewart were the major land owners out there and went together and figured out a way to extend the Lone Star Parkway west of FM 149. Mr. Jacobs said at that time they were under cumulative zoning, Industrial. Mr. Jacobs said they had three office buildings and nice commercial, residential and he thought that to this day if they visited with most of the really active developers, they will say that drive is the gateway to the new residential side of Montgomery. Mr. Jacobs said they were under Industrial when it was cumulative, and under the cumulative he was able to go with Mike Meador and the County and do the Community Center; they extended, at their cost, a 12-inch waterline. Mr. Jacobs said they got with the County and did Independence Place and had a very simple deal with the cumulative zoning and rezoned those to what they are today. Mr. Jacobs said there is a history, and all the families that were involved

and are basically still the primary land owners out there are all under the impression that they are cumulative under zoning. Mr. Jacobs said some of the larger developers have put together their planned development deals, and they said they have a multitude of owners that work together and support each other to do something nice. Mr. Jacobs said he agreed with the City and they agreed with him, there is a process and the difference in how that area turned around sometime between 2008, when they were able to get the rezoning for the Community Center, and now he is told that it all needs to stay industrial. Mr. Jacobs read some of the Industrial Uses provided in the Code, stating that none of them are pretty and said that he would submit to City Council that most people in Montgomery would think Lone Star Parkway, west particularly, needs to have a way of making itself more attractive and a more suitable mixed use type development than the uses that are in the existing Code. Mr. Jacobs said that they would like to have a public meeting, stating that Mr. Foerster suggested something one time regarding a neighborhood workshop, with City Council and the Planning and Zoning Commission so they could explore some of these things because the City is really putting a limit on what that area goes to. Mr. Jacobs said if they look at Westway, some day that area will be developed and go through the Carwile property, through his property and Mr. Schmidt's property. Mr. Jacobs said now they will have a new major thoroughfare going through a residential area onto Lone Star Parkway and you want to turn that traffic onto an Industrial way back toward FM 149. Mr. Jacobs said that does not make any sense when it extends across Lone Star Parkway and goes across the Schmidt property and goes down FM 1097 to property that has restrictions on the residential with no commercial, no hog farms, trying to make that property nice and it funnels back toward Lone Star Parkway. Mr. Jacobs said he would really like the City to consider letting them have a neighborhood get together where they can share their concerns and what their visions are for that area with the City.

Mr. Jacobs said he wanted to say one other thing, he has been a business owner in downtown Montgomery for about 20 years, property owner, and he would like to say it is a pleasure to meet and call Jim Napolitano his Chief and he supports him 100 percent.

Dave McCorquodale commented on the uses that Mr. Jacob read off are all allowed under Industrial zoning. Mr. Jacobs said that was correct, they have to be in an enclosed building and some with outside fenced storage.

Mr. Robert Holden – stated that he lives in Willis by FM 1097. Mr. Holden stated that Chief Napolitano's history is unique, not many of us have stood next to another person and watched a person

get shot at, some of you have never been shot at, and some of you all have never put your life in danger for another. Mr. Holden said the Chief has done that his whole life, his training is unique, exceptional and he even went to school through Delta Force, which is significant training. Mr. Holden said the City has a golden nugget here. Mr. Holden said he was not sure if it was right, but making a decision on a man's life and career he felt should be made more by a group of his peers, which they have heard from other folks who served with him, local customers and many of his staff. Mr. Holden said his peers want the Chief. Mr. Holden said he would not do what the Chief does, even the basic simple things of walking up behind a car at 3 a.m. with dark tinted windows, which is basic and he has gone way beyond that.

Ms. Kelli Cook was not present to speak.

Rebecca Huss – advised that she would defer comments until after the Executive Session.

Mayor Sara Countryman - advised that she would defer comments until after the Executive Session.

Mrs. Jenny Stewart- has been a resident of Montgomery since 1991; she has served three terms on City Council, and served on Committees, so she understands what it feels like to sit in City Council's seat. Mrs. Stewart said having been away much of the summer, she has yet to voice an opinion on Police Chief Jim Napolitano. Mrs. Stewart said without a doubt to her, Chief Napolitano is the best Chief that Montgomery has had since she has lived here. Mrs. Stewart said the Chief is a consummate professional, stellar background, worldwide connections and vast experience that benefits crime fighting. Mrs. Stewart said in 2011 she was visiting her daughter in New York City and the day after she got back to Montgomery her husband called from his office and asked what she had purchased at Macy's. Mrs. Stewart said she had not purchased anything at Macy's, but her husband advised that her credit card said she had spent \$1,500 at Macy's. Mrs. Stewart went to the Police Chief at the time, who was not Jim Napolitano, and said what was going on and he said that she needed to contact the New York Police Department, which she did and they required her to come in person to file. Mrs. Stewart said she called Jim Napolitano and told him what was going on, and he made a couple phone calls and got back to her with the name and contact. Mrs. Stewart said she called that person and he took her report over the phone. Mrs. Stewart said it just so happened that her daughter's roommate had a credit card fraud the same week that she was there and she and Jim Napolitano compared notes and there was one store they had gone to in common. Mrs. Stewart said that fraudulent ring was

stopped, and had Jim Napolitano not been in the picture it would not have ended that way because nobody that she had talked to was able to help her with her problem. Mrs. Stewart said Chief Napolitano was also instrumental in stopping a credit card reading scan at the Exxon Mobile station in town. Mrs. Stewart said very few towns have a Police Chief with his skill set. Mrs. Stewart said she and her husband would trust the Chief with their lives, and said the City is very blessed to have a man of his caliber and integrity running our law enforcement department. Mrs. Stewart said it is her opinion that this is the best law enforcement department in the 27 years she has lived here. Mrs. Stewart said she was not clear on exactly what this agenda is really about but obviously HR manuals in the workplace protocol are in dire need of update and reforming. Mrs. Stewart said the taxpayers of this town expect and deserve top notch infrastructure, bridges, water, sewer and law enforcement. Mrs. Stewart said you have a Police Chief that is admired and everyone wants him, and we are very happy with him. Mrs. Stewart said she hopes this Council will consider the stellar performance of Jim Napolitano, as he is more than capable of performing his duties as Police Chief. Mrs. Stewart said you need to look at the whole picture, this is the most professional law enforcement team she has ever seen in the City and she would hate to see it damaged by a bad decision.

Mr. David White – represents the Romeo (retired old men eating out) Club of Montgomery Whataburger Division, advised that he served on City Council for six years and he knows what is involved and we thank you for your service because this is tough. Mr. White said that little towns get bent out of shape and look for things to do, he guessed, and the guy with the badge and the gun draws attention. Mr. White said we have a good Chief, and everybody knows we have a good one. Mr. White said there is always going to be somebody that does not like them and they will be loud and a squeaky wheel, but he is a good man. Mr. White said they know good people, and we know that if you hire good people things do get out of the way, which is the key that you know you have good folks running the show, they hire good people and they let them do their job. Mr. White said you have a good guy, let him do his job, they are all for him and we are all for Council too, because when you succeed, the community succeeds too.

CONSENT AGENDA:

3. Matters related to the approval of minutes of the Workshop Meeting held on June 9, 2018, Public Hearing held on August 31, 2018, Public Hearing held on September 4, 2018, and Public Hearing and Regular Meeting held on September 11, 2018.

4. Consideration and possible action regarding Certificate of Acceptance for public water and public sanitary sewer infrastructure to serve the Montgomery First Phase II and III (Dev. No. 1017) Development.
5. Consideration and possible action regarding Certificate of Acceptance for the 2017 FM 149 Sanitary Sewer Cleaning and Televising project and approval of final payment. (*Magna Flow Environmental*)
6. Consideration and possible action regarding adoption of the Montgomery County Hazard Mitigation Plan by Resolution.

Rebecca Huss commented on the minutes from the Workshop, she felt that some of the discussions that they had with Jones & Carter are worth breaking out and making sure that they look at fairly regularly when they talk about infrastructure and expansion. Rebecca Huss said the minutes were fairly in depth, particularly in terms of the importance of planning for water and the lack thereof that came up when they were discussing whether or not to do a connection with somebody outside the City limits in the City's ETJ and Conroe's ETJ. Rebecca Huss said she felt the minutes from that meeting should be appended to other discussions that they have so they do not have to recreate the wheel.

Jon Bickford moved to accept the Consent Agenda items as presented. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

7. Consideration and possible action on Department Reports.
 - A. Administrator's Report – City Administrator Jack Yates presented his report to City Council. Mr. Yates stated that during the month he had met with City Council in three meetings regarding the tax rate and other budgetary items. Mr. Yates stated that he had met with the Board of Adjustment regarding a parking variance for Blazer Senior Housing development. Mr. Yates said that he had met with the HMBA Board twice regarding the downtown promotion and Street Scape Plan. Mr. Yates advised that he had met with FEMA regarding payments to the City. Mr. Yates said that he has also worked on the billing for the Escrow Accounts. Mr. Yates advised that he needed to mention an item on the summary of the Water and Sewer Fund in the Budget, and said that while the line items were correct a mistake was made by not bringing those figures

forward to the summary sheet. Mr. Yates included the correct page in the Agenda Pack. Mr. Yates said the incorrect page did not pick up approximately \$149,000 worth of expenses, so the ending balance for the Water and Sewer Fund for next year is \$829,139. Mr. Yates said the individual line items were correct, so there will be no need to take any further action.

John Champagne asked which software they are using for financials. Mr. Yates advised they are using QuickBooks.

T.J. Wilkerson asked about Grantworks, and asked if there was any update on the HOME Grant. Ms. Hensley advised that she could provide some additional information; there were two people that are in the final stages and moving along very well. Jon Bickford asked if they were still lacking applicants. Ms. Hensley advised that they had the applicants, it was just dealing with titles and clearing up the information. Ms. Hensley said there are a couple of people that have minimal things that they need to take care of to complete the process, so they are going to see if they can get Grantworks to make some calls.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works, presented his report to City Council. Mr. Muckleroy advised that they added a culvert on Shephard Street, buried conduit at the Wastewater Treatment Plant, repaired several street signs and completed the repair of the ditch on FM 1097 that had exposed water and sewer lines. Mr. Muckleroy said he created an HVAC layout diagram of City Hall. Mr. Muckleroy said that he attended a final walk through of Emma’s Way extension and Garner Drive projects. Mr. Muckleroy reported that they had seven water leaks, zero sewer stoppages, 13 water taps and 13 sewer taps for the month. Mr. Muckleroy said on the park side they built the fish fence at Memory Park, replaced some damaged locks at Homecoming Park and repaired at gate at Memory Park. Mr. Muckleroy said the docents at Fernland reported 321 visitors and they provided 28 tours.

Rebecca Huss asked about the exposed pipe, and whether this was the project that his department did internally instead of outsourcing. Mr. Muckleroy advised that was correct. Rebecca Huss asked Mr. Muckleroy to describe the economics of this project,

detailing the initial bid estimate. Mr. Muckleroy stated that he originally obtained a bid to do steel split casing across the ditch to protect the pipes, and that price was around \$55,000, so they looked at just putting it back to the way it was, filling everything back in and the outside quote was around \$45,000. Mr. Muckleroy said they ended up doing the job in house for less than \$15,000. City Council concurred that was a good job.

John Champagne asked who was in charge of code compliance, such as grass and drainage. Mr. Muckleroy asked if it was in yards. John Champagne said regarding the grass in the easements. Mr. Muckleroy said the easements falls under the mowing contract, but private yards would be a code enforcement issue, which would fall under the code enforcement officer and Mr. Yates. John Champagne asked who would handle drainage situations that he has discussed with Mr. Muckleroy that are still unattended to. Mr. Roznovsky advised that they are developer related drainage issues at Lake Creek Village and they are following up. Rebecca Huss said the ditch on Bessie Price Owens looks great.

- C. Police Department Report – Chief James Napolitano presented his report to City Council. The Chief advised Officer Kevin Thompson attended Advanced Law Enforcement Rapid Response Training (ALERT), which is what the State is requiring all officers to attend. The Chief advised that CISD Police Department hosted the training session, and Officer Thompson got his first ALERT I training and they are now looking to send all the officers to ALERT II training, which will give them some medical background in case they have an active shooter problem at the City. Jon Bickford asked if it was a two part training. Chief Napolitano said yes it also covers the medical since they are often the first ones on the scene. Mayor Countryman asked if that was the training that she had sent over to the Lieutenant that she had found out about. Chief Napolitano said he did not know. Mayor Countryman said that she thought that it was the same training.

Chief Napolitano advised that Lt. Belmares attended the Crimes Against Children Conference that was held in Dallas by the Children’s Advocate Center and the Dallas Police Department. The Chief said unfortunately the more children they have, the more

problems they are going to have with crimes against children. The Chief advised that Officer Bauer and Officer Carswell did a one-day training in Beaumont with Patrol Response for Narcotics Officers, and said our officers are coming more and more in contact with people that are either using or transporting drugs through the City, so they need to get the best training that they can. The Chief advised that they held Coffee with Cops at the McDonald's in Montgomery, which went over very well and said not only was Montgomery Police Department involved but MISD Police Chief Runnels was there and also the Sheriff's Department. Chief Napolitano announced that National Night Out will be held on October 2nd in Cedar Brake Park.

- D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator, presented her report to City Council. Mrs. Duckett advised that during the month of August the Court collected \$51,021.18. Mrs. Duckett stated that 320 citations had been written during the month. Mrs. Duckett said that Deputy Court Clerk April Dupree just completed Court Clerk's boot camp and in the near future she will be obtaining her Level I Court Certification and Mrs. Duckett will be working toward her Level II Certification.

John Champagne said from his vantage point Mrs. Duckett seemed to be doing an excellent job, and asked Mr. Yates how Mrs. Duckett was doing. Mr. Yates said that Mrs. Duckett is doing great, they are working with just two people and doing an excellent job. Mrs. Duckett said that she just celebrated her three year anniversary.

- E. Utility/Development Report – Mr. Yates presented the report to City Council advising that the utilities brought in \$158,962 for the month, permits brought in \$20,817, and the Community Building brought in \$1,630 for rentals. Mr. Yates stated that there were 25 new water accounts, 12 disconnected accounts bringing the total number of active accounts to 688. Mr. Yates stated that there were a total of 52 permits issued during the month, which includes 11 new residential, no commercial, one pool permit, four irrigation permits, 9 electrical, 12 mechanical, 13 plumbing and 1 sign permit. Mr. Yates said the Community Center was booked five times during the month for paying groups collecting \$1,630 and there were 12 bookings for nonprofit groups that do not pay for the rental.

Mr. Yates advised for the City accounts water consumption everything was low except for Memory Park, which was at 205,000 gallons. Rebecca Huss asked Mr. Muckleroy about the progress for the reclamation from the pond for irrigation at Memory Park. Mr. Muckleroy advised they were close to completing the project. Mr. Muckleroy said he had met with the TORC Committee and they think that they have all the parts lined up except for one, which Mr. Burleigh is checking on to make sure that it would regulate a certain pressure. Rebecca Huss said it has been raining a lot so this would have been a perfect time. Jon Bickford said with all the irrigation that they do in the City, which is about 60,000 gallons, and Memory Park is \$205,000 just by itself so that is a lot of water.

- F. Water Report – Mr. Michael Williams with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams advised they had a district alert at Lift Station #4, #13 and Water Plant #3 power failure that was due to a rain storm. Mr. Williams advised that they got the plant working and reset the alarms. Mr. Williams advised that the plants were up and functioning when they arrived. Mr. Williams advised for the month of August the flow for the month was 3,049,000 gallons with the daily peak flow on August 1 at 133,000 gallons, and the daily average flow was 98,400 gallons. Mr. Williams advised that the effluent monitoring report showed that all samples were within compliance for the month of August with 2.75 inches of rain. Mr. Williams reported that they sourced a total of 11.73 million gallons of water and sold 10.922 million gallons bringing them to an accountability of 96%. Mr. Williams said they had 808 connections for the City.

Mr. Williams said the permit for Well #4 has been drawn down, but they have been making progressive changes so that they won't run out of the permit for the year. Mr. Williams said that he had a typo and said the flow was 3.049 million and the return percent was a 28% which is comparable to the June month.

- G. Engineer's Report - Mr. Roznovsky presented his report to City Council. Mr. Roznovsky advised regarding the Buffalo Springs Drive Bridge Repair, pay estimates 7 and 8 in the amounts of \$108,882 and \$125,480 were received. Mr. Roznovsky

advised that the 18-inch sewer extension was underway and construction has started. Mr. Roznovsky said the Baja Road CDBG Project had a pre-bid meeting this morning and bids will be accepted next Tuesday and presented to City Council at the next meeting. Mr. Roznovsky stated that the Atkins Creek Water and Sewer Project hydraulic and structural analysis should be complete next week, then they can get the scope finalized. Mr. Roznovsky said the Cade Country Development Utility and Economic Feasibility Study is underway and will be presented at the next City Council Meeting.

Jon Bickford commented on the Exxon on Eva Street and asked if they had reviewed the plans that they had just received. Mr. Roznovsky advised they have not finalized their Escrow Agreement, so their plans are on hold until that is completed. Jon Bickford asked if they were planning on cutting the hill down. Mr. Roznovsky said that was the initial plan, but they have not gone through their construction plans to see what they currently show. Jon Bickford asked, when they start tearing that place up will they have to close down FM 149. Mr. Roznovsky said that was in the initial discussion when he was talking about providing a turn lane. Rebecca Huss asked if they were going to have to put in a monument sign in and sidewalks. Mr. Roznovsky said they would have to do the sidewalks, which is how the ordinance is currently tied to new streets. Rebecca Huss said they went through that when they talked about the Summit Business Park and that is going to cause problems when they basically develop all along SH 105 if they end up with no sidewalks and all new developments, she did not know what the point would be of having a requirement for sidewalks and everyone is walking in the street along SH 105. Mr. Roznovsky said that he and Mr. Yates had discussed with the developers about the sidewalk ordinances to help close those gaps in the sidewalks. Mr. Roznovsky said that regarding the Catahoula Permit amendment application, Lone Star Groundwater Conservation District has some follow up questions that they provided to them last week, and it is their understanding that we will be on the Lone Star Groundwater Conservation District Agenda in October for approval for the additional permit capacity. Mr. Roznovsky said the right-of-way description for the corner of FM 149 and SH 105, was prepared for the closing of the properties.

Mr. Roznovsky said they held a developer round table on September 4, 2018, which a handful of developers attended and they had an open discussion about the processes of the City, what is going good and what is going bad, and they got feedback on some of the new ordinances. Mr. Roznovsky said that he thought it was a very productive meeting with some good feedback and some things to consider. Jon Bickford asked if City Council would get a summary of what transpired. Mayor Countryman said they certainly could provide that information, stating that they had close to 20 people that attended and the meeting was very productive and said this was the first time that the City has ever done that and they appreciated it. Mayor Countryman said they would continue the meetings. Mr. Roznovsky said they took notes and they can provide some information on the meeting.

- H. Financial Report – Mr. Yates presented the Financial Report to City Council advising the General Fund has a balance of \$1,130,619 and is back up to almost full capacity. Mr. Yates said the City received a \$281,000 check from FEMA, but there is still about \$70,000 - \$80,000 that General Fund has loaned the Capital Improvement Projects Fund. Mr. Yates said the total of all funds is \$6,264,433 and of that amount \$599,000 is Utility Fund. Mr. Yates said the General Fund for the year is \$105,331 revenue over expenditures, and the Water and Sewer Fund is \$314,828 revenue over expenditures for the year.

Rebecca Huss said it was her understanding that they have sorted out the problem and they are able to submit all of the expenses to the State for reimbursement for the bridge so they don't have to pay them first, they can submit everyone's expenses. Mr. Yates said no, that was just for the engineering portion, for the other they will need to pay the contractor first and then submit the information. Rebecca Huss confirmed that they are submitting the engineer's expenses rather than floating them. Mr. Yates said that was correct.

Rebecca Huss moved to approve the Departmental Reports as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action regarding the requested land swap by Mr. Josh Cheatham for the Louisa Lane Development (Dev. No. 1809). The requested land swap includes the City swapping a portion of the Water Plant No. 2 site and the full future Water Plant No. 4 site for a new tract of land on Lone Star Parkway for the future Water Plant No. 4.

Mr. Roznovsky advised this was the same item that was discussed by City Council in July, where they talked about an outright sale of the property at Water Plant #2 and decided against that, since then they have worked with the developer on alternatives to achieve the same purpose. Mr. Roznovsky said the developer is offering the City 1.8 acres of land along the north side of Lone Star Parkway west of FM 149, and in return the developer is requesting the 1.22 acres of land previously deeded to the City within the Hills of Town Creek Development, as well as the previously discussed 0.47 acres of land at the existing Water Plant No. #2 site for a total of 1.69 acres. Mr. Roznovsky said that they believe that this is a viable solution. Mr. Roznovsky said they noted one thing; adjacent to the property is a natural drainage swale, which would make a portion of the property unusable, which they have discussed with the developer's engineer and he does not foresee an issue with adjusting the location of the tract to not include the drainage swale.

Mr. Roznovsky said the agenda item is to just discuss the option and if City Council is open to working out the paperwork and details and the final location with the developer. Mr. Roznovsky said the whole reason this is coming up is that part of the Louisa Lane development is getting additional land and additional tracts there, currently not being used by the City. Rebecca Huss said to make it simple, the City owns two pieces of land, piece "A" and piece "B" and the developer is proposing that they swap it for something that is approximately equal in size that is more conveniently located and the City has no current assets on either "A" or "B" property and no plans at this time for at least the piece that is adjacent to Louisa. Mr. Roznovsky said there is a fenced area that is only a portion of the tract and they are requesting as part of the swap to include the piece outside the fence to allow flexibility on that site for the future. Mr. Roznovsky said the two pieces would go away totaling 1.67 acres and then 1.8 acres would come back to the City. Rebecca Huss asked if all of the 1.8 acres would be usable land. Mr. Roznovsky said that was correct. Rebecca Huss asked if there was any conceivable point when they would need to expand Well #2. Mr. Roznovsky said when they looked at the site for Water Plant #2 they assumed they would have to put another tank on that site, which is

why they did not just say where the fence line is. Rebecca Huss asked if that is the only thing the City would use that site for. Mr. Roznovsky said that was correct, because all the future Water Tower and other items are out at the Water Plant #4 site because it would be on the 12-inch waterline loop and it will shift it from Emma's Way to across the street. Jon Bickford asked if the second parcel was the one off of Houston Street. Mr. Roznovsky said that was correct. Jon Bickford asked about the assets on that property. Mr. Roznovsky said it was a one acre site and half of it is currently being used and the other half is not, and will be east of the tanks. Mr. Roznovsky said if you come down Houston Street where it dead ends, the large property to the east of what would be Houston is the portion. Jon Bickford asked if they know that is going to be part of the development. Mr. Roznovsky said this is all contingent on the development. Jon Bickford asked about the action. Mr. Roznovsky said the action is to approve this in concept so the City Attorney and developer can work together to get the documentation prepared.

Jon Bickford asked if they have to have a public hearing to swap the land. Mr. Roznovsky said they have to get the land appraised to make sure the value of the land is a fair and equal trade. Mr. Foerster said they are not required to do that, but he always encourages a public hearing when they have this type of transaction. Jon Bickford said there are already existing homes there and those homes would be affected by an expansion of this development if the swap goes through. Jon Bickford said that it seemed fair to let those people speak. Mr. Yates asked if there has been any discussion as to who would pay for the appraisal. Mr. Roznovsky said they have not gotten to that point in their discussions, but the developer said that he would fund all the legal descriptions of the property. Jon Bickford asked Mr. Roznovsky if this was the best site for Plant No. #4. Mr. Roznovsky said that he felt Mr. Muckleroy would agree with him, the big draw for this one is the proximity of Lone Star Parkway and not having to cut through anything to get to it. Mr. Roznovsky said the elevation is a little bit less and is a little bit lower, but in the grand scheme of things in the City it works out. Rebecca Huss asked if there were any issues in terms of building houses closer to a well head or a City water source because on her property she has easements that lock out certain activities, and asked if those were TCEQ requirements or are they things that the City needs to apply. Mr. Roznovsky said as part of getting the well approved, they have to get a Sanitary Control Easement around the well, which he thought was a 150 foot radius that restricts feed lots and septic tanks and things like that.

Jon Bickford asked for Mr. Yates' opinion. Mr. Yates advised he felt it was definitely worth looking into. Rebecca Huss asked if 1.8 acres is a good amount of land for a Water Plant, and would they need more land. Mr. Roznovsky said with the 1.2 acres of land that they had they were able to fit what they were proposing, elevated storage tank, pumps and potential future well, so the 1.8 acres will give them more flexibility to add more tanks if needed or to change the layout.

Jon Bickford moved to give the City Engineer and City Attorney direction to continue the process of discussing the land swap. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

9. Consideration and possible action regarding the Hills of Town Creek Section 3 Final Plat and acceptance of performance bond.

Mr. Roznovsky reported that last night the Planning and Zoning Commission discussed this item and recommended approval of the Final Plat that includes 49 single family lots. Mr. Roznovsky said the Performance Bond is to cover the remaining construction that is not yet completed, so they have submitted that and all the documentation is included in the pack. John Champagne asked if everything is in compliance. Mr. Roznovsky said that everything was in compliance.

John Champagne moved to approve the Hills of Town Creek Section 3 Final Plat and acceptance of performance bond as submitted. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

10. Consideration and possible action regarding adoption of the proposed corrected Official Zoning Map of the City of Montgomery based on previously approved City Ordinances.

Mr. Roznovsky advised they went back and helped the City Secretary in looking at old ordinances and it came to light when they were doing research on one tract, the City map did not reflect previously adopted ordinances. Mr. Roznovsky said they went back through and found a period in time between 2008-2014 when most of the ordinances of that time, rezoning did not get reflected on the zoning map. Mr. Roznovsky said they went through and in the

packs there is a marked up version that calls out all the issues, it also is changing to include the Corridor Enhancement Ordinance that is part of the zoning, to show that on the official map, and Historic Landmarks that are part of the zoning is now being shown on the official map, along with making some other corrections so it is reflective of the actual ordinances. Mr. Roznovsky said the pack includes the marked up version of the map with the changes and a copy of all the Historic Landmarks where they are set out, and a copy of the map that is correct and shows the actual ordinances as they are today. Mr. Roznovsky said this is not changing any ordinances or zoning, it is correcting the previously approved process of rezoning. Mr. Roznovsky said the Planning and Zoning Commission looked the information over starting in August and the past month, and they also recommended adoption of the official map.

Mr. Yates added that an oddity of zoning is that the zoning map itself is the ruling document rather than the ordinance, because of scribes errors and other mistakes that are made in legal descriptions and also so that the general public can tell what the zoning is, you go to the zoning map. Mr. Yates said even if you were to pass an ordinance today saying the zoning of this property is a specific zone, such as I-Industrial, etc., unless it is on the zoning map it is not official.

Rebecca Huss asked if they have to have specific language as they adopt the map, or just adopting the map is sufficient to take care of all the errors and corrections. Mr. Yates said the City Attorney has stated since it is all based upon adopted ordinances, City Council can adopt the map. Mr. Foerster said everything that is on the map has already gone through Planning and Zoning and City Council Public Hearings and all the process required by law, so all City Council is doing is saying that they recognize the ordinances and they are cleaning up the zoning map.

Jon Bickford moved to accept the updated Zoning Map as presented. John Champagne seconded the motion.

Discussion: Rebecca Huss asked to confirm that this presented zoning map will be the Official Zoning Map of the City of Montgomery. Mr. Foerster said that was correct.

The motion carried unanimously. (5-0) A copy of the presented Zoning Map has been attached to the minutes.

11. Consideration and possible action on partially vacating the plat of Lonestar Parkway North Section One.

Mr. Roznovsky stated that this property is located just outside the city limits on Lone Star Parkway, west of FM 149. Mr. Roznovsky said that this property was previously platted years ago and the owner has requested to vacate a portion of the plat for tax purposes. Mr. Roznovsky said this is the Carwile family and they are putting back unplatted property to include the rest of their tract. Mr. Roznovsky said their main concern through this process was they had previously provided by plat the utility easement along the right-of-way for future utilities that are planned for this area. Mr. Roznovsky said when they discussed that with the owner they agreed and have since recorded a separate instrument easement, so even when this portion of the plat is released, that utility easement will remain. Mr. Roznovsky said this went before the Planning and Zoning Commission last night and they recommended approval and since the property is located inside the ETJ it will go to Commissioner's Court for approval.

Dave McCorquodale moved to vacate the portion of Lone Star Parkway North, Section One as presented. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

12. Consideration and possible action on vacating the plat of Lonestar Parkway North Section Two.

Mr. Roznovsky advised this was the same thing as the last item, but instead of partial it is a full plat with two reserves and they have also dedicated the easement just like the previous item.

John Champagne moved to approve vacating the plat of Lonestar Parkway North Section Two. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

13. Buffalo Springs Bridge Report by City Engineer.

Mr. Roznovsky reported that last week the contractor was supposed to get the slope paving completed but they did not because of weather, but instead they were able to get the concrete approach slabs completed, which were not scheduled to be completed until next week. Mr. Roznovsky said the contractor did not lose time, they just flipped the work schedule. Mr. Roznovsky advised the storm sewer had been installed and the ditches have been graded. Mr. Roznovsky said this coming week the contractor will be able to get the waterline installed, at least the portions that are affected by the bridge and then also continue working on the slope paving. Mr. Roznovsky said as they noted last time, they expect completion by October 31, 2018 and the final completion a few days after to finalize the punch list items.

Mayor Countryman said it was her understanding that they have a full team working on the bridge and no longer a partial crew. Mr. Roznovsky said they had multiple teams, and one day last week they had approximately 10 workers on site, and they have brought in a different contractor and subbed out some additional work and brought in other crews to work on different parts simultaneously to get caught up.

14. Animal Control Report by City Administrator.

Mr. Yates said this was discussed at the last meeting and said that he had sent out two different options, Group A – which includes a maximum number of dogs, cats, chickens and roosters on a piece of property. Mr. Yates said the other Group B – is a proposed more expansive ordinance by a local citizen that encompasses virtually all large livestock and larger animals and would require quite a bit more code enforcement. Mr. Yates said a lot of Group B is already covered by State Law. Mr. Yates said Group C is an ordinance that was prepared about two years ago and was presented to City Council but nothing happened with it then.

Mr. Yates said that Group A covers the basic issues they have right now, which is where they have a location where there is a chicken issue with a neighbor and another issue with a group of dogs at a location.

John Champagne said he had scanned through the information and asked which option has a limit of six dogs. Mr. Yates said that was the Group A option. Rebecca Huss said Group C also has that included in the ordinance. John Champagne said Group C is much more

comprehensive. Mr. Yates said that was correct. Mr. Yates said if City Council were to get serious about Group B and C they could have more time to consider and more public input. Mr. Yates said that Group A and C allows a combination of six animals, dogs and cats, for a total of six. John Champagne said he thought Group A does the job and that would be his recommendation.

Rebecca Huss said she felt that something a little more comprehensive is more modern and does deal with some problems that they have had, namely dangerous dog issues that have not been addressed. Rebecca Huss said Group C also deals with animal care in a way that the qualitative issues, in terms of smell that the current ordinance does not address. Rebecca Huss said the size of confinement is something that is much more quantitative and easier for enforcement. Jon Bickford said that he kind of liked that option. John Champagne said he thought that Group A addressed odor. Rebecca Huss said it does, but the problem with that is everyone's level of smell is different. John Champagne asked what happens in Group C. Rebecca Huss said if you have something that is more dealt with, the size of the pen that the animal is in then that is a quantitative factor that does not require someone's opinion. John Champagne said as long as the ordinance is not subjective he is good with it. Jon Bickford asked if Group B and C would have to have a public hearing. Mr. Yates said he did not know about a public hearing, but he would need to do a good job with a press release. John Champagne said if it is the Council's pleasure to focus on Group C. Jon Bickford said it might include Group B. Rebecca Huss said Group C includes a lot of Group B. John Champagne said that he would like time to reread the information.

Jon Bickford asked Mr. Yates what he needed from City Council. Mr. Yates said he wanted direction from City Council on how they want him to write the ordinance. Jon Bickford said he thought that B or C are better options than A. Mr. Yates said he will prepare a summary and get that to everyone and include it in the water bill next month.

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.

15. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following:

- a) Section 551.071(consultation with attorney); and
- b) Section 551.074 (personnel matters) related to City Administration and Police Department.

Mayor Countryman convened into Executive Session at 7:49 p.m.

16. Reconvene into Open Session.

Mayor Countryman reconvened into Open Session at 9:35 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

17. Consideration and possible action if necessary on matters deliberated in Closed Executive Session.

Jon Bickford announced that as a result of City Council's discussions tonight they would be taking no action.

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 inquiries.

ADJOURNMENT

John Champagne moved to adjourn the meeting at 9:36 p.m. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date Approved: _____
Susan Hensley, City Secretary

Mayor Sara Countryman

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Escrow Agreement
Date Prepared: October 3, 2018	

Subject

This is the escrow agreement with NNAC, Inc. Represented by Parvez Ali. This involves the property and currently holding the Exxon station at the northwest corner of 149 and 105.

Description

This is to approve the standard escrow agreement, the developer has submitted payment in the amount of the escrow requested.

Recommendation

Motion to approve the Escrow Agreement between the city and NNAC, Inc. as part of the consent item agenda.

Approved By

City Administrator	Jack Yates	Date: October 3, 2018
--------------------	------------	-----------------------

ESCROW AGREEMENT
BY AND BETWEEN
THE CITY OF MONTGOMERY, TEXAS,
AND
NNAC, Inc.
Dev. No. 1812

THE STATE OF TEXAS ⊃
COUNTY OF MONTGOMERY ⊃

This Escrow Agreement, is made and entered into as of the 17 day August, 2018 by and between the CITY OF MONTGOMERY, TEXAS, a body politic, and a municipal corporation created and operating under the general laws of the State of Texas (hereinafter called the "City"), and NNAC, Inc., a _____ Corporation, (hereinafter called the "Developer").

RECITALS

WHEREAS, the Developer desires to acquire and develop all or part of a 0.3840-acre tract, being part of and out of Lot 15, Area "C," Montgomery Townsite, situated in the John Corner Survey, Abstract No. O, City of Montgomery, Montgomery County, Texas, sometimes referred to as the Eva Gas Station and Convenience Store Tract, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

WHEREAS, the City policy requires the Developer to establish an Escrow Fund with the City to reimburse the City for engineering costs, legal fees, consulting fees and administrative expenses incurred for plan reviews, developer coordination, construction management, inspection

services to be provided for during the construction phase, and one-year warranty services.

AGREEMENT

ARTICLE I

SERVICES REQUIRED

Section 1.01 The development of the Eva Gas Station and Convenience Store Tract will require the City to utilize its own personnel, its professionals and consultants; and the Escrow Fund will be used to reimburse the City its costs associated with these services.

Section 1.02 In the event other contract services are required related to the development from third parties, payment for such services will be made by the City and reimbursed by the Developer or paid directly by the Developer as the parties may agree.

ARTICLE II

FINANCING AND SERVICES

Section 2.01 All estimated costs and professional fees needed by City shall be financed by Developer. Developer agrees to advance funds to City for the purpose of funding such costs as herein set out:

Administrative	\$ 500
City Engineer	\$5,000
Legal	\$1,000
<hr/>	
TOTAL	\$6,500

Section 2.02 Developer agrees to submit payment of the Escrow Fund no later than ten (10) days after the execution of this Escrow Agreement. No work will begin by or on behalf of the City until funds have been received.

Section 2.03 The total amount shown above for the Escrow Fund is intended to be a "Not to Exceed" amount unless extenuating, unexpected fees are needed. Examples of extenuating circumstances created by the developer that may cause additional fees include, but are not limited to, greater than three plan reviews or drainage analysis reviews; revisions to approved plans; extraordinary number of comments on plans; additional meetings at the request of the developer; variance requests; encroachment agreement requests; construction delays and/or issues; failure to coordinate construction with City; failed testing during construction; failing to address punch list items; and/or excessive warranty repair items. If extenuating circumstances arise, the Developer will be informed, in writing by the City, of the additional deposit amount and explanation of extenuating circumstance. The Developer agrees to tender additional sums within 10 days of receipt of request to cover such costs and expenses. If additional funds are not deposited within 10 days all work by or on behalf of the City will stop until funds are deposited. Any funds which may remain after the completion of the development described in this Escrow Agreement will be refunded to Developer.

ARTICLE III,

MISCELLANEOUS

Section 3.01 City reserves the right to enter into additional contracts with other persons, corporations, or political subdivisions of the State of Texas; provided, however, that City covenants and agrees that it will not so contract with others to an extent as to impair City's ability to perform fully and punctually its obligations under this Escrow Agreement.

Section 3.02 If either party is rendered unable, wholly or in part, by *force majeure* to carry out any of its obligations under this Escrow Agreement, then the obligations of such party,

to the extent affected by such *force majeure* and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided but for no longer period. As soon as reasonably possible after the occurrence of the *force majeure* relied upon, the party whose contractual obligations are affected thereby shall give notice and full particulars of such *force majeure* relied upon to the other party. Such cause, as far as possible, shall be remedied with all reasonable diligence. The term "*force majeure*," as used herein, shall include without limitation of the generality thereof, acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage, or accidents to machinery, which are not within the control of the party claiming such inability, which such party could not have avoided by the exercise of due diligence and care.

Section 3.03 This Escrow Agreement is subject to all rules, regulations and laws which may be applicable by the United States, the State of Texas or any regulatory agency having jurisdiction.

Section 3.04 No waiver or waivers of any breach or default (or any breaches or defaults) by either party hereto of any term, covenant, condition, or liability hereunder, or of performance by the other party of any duty or obligation hereunder, shall be deemed or construed to be a waiver of subsequent breaches or defaults of any kind, under any circumstance.

Section 3.05 Any notice, communication, request, reply or advice (hereafter referred to

by either party except as specifically provided herein between the parties or by supplemental agreement.

Section 3.08 This Escrow Agreement shall be for the sole and exclusive benefit of City and Developer and is not for the benefit of any third party. Nothing herein shall be construed to confer standing to sue upon any party who did not otherwise have such standing.

Section 3.09 The provisions of this Escrow Agreement are severable, and if any provision or part of this Escrow Agreement or the application thereof to any person or circumstances shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Escrow Agreement and the application of such provision or part of this Escrow Agreement to other person circumstances shall not be affected thereby.

Section 3.10 This Escrow Agreement and any amendments thereto, constitute all the agreements between the parties relative to the subject matter thereof, and may be executed in multiple counterparts, each of which when so executed shall be deemed to be an original.

Section 3.11 This Agreement shall be governed by, construed and enforced in accordance with, and subject to, the laws of the State of Texas without regard to the principles of conflict of laws. This Agreement is performable in Montgomery County, Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement in three (3) copies, each of which shall be deemed to be an original, as of the date and year first written in this Escrow Agreement.


CITY OF MONTGOMERY, TEXAS

By: _____
Sara Countryman, Mayor

ATTEST:

By: _____
Susan Hensley, City Secretary

NNAC, Inc.
Developer

By:  _____
Signature

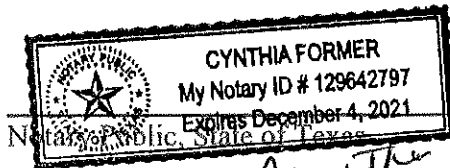
Title: V. President

STATE OF TEXAS {

COUNTY OF MONTGOMERY {

BEFORE ME, the undersigned authority, on this day personally appeared Sara Countryman, Mayor of the City of Montgomery, Texas, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 17th day of August, 2018.



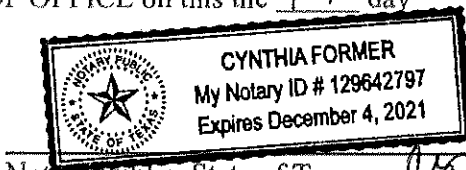
Cynthia
8-17-18

THE STATE OF TEXAS {

COUNTY OF HARRIS {

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Pavel Ari, _____, of _____, a _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated and as the act and deed of said organization.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 17th day of August, 2018.



Notary Public, State of Texas *Cynthia*
8-17-18

Prohibition on Boycotting Israel Verification

This Verification is hereby incorporated into the terms of the contract by and between PARVEZ ALI and RDT CONSTRUCTION entered into this the 17 day of August 2018.

1. RDT CONSTRUCTION, in conjunction with the execution of the above referenced contract and in accordance with Chapter 2270 of the Texas Government Code, effective September 1, 2017, does hereby agree, confirm, and verify that it:
 - A. Does not Boycott Israel; and
 - B. Will not Boycott Israel during the term of the contract.

"Boycott Israel" has the meaning given to it in Chapter 808 of Subtitle A, Title 8 of the Texas Government Code. As of the effective date of the statute, the term means "refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes."

2. Contractor hereby acknowledges and agrees that this verification is a material term of the contract and Owner is expressly relying on this verification in agreeing to enter into the contract with Contractor.
3. **TO THE MAXIMUM EXTENT PERMITTED BY LAW, CONTRACTOR AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS OWNER FROM ALL CLAIMS, CAUSES OF ACTION, LEGAL PROCEEDINGS, DAMAGES, COSTS, FEES AND EXPENSES ARISING OUT OF OR RELATED TO AN ACTUAL OR ALLEGED MISREPRESENTATION BY CONTRACTOR PROVIDED HEREUNDER.**

[Signatures on Following Page]

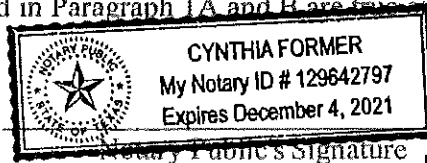
Prohibition on Boycotting Israel Verification [Continued]

[Handwritten Signature]
Contractor

State of Texas
County of HARRIS

Before me, a notary public, on this day personally appeared Richard Thomas, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained in Paragraph 1A and B are true and correct.

(Personalized Seal)



Cynthia F
2-17-18

Receipt and incorporation into the above referenced contract hereby agreed to and acknowledged by:

[Handwritten Signature]
Owner

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Corner Stop Grocery
 Montgomery, TX United States

Certificate Number:
 2018-410130

Date Filed:
 10/02/2018

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Montgomery

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

1812
 Demo old gas station and build the new gas station

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
Parvez , Ali	Spring, TX United States	X	
RDT Consturction	Houston, TX United States	X	

5 Check only if there is NO Interested Party.


6 UNSWORN DECLARATION

My name is Parvez Ali, and my date of birth is 4/15/1981.

My address is 20311 Stone Moss, Spring, TX, 77379, US.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Montgomery County, State of TX, on the 2 day of 10, 2018.
(month) (year)



 Signature of authorized agent of contracting business entity
 (Declarant)

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Applications, Website posting, Newspaper Article of opening
Date Prepared: October 3, 2018	

Subject

This is to appoint to members to the Planning and Zoning Commission.

Description

This is to appoint the two terms which expired at the end of September. The posting of the openings to the public were through the City website and through a informational press release and publication by the Courier newspaper. Two people have applied-- Nelson Cox and William Simpson, both present members of the Commission.

Recommendation

Motion to approve the appointment Nelson Cox and William Simpson to the Planning and Zoning Commission. as part of the consent item agenda.

Approved By

City Administrator	Jack Yates	Date: October 3, 2018
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**City of Montgomery
Application for Consideration of Appointment**

Name of Board/Commission/Committee: PLANNING & ZONING COMMISSION

Name: Cox Nelson E.
(Last) (First) (Middle)

Home Address: 131 ANNA SPRINGS LN, MONTGOMERY 936 449 5171
(Street) (Home Phone No.)

Email Address: NCOXSR@YAHOO.COM

Mailing Address: P.O. Box 1560

Employer: Retired (Business Phone /Fax)
(Name/Address)

Occupation: LAW ENFORCEMENT

Do you live inside the city limits of Montgomery?* Yes No If So, How Long? 10+yrs.

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: Flight School 1974

Education: PASADENA HS '63 SAN JACINTO College HOUSTON POLICE ACADEMY #32

Related Experience/Community Service: 25 years HPD 15 years HARRIS Co DA OFFICE
MEMBER P&Z MONTGOMERY SINCE 2010 BO D LAKE CONFER (AOR) (TIME) MEMBER
BOARD OF ADJUSTMENTS MEMBER CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

Areas of Interests Related to this Committee: See Above

Please specify membership on any other governmental board/commission/committee:
See Above

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

Nelson E. Cox
Signature

9/27/18
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.
Rec'd. 9/27/18

**City of Montgomery
Application for Consideration of Appointment**

Name of Board/Commission/Committee: PLANNING and ZONING COMMISSION

Name: SIMPSON William Charles
(Last) (First) (Middle)

Home Address: 150 HARLEY DRIVE 832-642-4698
(Street) (Home Phone No.)

Email Address: Simps48@gmail.com

Mailing Address: _____

Employer: Energy Coating Systems 1775 N. Loop 336E CONDOE 71301
(Name/Address) (Business Phone /Fax)

Occupation: Estimator

Do you live inside the city limits of Montgomery?* Yes No If So, How Long? 5 yrs

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: College, Trade School, Life experiences

Related Experience/Community Service: _____

Currently serve on Planning and Zoning Commission
Past Board Member Montgomery Area Chambers of Commerce

Areas of Interests Related to this Committee: _____

COMMUNITY SERVICE
PLANNING and ZONING PROCEDURES.

Please specify membership on any other governmental board/commission/committee:

CITY OF MONTGOMERY PLANNING and ZONING

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

continue to serve the City of Montgomery and its residence
in making good decisions that will ensure and maintain the
UNIQUE qualities this city has fostered.

William C. Simpson 9-30-18
Signature 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.

On City Website

Departments City Government Parks & Rec Visitor's Center Economic Development FAQs

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-  [Events Calendar](#)

-  [Local Weather](#)



Welcome to the City of Montgomery

As one of the oldest towns in Texas, Montgomery began as a trading post in 1826 and was chartered in 1837. Montgomery was the first county seat of Montgomery County and was the third county formed under the Republic of Texas. It is also recognized as the birthplace of the Texas Lone Star Flag. Montgomery is located at the junction of Texas 105 and FM 149, near the southwestern edge of Sam Houston National Forest in western Montgomery County. The center of town is 15 miles west of Conroe and 50 miles northwest of Houston.

Montgomery offers guests a memorable visit with its preserved 19th Century Historic Downtown District, as well as its many fine retail shops, restaurants and local attractions. We hope you'll stop by for a visit. Enjoy our clean air and relaxed country lifestyle!

THE CITY OF MONTGOMERY ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.50 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.00.

[2017 TAX ORDINANCE](#)

[**2017 Drinking Water Quality Report - Consumer Confidence Report](#)

[City of Montgomery Code of Ordinances](#)

- Christmas in Historic Montgomery**
- [Christmas in Historic Montgomery Info](#)
 - [Christmas Parade Application Form](#)
 - [2018 Christmas in Historic Montgomery Holiday Market Place Arts and Crafts Application](#)

PLANNING AND ZONING COMMISSION POSITIONS

CITY OF MONTGOMERY HOUSING RECONSTRUCTION/REHABILITATION ASSISTANCE PROGRAM
[Announcement that the City of Montgomery has been awarded a HOME Reservation Agreement](#)

City's Proposed Operating Budget 2018-19 - Revised 083118

[*City Legal Notices*](#)

[CITY ZONING MAP](#)
[CITY OFFICIAL ZONING MAP - Revised](#)

- Saturday, October 6, 2018
Texian Heritage Festival
Lone Star 1st Saturday in Montgomery - 9:00a - 2:00p
- Tuesday, October 9, 2018
City Council Meeting - 6:00p
- Monday, October 15, 2018
Montgomery EDC Meeting - 6:00p
- Monday, October 22, 2018
Planning and Zoning Commission Meeting - 6:00p
- Tuesday, October 23, 2018
City Council Meeting - 6:00p

As Displayed on Website

PLANNING AND ZONING COMMISSION POSITIONS

The City of Montgomery City Council announces an opportunity for those interested in City planning activities in Montgomery to apply for two seats that need appointment to the Planning and Zoning Commission. Applicants are required to live in the City limits.

The Commission members act on behalf of the City by planning the land use of the City through the zoning and subdivision ordinances of the City, including considering zoning change application made by applicants or the City, approves preliminary subdivision parcels reviews and recommends final plats and variances. The Board makes decisions on building permits in the Historic District.

The Commission meets monthly, on the fourth Monday of the month at 6:00 p.m. at City Hall in Montgomery. Service on the Board is an unpaid position. Applications can be found on the montgomerytexas.gov website, click city government, then click Boards and Commissions then click "Membership Application" and forward the application to the City Secretary, Susan Hensley at shensley@ci.montgomery.tx.us or bring the completed application to City hall at 101 Old Plantersville Road. Applications are due by 4:00 p.m. on October 3, 2018.

THE COURIER
OF MONTGOMERY AND THE COUNTY

<https://www.yourconroenews.com/neighborhood/moco/news/article/Montgomery-seeks-applicants-for-its-planning-and-13244406.php>

Montgomery seeks applicants for its planning and zoning board

By Meagan Ellsworth, Staff writer **Published 10:40 am CDT, Thursday, September 20, 2018**

 Share on Nextdoor

Montgomery City Council announced Wednesday that those interested in city planning activities in Montgomery can apply for two seats that need

appointment to the Planning and Zoning Commission.

City officials said applicants are only required to be a citizen of the city by the time of the appointment. The commission members act on behalf of the city by planning the land use of the city through the zoning and subdivision ordinances of the city, including considering zoning change application made by applicants or the city, approves preliminary subdivision parcels reviews and recommends final plats and variances. The board makes decisions on building permits in the Historic District.

There are currently five member of the commission which includes Nelson Cox, Arnette Easley, William Simpson, Jeff Waddell and Carol Langley. The length of the term is for two years and there is no term limits.

"The two seats that need appointment are (held by) Nelson Coz and William Simpson," City Administrator Jack Yates stated in an email. "Their terms of office end in October, they can reapply to continue to sit on the commission."

The Commission meets monthly, on the fourth Monday of the month at 6 p.m. at City Hall in Montgomery. Service on the Board is an unpaid position.

Applications can be found on the **montgomerytexas.gov** website, click city government, then click Boards and Commissions then click "Membership Application" and forward the application to the City Secretary, Susan Hensley at **shensley@ci.montgomery.tx.us** or bring the completed application to City hall at **101 Old Plantersville Road** . Applications are due by 4 p.m. on Oct. 3.

COURIER ARTICLE

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Ordinance City Engineer's memo, Maps of the area involved.
Date Prepared: October 3, 2018	

Subject

This is to take the final action to re-zone this property.

Description

This is to re-zone this tract from R-1 (single-family), R-2 (multi-family) and I (Institutional) to B (commercial) and I (institutional) as shown in the proposed Ordinance.

The Council held your public hearing on August 28, 2018—since that time the issue has been getting the ordinance prepared. Is now ready for your final action. The Planning Commission presented a Report at the August 28 meeting recommending approval of the rezoning of the area.

This is the property that the City and the developer completed an agreed-upon 380 agreement. And that agreement, the use of the land was described that matches the rezoning application.

Recommendation

Motion to approve the zoning ordinance as presented.

Approved By

City Administrator	Jack Yates	Date: October 3, 2018
--------------------	------------	-----------------------

Motion was made by _____, seconded by _____
_____, that the following Ordinance be passed:

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 98, "ZONING," FOR THE SHOPPES OF MONTGOMERY PROPERTY AT THE SOUTHEAST CORNER OF STATE HIGHWAY 105 AND BUFFALO SPRINGS DRIVE FROM "R-1" SINGLE-FAMILY ZONING DISTRICT, "R-2" MULTI-FAMILY ZONING DISTRICT AND "I" INSTITUTIONAL ZONING DISTRICT CLASSIFICATIONS AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT AND "I" INSTITUTIONAL ZONING DISTRICT CLASSIFICATIONS; AND PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.

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

WHEREAS, the City has entered into a Development Agreement with Montgomery SH 105 Associates, LLC, ("the Owner"), dated December 12, 2017, by which the City has provided incentives to the Owner for the commercial development of a 26.43-acre tract of land on State Highway 105; and

WHEREAS, a portion of the development at the southeast corner of State Highway 105 and Buffalo Springs Drive, described in attached Exhibit "A," (the "Property") is currently zoned "R-1" (Single-Family), "R-2" (Multi-Family) and "I" (Institutional) on the City's Official Zoning Map; and

WHEREAS, the Owner, Montgomery SH 105 Associates, LLC, has requested that the City Council rezone the Property as "B" Commercial and "I" Institutional as authorized by Section 98-30 of the CODE; and

WHEREAS, the Planning and Zoning Commission conducted two public hearings on the proposed zoning reclassification of the Property on August 27, 2018; and

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

WHEREAS, a public hearing was also conducted on August 28, 2018 before the City Council, as authorized by Section 98-30(d) of the CODE, in order to consider the Final Report and the proposed amendment of the zoning classification of the Property to; and

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

WHEREAS, the City Council has determined that it in the best interest of the citizens of the City that this portion of the Property should be reclassified as “B” Commercial Zoning and “I” Institutional Zoning.

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

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

Section 2. Amendment to the City Zoning Map. Pursuant to Section 98-30 of the Code of Ordinances, City of Montgomery, Texas, the Official Zoning Map of the City of Montgomery is hereby amended so that the zoning classification of the Property located at the southeast corner of State Highway 105 and Buffalo Springs Drive as herein described in the attached Exhibit “A”, is reclassified as “C” Commercial Zoning District and “I” Institutional Zoning District.

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

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

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

Section 5. Savings Clause.

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

herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section 6. Effective Date.

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

PASSED AND APPROVED this ____ day of _____, 2018

Sara Countryman, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

Exhibit "A"

Legal Description
will be provided
at the meeting.

D. Y. J.



1676 Sawdust Road, Suite 400
The Woodlands, Texas 77380-3786
Tel: 281.883.4039
Fax: 281.883.3458
www.jonescarter.com

June 21, 2018

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

Re: Proposed Shoppes at Montgomery Rezoning
Southeast Corner of Sh-105 & Buffalo Springs Drive
The City of Montgomery

Dear Mayor and Council:

As you are aware, at the December 15, 2017 meeting of the City Council, you approved an economic development agreement ("380 Agreement") with Montgomery SH-105 Associates, LLC (the "Developer") in regards to the Shoppes at Montgomery development.

Per the 380 Agreement, all land owned by the Developer for the Shoppes at Montgomery must be zoned commercial. Currently, the property is partially zoned commercial, partially zoned single-family residential, and partially zoned multi-family residential. The 380 Agreement also included a land swap between the City of Montgomery and the Developer, which you approved at the June 12th meeting of the City Council.

The proposed rezoning, as shown on the attachments included in your packets, includes the existing property belonging to the Developer as well as the property that will be deeded to the Developer through the previously mentioned land swap. In keeping with the terms of the 380 Agreement, we recommend rezoning the property that is currently owned and will be owned by Montgomery SH-105 Associates, LLC to Commercial, as shown in the enclosed exhibits.

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

Sincerely,

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

Chris Roznovsky, PE
Engineer for the City

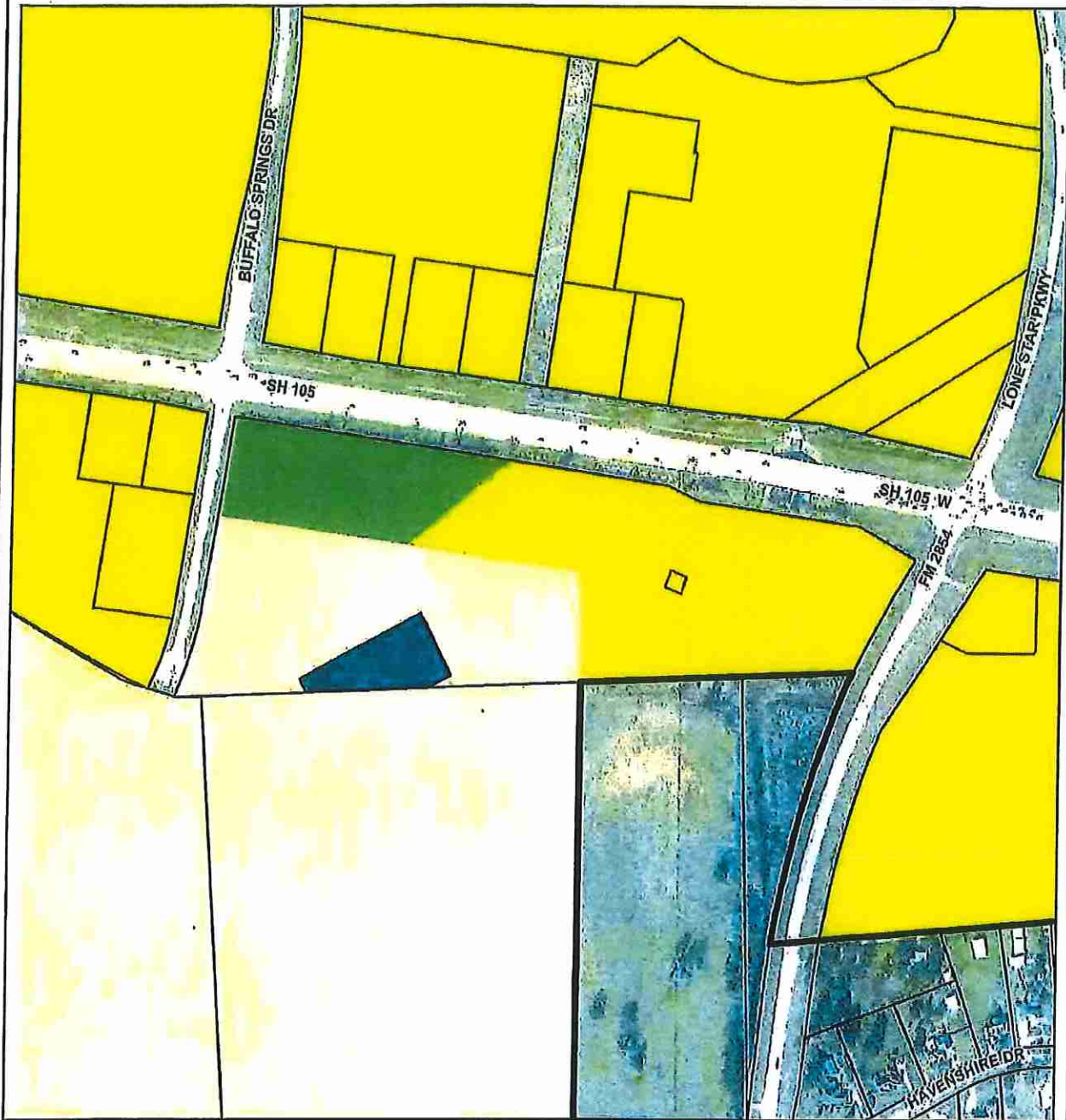
CVR/kmv

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2018\MEMO to Council RE Shoppes Rezoning.doc

Enc: Shoppes at Montgomery Original Zoning
Shoppes at Montgomery Proposed Zoning
Shoppes at Montgomery Rezoning Notification Map

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

**EXISTING ZONING CLASSIFICATION
(SHOPPES AT MONTGOMERY)**



1 inch equals 400 feet

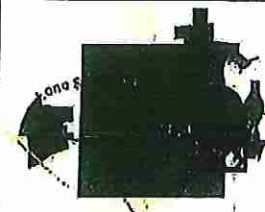
Disclaimer: This product is intended for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political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



**CITY OF MONTGOMERY
MONTGOMERY COUNTY, TEXAS**

LEGEND

- City Limits
- COMMERCIAL (B)
- INSTITUTIONAL (I)
- MULTI-FAMILY (R-2)
- MCAD Parcels
- SINGLE-FAMILY RESIDENTIAL (R-1)



VICINITY MAP
Scale: 1 inch equals 2 miles



JONES & CARTER

Texas Board of Professional Engineers Registration No. F-437

FUTURE ZONING CLASSIFICATION (SHOPPES AT MONTGOMERY)



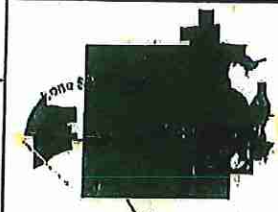
1 Inch equals 400 feet

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CITY OF MONTGOMERY MONTGOMERY COUNTY, TEXAS

LEGEND	
	City Limits
	MCAD Parcels
	COMMERCIAL (B)
	INSTITUTIONAL (I)
	MULTI-FAMILY (R-2)
	SINGLE-FAMILY RESIDENTIAL (R-1)



VICINITY MAP
Scale: 1 inch equals 2 miles



JONES & CARTER
Texas Board of Professional Engineers Registration No. F-4932

**SHOPPES AT MONTGOMERY REZONING
(SOUTHEAST CORNER OF SH 105 & BUFFALO SPRINGS DRIVE)**



1 inch equals 300 feet

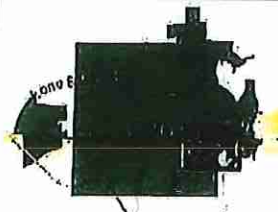
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**CITY OF MONTGOMERY
MONTGOMERY COUNTY, TEXAS**

LEGEND

- 200 Ft. Notification Boundary
- Property being Rezoned
- City Limits
- MCAD Parcels



VICINITY MAP
Scale: 1 inch equals 2 miles

JONES & CARTER
Texas Board of Professional Engineers Registration No. F-433

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Minutes of April 22, 2003, Minutes of public hearing on April 22, 2003, Ordinance 2003 – 07
Date Prepared: October 4, 2018	

Subject

This is a discussion and direction item regarding the rezoning of 105 Old Plantersville Road- with consideration of new information regarding the rezoning.

Description

This is another chapter in the saga of this properties zoning. Mrs. Jenny Stewart called me on September 26th or 27th and said that she was a member of the Planning Commission from 2003 to 2005 and that she thought that she remembered an action by them during that time on the property at 1005 Old Plantersville Road. I asked Susan Hensley to research the Planning Commission minutes, and that search led to ordinance 2003 – 07 that was approved by the city Council on April 22, 2003. Ordinance 2003 – 07 rezoned to the property from District R-1 single-family residential to District L- light industrial. The ordinances signed by Mary Sue Timmerman, Mayor attested and sealed by Carol Langley, City Secretary, and approved as to form by William Fowler, City Attorney.

The reason that this ordinance was not found in earlier research is because it is a "missing ordinance" in the ordinance book of the city. The applicant, Mrs. Fisher never mentioned the possibility of a rezoning.

I have asked Larry Foerster for his opinion about the effect of the ordinance even though there was no marking on the map showing the rezoning. Mr. Foerster said that he will write a separate opinion, and get that opinion to you next Monday before the meeting—but that his early opinion is that the city is bound by the 2003 – 07 ordinance that was properly considered and passed.

Montgomery City Council
AGENDA REPORT

The item before the City Council is if you want to continue to consider the rezoning or if you will accept the 2003 – 07 ordinance as the effective decision regarding the zoning on this property.

Recommendation

Motion to acknowledge Ordinance 2003-07 as the City action regarding 1005 Old Plantersville Road that the property is currently zoned ID- Industrial

Approved By

City Administrator

Jack Yates

Date: October 4, 2018



CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

Telephone: (936) 597-6434 / 597-6866

Montgomery city council-----April 22, 2003

Montgomery community building-----7:15 p.m.

Present:	P.L. Moore	Position # 1
	Timothy McWashington	Position # 2
	David Anderson	Position # 3
	Joe Shockley	Position # 4
	Bonnie Butler	Position # 5
	Mary Sue Timmerman	Mayor
	William Fowler	Attorney
	Bryan Fowler	Attorney
Visitors:	Chapman Baber	Mike Kammerer
	Sonya Clover	Lonnie Clover
	Thomas Knight	Stacy Knight
	Pat Lennon	Bette Harvey
	A. Hudson	Charles Linton
	Bea Rouse	S. Hughes

Mayor Timmerman declared a quorum and called the meeting to order.

Mayor's comment: Mayor Timmerman announced the forum dates and thanked the people that would be helping with it. She also thanked Bill Cummings and Carl Dunaway for helping with the early voting. She announced that the bill for the control of billboards would be going before the senate soon. Two checks were presented to the city from Wal Mart, one for \$750.00 to the police dept. and one for \$500.00 to the city for use at the parks. Rampy house lease for city hall is still at the attorney's office. Work is still being done on the U.S. Forestry Grant.

Public comment: Jeanie Hargis, bookkeeper for the city presented the report for the month. She stated that is was a short form. Lonnie Clover stated that the flags should be changed they were on the wrong side.

Approval of minutes: none at this time

New Business:

Recommendation from planning and zoning on rezone of 1005 Old Plantersville Rd. from residential to light industrial: Written recommendation was presented to the council from chairman, Pat Lennon. The recommendation from the commission was to deny the rezone request from residential to light industrial.

Discussion and action on rezone request: David Anderson stated that the property is not residential, not commercial, good area for light industrial. The property is not good for anything

else. David Anderson made the motion to rezone to Light Industrial, Joe Shockley commented that the property around this is residential use, the plat looks large enough to build, roads are narrow and the traffic would be a lot more if rezoned. Bonnie Butler announced that she has always voted to rezone it. P.L. Moore stated that this property has come before the council several times for discussion and it should be rezoned. Bonnie butler seconded the motion and the vote was 4 for rezone and 1 against, Joe Shockley voted against, motion carried. Joe Shockley commented that the recommendation from the planning and commission should have been considered. He said that it should have been tabled until the new council could have voted on it. David Anderson stated that the vote has been done. Bryan Fowler informed the council that the questions were asked about the spot zoning. He stated that this was not spot zoning. Discussion was taken on the area being rezoned to residential from light industrial several months ago and therefore the property around this property is residential. David Anderson commented that this is a good decision made by council. Joe Shockley commented that the property owners around the area could sue, it was a bad decision for the other property owners.

Discussion and action on approval of alcohol beverage applications:

Del Pueblo Mexican Restaurant and Pizza Shack. P.L. Moore made the motion to approve the alcohol beverage applications for both restaurants, seconded by Tim McWashington, motion carried.

Montgomery Historical Society repair bill: Joe Shockley made the motion to pay the repair bill on the building, seconded by P. L. Moore, motion carried.

2003 proposal for audit: Mayor Timmerman informed the council that the proposal was only \$250.00 more than last year due to the new items being added. Bonnie Butler made the motion to table until the new council takes office, seconded by P. L. Moore, motion carried

Clepper street stop signs: Joe Shockley made the motion to install the stop signs at the corner of Clepper and Prairie, seconded by Tim McWashington, motion carried.

Close Cemetery street: Discussion was taken on the request from property owner Glen Schneider to close the Cemetery street to public traffic from Caroline Street to Church Street. The delivery trucks will block the street to thru traffic and would like to build a deck on the back and the street will be very close to it. William Fowler stated that the closure of the street would no longer be for the public and would belong to the property owner. Discussion was taken on the closure and the city attorney suggested that a public hearing be held for the closure.

Chamber Of Commerce function: Sonya Clover informed the council that on May 15, 2003 the chamber would hold an after hour get together in the McGowan street area and would like to close a section of the street from 3p.m. to 9 p.m.. The chamber held this last year and it turned out nice. Joe Shockley made the motion to allow the closure of McGowan street for the few hours for the after business function, seconded by P. L. Moore, motion carried.

Granting authority to Judge Reilly to appoint an alternate Judge: Discussion was taken on the subject and the judge can make a recommendation to the council and the council can appoint one.

Swearing in of council: P. L. Moore made the motion to swear in the new council on May 13, 2003 with Judge Reilly, seconded by David Anderson, motion carried.

Amend contract and adopt resolution for increase collection for delinquent property tax: Joe Shockley made the motion to amend the contract and adopt the resolution for increase of collection on the delinquent property tax, seconded by P. L. Moore, motion carried.

Bruce Campbell for MIDC board: Mayor Timmerman recommended Bruce Campbell to the council for the position on MIDC board. P. L. Moore made the motion to accept Bruce

Campbell to the MIDC board, seconded by Joe Shockley, motion carried.

Council convened into Executive Session at 8:10.

Council reconvened into regular session at 8:20 and Mayor Timmerman informed the public that no action was taken at this time.

Other matters: Tim McWashington asked about the dirt pile at the end of community drive that has been there for some time and could the city move it. Mayor Timmerman stated that the city would use it at the park. National Day of Prayer will be May 1, 2003 at the city hall.

Tim McWashington made the motion to adjourn, seconded by P. L. Moore, motion carried.



CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

Telephone: (936) 597-6434 / 597-6866

Montgomery city council-----Public Hearing 4-22-03

Montgomery community building-----6:30 p.m.

Mayor Timmerman opened the public hearing on the subject of rezone of 1005 Old Plantersville Rd. Several residents and property owners in the area of this property spoke on the subject of not rezoning the property to light industrial. The comments were that the road was not in good shape for the traffic that the light industrial business might bring. Other comments were that the area is used residential and is quite and peaceful and would like for it to stay that way. All discussion was taken on the road and the area being residential.

Closed at 7:00 p.m..

ORDINANCE

(Motion was made by David Anderson, seconded by Bonnie Butler, and passed by a vote of four to one, that the following ordinance be passed.)

ORDINANCE NO. 2003-07

AN ORDINANCE OF THE CITY OF MONTGOMERY AMENDING THE CITY OF MONTGOMERY ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO REZONE 2.148 ACRES OUT OF THE ZACHARIAH LANDRUM SURVEY, ABSTRACT NO. 22, IN THE CITY OF MONTGOMERY, MONTGOMERY COUNTY, TEXAS, FROM DISTRICT R-1, SINGLE-FAMILY RESIDENTIAL TO DISTRICT L, LIGHT INDUSTRIAL; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the City of Montgomery has received an application for zoning change from the owner(s) of the hereinbelow referenced real property; and

WHEREAS, the matter was referred to the City of Montgomery Planning and Zoning Commission for consideration and recommendation, and the Planning and Zoning Commission, after due notice and public hearing, did consider and make a recommendation on the request for zoning change; and

WHEREAS, the City Secretary caused to be issued and published the notices of public hearing required by the City of Montgomery Zoning Ordinance (the "Zoning Ordinance") and laws of the State of Texas applicable thereto; and

WHEREAS, the City Council, pursuant to such notices, held its public hearing and heard all persons wishing to be heard both for and against the proposed change in the Zoning Ordinance, on the 22nd day of April, 2003; and

WHEREAS, the City Council, after determining that all legal requirements of notice and hearing have been met; and after considering the recommendations of the Planning and Zoning Commission that the requested zoning change be disapproved, is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Montgomery, Texas, and as well, the owners and occupants thereof, and the City generally;

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

SECTION 1. The Zoning Ordinance, as the same has been heretofore amended, and as codified as Chapter 98 of the Code of Ordinances of the City of Montgomery, Texas, is hereby further amended so as to rezone 2.148 acres out of the Zachariah Landrum Survey, Abstract No. 22, Montgomery, Montgomery County, Texas, from District R-1, Single-Family Residential to District L, Light Industrial, said property being situated at 1005 Old Plantersville Road.

SECTION 2. It is directed that the official zoning map of the City of Montgomery be changed to reflect the zoning classification established by this Ordinance.

SECTION 3. All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 4. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

SECTION 5. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 6. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED this 22nd day of April, 2003.



ATTEST:

By: Carol Langley
Carol Langley, City Secretary

CITY OF MONTGOMERY, TEXAS

By: Mary Sue Timmerman
Mary Sue Timmerman, Mayor

APPROVED AS TO FORM:

By: William T. Fowler
William T. Fowler, City Attorney

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) 756-2606

October 5, 2018

RE: MEMORANDUM REGARDING MRS.THERESA FISHER'S ZONED PROPERTY AT
1005 OLD PLANTERSVILLE ROAD

Mayor and City Council:

Yesterday, Susan Hensley notified Jack Yates and me that she had located previously misplaced council minutes and a council ordinance from a meeting held on April 22, 2003. These documents show that the city council by City Ordinance No. 2003-07 on April 22, 2003 rezoned the property at 1005 Plantersville Road (currently owned by Theresa Fisher) from "Residential" to "Light Industrial" upon the recommendation of the Planning and Zoning Commission. I understand that there has been no intervening ordinance changing the rezoning designation of this 2.148-acre tract. It appears then that Mrs. Fisher's property is currently zoned "Light Industrial" (a term that I believe was used at that time by the City.) This would explain why Mayor Timmerman had advised Mrs. Fisher in a letter that the property was Industrial.

I have been asked if your city council's recent adoption of the corrected Official Zoning Map which describes the eastern portion of the 2.148-acre tract as "R-1" Single Family Residential Use would supersede the City Ordinance. I believe that the new Zoning Map does not change the proper zoning designation of the tract. Let me explain.

By Chapter 211 of the Texas Local Government Code and the City Zoning Ordinance, any property in the City is designated by a zoning classification only after complying with the procedures set out in the statute and in the zoning ordinance: public hearings before the P & Z Commission, a recommendation by the P & Z, and then an ordinance rezoning the property after a public hearing before the city council. Upon passing the rezoning classification ordinance which amends the City Official Zoning Map, the property is officially rezoned.

After Jones Carter prepared the updated Official Zoning Map, relying on the zoning ordinances available at that time, I was asked if these same procedures needed to be followed. My advice was that the zoning ordinance and subsequent zoning reclassification ordinances were

controlling. The Official Zoning Map simply identifies the zoned properties within the City as designated by city zoning ordinances, and therefore there is no need for additional public hearings. I stand by that conclusion.

Therefore, when your city council recently adopted the proposed corrected Official Zoning Map for the City in your meeting on September 25, you did it based upon what you and Jones Carter believed where the previously approved zoning ordinances. We now know that Jones Carter did not have City Ordinance No. 2003-07.

Going forward, I believe your city council has two options:

1. You can approve a corrected Official Zoning Map that properly identifies the Fisher tract as Industrial (the term now used for "Light Industrial"). In that event, Mrs. Fisher's request for a rezoning classification is moot and no other action is necessary by you.
2. In the alternative, you can take steps to reclassify Mrs. Fisher's property as "R-1" Residential. In that event, you will be doing so over her objection and possibly subjecting the City to a claim of inverse condemnation, since the Residential designation would arguably reduce the value of her property.

Respectfully,



Larry L. Foerster
City Attorney

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Feasibility Report
Date Prepared: October 3, 2018	

Subject

This is presentation the feasibility report to provide water and sanitary sewer service to proposed 1.76 acre tract of land known as “Cade Country Development”

Description

The study covers a 1.76 acre tract of land that has an application for annexation pending and is located roughly South of the NAPA store and is surrounded by the city limits. The proposed zoning for the property is “B” commercial and will be required to be replanted before receiving water and sanitary sewer service from the City.

Water services provided from an existing 12 inch water line with the demand expected to be up to 10,800 gallons per month. The existing water service system can properly serve the development.

Sewer services of immediately available from an 8 inch line with the demand being expected at approximately 9000 gallons per month. The existing sewer service system can properly serve the development.

A drainage plan for the property will be required, but drainage does not appear to be a problem at this point.

The developer will need to pay water and sewer impact fees to the City.

Development fees are estimated to be:

Escrow agreement	\$5,100 (paid)
Water Impact Fee	\$1,126
Wastewater Impact Fee	<u>\$2,513</u>
Subtotal	\$8,739

The development is expected to increase the says valuation the city by \$350,000 with additional tax revenue to the city of approximately \$1,350 per year

Montgomery City Council
AGENDA REPORT

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Recommendation

Motion to accept Feasibility Study.

Approved By

City Administrator

Jack Yates

Date: October 3, 2018

**ANALYSIS OF FEASIBILITY FOR
THE CITY OF MONTGOMERY
TO PROVIDE WATER AND SANITARY SEWER SERVICE
TO A PROPOSED 1.76-ACRE DEVELOPMENT
“CADE COUNTRY DEVELOPMENT”**

October 2018



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439



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The Woodlands, Texas 77380
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October 2, 2018

The Honorable Mayor and City Council
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77356

Re: Proposed 1.76-Acre Development Feasibility Study
Cade Country Development (Dev. No. 1811)
City of Montgomery ETJ

Dear Mayor and Council:

On September 17, 2018, Mr. Al Cade (the “Developer”) submitted an application for annexation and utility service of lands situated in the western portion of the City of Montgomery (the “City”) Extraterritorial Jurisdiction (“ETJ”). We are pleased to present this feasibility study for the City to provide water and sanitary sewer service to the referenced 1.76-acre tract (the “Tract”). The purpose of the feasibility is to determine if water and sanitary sewer capacity is available, to determine if the existing public utilities are required to be improved or extended to serve the Tract, to determine if the City’s mobility plan will impact this tract, and to offer clarity on the potential financial impact of the development.

General

This undeveloped Tract is located adjacent to the southern right-of-way of SH 105 between the western City Limits and Old Dobbin-Plantersville Road. The entirety of the Tract falls outside the City’s current City limits but within the City’s ETJ. As such, annexation will be required to serve the tract. An exhibit displaying the Tract boundary is enclosed as Appendix A.

The projected use of the tract is for the commercial construction and sale of small storage buildings and sheds. The estimates included in this feasibility are based on the anticipated land use provided by the Developer.

Zoning and Platting

The Tract is not currently zoned, but is proposed to be zoned District “B” (Commercial) after annexation. Appendix A shows the current zoning of the Tract and surrounding properties. The final land plan may affect the estimated costs and revenues associated with the development.

The Tract is currently not platted and will need to have a plat approved and recorded prior to receiving water and sanitary sewer service from the City.



City of Montgomery
1.76-Acre Cade Country Development Feasibility
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Water Production and Distribution

The City has three active water wells and two existing water plants with an average daily flow (“ADF”) capacity of 598,000 gallons per day (“gpd”). The current annual ADF in the City is approximately 300,000 gpd. Inclusive of existing connections and ultimate future projected connections within current platted developments, the City has committed approximately 687,000 gpd or 115% of existing ADF capacity. A current summary of Development Acreages & Service Demands is enclosed as Appendix B. Based upon the information provided by the Developer, the Tract’s water capacity requirement is approximately 360 gpd (10,800 gallons per month).

Additionally, the City has authorized the design of a water plant improvements project to increase the ADF capacity of the City’s water system to approximately 735,000 gpd. Upon completion of the proposed improvements and based on the projected ADF, including this Tract, the City is projected to have sufficient water production capacity to meet the ultimate demand of the existing platted development within the City but not all future potential development. As the projects shown in Potential Future sections of Appendix B develop, the City should be prepared to initiate planning for additional water production capacity.

The Tract will be served by an existing 12-inch waterline located within the southern right-of-way (“ROW”) of SH 105, as shown on Appendix C. A private water service line will need to be extended from this line to the tract. The cost of this service line extension will be paid by the Developer as part of his tap fee.

The Developer is responsible for providing engineered plans and specifications for the water distribution system interior to the development to the City Engineer for review and approval prior to commencing construction. Additionally, the developer shall obtain all required Planning and Zoning Commission, City Council, and development approvals and permits.

Sanitary Sewer Collection and Treatment

The City’s existing wastewater facilities consist of 13 public lift stations and two wastewater treatment plants (one of which is currently decommissioned). The Stewart Creek wastewater treatment plant (TPDES Permit No. WQ0011521001) has a permitted capacity of 400,000 gpd. The current annual ADF at the Stewart Creek Wastewater Treatment Plant is approximately 144,000 gpd.

Inclusive of existing connections and platted developments which are in design or under construction, the City has committed approximately 487,000 gpd or 122% of existing permitted capacity. A current summary of Development Acreages & Service Demands is enclosed in Appendix B.

Based upon the information provided by the Developer, the Tract’s sanitary sewer capacity requirement is approximately 300 gpd (9,000 gallons per month).



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The TCEQ requires the City to initiate design of a wastewater treatment capacity expansion when the ADF exceeds 75% of the City's 400,000 gpd permitted capacity for 3 consecutive months. The ADF for the City, including this Tract and other tracts under design/feasibility, is not expected to exceed 75% of the permitted capacity (300,000 gpd) until the year 2020-2021. Additionally, the TCEQ requires the commencement of the construction phase of the expansion after 3 consecutive months of ADF exceeding 90% of the permitted capacity (360,000 gpd). This is not expected to occur until the year 2022. As the projects shown in Appendix B achieve full development, the City should be prepared to initiate aggressive planning for additional treatment capacity.

The Tract will be served by an existing 8-inch public sanitary sewer line located within the southern ROW of SH 105, as shown on Appendix C. The Developer will be responsible for delivery of sanitary sewer service from the Tract to this location by means of gravity sanitary sewer line. The existing public sanitary sewer line at this location ultimately flows to Lift Station No. 5 ("LS No. 5"). The ultimate alignment of sanitary sewer lines interior to the Tract will depend on the final land plan of the proposed development.

The Developer is responsible for providing engineered plans and specifications for the sanitary sewer conveyance system interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required Planning and Zoning Commission, City Council, and development approvals and permits.

Drainage

The Developer is responsible for providing engineered plans and specifications for the drainage and detention system interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required Planning and Zoning Commission, City Council, and development approvals and permits. Additionally, the developer will be responsible for obtaining TxDOT approval if outfall to TxDOT drainage facilities is proposed.

Paving and Traffic

The Tract is not impacted by the City's Major Thoroughfare plan therefore no right-of-way is to be dedicated to the City. The Developer is responsible for obtaining TxDOT approval if the existing driveway is to be relocated and/or modified.

Development Costs

The Developer will need to pay water and wastewater impact fees to the City. The impact fees will be assessed at the time of recordation of the final plat and collected prior to receiving water and sanitary sewer taps. Enclosed as Appendix D is Table 1.1 of the 2017 Revisions to the Montgomery Impact Fee



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1.76-Acre Cade Country Development Feasibility
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Analysis Report. The estimated ADF provided by the Developer requires the equivalent use of one 5/8-inch water meter per the table.

An escrow agreement has been entered into between the Developer and the City and funds have been deposited to cover the cost of this feasibility study. An estimated additional \$5,100 will be required to cover the City's remaining expenses for the development, which includes administrative costs, legal fees, plan reviews, developer coordination, and construction inspection. The fees calculation can be seen in Appendix E. These additional funds must be deposited into the escrow prior to any further work being completed by the city.

Below is a summary of the estimated cost associated with the development:

Estimated Costs:

• Escrow Account	\$ 5,100
• Water Impact Fee	\$ 1,126
• Wastewater Impact Fee	<u>\$ 2,513</u>
Subtotal	<u>\$ 8,739</u>

The estimate is based on the projected water and wastewater usage provided by the developer. The actual costs will depend on the final design.

Financial Feasibility

The Developer estimates the total assessed value (A.V.) the project will attain at full development to be approximately \$350,000. Based on the estimated total A.V. and assuming 95% collection, the development would generate approximately \$700 per year in debt service revenue based on the City's \$0.2113/\$100 valuation debt service tax rate, and approximately \$650 per year in maintenance and operations revenue based on the City's \$0.1942/\$100 valuation Operations & Maintenance (O&M) tax rate.

This report is our engineering evaluation of the funds required to complete the anticipated future capital improvements for this Tract and of the potential increase in tax revenue to the City. This report is not intended to be used for issuance of municipal financial products or the issuance of municipal securities. The City's Financial Advisor(s) can address potential recommendations related to the issuance of municipal financial products or issuance of municipal securities.



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1.76-Acre Cade Country Development Feasibility
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Summary

- The 1.76-acre tract lies outside of the current city limits.
- The Tract is comprised of approximately one building with an estimated commercial value of \$350,000.
- Extension of public utilities is not required to serve the Tract.
- The City currently has water production capacity and wastewater treatment capacity to serve the Tract, but needs to continue to aggressively plan for expansion of City facilities to meet projected future demands.
- The Developer must deposit an additional \$5,100 with the City to go toward the escrow account to cover future estimated costs.
- The Developer would need to pay water and wastewater system impact fees in the amounts of \$1,126 and \$2,513, respectively, for a total estimated amount of \$3,639.
- The development results in an increase in assessed valuation of \$350,000 and additional tax revenue to the City of approximately \$1,350 annually.

Thank you for the opportunity to complete this feasibility and offer our recommendations. Please contact Ms. Katherine Vu or myself, should you have any questions.

Sincerely,

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

Chris Roznovsky, PE

CVR\ab

K:\W5841\W5841-1811-00 Cade Tract Development\2 Design Phase\Reports\Cade Tract Feasibility Report.doc

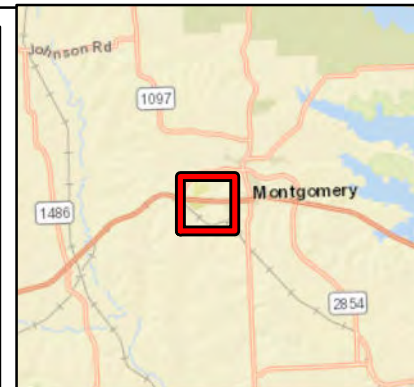
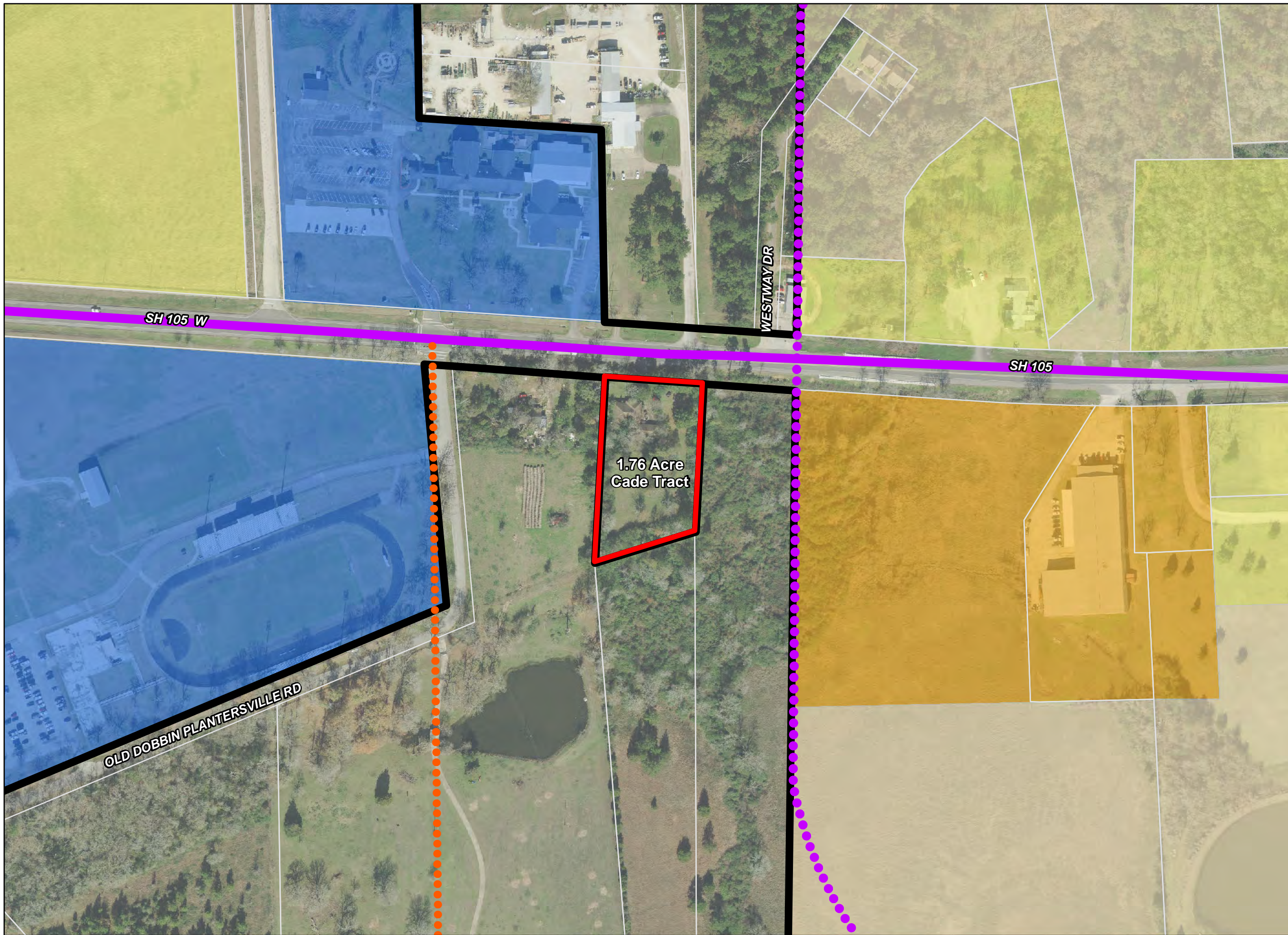
Attachments

Appendix A-E

cc: 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
Mr. Al Cade – Developer

Appendix A
Proposed 1.76-Acre Cade Country Development
Boundary, Zoning, & Thoroughfare Map





VICINITY MAP

Scale: 1 inch equals 5 miles

LEGEND

- ROW
- Existing Thoroughfare
- Proposed Thoroughfare*
- Existing Collector
- Proposed Collector*
- 1.76 Acre Cade Tract
- City Limits
- MCAD Parcels
- Zone Classification**
- Commercial (B)
- Industrial (ID)
- Institutional (I)
- Multi-Family (R2)
- Planned Development (PD)
- Residential (R1)

HGAC Aerial Imagery flown 2016

1.76 Acre Cade Tract

CITY OF MONTGOMERY
MONTGOMERY COUNTY, TEXAS



1 inch equals 200 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.



Appendix B
Proposed 1.76-Acre Cade Country Development
Updated Development Acreages & Service Demands

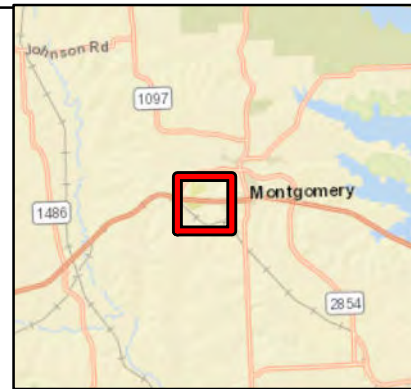
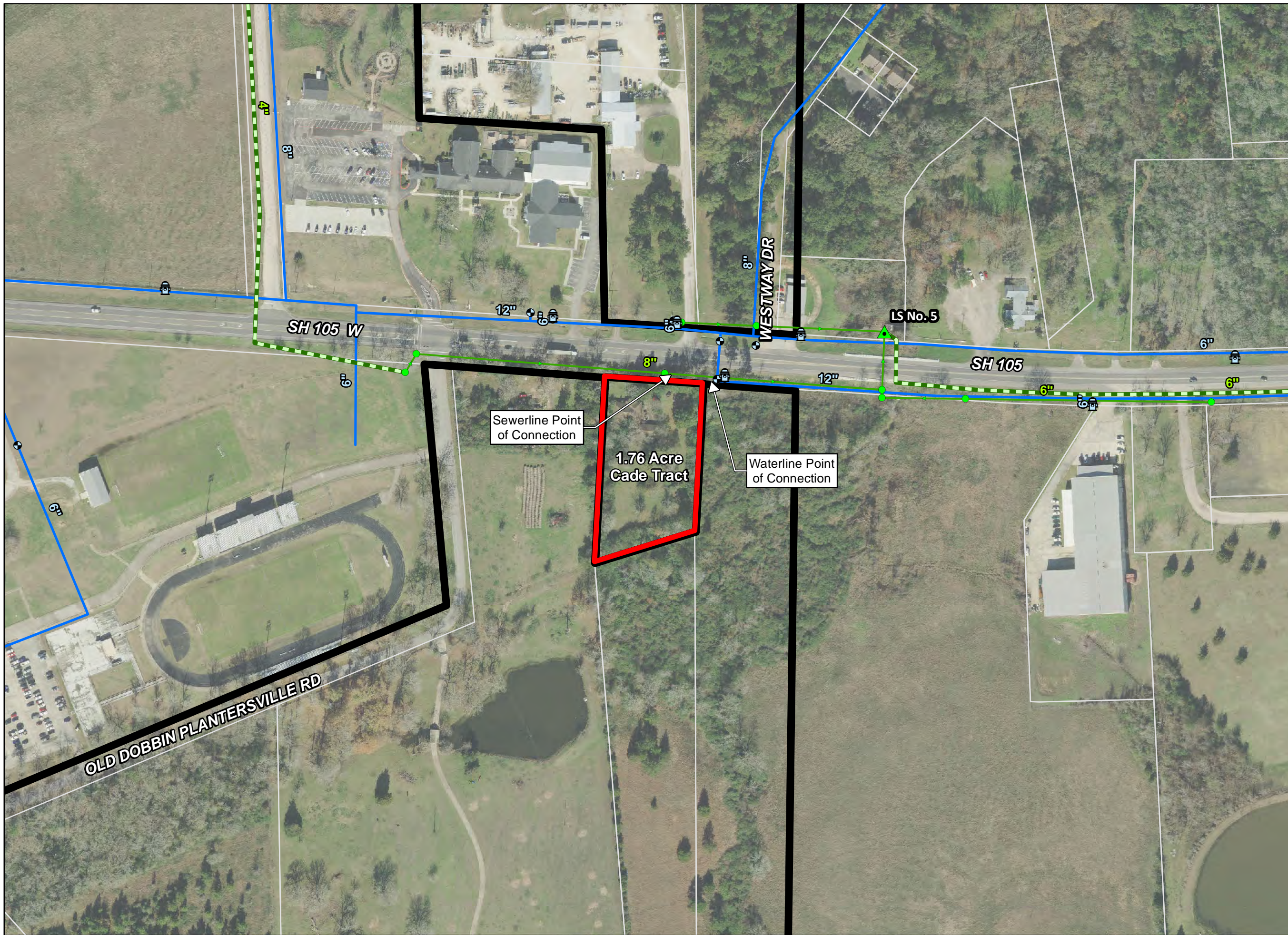


	Development Info & Capacities						Projected Additional Connections and Flow																	
	Current Connections	Ultimate Connections	Water		Wastewater		2018			2019			2020			2021			2022					
			Current Actual	Ultimate	Current	Ultimate	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary			
Commercial/Multi Family per ESFC			360	360	250	300																		
Single Family			250	300	150	225																		
Single Family																								
Buffalo Crossing	1	13	250	3,900	150	2,925			1	250	150	2	500	300	2	500	300	2	500	300	2	500	300	
Buffalo Springs, Section 1	24	24	6,000	7,200	3,600	5,400																		
Buffalo Springs, Section 2	58	64	14,500	19,200	8,700	14,400	2	500	300	2	500	300	2	500	300	2	500	300	2	500	300	2	500	300
Estates of Mia Lago, Section 1	4	27	1,000	8,100			1	250		1	250	2	500		3	750		3	750		3	750		
FM 149 Corridor	19	25	4,750	7,500	2,850	5,625			1	250	150	1	250	150	1	250	150	1	250	150	1	250	150	
Simonton and Lawson	12	23	3,000	6,900	1,800	5,175			1	250	150				1	250	150				1	250	150	
Martin Luther King	47	55	11,750	16,500	7,050	12,375			1	250	150				1	250	150				1	250	150	
Baja Road	7	11	1,750	3,300	1,050	2,475						1	250	150				1	250	150				
Community Center Drive	3	3	750	900	450	675																		
Community Center Drive (Water Only)	8	10	2,000	3,000								1	250	150										
Lake Creek Landing	15	15	3,750	4,500	2,250	3,375																		
Gulf Coast Estates, Section 2		3		900		675	1	250	150	1	250	150	1	250	150									
Lake Creek Village, Section 1	31	37	7,750	11,100	4,650	8,325	2	500	300	4	1,000	600												
Lake Creek Village, Section 2	21	45	5,250	13,500	3,150	10,125	5	1,250	750	6	1,500	900	6	1,500	900	6	1,500	900	6	1,500	900	6	1,500	900
Estates of Lake Creek Village	4	22	1,000	6,600	600	4,950	4	1,000	600	7	1,750	1,050	5	1,250	750	2	500	300						
Lone Star Estates	10	10	2,500	3,000	1,500	2,250																		
Hills of Town Creek, Section 2	32	51	8,000	15,300	4,800	11,475	4	1,000	600	7	1,750	1,050	7	1,750	1,050	2	500	300						
Hills of Town Creek, Section 3		49		14,700		11,025	4	1,000	600	7	1,750	1,050	7	1,750	1,050	7	1,750	1,050	7	1,750	1,050	7	1,750	1,050
Historic/Downtown	129	150	32,250	45,000	19,350	33,750	2	500	300	2	500	300	2	500	300	2	500	300	2	500	300	2	500	300
Terra Vista Section 1	12	61	3,000	18,300	1,800	13,725	5	1,250	750	10	2,500	1,500	10	2,500	1,500	10	2,500	1,500	10	2,500	1,500	10	2,500	1,500
Villas of Mia Lago Section 1	14	14	3,500	4,200	2,100	3,150																		
Villas of Mia Lago Section 2	3	42	750	12,600	450	9,450	6	1,500	900	10	2,500	1,500	10	2,500	1,500	10	2,500	1,500	6	1,500	900	6	1,500	900
Waterstone, Section 1	38	53	9,500	15,900	5,700	11,925			4	1,000	600	4	1,000	600	4	1,000	600	4	1,000	600	4	1,000	600	
Waterstone, Section 2	4	89	1,000	26,700	600	20,025	2	500	300	4	1,000	600	4	1,000	600	4	1,000	600	4	1,000	600	10	2,500	1,500
Gary Hammons	1	1	250	300	150	225																		
West Side at the Park	5	11	1,250	3,300	750	2,475	3	750	450	2	500	300	1	250	150									
Subtotal	502	908	125,500	272,400	73,500	195,975	41	10,250	6,000	71	17,750	10,500	66	16,500	9,600	57	14,250	8,100	48	12,000	6,750			
Commercial Platted and Existing																								
Buffalo Run, Section 1		6		20,000		16,600				1	3,300	2,700	1	3,300	2,700	1	3,300	2,700	1	3,300	2,700	1	3,300	2,700
Longview Greens Miniature Golf	1	1	300	300	250	250																		
Summit Business Park, Phase 1	3	6	1,700	14,000	1,400	11,620			1	4,100	3,400	1	4,100	3,400	1	4,100	3,400	1	4,100	3,400	1	4,100	3,400	
Prestige Storage (SBP Res. D)	1	1	360	360	250	250																		
McCoy's	1	1	360	360	250	250																		
McCoy's Reserves B, C, & D		3		11,000		9,100			1	3,600	3,000				1	3,600	3,000							
Pizza Shack	1	1	4,000	4,000	3,320	3,320																		
Virgin Development Tract	2	2	10,000	10,000	8,300	8,300																		
KenRoc (Montgomery First)		3		20,000		17,000			1	6,600	5,600	1	6,600	5,600	1	6,600	5,600	1	6,600	5,600	1	6,600	5,600	
Dusty's Car Wash		1		4,000		3,800	1	4,000	3,800															
ProCore Developments		1		400		340			1	400	340													
Wendy's		1		1,500		1,245			1	1,500	1,245													
Madsen and Richards	1	1	405	405	340	340																		
Kroger	2	2	4,000	4,000	3,300	3,300																		
Burger King	1	1	850	850	700	700																		
Buffalo Springs Shopping, Ph. I (Reserve B)	1	1	500	1,000	415	850																		
Buffalo Springs Shopping, Ph. I (Reserve A2)		1		360		250			1	360	250													
Buffalo Springs Shopping, Ph. I (Reserve E)		1		3,000		2,100						1	3,000	2,100										
Buffalo Springs Shopping, Ph. I (Reserve D)		1		6,000		5,000							1	6,000	5,000									
Spirit of Texas Bank		1		500		415			1	500	415													
Heritage Place	1	1	360	1,200	250	1,000																		
Buffalo Springs Shopping, Ph. 2		4		30,000		25,000			1	7,500	6,250	1	7,500	6,250	1	7,500	6,250	1	7,500	6,250	1	7,500	6,250	
BlueWave Car Wash		1		4,000		3,800	1	4,000	3,800															
Brookshire Brothers	2	2	1,100	1,100	915	915																		
Ransoms	1	1	1,500	1,500	1,245	1,245																		
Heritage Medical Center	1	1	360	1,200	250	1,000																		
Lone Star Pkwy Office Building	1	1	360	360	250	250																		
Old Iron Work	1	1	300	300	250	250																		
Apache Machine Shop	1	1	300	300	250	250																		
Montgomery Community Center (lone Star)	1	1	360	360	250	250																		
Jim's Hardware	1	1	200	200	166	166																		
Town Creek Storage	1	1	360	360	250	250																		
Lake Creek Village 3 Commercial		5		30,000		24,000						1	6,000	4,800	1	6,000	4,800	1	6,000	4,800	1	6,000	4,800	
Waterstone Commercial Reserve A	1	10	650	16,000	540	13,280				1	1,500	1,250	1	1,500	1,250	1	1,500	1,250	1	1,500	1,250	1	1,500	1,250
Waterstone Commercial Reserve B	1	1	360	4,300	250	3,600																		

	Development Info & Capacities						Projected Additional Connections and Flow																
	Current Connections	Ultimate Connections	Water		Wastewater		2018			2019			2020			2021			2022				
			Current Actual	Ultimate	Current	Ultimate	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary		
Commercial/Multi Family per ESFC Single Family			360	360	250	300																	
			250	300	150	225																	
Potential Future Development (Within Current City Limits)																							
HEB Tract (HEB store only)	-	1	-	25,000	-	17,500						1	25,000	17,500									
HEB Tract (pad sites only)		5		15,000		10,500						1	3,000	2,100				1	3,000	2,100	1	3,000	2,100
Heritage Plaza, Phase 2	-	80	-	9,000	-	7,200			20	2,250	1,800	20	2,250	1,800				20	2,250	1,800	20	2,250	1,800
Montgomery Forest	-	195	-	58,500	-	43,875						10	3,000	2,250				10	3,000	2,250	10	3,000	2,250
Summit Business Park, Phase 2	-	6	-	4,400	-	3,100			2	1,450	1,030	2	1,450	1,030				2	1,500	1,040			
Town Creek Village, Phase 2	-	2	-	20,000	-	16,000						2						2	20,000	16,000			
J. Allen Kent	-	400	-	120,000	-	90,000						10	3,000	2,250				10	3,000	2,250	10	3,000	2,250
Waterstone, Section 3	-	36	-	10,800	-	8,100												5	1,500	1,125	10	3,000	2,250
Waterstone, Section 4	-	80	-	24,000	-	18,000												10			10	3,000	2,250
Plez Morgan Commercial		7		10,500		8,700						1	1,500	1,250				1	1,500	1,250	1	1,500	1,250
1097 Misc. Commercial		10		15,000		12,500			1	1,500	1,250	1	1,500	1,250				1	1,500	1,250	1	1,500	1,250
Misc. Undeveloped (Commercial)	-	1,354	-	487,440	-	406,200			2	3,000	2,500	2	3,000	2,500				2	3,000	2,500	2	3,000	2,500
Misc. Undeveloped (Single Family)	-	1,641	-	492,300	-	369,225						10	3,000	2,250				10	3,000	2,250	10	3,000	2,250
Misc. Undeveloped (Industrial)	-	1	-	5,000	-	3,500			1	4,000	3,320	1	4,000	3,320				1	4,000	3,320	1	4,000	3,320
Subtotal	-	3,818	-	1,296,940	-	1,014,400	-	-	-	27	13,700	11,150	59	50,700	37,500	65	47,250	37,135	76	30,250	23,470		
Potential Future Development (ETJ)																							
80-Ac Mabry Single Family	-	368	-	112,140	-	87,500												10	2,500	1,500	10	2,500	1,500
Stewart Landing	-	50	-	18,000	-	12,500						10	3,600	2,500	10	3,600	2,500	10	3,600	2,500	10	3,600	2,500
90-AC Lone Star Parkway	-	225	-	81,000	-	56,250						10	3,600	2,500	10	3,600	2,500	10	3,600	2,500	10	3,600	2,500
Misc. Undeveloped (Single Family)	-	6,370	-	1,146,600	-	859,950																	
Misc. Undeveloped (Commercial)	-	1,100	-	237,600	-	198,000			5	7,500	6,250	5	7,500	6,250				5	7,500	6,250	5	7,500	6,250
Subtotal	-	8,113	-	1,595,340	-	1,214,200	-	-	-	5	7,500	6,250	25	14,700	11,250	35	17,200	12,750	35	17,200	12,750		
Potential Ultimate Totals	1,022	13,521	305,726	3,589,711	188,874	2,723,629	2018			2019			2020			2021			2022				
							Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary	Connections	GPD Water	GPD Sanitary		
							1,076	330,656	205,814	1,207	412,501	270,482	1,385	545,176	367,657	1,567	674,251	464,767	1,747	760,151	526,862		
							Total Potential Ultimate																

Appendix C
Proposed 1.76-Acre Cade Country Development
Existing Public Utilities





VICINITY MAP
Scale: 1 inch equals 5 miles

- LEGEND**
- Blowoff
 - Hydrants
 - Gat Valve
 - Cleanout
 - Manhole
 - Lift Station
 - Force Main
 - Gravity Main
 - Waterline
 - 1.76 Acre Cade Tract
 - City Limits
 - MCAD Parcels

HGAC Aerial Imagery flown 2016

**1.76 Acre
Cade Tract**

CITY OF MONTGOMERY
MONTGOMERY COUNTY, TEXAS



1 inch equals 200 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.



Appendix D
Proposed 1.76-Acre Cade Country Development
Excerpt from Impact Fee Analysis



Table 1.1 September 2017 ESFC Table for Commonly Used Meters

Meter Size	Maximum Continuous Operating Capacity (GPM)	Equivalent Single Family Home (ESFC)	Maximum Assessable Water Fee (\$)	Maximum Assessable Waste Water Fee (\$)	Maximum Assessable Fee (\$)
5/8"	15	1.00	1,126	\$2,513	\$3,639
3/4"	25	1.67	1,881	\$4,198	\$6,079
1"	40	2.67	3,001	\$6,711	\$9,712
1 1/2"	120	8.00	9,006	\$20,103	\$29,112
2"	170	11.33	12,755	\$28,471	\$41,226
3"	350	23.33	26,264	\$58,626	\$84,890
4"	600	40.00	44,942	\$100,517	\$145,429
6"	1,200	80.00	90,064	\$201,035	\$291,099
8"	1,800	120.00	135,096	\$301,552	\$436,648

Appendix E
Proposed 1.76-Acre Cade Country Development
Escrow Calculation

ESCROW AGREEMENT, SECTION 2.03 ATTACHMENT

BY AND BETWEEN

THE CITY OF MONTGOMERY, TEXAS,

AND

Al Cade

Dev. No. 1811

THE STATE OF TEXAS ⊃

COUNTY OF MONTGOMERY ⊃

As per section 2.03, the Feasibility Study completed an estimate of the additional escrow amount, which was determined for administration costs, legal fees, plan reviews, developer coordination, and construction inspection. The required additional amount is below:

Administration	\$ 600
City Attorney	\$ 500
City Engineer	\$ 4,000
<hr/>	
TOTAL	\$ 5,100

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineer's memo, cost projection, map
Date Prepared: October 4, 2018	

Subject

This is a request of a letter of support to TxDOT and the Houston-Galveston Area Council to include Lone Star Pkwy. in the upcoming TIP program for Lone Star Parkway.

Description

This is the beginning part of getting a funding through the Houston – Galveston Area Council to include Lone Star Parkway in the Transportation Improvement Program (TIP), by getting the project on the TIP the project is eligible for 80% federal funding and to turn the road over to TxDOT to become a relief route around SH 105.

The City Engineers memo explains it much more.

The request is for a letter of support as the application is due by October 31st.

At some point the Council will need to have a conversation about the impact fees or other methods for how to pay for the neither 10% (if State funds used, \$\$\$3,652,974) or 20% (if Federal funds used, \$9,132,435) of this project.

Recommendation

Motion to authorize the City Administrator to sign a letter of support for the project to be submitted with the Transportation Improvement Program and to request Montgomery County, Representative Metcalf, and Sen. Nichols to provide letters of support as well- noting that the letter of support is not a commitment of funds at this time.

Approved By

City Administrator	Jack Yates	Date: October 4, 2018
--------------------	------------	-----------------------



1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380-3795
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

October 4, 2018

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

Re: Lone Star Parkway Expansion
City of Montgomery

Dear Mayor and Council:

As you are aware, we have been working with TxDOT and the Houston-Galveston Area Council ("H-GAC") to include the Lone Star Parkway expansion/bypass in the Transportation Improvement Program ("TIP"). By getting this project on the TIP, the project is eligible to obtain up to 80% federal funding to improve/expand Lone Star Parkway and turn it over to TxDOT to become a relief route around the City.

The preliminary scope of the project would include:

- Complete removal of the existing 2 lane roadway and 3 bridges
- Construction of approximately 4 miles of 4 lane, divided highway with open ditch drainage and storm sewers at major intersections
- Construction of 3 new bridges to replace existing bridges
- Construction of new westerly high-speed connector (0.7 miles)
- Construction of signalized intersections at FM 149, Buffalo Springs, Lone Star Bend, SH 105 East, SH 105 West, and a future thoroughfare.

Enclosed is a preliminary schematic showing the layout of the project

Based on the preliminary scope of work, the total estimated project cost is \$45,662,177.00. Enclosed is a detailed cost estimate for the project. If approved, the project would be eligible to receive up to 80% federal funding, or \$36,529,742.00 The local share (20%) of the total project cost is estimated to be \$9,132,435.00 It is our understanding the County will consider partnering with the City to cover the local share.

If approved, the project is expected to receive funding in 5-10 years. We are meeting with the H-GAC on October 4th to discuss the TIP application and required traffic modeling (by H-GAC). We are also ready to begin the registration/application process on behalf of the City. The application is due by October 31st.

The action needed by the Council today is to authorize the City to sign a letter of support for the project to be submitted with the application. We also recommend the City request Montgomery County, Representative Metcalf, and Senator Nichols provide letters of support as well. It is important to note the letter of support is not a commitment of funds at this time.



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 Lone Star Parkway Expansion.doc

Enc: Cost Estimate
Preliminary Schematic

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

Lone Star Parkway Widening/Reconstruction - Montgomery, Texas

4 LN Divided/Open Ditch - 4.75 miles

Item Description	Units	Unit Cost	Quantity	Cost
Prep ROW	Sta.	\$5,000	292	\$ 1,460,000
Excavation	CY	\$10	173,210	\$ 1,732,101
Embankment	CY	\$8	47,596	\$ 380,768
Lime	Ton	\$160	4,240	\$ 678,374
Lime Treated Subgrade (6 inch)	SY	\$2	285,511	\$ 571,022
Portland Cem. Treated Base (6 inch)	SY	\$6	285,511	\$ 1,713,067
Bondbreaker (1 inch)	Ton	\$70	1,309	\$ 91,601
CRCP (10 inch)	SY	\$43	272,533	\$ 11,718,933
48 inch RCP	LF	\$104	2,336	\$ 242,944
36 inch RCP	LF	\$80	3,504	\$ 280,320
24 inch RCP	LF	\$52	1,713	\$ 89,079
48" Culverts	LF	\$104	1,680	\$ 174,720
48" SET	EA	\$5,000	24	\$ 120,000
Excavation, Detention Pond - NA				
Type C Inlet	EA	\$4,000	19	\$ 76,000
Cem Treated Backfill	CY	\$40	6,489	\$ 259,556
Rem Exist Stab Asphalt Pvmt/Base	SY	\$3	97,236	\$ 291,708
Subtotal				\$ 19,880,194
Bridges for Town Creek (2 Crossings) and Stewart Creek				
Remove Exist Bridges	EA	\$75,000	3	\$ 225,000
Embankment for Approaches	CY	\$8	3,000	\$ 24,000
Bridge	SF	\$75	24,640	\$ 1,848,000
Subtotal				\$ 2,097,000
Miscellaneous				
Signalized Intersections	EA	\$250,000	6	\$ 1,500,000
Signing & Striping	LS	2%	1	\$ 397,604
SW3P	LS	2%	1	\$ 397,604
Illumination	LS	5%	1	\$ 994,010
Large Guide Signs	EA	\$ 25,000.00	15	\$ 375,000
Subtotal				\$ 3,664,217
Traffic Control	LS	10%		\$ 2,564,141
Contractor Mobilization	LS	10%		\$ 2,564,141
Contingency	LS	20%		\$ 6,153,939
Construction Cost Total				\$ 36,923,632

This estimate represents my best judgement as a design professional familiar with the construction industry. Jones & Carter, Inc. and I have 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 cost estimate. This document is released for the purpose of General Financial Planning under the authority of Jones|Carter TBPE# F-439, Engineer: Tim C. Newton, PE No. 52626 on **October 4, 2018**.

Lone Star Parkway Reconstruction/Widening - Montgomery, Texas

4 LN Divided/Open Ditch - 4.75 miles

Item Description	Units	Unit Cost	Quantity	Cost
Planning/Environmental	NA	5%	\$36,923,632	\$ 1,846,182
Design	NA	10%	\$36,923,632	\$ 3,692,363
Property/ROW Acquisition	AC	\$75,000	16	\$ 1,200,000
Utility Relocation	LS	\$2,000,000	1	\$ 2,000,000
Other Costs Total				\$ 8,738,545
Total Estimated Project Cost				\$ 45,662,177
Request for Federal Funds				\$ 36,529,742
Local Matching Funds				\$ 9,132,435

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October 4, 2018

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If approved, the project is expected to receive funding in 5-10 years. We are meeting with the H-GAC on October 4th to discuss the TIP application and required traffic modeling (by H-GAC). We are also ready to begin the registration/application process on behalf of the City. The application is due by October 31st.

The action needed by the Council today is to authorize the City to sign a letter of support for the project to be submitted with the application. We also recommend the City request Montgomery County, Representative Metcalf, and Senator Nichols provide letters of support as well. It is important to note the letter of support is not a commitment of funds at this time.



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

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Construction Cost Total **\$ 36,923,632**

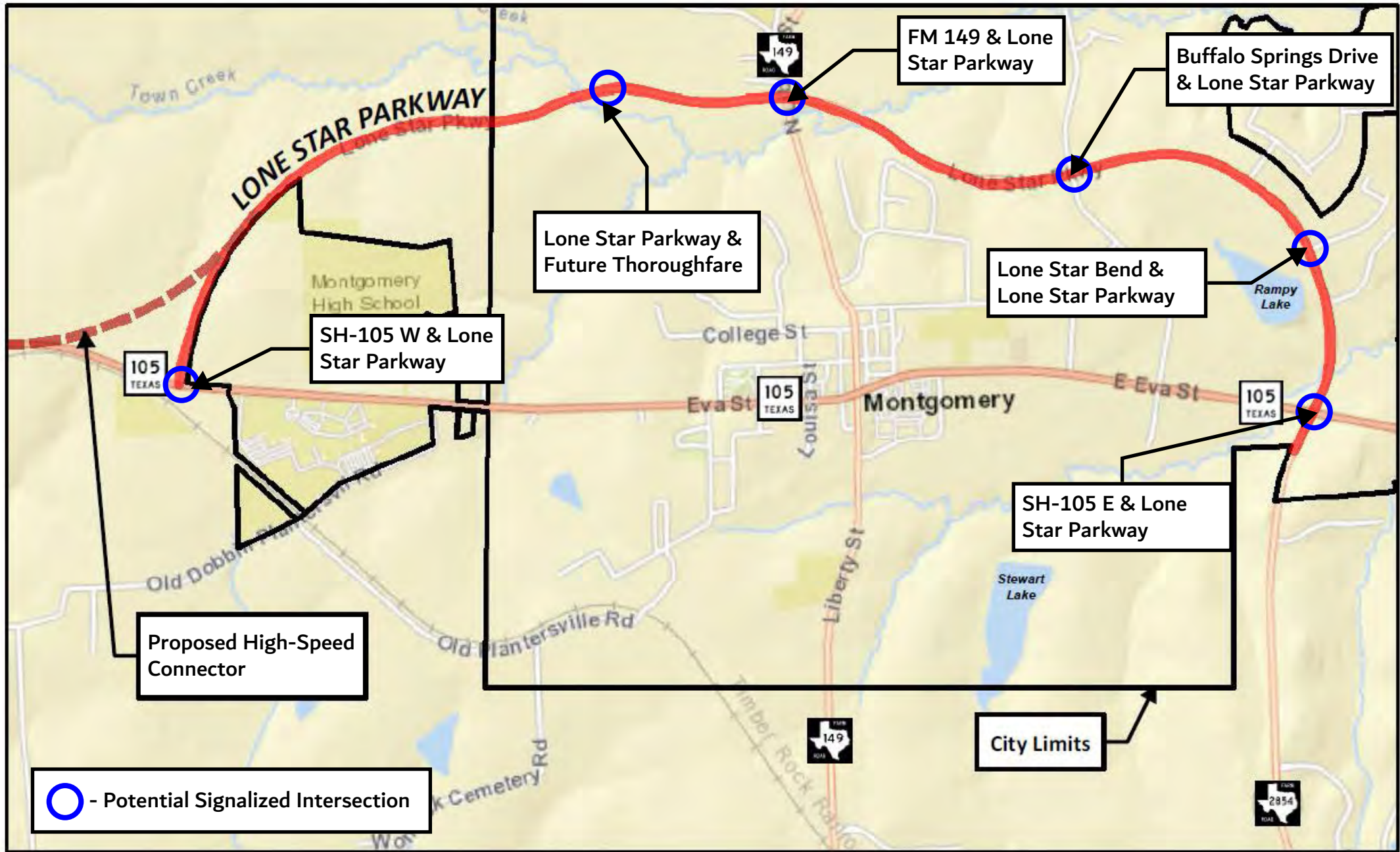
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Lone Star Parkway Reconstruction/Widening - Montgomery, Texas

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Lone Star Parkway – 4 Lane Divided Rural

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: MEDC proposed budget, Line item review of revenue/expenses
Date Prepared: October 4, 2018	

Subject

This is to consider approval of the MEDC budget for 2018 – 2019 fiscal year.

Description

This is to consider approval of the MEDC budget. The budget's biggest difference from past years is the transfer of enough funds to hire a tourism/promotions person who will work for the City. That item is part, \$80,000 of the \$107,500 transfer from MEDC to City – the \$27,000 is for City support of MEDC that is for administrative support for me/city staff to the MEDC and for copies, etc.

Recommendation

Motion to approve the 2018-2019 MEDC budget.

Approved By

City Administrator	Jack Yates	Date: October 4, 2018
--------------------	------------	-----------------------

Montgomery Economic Development Corporation
Statement of Income, Expenditures, and Changes in Net Assets

	2016-17	2017-18	2017-18	2018-19
	Actual	Budget	Estimated	Adopted Budget
Beginning net assets (fund balance)	\$ 834,815	\$ 648,220	\$ 786,030	\$ 748,230
Income				
Sales tax (one-half of one percent)	500,557	530,000	575,000	575,000
Interest income	2,979	950	3,000	3,200
Miscellaneous	-	-	-	-
Total income	<u>503,536</u>	<u>530,950</u>	<u>578,000</u>	<u>578,200</u>
Total Appropiable Funds	<u>1,338,351</u>	<u>1,179,170</u>	<u>1,364,030</u>	<u>1,326,430</u>
Expenditures				
Public Infrastructure (Category 1)				
Downtown development improvements	83,295	55,000	66,000	60,000
Utility extensions	159,987	180,000	150,000	39,200
Flagship development improvements	9,800	8,000	4,500	-
Transfer to debt service	130,500	160,000	160,000	160,000
Total infrastructure	<u>383,582</u>	<u>403,000</u>	<u>380,500</u>	<u>259,200</u>
Business development and retention (Category 2)				
Sales tax reimbursement	-	35,000	47,500	76,900
Economic development grant program	-	20,000	20,000	15,000
Total business development	<u>-</u>	<u>55,000</u>	<u>67,500</u>	<u>91,900</u>
Quality of life (Category 3)				
Seasonal decorations	9,940	6,000	1,300	7,600
Christmas lighting, civic association	2,543	1,600	2,500	-
Walking tour	500	4,000	6,000	6,000
Downtown enhancement projects	-	20,000	10,000	20,000
Removal of blight	10,791	15,000	12,000	15,000
Downtown signs	-	1,000	-	-
Fernland improvements	-	4,000	-	-
Heritage village detention pond improvements	10,450	-	-	-
Events	-	-	-	35,000
Total quality of life	<u>34,224</u>	<u>51,600</u>	<u>31,800</u>	<u>83,600</u>
Marketing and tourism (Category 4)				
Promotional video	1,900	1,500	3,000	-
Website	7,976	2,000	3,000	3,000
Brochures / printed literature	5,626	5,000	7,500	10,000
Events	-	-	-	-
Christmas in Montgomery	5,000	5,000	5,000	-
Wine and music festival	9,500	10,000	10,000	-
Antique show and festival	10,000	10,000	10,000	-
Texian heritage festival	16,000	8,000	-	-
Total marketing and tourism	<u>56,002</u>	<u>41,500</u>	<u>38,500</u>	<u>13,000</u>
Administration (Category 5)				
Reimbursement of General fund expenses	37,500	37,500	37,500	107,500
Montgomery area chamber of commerce office	30,800	32,000	32,000	-
Internship program	-	10,000	2,500	10,000
Miscellaneous expense	4,372	6,000	9,000	1,000
Consulting (professional services)	2,667	10,000	15,000	10,000
Travel and training	3,174	2,800	1,500	2,000
Total administration	<u>78,513</u>	<u>98,300</u>	<u>97,500</u>	<u>130,500</u>
Total expenditures	<u>552,321</u>	<u>649,400</u>	<u>615,800</u>	<u>578,200</u>
Net income (loss)	<u>(48,785)</u>	<u>(118,450)</u>	<u>(37,800)</u>	<u>-</u>
Ending net assets (fund balance)	<u>\$ 786,030</u>	<u>\$ 529,770</u>	<u>\$ 748,230</u>	<u>\$ 748,230</u>

MEDC BUDGET - DETAILS

Attached is the Proposed MEDC 2018-2019 Budget. Below is an explanation of each line item intention- I say intention because, please remember that the budget is more than just figures, it is the intended actions of the MEDC from October 1st, 2019 to September, 2019.

Not all of these intentions will happen during the upcoming year and there, almost certainly, will be new actions that you will decide to undertake during the upcoming fiscal year.

All of this is to say that the budget is as much a goals policy as a financial plan that can be amended during the year.

You may note that the budget has a planned surplus of expenditures over revenue. That will be the case if every dollar is expended during the year, which is not likely. The MEDC has a current balance of approximately \$748,730.

Revenues

- Sales Tax – Sales tax for the city overall is expected to increase.
- Interest Income – this is interest income from the balance in MEDC funds

Expenses state law states what can come from each category

Category I ---

- Downtown Improvements – the thought is that the \$60,000 would be for physical improvements in the downtown Historic District. No specific items are contemplated.
- Utility Extensions –This figure is the “balancing of the revenues versus expenses” for the MEDC budget – – with no specific utility extensions planned.
- Transfer to debt service. \$160,00 due to another borrowing by the city for water and sewer debts- \$117,000 for 2014 debt and \$53,000 toward TWDB 2017 debt.

Category II

- Sales Tax Reimbursement – This is the refund of Kroger 380 sales tax.
- Economic Development Grant Program – This is where a grant is made to a historic area business or home to make an improvement to their façade, structure or public use aspect of their building. The grant maximum is \$5,000 and are individually applied for and awarded by the MEDC Board.

Category III

- Seasonal Decorations – this helps the Civic Association with \$1,600 funding for their lighting of Cedar Brake Park and throughout the City during the holidays. It also allocates \$6,000 for seasonal decorations throughout the City parks.
- Walking tour-This is meant for marketing of the distrix program.
- Removal of Blight - This is for removal of old houses/structures having to do with the appearance of the city. \$15,000 will go toward those removal expenses.
- Events – This amount is meant for distribution as the MEDC Board determines for the various special events throughout the year in the City.
- Downtown Enhancement Projects—This amount is meant as planning funds for the downtown and historic district streetscape master plan program.

Category IV

- Brochures Printed Literature - This involves an advertisement and other brochures and promotional materials.
- Website – This is meant as a partial payment to the new City website that will have MEDC materials on it.

Category V

- Admin. Transfer to General Fund – This is what MEDC pays for City support of MEDC, meaning the financial record keeping, my time and overall city support of MEDC economic development matters, and is \$80,000 for the salary, materials, supplies and virtually all costs of hiring a tourism/promotions person to be hired and paid in the General Fund of the City.
- Miscellaneous Expenses - Just as it reads, minor expenses of the MEDC that do not seem to fit into any specific line item budgeted.

- Internship program- a cooperative program with local businesses wherein the local business pays half the paid to the intern and MEDC matches up to \$3,000.
- General consulting (Accounting , Eng., Legal) – This is in case there is some specific engineering or legal work or advice needed for the MEDC due to looking at some specific issue, plus it could pay for the economic development analysis programs that MEDC has done on two recent occasions to analyze requested infrastructure contributions to a specific business.
- Travel and Training Expenses -- Travel for MEDC members or staff to various trainings, seminars, etc.

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineer's memo, List of Developers present at meeting
Date Prepared: October 3, 2018	

Subject

This is to consider direction to the Staff and Planning and Zoning Commission regarding several development related ordinances/policies of the city that resulted from a discussion with Developers on September 14th.

Description

This is to consider several adjustments to city policies/practices/ordinances that were proposed during the discussion. My notes are in the margins in the Engineer's memo.

This is maybe something that you direct Staff and Planning Commission to do/consider and to report back to you in two months to check in on progress.

Recommendation

Consider, discuss -- direct as you think appropriate.

Approved By

City Administrator	Jack Yates	Date: October 3, 2018
--------------------	------------	-----------------------

Developers present at September 14th meeting.

<u>Name</u>	<u>E-mail</u>	<u>Company</u>
Michael Ogorchock	Michael@Summituniversal.com	Summit Universal
Philip LeFevre	plefevre@Lefco-inc.com	LefCo
David Konopka	dougk@dhkdev.com	DHK Development, Inc.
Milam Mabry	milam@mabrypublicaffairs.com	Mabry
Chase Moore	cmoore@jbeardcompany.com	J. Beard Commercial Real Estate
Matt Marquis	matt@symmetrydevelopment.com	Symmetry
Beau Roan	bids@randyroanconstruction.com	Randy Roan Construction
Brandon Imhoff	bimhoff@stylecraftbuilders.com	Stylecraft
Jonathon White	jwhite@L2engineering.com	L2 Engineering
Chris Cheatham	ccheatham@consolidated.net	Cheatham Management
Josh Cheatham	jcheatham@lee-associates.com	Lee and Associates
Jonathon Bellock	jbellock@firsthartford.com	First Hartford



October 3, 2018

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

Re: Developer's Roundtable Follow-Up
City of Montgomery

Dear Mayor and Council:

As you are aware, the City of Montgomery held a Developer's Roundtable on September 14th to discuss development in Montgomery including specific ordinances, the Development Handbook, and the City's GIS system. Approximately 15-20 people were in attendance, including Mayor Countryman, Jack Yates, and Mike Muckleroy. Below is a summary and action items related to each of the topics discussed, as also listed in the previously distributed meeting notes:

General Action Items

- Look into Cumulative Zoning and whether it would benefit the City
- Send escrow account updates electronically instead of by mail

Pros + Cons needs Pt 2 discussion

we can do this - easier for us + the Escrow Developer

Tree & Landscaping Ordinances

- Summary
 - The ordinance can be cumbersome and expensive for heavily wooded tracts, such as the Shoppes at Montgomery or the Mabry Property to the northeast of the City Limits
 - Shoppes at Montgomery is required to plant approximately 600 trees to meet the requirement
 - Suggested improvements included allowing additional landscaping to provide a credit for tree replacement or requiring a percent canopy coverage instead of percent replacement (see attached memo for further detail).

- Action Item
 - Discuss potentially revising the Ordinance

sounds good to me - would spread trees to all properties not only lots w/ trees now

Lighting Ordinance

- Summary
 - The Ordinance greatly reduces the number of options for fixtures
 - Suggested improvements included reducing the buffer zone between commercial lighting and residential properties to increase onsite security

- Action Item
 - Based on discussion, no action recommended at this time.

I agree, ordinance working - easy compliance

Development Handbook

- Summary
 - The Development Handbook was presented, including the Plat Transmittal Forms and Plat Fee Calculation Sheet
- Action Item
 - Upload Handbook to the City Website *- can/will do - easy, good suggestion*

Sidewalk Ordinance

- Summary
 - The City will eventually need to prepare a comprehensive sidewalk plan
 - Developers are more willing to pay for sidewalks if there is a method of payment or reimbursement for their investment
 - Suggestions included a cost-sharing mechanism with the City, as used in the Bryan/College Station area.
- Action Items
 - Research other municipalities' sidewalk ordinances and master plans
 - Hold a workshop with the Planning & Zoning Commission to determine where sidewalks should be placed (after reimbursement workshop discussed below). *- Pleased Developers generally agreed w/ need for sidewalks*

GIS System

- Summary
 - Developers were introduced to the GIS system and were shown features such as the City Limits and ETJ, zoning maps, the major thoroughfare plan, and Montgomery County Appraisal District information.
- Action Item
 - Post the link to the system on the City Website *- Posting the link is easy. A future meeting about how to use GIS would be worthwhile*

Reimbursement

- Summary
 - Developers began the discussion of needing a method for reimbursement to make projects more viable.
 - In general, developers would be more willing to install high quality trees, sidewalks, etc. if there is a way to get reimbursed. Otherwise, it is not feasible.
 - Developers are finding small lots to be the only lot size that can be built to make the development financially feasible, as well as competitive with MUDs outside the City.
 - Developers are more inclined to develop just outside the City Limits and create a MUD, as there is no incentive to develop within the City Limits without reimbursement.
- Action Item
 - Consider holding a workshop to discuss reimbursement within the City *- Need to have a full discussion about mud's other Developer reimbursement possibilities. Also, a training on the "true" economics of developing land.*



Please let us know how you would like to proceed with the action items previously listed. 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 Developer's Roundtable Follow-Up.doc

Enc: Memo RE: Tree Ordinance

Cc (via email): The Planning & 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



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October 3, 2018

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

Re: Tree Ordinance
City of Montgomery

Dear Mayor and Council:

As you are aware, the City of Montgomery adopted the Tree Ordinance (Ordinance No. 2016-20) on September 27, 2016 to regulate the number of trees that are removed and ensure adequate trees are replaced. The current ordinance allows for up to 20% tree removal without replacement of trees. Once 20% removal is exceeded, replacement trees must be planted to account for 100% of the caliper-inches of trees removed and must be listed on the approved tree list.

The ordinance, listed in Sections 78-171 – 179 of the City of Montgomery Code of Ordinances, also requires a tree survey to be completed by a licensed arborist and submitted with both the preliminary plat and permit applications, and must be less than 24 months old from the date of first field observations. This tree survey is to then become the basis for the tree preservation plan that is included with the construction plans for approval.

The tree ordinance was discussed in detail at the September 14th Developer's Roundtable, as it applies to developers. During this discussion, the Shoppes at Montgomery property was brought up as an example of a heavily wooded tract, which would require approximately 600 trees to be planted to account for the caliper-inches of trees removed. Developers also raised concerns over the high cost to adhere to the ordinance, as a tree survey on average costs approximately \$560/acre depending on how wooded the site is and must be redone every two years. Marketability of commercial pad sites was also discussed, as the more heavily wooded sites have decreased visibility from the road which, according to the developers in attendance, can deter businesses from wanting to move in and customers from seeing the businesses present.

The following suggestions for how to improve the ordinance were also discussed at the Developer's Roundtable:

- A tiered approach to tree replacement that would lessen the burden on developers who purchase heavily wooded tracts.
- Create a percent coverage requirement instead of a percent replacement requirement that would guarantee a certain percentage of each site to be covered by trees and create a uniform look. (See City of Conroe Code of Ordinances Sec. 102-11, as attached)
- In conjunction with the landscaping ordinance, offer an incentive for providing more landscaping than required to receive a credit for x" caliper of trees that have to be replaced.



City of Montgomery
Tree Ordinance
Page 2
October 3, 2018

Please let us know how you would like to proceed, or if you would like us to work with the City Attorney and City Staff to research ways to revise the ordinance. 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 Tree Ordinance Discussion.doc

Enc: Excerpt from City of Conroe Code of Ordinances

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

Sec. 102-10. - Preservation of protected trees in preservation zones on non-residential property.

- (a) The following areas of all non-residential tracts or parcels are designated tree preservation zones:
 - (1) A strip 25 feet deep along the front of the property, running parallel and adjacent to the rear line of any easement or series of easements abutting the street right-of-way, or adjacent to the right-of-way if there are no abutting easements; and
 - (2) A strip 18 feet deep along any side street, running parallel and adjacent to the rear line of any easement or series of easements abutting the street right-of-way, or adjacent to the right-of-way if there are no abutting easements.
- (b) Where non-residential property is developed adjacent to existing one or two family residential developments, a preservation zone is required along the common boundary. The preservation zone adjacent to residential development shall be a strip not less than 18 feet deep running parallel and adjacent to the common boundary and not less than 15 feet deep behind the back line of any easement or series of abutting parallel easements along the common boundary.
- (c) Protected trees located within a preservation zone are subject to mandatory preservation and no permit shall issue to authorize the removal of any healthy protected tree except where the removal is necessary for the construction of infrastructure, driveways or on premise advertising signs.

(Ord. No. 2208-14, § 2(Exh. A), 8-28-2014)

Sec. 102-11. - Minimum tree canopy required for development.

- (a) All property developed for any purpose must meet the minimum tree canopy requirements of this section. Where the canopy of protected trees in preservation zones on non-residential property is insufficient to meet the required minimum, then additional canopy shall be provided by new tree planting or the voluntary preservation of protected trees in the interior of the property.
- (b) The minimum required tree canopy for non-residential development is:
 - (1) Twenty percent of the gross area of property developed for use by manufacturing or warehousing establishments; and
 - (2) Thirty percent of the gross area of property developed for all other non-residential purposes.
- (c) The minimum required tree canopy for residential property development is 30 percent of the gross area of each section of a subdivision developed for residential purposes. Not less than one-third of the required canopy must be provided through preservation of existing trees.

(Ord. No. 2208-14, § 2(Exh. A), 8-28-2014)

Sec. 102-12. - Parking lot trees.

In the case of new parking lots or additions to existing parking lots 60 square feet of tree canopy must be preserved or planted for each additional parking space. Parking lot trees must be located in the interior of the parking lot or in an area immediately adjacent to the parking lot. For parking lots of 250 spaces or more, at least 50 percent of the parking lot canopy must be located within the interior of the parking lot. Only trees of the preferred species listed in section 102-17 may be used to satisfy the planting requirements of this section and all such trees must be at least three-inch caliper and a minimum of six feet in height. Not less than 25 percent of the planted parking lot trees must be at least four-inch caliper trees.

(Ord. No. 2208-14, § 2(Exh. A), 8-28-2014; Ord. No. 2223-14, § 2(Exh. A), 12-11-2014)

Sec. 102-13. - Required buffering of parking lots.

- (a) New parking lots shall be effectively buffered from street view. Buffering shall consist of shrubs planted along each perimeter line of a parking lot which faces a public street, exclusive of driveway entrances and pedestrian walkways.
- (b) Shrubs shall be planted, maintained and replaced as necessary to ensure compliance with the minimum number applicable to each perimeter line based upon the following formula:

$$\text{Required Shrubs} = \text{Perimeter in Feet}/3$$

- (c) Shrubs in the number required by this section should be placed uniformly to provide substantially the same density of ground cover along the entire perimeter line. Shrubs shall be maintained at a height of not more than 36 inches or less than 24 inches as measured from the surrounding soil line.

(Ord. No. 2208-14, § 2(Exh. A), 8-28-2014)

Sec. 102-14. - Pre-development planning process.

- (a) No development may occur unless the site of the proposed work is covered by an approved tree preservation and landscape plan. The location of all proposed buildings and improvements shall be oriented by the applicant, at the applicant's sole discretion, taking into consideration the existing tree stock and other relevant characteristics of the site. The applicant must preserve protected trees within the tree preservation zones and is encouraged to consider the voluntary preservation of trees in other spaces visible from abutting streets and public spaces.
- (b) Based on the applicant's proposed site plan a tree survey will be performed by a city-registered urban forest professional to document the tree canopy area resulting from preservation of protected trees in preservation zones and other areas that are not disturbed by the applicant's plan of development. New tree stock shall be planted where the required minimum canopy is not met through preservation alone. Preservation credits shall be calculated prior to calculating the canopy area to be supplemented by new tree stock.

(Ord. No. 2208-14, § 2(Exh. A), 8-28-2014)

Sec. 102-15. - Tree survey requirements.

- (a) Each tree survey shall be performed by a city registered urban forest professional and the results submitted on a scaled diagram of the property. The diagram shall be at a scale of not less than one inch to 100 feet and may be an engineered drawing, survey, aerial photograph or other accurate illustration of the existing conditions which includes the following information:
 - (1) An area map locating the property within the community;
 - (2) The boundaries of the property and its calculated area;
 - (3) The location of all existing streets, drainage and utility easements that are on or adjacent to the property;
 - (4) The location of the required tree preservation zones on non-residential property;
 - (5) The boundary and total area of each woodland tree stand that will be preserved; and
 - (6) The approximate location and identification number of each healthy protected tree that is not part of a woodlands tree stand but will be preserved as an individual tree.

- (b) Protected trees in areas that will be cleared upon final approval of the tree preservation and landscape plan need not be included within the survey, but only those woodland tree stands or individual trees documented by the survey will receive canopy credits. Each protected tree that is individually located by the survey will be tagged with a blue sequentially numbered aluminum tag and flagged with blue plastic flagging. The tree survey submittals must include a table cross referenced to the diagram with the identification number, species, DBH and canopy area of each such tree. The table must note each protected tree for which heritage credits will be claimed. Only healthy trees will receive canopy credits.
- (c) The tree survey must be accompanied by a reasonably current aerial photograph reflecting the pre-development condition of the property.

(Ord. No. 2208-14, § 2(Exh. A), 8-28-2014; Ord. No. 2223-14, § 2(Exh. A), 12-11-2014)

Sec. 102-16. - Canopy measurement.

- (a) The canopy area of trees within a woodland tree stand may be determined using either the tree stand delineation method or by measurement of the individual protected trees within the tree stand. The canopy area of a woodland tree stand determined by the tree stand delineation method is the ground area within the smallest perimeter that contains all trees in the tree stand. The tree stand area may be surveyed on the ground or estimated from an aerial photograph depicting existing conditions. The city registered urban forest professional that performs the tree survey must verify the character of the tree stand through an on the ground inspection.
- (b) Individual protected trees not located within a woodland tree stand are classified by trunk size (DBH) and receive the canopy area credit applicable to their size classification as provided in Table I. Only healthy trees of a species on the Texas Forest Service list of native and naturalized trees of Texas, excluding those classified as shrubs, may receive preservation credits.

TABLE I.
CANOPY AREA CREDITS FOR INDIVIDUAL TREES

Diameter at breast height	Canopy credit
At least 6", but less than 12" DBH	600 square feet
At least 12", but less than 18" DBH	800 square feet
At least 18" DBH	1200 square feet
Heritage tree	1,800 square feet

(Ord. No. 2208-14, § 2(Exh. A), 8-28-2014; Ord. No. 2223-14, § 2(Exh. A), 12-11-2014)

WATER + SEWER

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Ordinance, public information about the rates
Date Prepared: October 2, 2018	

Subject

This is for discussion only and for me to report on the outcome of the Public Forum regarding the rates that will be held October 8th, so that there is no question all in approving at the October 23rd meeting.

Description

This is a discussion about the proposed rates that will need to be approved at the October 23rd meeting to be in place before November 20th, the next billing period.

This discussion is in addition to a public forum opportunity to be held on October 8th at 4:00 and 6:00 at the City Hall.

The water and sewer rates are increasing on residential customers .50 cents /1,000 gallons from 2,000 up to 20,000 and \$1.00/1,000 gallons for over 20,000 on commercial rates. It is estimated that these two changes will bring in approximately \$39,000 to the Utility Fund.

Recommendation

This is for discussion purposes only; the ordinance will be before the City Council at your October 23rd meeting.

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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GARBAGE

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Ordinance
Date Prepared: October 2, 2018	

Subject

This is for discussion only and for me to report on the outcome of the Public Forum regarding the rates that will be held October 8th, so that there is no question all in the October 23rd meeting.

Description

This is a discussion about the proposed rates that will need to be approved at the October 23rd meeting to be in place before November 20th, the next billing period.

This discussion is in addition to a public forum opportunity to be held on October 8th at 4:00 and 6:00 at the City Hall.

The garbage rate is going to \$19.50 for residential customers and \$20.98 for Commercial containers- primarily due to the increased size of the 90 gallon recycling containers.

Recommendation

This is for discussion purposes only; the ordinance will be before the City Council at your October 23rd meeting.

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
--------------------	------------	-----------------------------

Motion was made by _____, seconded by _____,
and passed by a _____ to _____ vote that the following Ordinance by passed:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ORDINANCE NO. 2017-24, DATED NOVEMBER 14, 2017, BY ESTABLISHING AND ADOPTING NEW MONTHLY SERVICE RATES AND CHARGES FOR WATER AND SEWER SERVICE FOR CONSUMERS INSIDE AND OUTSIDE THE CITY PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL CITY ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF NOVEMBER 20, 2018 AFTER PUBLICATION

WHEREAS, Chapter 90 of the Code of Ordinances of the City of Montgomery, Texas, authorizes City Council, by ordinance, to establish monthly service rates and charges for water and sewer services inside and outside the City; and

WHEREAS, the City Council for the City of Montgomery finds that, to protect the health, safety, and general welfare of the citizens of Montgomery, Texas, and to satisfy the requirement of State and Federal regulatory agencies, the monthly rates and other charges for said water and sewer services should be increased; and

WHEREAS, having previously considered a water and sewer rate study and model prepared by the City Engineer, and receiving advice and input from the City Engineer and City Staff, the City Council has determined appropriate rates and fee schedules for certain utility services based on historical data and other factors related to the costs of providing such services; and

WHEREAS, the City Council believes it is appropriate to amend the existing amending Ordinance No. 2017-24, passed on November 14, 2017, at Sections 1 and 3 of said Ordinance, while concurrently creating this new Ordinance providing for new residential and commercial water and sewer rates and other charges as set out in Appendixes "A" and "B" attached hereto; and

WHEREAS, the City Secretary caused to be posted a notice of public hearing on the proposed amended water and sewer service rates; and

WHEREAS, the City Council, pursuant to such notice, held its public forum and heard all persons wishing to be heard both for and against the proposed amended water and sewer rates on the 9th day of October 2018;

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

SECTION 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Montgomery and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Amendments to City Ordinance No. 2017-24. City Ordinance No. 2017-24, dated November 14, 2017 is hereby amended at Section 1, related to Water Service monthly rates, and at Section 3, related to Sewer Service monthly rates, to read as follows:

SECTION 1. MONTHLY RATES FOR WATER SERVICE INSIDE AND OUTSIDE CITY.

Monthly rates for water service inside and outside the city are found in the attached APPENDIX "A" and are hereby adopted.

SECTION 3. MONTHLY RATES FOR SEWER SERVICE INSIDE AND OUTSIDE CITY.

Monthly rates for sewer service inside and outside the city are found in the attached APPENDIX "B" and are hereby adopted.

SECTION 3. Construction. This Ordinance shall not be construed so as to conflict with any state or federal statute.

SECTION 4. Repeal of Conflicting Ordinances. All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Severability Clause. If any provision, section, subsection, sentence, paragraph,

sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held to be unconstitutional, void, or invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

SECTION 6. Texas Open Meetings Clause. 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 the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 7. Effective Date. This Ordinance shall become effective and be in full force from November 20, 2018 after publication as required by law.

PASSED AND APPROVED this _____ day of November 2018.

Sara Countryman, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

Exhibit "A" p. 1 of 2
 Monthly Utility Rates for the City of Montgomery for 2018-19

Water Class Rates - 100	Amount	Amount
Residential Consumers	Inside	Outside
	<i>Code 100</i>	<i>Code 110</i>
For the first 2,000 gallons of water used	Up to First 2K-\$16.00	Up to First 2K-\$20.00
Next 2,000 gallons (3 - 4)	Next 2K-\$2.75	Next 2K-\$3.00
Next 2,000 gallons (5 - 6)	Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (7 - 8)	Next 2K-\$3.75	Next 2K-\$4.00
Next 2,000 gallons (9 - 10)	Next 2K-\$4.25	Next 2K-\$4.50
Next 5,000 gallons (11 - 15)	Next 5K-\$4.75	Next 5K-\$5.00
Next 5,000 gallons (16 - 20)	Next 5K-\$5.25	Next 5K-\$5.50
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$5.50	Over 20K-\$5.75
Commercial Consumers	<i>Code 120</i>	<i>Code 130</i>
For the first 2,000 gallons of water used	Up to First 2K-\$21.50	Up to First 2K-\$25.50
Next 2,000 gallons (3 - 4)	Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (5 - 6)	Next 2K-\$3.75	Next 2K-\$4.00
Next 2,000 gallons (7 - 8)	Next 2K-\$4.25	Next 2K-\$4.50
Next 2,000 gallons (9 - 10)	Next 2K-\$4.75	Next 2K-\$5.00
Next 5,000 gallons (11 - 15)	Next 5K-\$5.25	Next 5K-\$5.50
Next 5,000 gallons (16 - 20)	Next 5K-\$5.75	Next 5K-\$6.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$6.75	Over 20K-\$7.00
Institutional Consumers (Schools)	<i>Code 140</i>	
For the first 30,000 gallons of water used	Up to First 30K-\$396	
For water used in excess of 30,000 gallons, the rate per thousand gallons used	Over 30K-\$5.35	
Multi-Family Consumers	<i>Code 102</i>	
For the first 30,000 gallons of water used	Up to First 30K-\$500	
For water used in excess of 30,000 gallons, the rate per thousand gallons used	Over 30K-\$5.50	

Monthly Utility Rates for the City of Montgomery for 2018-19

Water Rates (continued)	Amount
<i>Irrigation Consumers (meter less than 1 inch in size)</i>	
<i>Inside</i>	
<i>Code 105</i>	
For the first 2,000 gallons of water used	Up to First 2K-\$12.00
Next 2,000 gallons (3 - 4)	Next 2K-\$3.00
Next 2,000 gallons (5 - 6)	Next 2K-\$3.50
Next 2,000 gallons (7 - 8)	Next 2K-\$4.00
Next 2,000 gallons (9 - 10)	Next 2K-\$4.50
Next 5,000 gallons (11 - 15)	Next 5K-\$5.00
Next 5,000 gallons (16 - 20)	Next 5K-\$5.50
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$6.00
<i>Irrigation Consumers (meter 1 inch or larger in size)</i>	
<i>Code 106</i>	
For the first 2,000 gallons of water used	Up to First 2K-\$25.00
Next 2,000 gallons (3 - 4)	Next 2K-\$3.00
Next 2,000 gallons (5 - 6)	Next 2K-\$3.50
Next 2,000 gallons (7 - 8)	Next 2K-\$4.00
Next 2,000 gallons (9 - 10)	Next 2K-\$4.50
Next 5,000 gallons (11 - 15)	Next 5K-\$5.00
Next 5,000 gallons (16 - 20)	Next 5K-\$5.50
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$6.25
<i>Industrial Consumers</i>	
Rates for this Class will be handled on a case by case basis	

Monthly Utility Rates for the City of Montgomery for 2018-19

Sewer Class Rates - 200		Amount	Amount
Residential Consumers		<i>Inside</i>	<i>Outside</i>
		<i>Code 100</i>	<i>Code 110</i>
For the first 2,000 gallons of water used		Up to First 2K-\$12.50	Up to First 2K-\$16.00
Next 2,000 gallons (3 - 4)		Next 2K-\$2.75	Next 2K-\$3.00
Next 2,000 gallons (5 - 6)		Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (7 - 8)		Next 2K-\$3.75	Next 2K-\$4.00
Next 2,000 gallons (9 - 10)		Next 2K-\$4.25	Next 2K-\$4.50
Next 5,000 gallons (11 - 15)		Next 5K-\$4.75	Next 5K-\$5.00
Next 5,000 gallons (16 - 20)		Next 5K-\$5.25	Next 5K-\$5.50
For water used in excess of 20,000 gallons, the rate per thousand gallons used		Over 20K-\$5.50	Over 20K-\$5.75
Commercial Consumers		<i>Code 120</i>	<i>Code 130</i>
For the first 2,000 gallons of water used		Up to First 2K-\$22.50	Up to First 2K-\$26.00
Next 2,000 gallons (3 - 4)		Next 2K-\$4.50	Next 2K-\$4.75
Next 2,000 gallons (5 - 6)		Next 2K-\$4.75	Next 2K-\$5.00
Next 2,000 gallons (7 - 8)		Next 2K-\$5.00	Next 2K-\$5.25
Next 2,000 gallons (9 - 10)		Next 2K-\$5.25	Next 2K-\$5.50
Next 5,000 gallons (11 - 15)		Next 5K-\$5.50	Next 5K-\$5.75
Next 5,000 gallons (16 - 20)		Next 5K-\$5.75	Next 5K-\$6.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used		Over 20K-\$9.35	Over 20K-\$9.50
Institutional Consumers (Schools)		<i>Code 140</i>	
A fixed rate fee of		Flat rate - \$300	
All usage rate fee at the per thousand		All usage times - \$9.35	
Multi-Family Consumers		<i>Code 102</i>	
A fixed rate fee of		Flat rate - \$300	
All usage rate fee at the per thousand		All usage times - \$9.50	
Industrial Consumers			
Rates for this Class will be handled on a case by case basis			

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Ordinance, public information about the rates
Date Prepared: October 2, 2018	

Subject

This is for discussion only and for me to report on the outcome of the Public Forum regarding the rates that will be held October 8th, so that there is no question all in

Description

This is a discussion about the proposed rates that will need to be approved at the October 23rd meeting to be in place before November 20th, the next billing period.

This discussion is in addition to a public forum opportunity to be held on October 8th at 4:00 and 6:00 at the City Hall.

The water and sewer rates are increasing on residential customers .50 cents /1,000 gallons from 2,000 up to 20,000 and \$1.00/1,000 gallons for over 20,000 on commercial rates. It is estimated that these two changes will bring in approximately \$39,000 to the Utility Fund. The garbage rate is going to \$19.50 for residential container, primarily due to the increased size of the recycling container to 90 gallons.

Recommendation

This is for discussion purposes only; the ordinance will be before the City Council at your October 23rd meeting.

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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Montgomery City Council
AGENDA REPORT

Meeting Date:	October 9, 2018	Budgeted Amount:	
Department:	Administration		
Prepared By:	Susan Hensley, City Secretary	Exhibits:	Municode Quote for Website Services
Date Prepared:	October 4, 2018		

Subject

Redesign, Hosting and Support for City Website

Recommendation

Approval of Website Redesign, Hosting and Support by MuniCode.

Discussion

In dealing with our current website and the difficulty in formatting items to be placed on the site and lack of features, I went out and requested bids from other companies and our current provider. A Website Committee was then formed with the following people: Mayor Sara Countryman, Council Member Rebecca Huss, MEDC Board Member Amy Brown and local business owner, Rendy Kerr, City Administrator Jack Yates and myself. We conducted several meetings to review the website presentations and information provided by the companies listed below.

Proposals received:

EZTASK (current company) - **\$16,901 Initial Investment** \$6,120 Annual Subscription (Year 2).

Saffire - \$5,000 each platform (3-City, Parks & EDC) **\$15,000 + \$3,000 Design + \$4,800 Licensing & Hosting. Total - \$22,800**

Municode - \$4,000 – Standard Design, Development and Implementation, \$1,500 - Hosting and Customer Support. Custom Design is an additional option \$2,500 that would allow web pages to be designed to function like an independent website within the City’s site, including an independent browser without the additional cost of a separate website. This would benefit the parks, Historic District, Business District, and the EDC as an example. **Total - \$8,000**

Some of the additional options that Municode provides and the Committee would like to elect are as follows:

- **Email subscriptions/notifications** that would allow a resident or visitor to elect to be notified of agendas, legal notices, announcements and changes made on the site. **Cost \$600 per year.**
- **Parks and Trails Directory** would be a map of the City with flags showing all the parks that people can scan over to see the amenities of the park, or they can click on the flag and go to a separate page for each park. **Cost \$200 per year.**

Montgomery City Council
AGENDA REPORT

- **Projects Directory** would be a map of the City with flags showing ongoing projects, such as the bridge project or MLK/Baja. The visitor could scan over the flag and get description of the project. There is the capability of including photos and a timeline showing the history of the project. This would be a valuable tool to chronicle the different projects of the City. The past projects could be added to keep that information accessible. **Cost \$200 per year.**
- **Training and Consultation - \$1,500 for day 1** and \$1,000 additional days (if needed).



Total Cost with additional items for first year with one day of training: \$10,500

Annual Hosting and Maintenance for second year \$1,500. If the additional items are elected they will be \$1,000.

This is the same company that provides our Code of Ordinances. This will allow someone to search our website in one location and it will search the entire site and the Code with ease. Municode has 4,200 municipal clients and they have served municipalities for 66 years. Municode will be able to convert all of our documents and files from our current website to the new website; the site will be very user friendly and will allow customization of the different departments, such as Police, Court, Utility, and can provide separate custom pages that can feature the City's business district, MEDC, Montgomery Historical District, Distrx and interact with our GIS system.

The Website Committee is recommending the selection of Municode as the website provider for the City web site, which will also provide web services for the Parks, Historic and Business Districts and MEDC.

Our existing provider has agreed to host the web page for six months instead of an entire year, which will allow time for the web site to be designed and functional prior to the current services being cancelled. The conservative estimate for website completion is 20 weeks. The web site will be paid for out of the General Fund, Computer Website and will also be divided throughout the other budget departments, with contribution from Montgomery EDC.

Approved By		
City Secretary	Susan Hensley, City Secretary 	Date: October 4, 2018
City Administrator	Jack Yates , City Administrator 	Date: October 5, 2018

WEBSITE REDESIGN, HOSTING, AND SUPPORT for Montgomery City, Texas

Exhibit A



WEBSITE DESIGN WITH LOCAL GOVERNMENT IN MIND

municode



Bob Geiger

297 S. 100 W. Providence, Utah, 84332

801-643-1806 bgeiger@municode.com

LETTER OF INTEREST

10.5.18

City of Montgomery
Attention Susan Hensley
101 Old Plantersville Rd.
Montgomery, TX 77316

Dear Website Selection Team:

Thank you for the opportunity to present Montgomery City with our quote for website redesign, hosting, and support services. It is our goal to deliver a mobile-friendly website that is professional, easy-to-use, and easy-to-maintain.

Our team has developed a portfolio of online services that are tailored for local government agencies. We have worked with cities, towns, villages, counties and other local government agencies for over sixty-five years continually striving to make your job easier. When it comes to posting content on the web, our solution is simple and straight-forward.

Our websites make it easier for your community to find content by providing multiple navigation paths to each page. Our designs reinforce self-service to enable 24x7 online access to your organization's services.

We create your website using Drupal, an industry-leading content management system. Since Drupal is open-source, your website is truly yours unlike those of many other government redesign companies that use their own proprietary software.

We are thrilled at the opportunity to partner with Montgomery City on such an important initiative.

Sincerely,



Brian Gilday
President, Municode Web

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QUALIFICATIONS

Company Profile

Municode's mission is to connect public sector organizations with their communities. We provide local government agencies with solutions that promote transparency and efficiency such as custom website design, online payment portals, the legal codification process, and our robust suite of online legislative search tools.

Municode has been in business for over sixty-five years and partners with more than 4,200 government agencies across all fifty states. Municode is a privately-owned Corporation and is financially sound with no debt. Our leadership focuses on improving Municode through investments in its people and its technology. Our culture is

conducive to the longevity of our employees; Our clients can establish a long-term partnership with our experienced and stable workforce.

Municode's website division (formerly Aha Consulting), was founded in 2008



with a focus on improving a municipality's image and profile, providing simple-to-use online tools for self-service, and allows non-technical staff to easily post information on the site. Our "keep it simple" and "attention to detail" priorities have proven extremely successful and we have quickly gained the confidence of municipalities across the country. We have retained that trust and confidence by placing extra emphasis on superior customer support. We listen to your concerns.

It is no coincidence that cities, towns, and other local government agencies across the country are increasingly switching from other well-known municipal website providers to Municode. It is also no coincidence that we have an industry leading 98% customer retention rate. We truly value our customers who place their trust and confidence in us. We are committed to handling each customer with honesty and integrity. We work daily to earn and keep your trust.

4,200
Municipal Clients

66 Years
Serving Municipalities

180 Million
Citizens using our solutions

REFERENCES AND DESIGN EXAMPLES

Standard Designs

Our standard designs come as part of our base price and are a great option for those who want a professional, mobile friendly design without the added expense of custom graphic design work. You choose from one of our standard layouts and still get to customize the color palette and background photos.

Aurora Oregon

<https://www.ci.aurora.or.us>

Population: 1,003

Kelly Richardson, City Recorder/Clerk

503-678-1283

recorder@ci.aurora.or.us



Senoia Georgia

<https://senoia.com>

Population: 3,328

Debby Volk, City Clerk
770-599-3679

dvolk@senoia.com



Onancock Virginia

<http://www.onancock.com>

Population: 1,263

Bill Kerbin, Town Manager
757-787-3363

wkerbin@onancock.com



Polson Montana

<https://www.cityofpolson.com>

Population: 4,488

Kyle Roberts, City Planner
406-883-8213

cityplanner@cityofpolson.com



Custom Designs

There is a reason why we have loyal customers! It is because we have a great solution, we take care of our customers, and we are committed to working with you for the long haul. When you pick up the phone and call us, we answer! When you email, we respond quickly – usually within 30 minutes. When you need us, we will be there for you. **But don't take our word for it, ask our clients.**

Naples

<https://www.naplesgov.com>

Population: 20,115

Launch: 2017

David Fralick, Communications Manager

239-213-1054

dfralick@naplesgov.com



Greenacres

<http://greenacresfl.gov>

Population: 37,573

Launch: 2017

Monica Powery, Purchasing Administrator

561-642-2039

mpowery@ci.greenacres.fl.us



Great Falls

<http://www.greatfallsmt.net>

Population: 59,351

Launch: 2016

Rachel Arms, Webmaster

406-455-8445

rarms@greatfallsmt.net



McMinnville

<http://www.ci.mcminnville.or.us/>

Population: 32,187

Launch: 2016

Scott Burke, IT Director

503-434-7385

scott.burke@mcminnvilleoregon.gov



WEBSITE FEATURES

Municode WEB was designed for local governments by experts in local government. It utilizes Drupal, an open source platform that powers millions of websites and is supported by an active, diverse, and global community. We are the Drupal experts for local government!

Key Base Features

- ★ Responsive Mobile Friendly Design
- ★ Simple Page Editor
- ★ Best-in-Class Search Engine
- ★ ADA/Section 508 Compliance
- ★ Social Media Integration
- ★ Unlimited Online Fillable Forms
- ★ Emergency Alerts
- ★ Meeting Agendas/Minutes/Videos
- ★ Event Calendar
- ★ Page Versioning / Audit Trail

Additional Base Features

- ⊙ Web Page Categories - create a page once, have it show up in multiple places
- ⊙ Department Micro-sites (sites-within-a-site)
- ⊙ Rotating Banners and Headline Articles
- ⊙ Online Job Postings
- ⊙ Online Bid/RFP Postings
- ⊙ Photo Album Slideshows
- ⊙ Google Maps Integration
- ⊙ Resource/Document Center
- ⊙ Image auto-scaling and resizing
- ⊙ Site Metrics (Google Analytics)
- ⊙ Content Scheduling (Publish Today, Unpublish Tomorrow)
- ⊙ Unlimited User logins
- ⊙ Unlimited Content
- ⊙ Word-like WYSIWYG Editor
- ⊙ Latest News / Press Releases
- ⊙ Anti-spam controls
- ⊙ Email Harvesting Protection
- ⊙ Broken Link Finder
- ⊙ Dynamic Sitemap
- ⊙ Support for Windows, Mac, Linux
- ⊙ Video integration (YouTube, Vimeo, etc.)
- ⊙ Client owns rights to all data
- ⊙ Organization/Staff Directory
- ⊙ Frequently Asked Questions (FAQs)
- ⊙ Ordinances and Resolutions
- ⊙ Google Translate
- ⊙ Share This Button (Facebook/Twitter)
- ⊙ Secure Pages / SSL
- ⊙ Printer Friendly Pages
- ⊙ RSS Feeds Inbound/Outbound

Optional Features

- Parks and Trails Directory
- Property Locator (Commercial/Industrial)
- Custom development
- Online Payments
- Business Directory
- Specialty sub-site graphic designs
- Design refresh every 4 years
- Email Subscriptions / Notifications
- Projects Directory

Online Payments (Municode PAY)

Municode PAY is a highly flexible and comprehensive electronic payment solution that lets you collect and process payments from multiple types and channels – quickly and efficiently. Once deployed within your organization, you will be able to accept payment via the web or through your own customer service agents.

Easy for your community to use

Provide your residents and business owners the payment options that empower them to pay you anytime, anywhere, the way that makes the most sense for them.

- Online quick pay option
- Mobile payments & alerts
- Choose from multiple funding sources: Credit Card, Debit Card, Electronic Check

Easy for you to manage

Your staff will have 24/7 access to the industry's most comprehensive administrative portal to provide customer support before, during and after payment processing, as well as reporting and other tools for overall payment management.

- Schedule or cancel payments on citizen's behalf
- Capture and process payments in real-time or batch modes
- Flexible settlement and reconciliation options tailored to your needs
- Complete accounting and settlement functions that integrate with finance and general ledger systems
- Role and privilege based security rights to manage staff from multiple departments one platform
- Streamline financial processes including collection, payment & settlement
- Comprehensive reporting reports exportable in multiple formats (HTML, PDF, CSV and Excel)

Flexible Pricing Model

We will work with you to find the right pricing model for your needs. Whether it is a similar citizen convenience fee model like the one you are utilizing today or a more aggressive municipal fee model to drive electronic payment adoption. For this proposal, we have included both the customer convenience fee model and municipal absorbed fee model for you to compare.

Total Fee = Transaction Fees + Annual Service Fee

Transaction Fees

- a) Municipal Absorbed Fee Model: \$0.80 + merchant processing fees OR
- b) Citizen Convenience Fee Model: TBD - depends on type of payments

Annual Service Fee only applies if < 365 transactions per year (1 per day average)

- a) ≥ 365 transactions per year - annual service fee waived
- b) < 365 transactions per year - \$400

MEETING AND AGENDA MANAGEMENT (OPTIONAL)

Municode Web includes a standard feature to post meeting agendas and minutes. Many organizations seek the additional features of an agenda management solution such as agenda item approval workflow, auto-generated PDF/Word agendas, live council voting/roll call, and audio/video integration.

Municode Meetings is the easiest-to-use and most modern agenda management system in the industry. It is a 100% cloud-based offering that will greatly reduce the staff time and effort required to create and publish online agendas and minutes.

Key Project Deliverables

- ✦ BOARD/COMMITTEE SETUP - configure as many boards as you need - no limit
- ✦ MEETING TEMPLATE DESIGN - design one or more meeting templates to your custom specifications
- ✦ TRAINING
- ✦ WORKFLOW - setup custom agenda item approval workflows
- ✦ USERS/ROLES/PERMISSIONS - create and configure unlimited user accounts
- ✦ ANNUAL SERVICE - 99.95% up-time guarantee, data backups, disaster recovery
- ✦ SUPPORT - 8AM to 8PM Eastern phone and email support; 24x7x365 emergency support

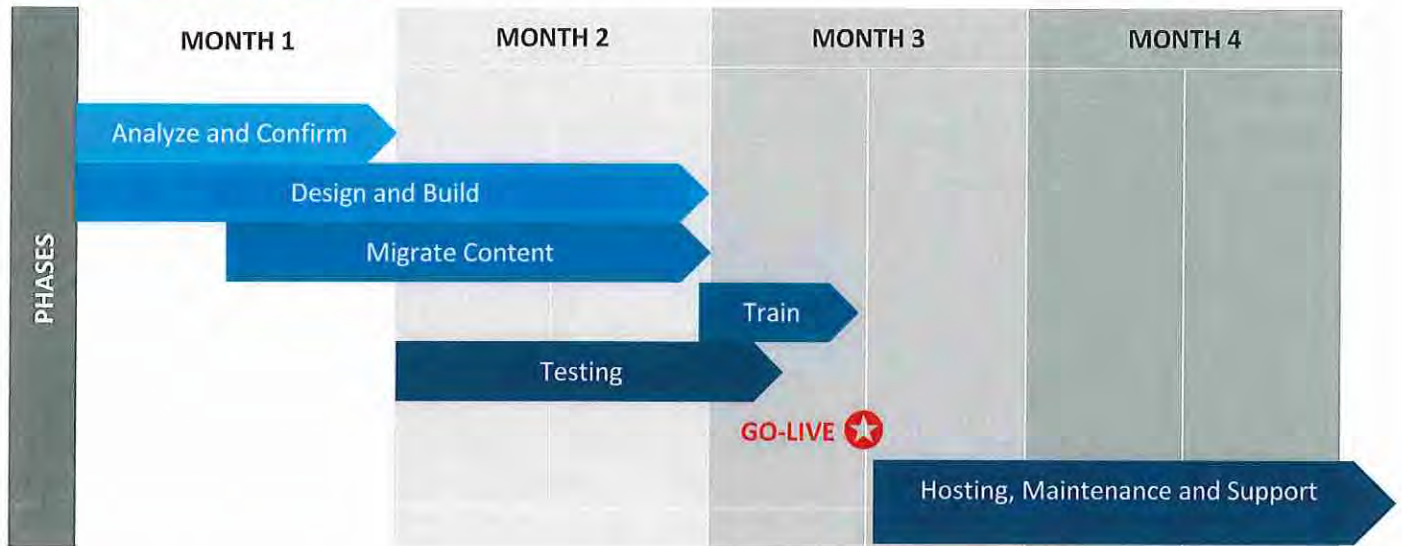
Standard Features

- ⊙ Unlimited Meetings and Agenda Templates
- ⊙ Unlimited Meeting Agenda Templates
- ⊙ Unlimited Users
- ⊙ Create Meetings
- ⊙ Submit/Add Agenda Items
- ⊙ Attach agenda item files
- ⊙ Create Agendas
- ⊙ Create Agenda Packets
- ⊙ Create Meeting Minutes
- ⊙ Approve Items with Approval Workflow
- ⊙ Auto Publishing Agenda, Agenda Packet, Minutes to the web
- ⊙ Self-service YouTube video time stamping
- ⊙ Voting/Roll Call
- ⊙ Integration with Municode Web calendar

PROJECT TIMELINE AND APPROACH

The typical project takes from 3 to 6 months. The high-level timeline below is an approximation. We will finalize the schedule once we meet with you:

Project Timeline Sample



Client Responsibilities

The client's responsibility and the key to a smooth on-time deployment is providing the initial information and approving proofs quickly.

- ☑ The Client will make available to Municode relevant images, photos, logos, colors, and other branding material as well as an inventory of existing applications, websites, and content at the start of this effort. The Client will create new content copy as needed.
- ☑ The Client will assign a single point of contact for Municode to interact with that will be responsible for coordinating the schedules of other project stakeholders.
- ☑ The Client will review any deliverables requiring formal approval within 5 business days and return all comments/issues at or before those 5 days have elapsed.
- ☑ The Client will assign one person who will act as the "ultimate decision maker" in the case where consensus among the team cannot be reached.
- ☑ The Client must agree to applicable terms of services for Google related services such as Google Analytics and Google Maps to access those features. Municode is not responsible for Google's decisions related to discontinuing services or changing current APIs.

Project Phase Descriptions

Phase 1: Analyze and Confirm Requirements

Website Assessment:

Municode will complete an analysis of your current website(s) to assess the existing navigation, features/functions, and quality of content.

Organizational Overview Inventory/Survey:

Municode will provide an organizational overview document for you to complete as part of this assessment.

Website Design Meeting:

Municode will conduct a design meeting with a client-defined web advisory team. We recommend the advisory team be limited to a maximum of 6 members. This design meeting will allow the website advisory team to provide input regarding the overall design of the new website, including the site branding as well as high-level site navigation. This team will act as the initial review team for website design concepts. In addition, this team will act as the final review team for the website before it is approved for go-live.

Deliverables

- ⊙ Summary assessment sheet
- ⊙ Organization Survey
- ⊙ Website design specification sheet (graphic design and information / navigation design)

Phase 2: Design and Build phase

Design Concept Creation and Approval (Custom Designs):

Municode will complete home page design concepts for the Home Page and inner pages. These design concepts will incorporate all the graphical elements as well as the high-level sitemap. You will select a winning concept after going through a series of iterative design revision meetings. We allow for a total of 6 revisions.

Website Setup, Configure, and Customization:

Municode will create a fully functional website that includes the functional elements described in this proposal. As part of the website setup, Municode will finalize any remaining elements to the approved design and navigation.

Deliverables

- ⊙ Design concepts
- ⊙ Finalized design (Photoshop PSD)
- ⊙ Functional beta website with approved design
- ⊙ Content migration

Phase 3: Migrate Content

Content Finalization and Departmental Acceptance

Municode migrates initial content and your trained staff finalizes prior to go-live. See pricing section for specific number of included pages.

Meeting Agendas and Minutes: Client completes an excel template with information regarding each meeting plus corresponding files. Municode will then auto-import that content. Files must be provided with a standard naming convention to allow for auto parsing of date. (i.e. minutes_061516.pdf, etc.)

Standard Web Pages: A standard web page is defined as a page that contains a title, body text, and up to a total of 5 links, file attachments, or images. If you require migration of more complex pages, we can provide a custom quote.

Deliverables

- ⦿ Content creation and migration
- ⦿ Departmental content 'signoff'

Phase 4: Staff Training

Staff Training

Throughout the development and after launch, our customers have access to training, resources and educational opportunities that help them thrive. Our initial training is offered to administrators and content contributors.

Deliverables

- ⦿ On-site (if applicable)
- ⦿ Web teleconference
- ⦿ Videos and User guides

Phase 5: Testing

Municode Functional Testing

Municode will perform a series of tests across multiple browser and operating system versions to confirm site functionality. Test will confirm proper functionality of all features documented in this proposal.

Acceptance Testing

Staff will review the website for completeness. Municode will have completed functional testing and cross-browser compatibility testing.

Deliverables

- ⦿ Completing Testing Checklists
- ⦿ Site acceptance by client

Go Live ★

Go-Live

We will work with you to make the appropriate 'A' Record DNS entry changes to begin the process of propagating the new production web server IP address.

Deliverables

- ⦿ Accepted Final Live Website

Hosting, Maintenance and Customer Support

We provide first-class hosting services in a high-availability, secure data center. Our solution is quite secure, and we take cyber security seriously. Your website will be secure from multiple perspectives:

Data Center

We host your website in a secure data center with a high-availability network architecture that provides an up-time networking service level of 99.999%. The data center is manned 24x7x365. The data center hosts federal, state, and local government websites that require the highest security standards including Fed RAMP, FISMA, PCI, HIPAA, and SSAE 16. Your website is maintained using firewalls, load balancers, multiple web application servers, and a database server with master-master replication. We apply security updates to the entire web server stack on a regular basis.

Data transmission

Our data center relies on several backup ISPs, including: Telia, PCCW, GTT, Zayo, and Yellow Fiber. We guarantee up to 1 Terabyte of data transfer per month.

Redundant high-availability failover (optional):

We have the capability of providing premium hosting service levels by offering a mirrored copy of your site on a separate infrastructure and time zone. We would need to talk through the required service levels and bandwidth to provide pricing for this item.

Web CMS software security

We apply security updates to your Drupal-based CMS whenever updates are posted. Your website is built on Drupal software that has the confidence of millions of websites in both the private sector and public sector, including whitehouse.gov, the City of Boston and the City of Los Angeles. Several built-in security mechanisms are in place to prevent cross-site scripting attacks.

Web transmission security

Your website will be secured with SSL to encrypt transmission of data. We will SSL-enable every page on your website for maximum security.

User authentication security

Our solution is configured with granular role-based permissions, and each user is required to login with a unique user id and password. We also offer a [two-factor authentication option](#) using Google Authenticate if that should be something you are interested in pursuing.

Data Backup

We back up your data in multiple time zones. We backup daily, weekly, monthly, and up to 7 years of annual data backups.

Guaranteed Uptime

Municode will guarantee web server uptime of 99.99%. In the event this service level is not met within a given month, you will receive a credit for that month's service.

Maintenance and Customer Support

🌟 24x7 Customer support:

We will provide you contact numbers to reach us 24x7x365 for catastrophic site issues. We will also be available from Monday to Friday 8AM-8PM EST via email and phone to handle routine website operation questions from staff.

🔒 Security upgrades:

Municode will apply security upgrades to your solution's core and contributed modules as they are published by drupal.org ensuring that your website stays secure. Municode will perform security upgrades and other web server and website optimizations during off-hours, typically between the hours of 12-3AM PST, if such work requires taking the website off-line. We will provide at least 14 days' notice for any non-emergency maintenance that requires down-time.

🛡️ Site Monitoring and Site Recovery:

Municode will install auto-monitoring software routines that continually monitor website performance and instantly alert us when problems occur. We will act as soon as possible and no later than two hours after problems are detected.

★ Free feature upgrades:

As we update our base Municode features, you receive those upgrades for FREE.

PROJECT COSTS

Design, Development, and Implementation Phase \$4,000

- Fully functional Municode CMS with all base features
- Responsive mobile-friendly website with **standard** design
- Content migration: 25 standard pages and 5 years meeting minutes
- Training: web teleconference, video training series, user guides

Annual Hosting, Maintenance, and Customer Support \$1,500/ year

- 10GB disk space and up to 1 terabyte data transfer per month
- 99.9% up-time guarantee, telephone support 8AM-8PM Eastern
- Email support with one-hour response time during working hours
- Emergency 24x7 support
- Up to 3 hours' webinar refresher trainings per year

Additional Website Options

<input type="checkbox"/> Custom Design	\$2,500 Custom development
<input type="checkbox"/> Specialty sub-site graphic designs	\$3500 + \$600 per year (per design)
<input type="checkbox"/> Meetings and Agenda Management Solution	\$2,200 per year
<input type="checkbox"/> Email Subscriptions / Notifications	\$600 per year
<input type="checkbox"/> Parks and Trails Directory	\$200 per year
<input type="checkbox"/> Projects Directory	\$200 per year
<input type="checkbox"/> Property Listings (Commercial/Industrial)	\$200 per year
<input type="checkbox"/> Business Directory	\$200 per year
<input type="checkbox"/> On-site visits (training, consultation, etc.)	\$1500 day 1, \$1000 per day (days 2+)
<input type="checkbox"/> Custom Feature Development	\$125 per hour or fixed bid quote

PAYMENT SCHEDULE

Traditional Payment Schedule

- Year 1
 - Sign contract – 50% of project costs \$2,000
 - Implement design and features – 50% project costs \$2,000
 - Conduct training (site moved to production / annual support begins) \$1,500
 - Total \$5,500**
- Years 2-5
 - Yr2 - \$1,500, Yr3 - \$1,500, Yr4 - \$1,500, Yr5 - \$1,575
- Payment schedule will be adjusted accordingly based on selected optional features
- Years 6+ hosting and support increases in accordance with the prevailing consumer price index (CPI)

Interest Free Payment Schedule

- 2, 3, or 4-year interest-free payment plan available upon request

Option B: 4-year Interest-free Payment Schedule

- Year 1
 - o at time of contract signature
 - Project payment 1 of 4 \$1,000
 - Annual website hosting/support \$1,500
 - **Total year 1** **\$2,500**
- Year 2
 - o one year from contract signature
 - Project payment 2 of 4 \$1,000
 - Annual website hosting/support \$1,500
 - **Total year 2** **\$2,500**
- Year 3
 - o two years from contract signature
 - Project payment 3 of 4 \$1,000
 - Annual website hosting/support \$1,500
 - **Total year 3** **\$2,500**
- Year 4
 - o three years from contract signature
 - Project payment 4 of 4 \$1,000
 - Annual website hosting/support \$1,500
 - **Total year 4** **\$2,500**
- Year 5
 - o four years from contract signature
 - Annual website hosting/support \$1,575
 - **Total year 5** **\$1,575**
- Years 6+ increases based on prevalent Consumer Price Index (CPI)
- Payment schedule will be adjusted accordingly based on selected optional features

Services Agreement

This agreement ("AGREEMENT") is entered between Montgomery Texas ("CLIENT") and Municipal Code Corporation ("CONSULTANT").

1. Term of AGREEMENT. This AGREEMENT shall commence effective the date signed by the CLIENT. It shall automatically renew annually. This AGREEMENT shall terminate upon the CLIENT's providing CONSULTANT with sixty (60) days' advance written notice

2. Compensation. It is understood and agreed by and between the parties hereto, that the CLIENT shall pay the CONSULTANT for services based on the payment schedule provided as set forth in the section marked "Payment Schedule". Payment will be made to CONSULTANT within thirty (30) days of the receipt of approved invoices for services rendered.

3. Scope of Services. CONSULTANT's services under this AGREEMENT shall consist of services as detailed in the attached proposal including appendices ("SERVICES"). SERVICES may be amended or modified upon the mutual written AGREEMENT of the parties.

4. Integration. This AGREEMENT, along with the SERVICES to be performed contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

5. Warranty. CONSULTANT warrants that any services provided hereunder will be performed in a professional and workmanlike manner and the functionality of the services will not be materially decreased during the term.

6. Liability. CONSULTANT's total liability arising out of any acts, omissions, errors, events, or default of CONSULTANT and/or any of its employees or contractors shall be limited by the provisions of the AGREEMENT and further limited to a maximum amount equal to the fees received by CONSULTANT from CLIENT under this AGREEMENT.

7. Termination. This AGREEMENT shall terminate upon the CLIENT's providing CONSULTANT with sixty (60) days' advance written notice. In the event the AGREEMENT is terminated by the CLIENT's issuance of said written notice of intent to terminate, the CONSULTANT shall pay CLIENT a pro-rated refund of any prepaid service fees (for the period from the date of the termination through to the end of the term). If, however, CONSULTANT has substantially or materially breached the standards and terms of this AGREEMENT, the CLIENT shall have any remedy or right of set-off available at law and equity.

8. Independent Contractor. CONSULTANT is an independent contractor. Notwithstanding any provision appearing in this AGREEMENT, all personnel assigned by CONSULTANT to perform services under the terms of this AGREEMENT shall be employees or agents of CONSULTANT for all purposes. CONSULTANT shall make no representation that it is the employee of the CLIENT for any purposes.

9. Confidentiality. (a) Confidential Information. For purposes of this AGREEMENT, the term "Confidential Information" means all information that is not generally known by the public and that: is obtained by CONSULTANT from CLIENT, or that is learned, discovered, developed, conceived, originated, or prepared by CONSULTANT during the process of performing this AGREEMENT, and relates directly to the business or assets of CLIENT. The term "Confidential Information" shall include, but shall not be limited to: inventions, discoveries, trade secrets, and know-how; computer software code, designs, routines, algorithms, and structures; product information; research and development information; lists of clients and other information

relating thereto; financial data and information; business plans and processes; and any other information of CLIENT that CLIENT informs CONSULTANT, or that CONSULTANT should know by virtue of its position, is to be kept confidential.

(b) **Obligation of Confidentiality.** During the term of this AGREEMENT, and always thereafter, CONSULTANT agrees that it will not disclose to others, use for its own benefit or for the benefit of anyone other than CLIENT, or otherwise appropriate or copy, any Confidential Information except as required in the performance of its obligations to CLIENT hereunder. The obligations of CONSULTANT under this paragraph shall not apply to any information that becomes public knowledge through no fault of CONSULTANT.

10. Assignment. Neither party may assign or subcontract its rights or obligations under this AGREEMENT without prior written consent of the other party, which shall not be unreasonably withheld. Notwithstanding the foregoing, either party may assign this AGREEMENT in its entirety, without consent of the other party, in connection with a merger, acquisition, corporate reorganization, or sale of its assets.

11. Cooperative Purchasing. CONSULTANT and CLIENT agree that other public agencies may purchase goods and services under this solicitation or contract at their own cost and without CONSULTANT or CLIENT incurring any financial or legal liability for such purchases.

12. Governing Law. This AGREEMENT shall be governed and construed in accordance with the laws of the State of Texas without resort to any jurisdiction's conflicts of law, rules or doctrines.

Submitted by:

Municipal Code Corporation

By: *Brian Hilday*
Title: President, Website Division

Accepted by:

By: _____

Title: _____

Date: _____

Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Contractor schedule
Date Prepared: October 4, 2018	

Subject

Buffalo Springs Drive Bridge Embankment Repair project report from the City Engineer.

Description

This is the City Engineers report regarding the construction status of the Buffalo Springs Bridge repair. At this time the Contractor is beyond the scheduled contract days and liquidated damages of \$250 is being charged for each day that damages occur. I believe that the contractor has been given two rain days-meaning that construction could not take place because of too wet conditions. The City Engineer can explain more. A schedule from the Contractor is attached.

Recommendation

Comment as you think appropriate.

Approved By

City Administrator	Jack Yates	Date: October 4, 2018
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Montgomery City Council
AGENDA REPORT

Meeting Date: October 9, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Resignation email from Mr. McCorquodale, State law about <u>resignation/appointment</u>
Date Prepared: October 4, 2018	

Subject

This is to consider acceptance of the resignation of Dave McCorquodale from the City Council.

Description

This is to consider acceptance of his resignation.

The state law allows the seat to stay empty or allows the council to appoint a replacement. That replacement person would stand for election at the next city election, in May of 2019. His position is up for election next spring.

You could direct me/City Secretary to post an opening, just as for any city Board/Commission and have people apply or not have any application process, it is entirely up to the Council – if you appoint, how you go about choosing a replacement person. No specific action regarding an appointment can happen at this meeting since it is not on the agenda.

Recommendation

Motion to accept the resignation of Dave McCorquodale as City Council member.

Approved By

City Administrator

Jack Yates

Date: October 4, 2018



Yates, Jack <jyates@ci.montgomery.tx.us>

Council resignation

1 message

Dave McCorquodale <dmccorquodale@ci.montgomery.tx.us>

Fri, Oct 5, 2018 at 2:20 PM

To: Jack Yates <jyates@ci.montgomery.tx.us>, shensley@ci.montgomery.tx.us, scountryman@ci.montgomery.tx.us

Jack, Sara, and Susan--

I am writing to submit my resignation from City Council Place #5. As you all know, I have been in discussions with Jack regarding the specific needs of the Assistant to the City Administrator job opening. We have reached an agreement in principle on me filling this role, and in order to move forward with the employment process, I need to vacate my council seat.

I very much look forward to continuing my service to this community in a more formal capacity and am excited to jump in and help in every way that I can. I believe that I'm qualified for the position and know that my background in planning and landscape architecture will be an asset to the City. Thank you all for your continued trust in me and look forward to seeing each of you soon!

dm

Dave McCorquodale
936.827.1762



Yates, Jack <jyates@ci.montgomery.tx.us>

Resignation and Appointment of Elected Official

1 message

Hensley, Susan <shensley@ci.montgomery.tx.us>

Fri, Oct 5, 2018 at 10:01 AM

To: Jack Yates <jyates@ci.montgomery.tx.us>

Texas Local Government Code

Sec. 22.010. **FILLING VACANCY ON GOVERNING BODY OR IN OTHER MUNICIPAL OFFICE.** (a) If for any reason a single vacancy exists on the governing body of the municipality, a majority of the remaining members who are present and voting, excluding the mayor, may fill the vacancy by appointment unless an election to fill the vacancy is required by Section 11, Article XI, Texas Constitution. The mayor may vote on the appointment only if there is a tie.

Sec. 22.012. **RESIGNATION OF ELECTED OR APPOINTED MUNICIPAL OFFICER.** A municipal officer elected or appointed under this chapter may resign by submitting the resignation in writing to the governing body of the municipality. The resignation is subject to the approval and acceptance of the governing body.

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.