

NOTICE OF PUBLIC HEARING AND REGULAR MEETING

September 25, 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, September 25, 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

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 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.

PUBLIC HEARING:

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

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.

Adjourn Public Hearing.

Convene into Regular Meeting.

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:

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.

CONSIDERATION AND POSSIBLE ACTION:

7. Consideration and possible action on Department Reports.
 - A. Administrator's Report
 - B. Public Works Report
 - C. Police Department Report
 - D. Court Department Report
 - E. Utility/Development Report
 - F. Water Report
 - G. Engineer's Report
 - H. Financial Report
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.
9. Consideration and possible action regarding the Hills of Town Creek Section 3 Final Plat and acceptance of performance bond.
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.
11. Consideration and possible action on partially vacating the plat of Lonestar Parkway North Section One.
12. Consideration and possible action on vacating the plat of Lonestar Parkway North Section Two.
13. Buffalo Springs Bridge Report by City Engineer.
14. Animal Control Report by City Administrator.

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.

- 16. Reconvene into Open Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

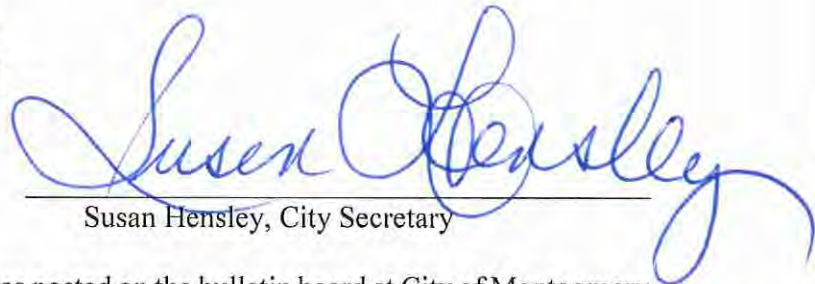
- 17. Consideration and possible action if necessary on matters deliberated in Closed Executive Session.

COUNCIL INQUIRY:

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

ADJOURNMENT





Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 21st day of September, 2018 at 5:00 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: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: September 20, 2018	

Subject

This will be the final Report on the Theresa Fisher rezoning from the Planning Commission.

Description

The report will be written Tuesday after the Monday night Commission meeting

Recommendation

Accept the report as presented

Approved By

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

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Zoning map
Date Prepared: September 20, 2018	

Subject

This is the public hearing on the rezoning of Mrs. Theresa Fisher's request to rezone 1005 old Plantersville Road from R-1 "single-family" to ID "industrial".

Description

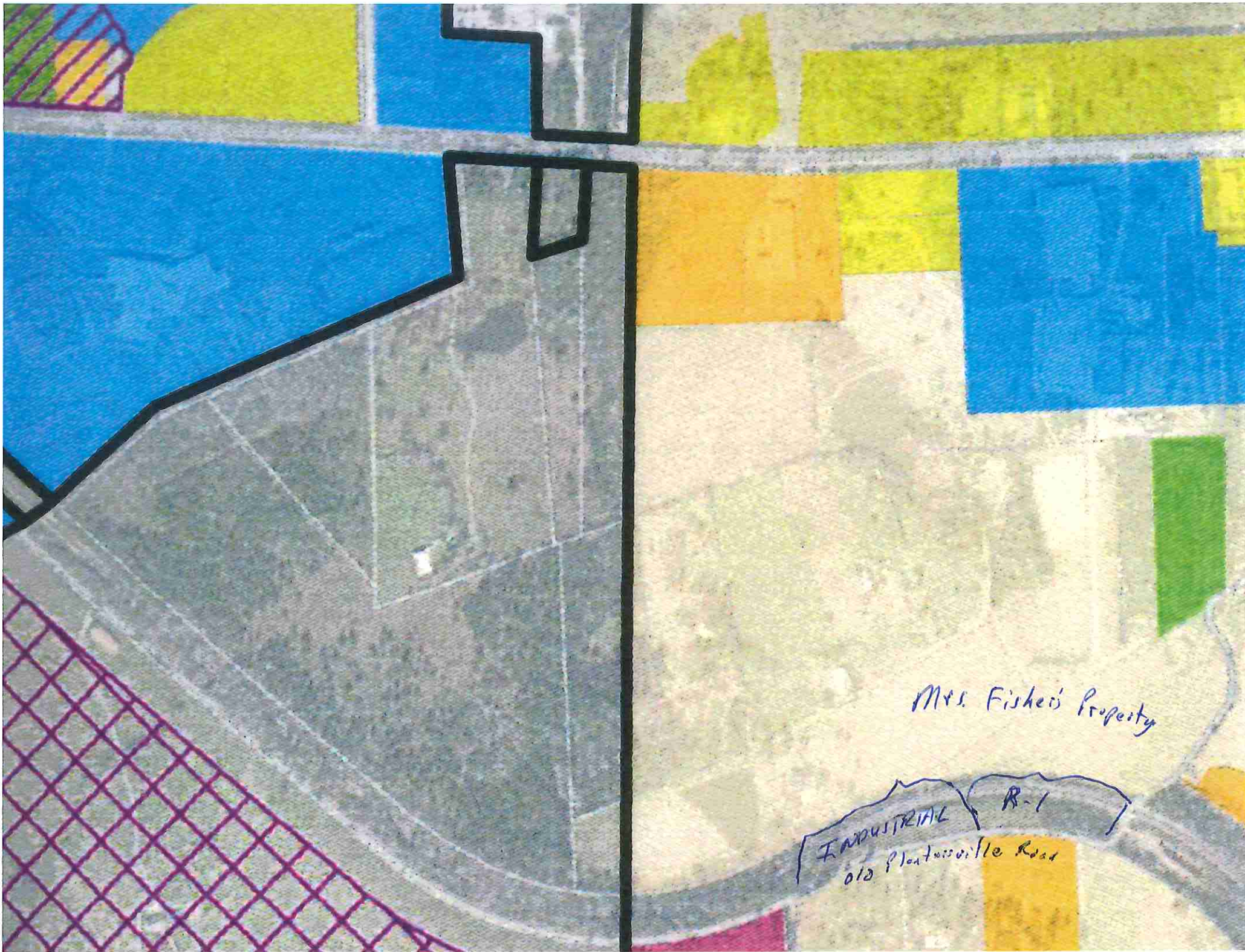
This is the piece of property on Old Plantersville Road that is zoned one half industrial (the west portion) with the east half being zoned R-1, that is single-family residential.

Recommendation

This is for public comment, not for Council discussion. Your vote on the rezoning will come at your October 9 meeting.

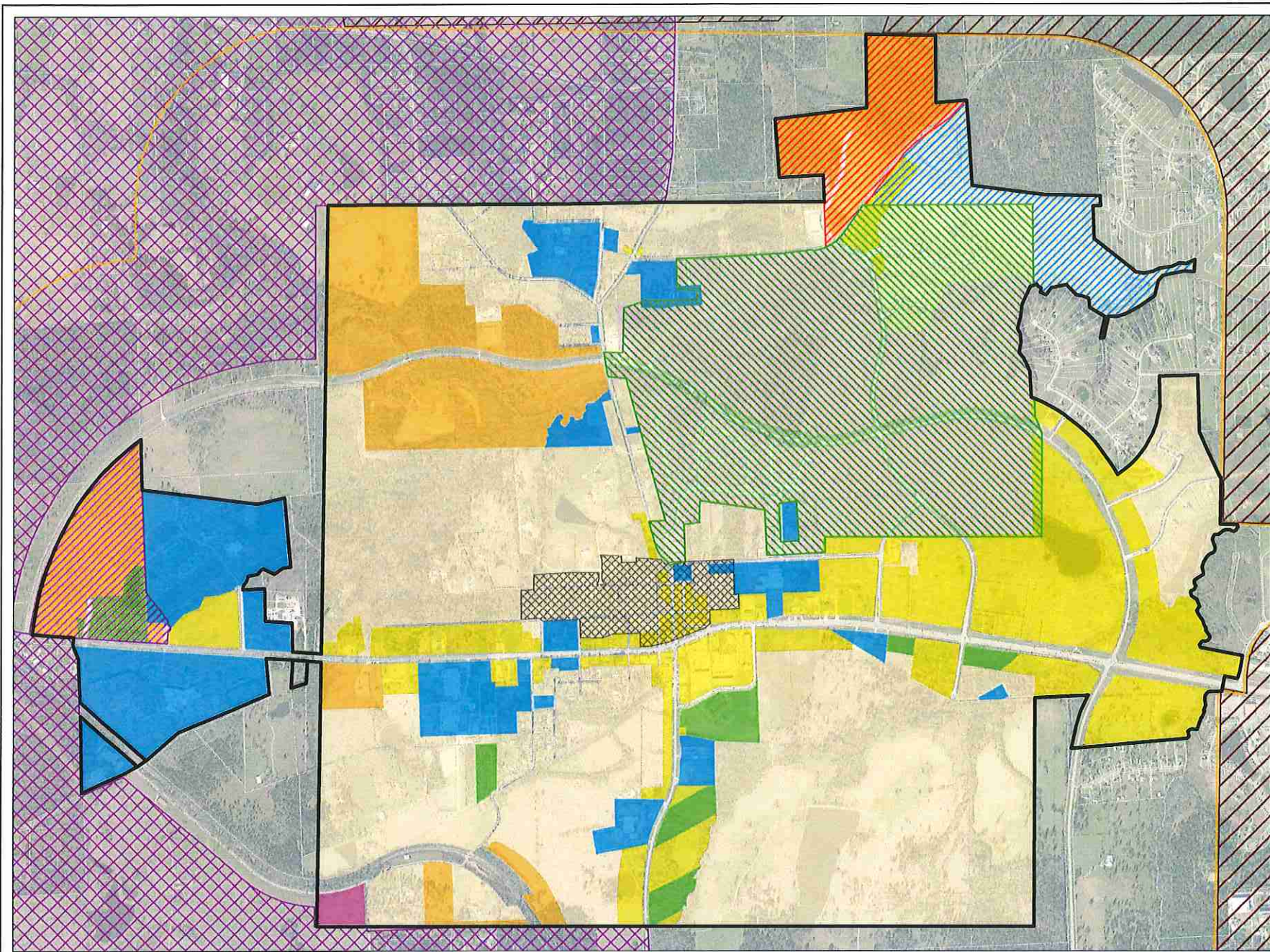
Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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Mrs. Fisher's Property

INDUSTRIAL R-1
Old Plantersville Road



VICINITY MAP
Scale: 1 inch equals 10 miles

LEGEND

- Base Layers**
- City Limits
 - P.D.D. No. 1 (LeFevre) - 2014
 - Bowen Development Agreement - 2006
 - Cheatham Development Agreement - 2011
 - P.I.D No. 1 (Ogorchock) - 2014
 - Historic District
 - City ETJ
 - City of Conroe ETJ
 - Dobbin-Plantersville WSC
 - MCAD Parcels
- Zone Classification**
- Unknown
 - Commercial
 - Industrial
 - Institutional
 - Multi-Family
 - Multi-Use
 - Residential

LAST AMENDED 10 OCTOBER 2017
VIA ORDINANCE NO. 2017-22

*Aerial Imagery from January 2016



**ZONING LAYOUT
(JANUARY 2018)**



1 inch equals 600 feet

Disclaimer:
This product is offered for informational purposes and may not have been prepared for or on the basis of field inspection or surveying practices. It does not represent an on-the-ground survey and approval is subject to the appropriate "chain of custody" of property, governmental and/or political boundaries or natural features to land boundary. No responsibility is assumed for errors or omissions in this document, including but not limited to, the accuracy, reliability or quality of the information included within this article.

Coordinate System: NAD 83 by CENTRAL 4329 FEET
Vertical Datum: NAVD 83 - 2011 Adjustment

MINUTES OF WORKSHOP MEETING

June 9, 2018

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 9:00 a.m.

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

Absent: John Champagne, Jr. City Council Place # 2
Dave McCorquodale City Council Place # 5

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

WORKSHOP:

- ❖ Review of Water and Sewer Master Plans, Texas Water Development board (TWDB) Projects, Capital Improvements intended for the remainder of the year.

Mr. Roznovsky presented the information advising that they had reviewed the item and the projects and projections that were in the plans and updated the projections and historical usage so they could see where they stand at this time.

Mr. Roznovsky advised that they would review the water side first. Jon Bickford said that he would like to get copies of the monthly information for 2014-2016. Mr. Roznovsky advised that he had that information and could send that information out, but the data is questionable at best because of what was reported and logged for that period. Mr.

Roznovsky advised that during most of 2016 they had the flow meter issues at the sewer plant, which showed the sewer flows as really low, but the water side was pretty good. Jon Bickford said that he was more interested in the water information, because they used less water this year than they did last year yet they have more people and more houses and stuff. Mr. Roznovsky said that going month to month it varies, with January being large and then it was relatively consistent. Jon Bickford said that was why he wanted several years versus just two.

Jon Bickford commented regarding borrowing funds and said if they are going to borrow now is the time to do that because the interest rates are going to increase. Mr. Yates said that he felt they should delay as long as possible on the improvement for Well #3. Mr. Yates said they have the funds from TWDB to do the project, but the question is of project management and the need for it. Mr. Yates said they could easily put the project off six months or on the tail end of the TWDB projects because most of those projects will start in August or September. Mr. Roznovsky said the projects are all underway and they are probably at 90 percent on three of the four projects, with the water plant being the farthest out. Mr. Roznovsky said the City will need an elevated storage tank when they get beyond 2,500 connections, with a cost of \$2.8 million dollars for the elevated storage and \$300,000 for a ground storage tank.

Mr. Roznovsky said the two items that are in the Water Plant #3 Improvements that are truly increasing capacity, that are not taking care of an issue, are the hydropneumatic tank and an additional booster pump. Mr. Roznovsky presented a report on the existing demand and projected demands for water. Copies of the reports are attached for reference.

Mr. Roznovsky said he has reached out to Dobbin Plantersville and feels that we should also reach out to Stanley Lake, as to whether they have availability to give the City an interconnect, so if the City has issues during the summer, in an emergency case, the City can open a valve. Mr. Roznovsky said the City would have to have an agreement for use of the interconnect and the cost to run pipe to the connection. Mr. Roznovsky advised that the figures have a 2.4 peaking factor included, so this is running everything at 10 hours a day not 24 hours a day. Mr. Roznovsky said they do not design for an average day, they

design for a peak day, with a peak being 2.5 times the average. Mr. Roznovsky advised there is a drought contingency plan in place, so if needed that could be initiated to restrict water use.

Mr. Roznovsky said currently the City has 498 meters on active homes and 907 platted lots, so there are 500 homes of the 900 lots that are available. Mr. Roznovsky said multi-family is not counted in that figure and is an additional 207 units. Jon Bickford asked how many facilities they have consuming water today and how much larger can it grow. Mr. Roznovsky reviewed the development map, which is included in the presentation materials. Mr. Roznovsky discussed potential new development coming into the City that included Star of Texas Seniors, a residential development at the end of Louisa, and Wendy's. Mr. Roznovsky said that regarding the projected committed volumes that were done in 2015, he feels the information that they have now is completely different. Mr. Roznovsky said now they are projecting in the 470,000 gallons a day range and the same goes for sewer, so they have more time than was in the study.

Jon Bickford asked if they could get a best estimate for water given the way the City is laid out today, within the City limits under the current zoning, if everything is built out. Mr. Roznovsky said if you finalize the total projected volumes plus feasibility you could calculate it but you could not know if they would have a Pizza Shack versus an AT&T Store which would be completely different numbers. Jon Bickford said that it would calculate to 3.2 million gallons of water per day as average use. Jon Bickford asked what it would take to provide that type of capacity and would they have to drill another well. Mr. Roznovsky said that was correct. Jon Bickford asked how many gallons of water the current well would support. Mr. Roznovsky said it would support 1.2 million gallons of water on an average day, with no peaks. Jon Bickford said then they would be looking at two more wells to meet the 3.2 million gallons of water. Mr. Roznovsky said they have had some Catahoula Wells that were able to get 1,500 gallons per minute, so one to two more wells would be required. Rebecca Huss asked about the cost of the Catahoula Well. Mr. Roznovsky said that he thought the cost was around \$2 million dollars. Jon Bickford said that he would like to get everyone some kind of model that shows what happens when they shrink lots and they can see the implications that are made with the decisions that we

are making and we need to make sure the data is clear. Mr. Roznovsky said he could put together a high level pie in the sky, to get 3.2 million gallons of water a day and what that would look like and how many tanks and wells would be required. Jon Bickford said they should be able to get to the point where they see the implication of making their decision and the financial implication of the decision.

T.J. Wilkerson asked about the car washes and their water usage. Mr. Roznovsky said that both of the car washes have recycling systems and they are not using a ton based on their projections and said it is 4,000 – 5,000 gallons a day usage.

Mr. Roznovsky reviewed the Capital Projects List (attached), advising the following:

Project No. 1. – Bid prices were high and the project will be rebid later this year.

Project No. 2. – Waterline across the bridge is under construction.

Project No. 3. – Under design and will be under construction later this year

Project No. 4. – Waterline that goes on Lone Star Parkway east around to Emma's Way is being constructed in pieces.

Project. No. 5. – Lone Star Parkway west, and the next is to connect Plez Morgan and Lone Star Parkway, which is about 400 feet of waterline and creates an additional loop.

Project. No. 6-7- Development driven.

Project No. 8-9 – are being bid as alternates with Project No. 1.

Jon Bickford asked which projects are to be complete in 2018. Mr. Roznovsky said Projects 1, 2, 3, 8 and 9 will all be in the middle in 2018 and under construction in 2018. Mr. Roznovsky said Projects 4, 5, 6 and 7 will be done in sections and are developer driver. Mr. Roznovsky said the Plez Morgan rehabilitation project, they can get the waterline under the road while the road is torn up and then they can connect the line.

Mr. Roznovsky said that every fire hydrant has been inspected and has its own identification that is in GIS, so when repairs are done it is tagged and they know what is going on. Mr. Roznovsky said the fire flow issues on the west side of town will be addressed by the waterline. Mr. Roznovsky stated regarding MLK, Baja Road, and

Community Center Drive the CDBG project with the additional hydrants and upsizing the line addresses the fire flow issues there.

Mr. Roznovsky advised another water plant project that is going on with the General Land Office (GLO) funds is a generator at Water Plant #3.

Mr. Roznovsky said that plan also mentions updating the Water Model every five years or a major change in development, so that would put it in the 2020 time frame to update, or if there is a big development at the end of a line that might cause a big change, they might recommend updating. Mr. Roznovsky said the things that are not shown on the attached map is the Hills of Town Creek, Emma's Way, Lone Star Bend are all under construction and some additional waterlines by HEB and Pizza Shack. T.J. Wilkerson asked if there was a waterline for CVS. Mr. Roznovsky advised it would go down FM 2854, where the Peter Hill property is extending the line across SH 105 so if HEB develops they will extend and close out that loop, as well.

Mr. Roznovsky then addressed the Sewer Plant, saying that the main thing to consider is the gallons per day in the Master Plan were very high based on the data that they had. Mr. Roznovsky said the actual current gallons per day at the Sewer Plant averages about 157,000 gallons, and the plan shows 240,000 gallons for 2015 and those numbers were way off. Mr. Roznovsky said that 157,000 is in the projections and based on actuals that they know today.

Mr. Roznovsky said they have to consider what they are going to do with the plants and additional capacity. Mr. Roznovsky said the rule is when you have three consecutive months at 70 percent of your capacity you have to initiate financial and engineering planning for expansion. Mr. Roznovsky said that 70 percent is 300,000 gallons a day for sewer, and based on the projections, that is around 2020. Mr. Roznovsky said he is going to be recommending putting together a price to do that study in the next fiscal year and whether they are going with one plant or two plants, how they are going to split the flows so they can understand how they need to move forward. Mr. Yates said he thought the period of examination should be the life of a lift station.

Mr. Roznovsky said Lift Station #1 relocation is a Water Development Board project, and is developer driven. Mr. Roznovsky said it is easier to make the hole larger today and then size up the pumps later, so they are actually sizing the hole in the ground for 800,000 gallons a day and the plant currently handles 400,000 gallons a day, so if they expand they have well capacity. Mr. Roznovsky said that rule also states that you have to initiate construction approvals at 90%, which is 360,000 gallons a day, which based on conservative numbers looks to be 2021. Mr. Roznovsky said the process from permitting, design, construction is going to be a three-year process, so they need to have a plan and start working that way. Rebecca Huss said if they got two hotels they might not have three years to build and design. Mr. Roznovsky said right now they are at 160,000 of the 400,000 gallons.

Mr. Roznovsky said they have been renewing the permit for the old plant for that reason, so now they just have to apply for an amendment versus applying for a new permit. Mr. Roznovsky said that plant is a complete redo, but Lift Station #2 is one of the heavier used Lift Stations in the City, but until they have a plan he did not want to spend a lot of money on Lift Station #2. Mr. Roznovsky said the sewer line that is being installed is part of The Shoppes, and it is being sized to handle all of it so they won't have to upsize in the future. Mr. Yates asked about having a large clear water well. After discussion, Mr. Roznovsky said that he would check into some more information on the topic.

Mr. Roznovsky reviewed the Capital Projects List, as follows:

Lift Station No. #2 is being addressed with the Water Development Board.

Lift Station No. #3 is being addressed with the GLO Projects.

Item 7 – Emergency Operations, so when Lift Station #1 is relocated, a new generator is being installed to power it and the sewer plant as part of the project. That generator will be salvaged and used on another Lift Station facility, along with some of the controls.

Force Main Reroute Project – is taking Lift Station #3, which is by the bus barn, cut the corner and go down Flagship Boulevard and directly to Lift Station #1, thereby reducing some of the usage in those lines.

Item #11 – this is Lift Station #12, located at CB Stewart and SH 105, as the sewer line gets extended down SH 105 in front of Milestone Properties, they have been required to install it deep enough to extend it all the way out to Lift Station #12, so that the Lift Station can be eliminated.

Mr. Roznovsky said a lot of the other projects are talking about rehabilitation and evaluation of the pipes, so what has been done is the following locations have been looked at:

- All of the pipes and manholes on FM 149;
- All of historic downtown;
- The main line leading to the Town Creek Sewer Plant;
- The line along Plez Morgan; and
- The line from Lake Creek Village to Lift Station #9 and #10.

Mr. Roznovsky said they will have repair recommendations for these items.

Mr. Roznovsky advised the GLO Project has funds to look at all the lines on Community Center Drive, Baja, MLK, and that region and then repair them. Mr. Roznovsky said he spoke to Mr. Mike Muckleroy about putting together a Smoke Testing Plan and a Televising Plan, to find out where they need to focus and do small pieces at a time. Mr. Roznovsky advised that the Mr. Muckleroy and his crews with Gulf will do the repairs, and will prepare a back log pipe rehab until they have a substantial amount to get a good bid price and then bid it out. Mr. Roznovsky said they will present the information to City Council once they have it prepared.

Mr. Roznovsky said one item that is on the plan is a Scata System, which is a remote monitoring and operating system. Mr. Roznovsky said Mr. Yates had an idea of trying to bid out the request for proposals and have companies provide options and they are going through some scenarios to see how they can decide what they want. Rebecca Huss said when they have developers coming in, that will be part of the standard of what they have to install. Mr. Yates said what they are hoping they get out of the GLO or TWDB is the basic receiving unit. Rebecca Huss said a Scata System would save them money,

operationally. Mr. Roznovsky said it is good to have a plan, but it is expensive. Mr. Roznovsky said they are including the information in the new design manual so it will be part of the specifications, and for the Scata System the developers will put all the wiring in that connect to all the pieces so you can plug into them at a later time.

Mr. Yates said that Planning and Zoning Commission could work on a model regarding growth and the needs.

Mr. Roznovsky advised that the Capital Project pack and the updated Schedule of Projects are attached.

Jon Bickford said he thought it would be really great for the citizens and for us, how would they feel about getting some four foot by six foot maps to hang in City Hall, one of the Capital Projects and one of the Developments. Mr. Roznovsky said the GIS system that they are building on the public side will have the Capital Projects link, they won't have the water and sewer lines.

Mr. Roznovsky said that they have done the Mobility Study and are getting the books in for the revisions. Mr. Roznovsky advised the Lone Star Parkway and the TIP Program is still underway and Lone Star Bend is complete. Mr. Roznovsky said that the next big project is Buffalo Springs and SH 105. Mr. Roznovsky said now that the City has adopted the Thoroughfare Plan, the developers on that plan will be required to dedicate the right of way. Mr. Roznovsky said that Baja Road will be paved with FEMA funds after the CDBG. Mr. Roznovsky said GLO is going to be addressing part of the Baja and MLK along with CDBG.

Mr. Roznovsky said they are working with FEMA regarding the issues with Atkins Creek and Town Creek and the last step is to confirm that FEMA pays for it all, and they at least study the entire channel so when we have the basis to put together the improvement, we can determine who has to pay for it and how to stop the erosion. Mr. Roznovsky said they have to take into account what Mr. LeFevre has done, because what he has done might be

enough to prove that there is not going to be an impact so they can upgrade the culverts upstream and allow more water in and reduce the water in the MLK/Baja area.

City Council took a break from 10:39 a.m. to 10:43 a.m.

Jon Bickford commented that while they are putting all the pipes in the ground, they consider installing purple pipe at the same time. Jon Bickford said the cost of putting in the pipe later would be very expensive. Jon Bickford said 20% of the City's water consumption is for irrigation and if they cut that amount off of the usage it could equal a new well. Mr. Roznovsky said people are putting in purple pipe now and not using them. Mr. Roznovsky said they have developers that put the pipe in even if they do not use it. Mr. Roznovsky said that he looked at one study for the Rayford Road area and they only had 10 percent of the residents connect. Jon Bickford said he thought it was something to think about. Mr. Roznovsky said they would have to do a Master Plan to see how much pipe would be required and where it would be used. Mr. Yates said they could require the new subdivisions to have two meters for all their homes, one for water and one for irrigation. Mr. Roznovsky said he had discussed this matter recently and right now, of the 498 homes, only 61 homes have irrigation meters. Jon Bickford said he thought that would be a good action item. Mr. Roznovsky said they could have a development workshop to go through this information.

❖ Discuss proposed City 2017-2018 Budget Amendments and upcoming 2018-2019 City Operating Budget.

Mr. Yates presented budget projections for the current year and what to allow for in 2017. (Copy of documentation attached) Mr. Yates presented an overview of the Milestone figures based on the 380 Agreement and reviewed the projections of what to allow for in 2017, which they have \$25,000 budgeted. Mr. Yates advised the property tax for that property is \$43,118 and sales tax is \$156,000. Mr. Yates said the sales tax is coming in from Kroger every quarter, and for the last three quarters has been approximately \$55,000, \$65,000 and \$75,000. Mr. Yates said that the fuel center was an estimate, and is outside of the agreement. Mr. Yates said there was also Burger King and the other stores, which

he had also estimated. Rebecca Huss stated that MEDC was only $\frac{1}{4}$ of the sales tax and the information is showing them as a $\frac{1}{4}$ of the total tax. Rebecca Huss said MEDC does not receive any of the property tax. Jon Bickford asked if this was just to point out the amendments to the 2017-2018 budget.

Rebecca Huss asked if they were to disagree with the number from the Appraisal District and they feel that it is too low, could they advise them. Mr. Yates said yes, anybody can do that. Mr. Yates said he did not know how it would work with a protest from the public, he knew that an individual can protest for their property for a current year. Rebecca Huss said that would be for decreasing the tax, but asked how they would ask to increase the valuation. Jon Bickford advised the assessments have already gone out, it would have to be for 2019.

Mr. Yates advised he went through the budget and said they have \$25,000 budgeted for this column and he has suggestions for adding another \$125,000 to it in the current budget. Mr. Yates said the figure on the last page of \$166,667 needs to have \$125,000 for the difference in what they are going to have to pay. Rebecca Huss said they will only net up around \$40,000. Mr. Yates advised the sales tax rebate needs to include two things, sales tax rebate and property tax rebate. Rebecca Huss said she would still like to show them as a negative revenue all the way up on the front page, rather than on the back page. Mr. Yates said he would check with the auditor on how to handle the figures. Rebecca Huss said that if they do not show the negative revenue it will look like they are doing great on income, which might not necessarily be the case. Rebecca Huss said she felt the same way about building permits because they have fees that go to the building inspector. Mr. Yates said they will not know what the permit fees are going to be so they could not do that. Mr. Yates said they could do the comparison for several of the items to show the revenue and expense. Mr. Yates advised that he would have the budget amendment information for City Council on Tuesday night.

Jon Bickford stepped out of the meeting.

Rebecca Huss asked Mr. Yates to review the big highlights of the budget amendments. Mr. Yates advised the following highlights:

- Court Fines are down about \$90,000, which also means the State Fines, under expenses is down, so it balances out;
- Removed the transfer of the \$15,000 for the Police car replacement from General Fund to Capital Outlay;
- Permits and Licenses will be up \$205,000 this year;
- Inspections and Permits will reach \$120,000. Mr. Yates said that Rick Hanna would be coming with information regarding increasing building permit fees, because they have not been changed in about 15 years.
- Escrow Funds are offsetting engineering costs;
- Payroll costs were saved by the Chief and City Administrator sharing the Administrative Assistant for the year, plus the Chief still has not hired the one officer position for most of this year. Mayor Countryman said that the Chief needs help.
- Audit fees will be increased because the City has just determined we will have to have a Single Audit for this year. The increase will be \$5,000 to \$8,000. Rebecca Huss said Mrs. Cathy Branco had advised her about that and was disappointed that the auditor did not catch that. Mayor Countryman said even if it was a mistake primarily on the auditor's end. Mr. Yates said they will also add \$8,000 on next year's audit cost. Mr. Yates said the price is \$5,000 for major projects, which to him is the bridge or Kroger grant, but this year there will be several. Rebecca Huss asked if they were considering the GLO and Water Development Board projects as major. Mr. Yates said he thought so. Rebecca Huss said that Mrs. Branco is here a lot more than she used to be and she knew that Mr. Yates and Ms. Hensley are working long hours, and asked if they are getting to the point of hiring. Mr. Yates said the person that they just hired as his administrative assistant is planned, at some point, to take over Mrs. Branco's role, but the way that it is working out is that she can reduce Mrs. Branco's hours next year. Mr. Yates said he can split her hours half time with him and half time with Mrs. Branco, thereby reducing Mrs. Branco's hours. Mayor Countryman asked if there were designated days where she would

work for one or the other. Mr. Yates said he needed to organize that better because right now she is primarily entering invoices, but he wants to work her into the QuickBooks. Mayor Countryman said what she has seen with people that have job share with two different duties, one gets ignored over the other. Mayor Countryman said Mr. Yates needs someone full time due to the work load. Mr. Yates said he could split her day in half with morning with one and afternoon with the other. Rebecca Huss said if she is cross training up front that will be difficult. Mr. Yates said if she progresses with finance, we could put her in with Mrs. Branco. Mayor Countryman asked if they could have that person help Mr. Yates out for the next three months and see if he can get caught up and then see if she is ready to move into finance and start slowly incorporating that to see if she could handle both sides. Mr. Yates said he would like to have someone that could also put out a billing if needed. Mayor Countryman said that Mr. Yates needs the help more than Mrs. Branco at this time. Mr. Yates said he agreed. Rebecca Huss said maybe they need one extra person to work with Mr. Yates that he does not share. Mr. Yates said if the person was in with Mrs. Branco she could learn the position and they could send her for training. Mayor Countryman asked if Mrs. Branco's position was a full time position. Mr. Yates said it was about 60-70 percent for about \$90,000 per year. Mr. Yates said that best solution would be for that person to move into finance and for him to get another assistant, which would be \$50,000 to \$60,000 in next year's budget. Rebecca Huss asked Mr. Yates to consider getting another person. After discussion, Mr. Yates said that he would consider adding another person as his executive assistant and adding another person in finance to reduce the municipal accounting costs. Rebecca Huss said Mr. Yates needed to hire somebody that can do some quality work on his part.

- Mayor Countryman discussed her want of capitalizing on the wedding idea, with Montgomery being the wedding mecca. Mayor Countryman said she has found somebody in mind that would be a great representative of the City, has high energy level and is very creative and could head up a whole wedding committee of venues, caterers, bands, transportation, spas, etc. This person would go to all the wedding extravaganzas. Mayor Countryman said they need to capitalize on this idea and

have somebody to bring all of these people together, because a lot of them do not know one another. Mayor Countryman said if they want to be part of the City of Montgomery's wedding coordinator concierge then they pay for the salary and that person would go out and promote all of these people at the bridal extravaganzas. This person could also promote to the wedding planners. Mayor Countryman said there are so many opportunities, and how she felt they will be missing out if they do not capitalize on this.

- Mr. Yates reviewed escrow accounts, explaining that the City is paying the engineer for work that really should have been paid for by the developers. Mr. Yates said that the City did not have any escrow agreements. Mr. Yates said in June of 2017 they had \$43,000 that they paid the engineers, with no escrow agreements. Mr. Yates presented a spreadsheet that showed the breakdown of the accounts. (A copy of the Escrow Spreadsheet is attached.)

Mayor Countryman noted that on the Summit Business Park the City will be crediting \$2,686. Mr. Yates said that was what they owed, but the City credited. Mr. Yates said the accounts that are shown in yellow are the ones that the City Attorney advised they did not have any legal responsibility to pay the City because they had no agreement. Rebecca Huss asked if there was any way to reverse the ones that show credited. Mr. Yates said in the case of Summit Business Park he had sent them a bill over three months ago, and Mr. Ogorchock said that he thought the payment of \$5,000 was all that he had to pay because the City did not tell him that they would bill for engineering time. Rebecca Huss asked whether they could leave the accounts open, so when they come back they can say they owe the City money. Mr. Yates said he felt they should take that position with everybody. Rebecca Huss said that is what she would do and say they are waiting for future leverage.

Mayor Countryman asked why the Hills of Town Creek has not paid \$10,515.12. Mr. Yates said part of that was Bleyl Engineering before they knew what Bleyl did and they had no breakdown of the time, and a lot of it was the plat reviews that they

paid for otherwise and it was also taken off of their account. Mayor Countryman asked if the Hills of Town Creek still owes the City that much money. Mr. Yates said they still owe approximately \$7,200 of that amount. Mayor Countryman asked who the developer was. Mr. Yates said it was Hills of Town Creek Section 3, which started out as Chris Cheatham and then it went to Style Craft Homes. Mr. Yates said that Style Craft Homes agreed to and has paid \$16,500. Mayor Countryman asked if Chris Cheatham should pay for his time. Mr. Yates said you can't tell on the account who is responsible for what amount. Rebecca Huss said when either one of them comes in they could say that they have to work it out among themselves and the City wants their full amount of money. Rebecca Huss said while this is a lot of money, she felt that Mr. Yates is doing a great job now in the peach section of the chart.

Mr. Yates said in the yellow section he wanted to show how far behind they were, and said they were down \$43,000 but they did collect \$85,000. Mayor Countryman said that was a good job by coming back on these accounts. Rebecca Huss said it was better than it started out. Rebecca Huss said again it goes back to Mr. Yates' time and value; this would be something that could be done. Mr. Yates said that Mrs. Branco mentioned this to him twice and he said that he did tell Mrs. Branco that she should have been on him every month. Mr. Yates said that June of 2017 was when he started approving the Jones and Carter bills, but other than that he was signing the check.

Mr. Yates explained the reason that Chris Cheatham is still up in the yellow is because there is still no escrow agreement with him. Rebecca Huss said Chris Cheatham is refusing to sign an escrow agreement. Mayor Countryman said then he gets no permits and gets to move no further without an agreement. Mayor Countryman said the City is moving in a more positive and structured direction and so if you want to do something in the City you need to adhere to our new policies and procedures. After discussion, until the amount due to the City by Chris Cheatham was paid, it was the consensus that the City would not issue certificates of occupancy, plat approvals, etc. Mayor Countryman asked who is watching to

make sure there is no unapproved activity on the site. Mr. Yates said Mr. Roznovsky is watching the development.

Mr. Yates said they were able to get the funds from Bowen by threatening to stop Waterstone Section 2 inspections unless he paid the funds. Mr. Yates said three weeks later they had the funds.

Mayor Countryman asked where they stand with Mr. Cheatham. Mr. Yates said they will be in contact regarding Emma's Way. Mayor Countryman said that the City does not need to meet with Mr. Cheatham until he pays. Mr. Yates said that is a good point; he will not discuss Emma's Way until the fees are paid.

Rebecca Huss asked about Milestone. Mr. Yates said he has not contacted Milestone, mostly because of his theory that half of this Jones and Carter should absorb. Mr. Yates said he has spoken with Mr. Shackleford regarding the information and he will consider it. Mr. Yates said most of the amount was the Friday morning meetings with Glynn Fleming and Milestone.

Mayor Countryman asked about Mia Lago Section 2. Mr. Yates said the reason he did so much there was he got held up by the City and he had to spend extra money because the design of Lone Star Bend got messed up, which was a Jones and Carter deal. Mr. Yates said several thousand dollars of their bill was written off by Jones and Carter. Rebecca Huss asked if they could get Jones and Carter to write off some on the \$19,999.15. Mr. Yates said that he would follow up with them. Mr. Yates said Jones and Carter have taken off around \$1,500 to \$2,000 but that is not near enough. Mr. Yates said what happen was Jones and Carter was the designer of Lone Star Bend for the County, which happened after the City had approved the plat for Villas of Mia Lago. Mr. Yates said when Jones and Carter was talking to the County about how to design Lone Star Bend, the County told Jones and Carter that they did not want to add the cost of fill dirt to the project, so they told Jones and Carter to build the road according to the natural grade. Mr. Yates said that grade was lower than the plat that was already on file. Mr. Yates said Mr. Liberatori

in May of last year came to the City telling the people to get off of his property and so forth, and he talked him down. Mr. Yates said Mr. Liberatori came back in May and pointed out the issue to Mr. Shackelford, Mr. Roznovsky and himself. Mr. Yates said in September Rebecca Huss and he had met with the County and the County agreed that they would pay for the upgrade to get the road level. Mr. Yates said Mr. Liberatori had to spend \$4,000 to \$5,000 in engineering to lower his drainage to get it to the right depth so it would flow on the lower road that was there and he threatened to sue the City, and he thought that he would have probably won. Mr. Yates said that was why he took off as much of the bill as he did. Mr. Yates said that Mr. Liberatori feels that he has paid enough to the City. Mayor Countryman said they need to see if Jones and Carter will absorb some of the costs and then write off the rest, because this sounds terrible. Rebecca Huss said that Mr. Yates saved the City money from being sued. Mayor Countryman said that they need to do the right thing. Mr. Yates said the right thing to do is to write off the costs and get Jones and Carter to absorb costs, because Jones and Carter could have been sued by Mr. Liberatori.

Mr. Yates advised that he would follow up with a letter regarding both the Mabry and Peter Hill escrow accounts.

❖ Lunch Break

12:00 – 12:25 p.m.

❖ City Council Procedures

❖ Department Reports/Discussion by City Administrator

Mr. Yates said he wanted to have Chief Napolitano present to look at the matter of take-home police vehicles. Chief Napolitano said that it would give the officers pride in taking home their shop, keeping their vehicle clean and taking care of the vehicle.

Jon Bickford asked if the officers would be responsible for keeping their vehicle clean on their own. Chief Napolitano said yes, currently they take the vehicles to a local car wash

at no cost. Jon Bickford said the officer gets the vehicle and it is a win for them, what does the City gets back. Chief Napolitano said that no one turns in tickets for car washing. The Chief said the maintenance will go down because the vehicles are used more instead of sitting in the parking lot, which is what he heard from Shenandoah, Willis and Conroe. Chief Napolitano said that one of the issues that Mr. Yates brought up was that the minute the officer is in the vehicle they go on duty while they are driving to work. Chief Napolitano said if they see a crime while on their way to work they have to act on that crime. Rebecca Huss asked if the City is paying hourly wages when someone is driving to work in their patrol vehicle. Chief Napolitano said yes. Rebecca Huss said when they drive their personal vehicle the City starts paying them when they get to the building and go on duty. Chief Napolitano said that if they live outside Montgomery County they can't have a take-home vehicle. Jon Bickford said they will be paying extra time for them to be on the clock while they are driving back and forth to work, and when and how does over time come in to play. Chief Napolitano said the supervisors, Lt. Belmares and Lt. Rosario will monitor their 84 hours, and if they are getting close the supervisors will send them home and the supervisors will pick up the calls. Jon Bickford said those two hours when the officers are sent home is time that they are not monitoring the streets.

Jon Bickford asked for the reasons why we should have "take-home" police vehicles.

Chief Napolitano said it makes the cars more visible on the streets, Shenandoah allows them to take home their vehicles.

Jon Bickford asked if any of the officers share vehicles, and if they have a vehicle down what happens. Jon Bickford said it would frustrate him if in the 2018 budget they need more cars because the officers are taking vehicles home. Chief Napolitano said they would need more cars because they are getting rid of the older vehicles that have maintenance problems. Chief Napolitano said they only purchased one vehicle last year. Jon Bickford said today the officer drives in and then gets into a patrol vehicle and goes to work. Chief Napolitano said the officers are not sharing cars currently, they all have an assigned vehicle. Jon Bickford asked to confirm that there would not be a need for more vehicles if they agreed to this policy. Chief Napolitano said no they would not need more vehicles. Jon

Bickford asked about when a vehicle is in the shop. The Chief advised they would have to use another officer's vehicle. Jon Bickford said if the officers take their vehicles home how would that work. Chief Napolitano said they would have to have one extra here or someone would have to bring their vehicle in. Mayor Countryman said two officers could share an additional vehicle. Jon Bickford asked the Chief if his plan would be to have those guys work something out. Chief Napolitano said they would have to work something out. Chief Napolitano said the vehicles are assigned by seniority and their activity. Jon Bickford said there would be a fuel impact to the City, and there is going to be a mileage impact. Jon Bickford said they have 11 full time officers, so every four years they will need to get a new vehicle.

Mayor Countryman asked if the take-home vehicle would affect our insurance. Ms. Susan Hensley, City Secretary, advised that the City's insurance underwriter had advised that the officer should keep their insurance in good standing because sometimes there are gaps; they do allow the officer to drop off their child at school, etc., but if somebody gets injured it could come back on the City. Chief Napolitano said if the officer operates their patrol vehicle on their own time, which they are allowed to do per the City manual, and they have an accident on their own time, then their insurance picks up. Ms. Hensley said that while the officer is on the clock they are also covered for worker's compensation. Jon Bickford asked why the policy talks about take-home vehicles when they are not allowed to take them home. Chief Napolitano said that was in effect before his time, which was probably addressing the three supervisors' take-home. Ms. Hensley stated that the current policy states the mileage for take-home vehicles is 15 miles. Mayor Countryman asked how many officers were hourly. Chief Napolitano said there were nine hourly officers. Jon Bickford asked about the distance, round trip, the officers drive each day. Rebecca Huss discussed the estimated value of the take-home vehicle if you use the maximum of \$500, at the Federal Rate of 53.5 cents per mile would be equivalent to 934 miles per year, which is 78 miles per month and 19 miles per week. Mr. Yates said the \$500 was more an estimated figure.

Jon Bickford said that the Chief would need to tell the officers that if on their 15 days that they work and they have to drop their child off at school, no problem, but on their days off they need to drive their own vehicle.

Chief Napolitano said this was just another way of giving the officers a benefit because we are not paying as high as Shenandoah, Conroe and the Sheriff's Department.

Mr. Yates said he had some questions regarding issues with the "take-home" vehicles.

Ms. Hensley advised that she would check the City Policy and confirm the 15 mile rule. Chief Napolitano advised currently there are three people that have "take-home" vehicles, himself, Lt. Belmares and Lt. Rosario. Jon Bickford asked how many of the 11 officers live within 15 miles. Chief Napolitano advised that only one officer would not get a take-home vehicle due to living too far away.

❖ Boards/Commission Activities by City Administrator

Mr. Yates advised the MEDC Budget process would be different this year and with more involvement with the Board of Directors. Mr. Yates said there will be some economic development planning money spent and some smaller activities. Rebecca Huss said they need to determine what their economic development plan and what are they doing, and then more activities for tourism.

Mayor Countryman asked if they think it is right for the person who is heading up economic development and the Chamber of Commerce to be the same person. Mayor Countryman said that she has not understood the duties or job description of either one, so she does not know what success looks like for either one. Mayor Countryman said it was almost as if two jobs could be a potential. Mr. Yates said he would say that it is time to make the break. Mr. Yates said there is a defined job description for the economic development person aside from the Chamber person. Mr. Yates said for \$32,000 to \$34,000 they could get so much more for their value. Mayor Countryman asked when they were going to make that break. Mr. Yates said when the MEDC works on their budget the decision will be made.

Rebecca Huss said she thought there is a contract with the Chamber, which she believes starts in January or December.

Mr. Yates mentioned the Distrx Program as an item that is working. Mayor Countryman said when they met with Mrs. Reid she mentioned that Corpus Christi was a City in Texas that adopted the Distrx Program. Mayor Countryman said the owner of the company said the only City that is looking at moving forward is Hillsboro, Texas. Mayor Countryman said she mentioned about Corpus Christi, and there are 1,800 cities that are in their application, but if you dig deeper and get historicals on the program and participation, they are mainly in Florida and starting to move west because that is where their headquarters is located. Mayor Countryman said for full disclosure, she feels it is a cool concept, and she is not opposed to trying it out, but right now she does not know how many users are actually there and how many will go through our City with the application. Mayor Countryman said it was a neat concept, she just did not think that it is widely adopted, and therefore the marketing moving forward would have to say that we are a Distrx City, to push people to go to their app to use it. Mayor Countryman said she did not see from a tourism standpoint that she has looked at that the app is widely adopted. Mayor Countryman said it would have to be promoted on our websites and advertisements. Mayor Countryman said she was not opposed to trying it for six months. Rebecca Huss said they have spent \$3,000 for copying and pasting stuff that goes in the contract, then payment of the markers and monthly operating costs. Rebecca Huss said the way that it was sold to her was that it was like a walking tour with the brochure on the app, and on your cell phone. Mr. Yates said once you get it going then businesses can opt in to the app. Mr. Yates said the \$3,000 was to build the whole program. Mayor Countryman said they already have a program, the content just has to be loaded. Mr. Yates said it was getting everyone together and getting the information uploaded. Mr. Yates said they have had some problems with Barbie in getting her to finish up what she said she would do. Mayor Countryman said that she does not seem like a person that works in a timely manner from what she has seen, and the work that is done is not sophisticated, so they might want to rethink using those resources in the future. Rebecca Huss said that she would want the Mayor and Jon Bickford to write all of the City's technology contracts. Rebecca Huss said that seems like the only outstanding thing that Ms. Reid is working on for MEDC. Mr. Yates said that Barbie has a few more

pages left to do. Rebecca Huss said there is a lot more that she could do, links that go nowhere. Mayor Countryman said she has spent quite some time on the page and it is awful. Mayor Countryman said the URL does not tell whether Montgomery is in Alabama, California, Arkansas or Texas. Rebecca Huss said the MEDC is paying for the site and if it is about tourism, there should be more information and be interactive; the calendar has nothing on it. Rebecca Huss said the web page paid for by MEDC has no jobs listed and is not a tool for the City. Mr. Yates said that he has not spent time looking at the MEDC web site. Rebecca Huss said that Mr. Yates does not need to look at the web site, someone else should be doing that. Mayor Countryman said they need to figure out the MEDC's vision.

Discussion on festivals and how the vendors are managed. Rebecca Huss said the center of Montgomery is not what is driving the finances, the heart of Montgomery is downtown and along that corridor. Rebecca Huss said that money is being generated by Kroger, CVS and McCoy's and other businesses out along the periphery.

Mayor Countryman said we have a great City that we need to brag about and talk more about and showcase. Mayor Countryman said they only have 4,200 people that like us on Facebook, and our biggest festival; Wine and Music Festival is 8,000 people. Mayor Countryman said we are not pushing and marketing ourselves. T.J. Wilkerson said he could understand why a Blue Bonnet Festival would attract more, because it is family oriented. Mayor Countryman said she wants to start a Flag Festival next year with the history that we have here, and that would be a good clean family festival. Mayor Countryman said she has heard from the downtown retailers that they would like more festivals. Rebecca Huss said that Amy Brown wants to do the airing of the quilts, so that would be about seven festivals. Rebecca Huss said the Lion's Club has Bingo.

Jon Bickford returned at 1:35 p.m.

Mr. Yates said he thought they should have an Experience Montgomery Weekend, where Thursday night is the play at the school, Friday is the events around Montgomery, bands and First Saturday Market. Mayor Countryman said we have a great stage in the downtown

area that is underutilized; there could be lawn chairs under the trees by the Community Center for listening to music. Mayor Countryman said they could have a Songwriters' Festival or Weekend. T.J. Wilkerson said he would like to see, which is already in progress, the Antique Cars. Rebecca Huss said she would like to see a Gospel Bunch on Sundays; after the Prayer Breakfast she was amazed by the level of talent that happens around Montgomery. Jon Bickford said they need to build an amphitheater on the LeFevre property. Mayor Countryman said she liked the idea of an amphitheater.

Mr. Yates discussed the idea of a Park Board, which they have discussed for several years. Mr. Yates said the Memory Park Board will be coming to City Council on the 26th Meeting to present their film and propose their Memorandum of Understanding (MOU), which they have gotten close to signing twice before. Mr. Yates said he did not think there was anything wrong with the agreement, but the last paragraph says something to the effect that the MOU will be in place until the City gets a Park Board. Mr. Yates said the Fernland Board is okay with a Park Board. Mr. Yates said that regarding Sonya Clover, they just need to inform her what is going to happen and get permission. Jon Bickford said that he loves the parks, but the problem is they keep getting parks that have got enormous expenses associated with them. Jon Bickford said they have not been spending money on Fernland; some of buildings are rotting, the timbers and stuff, and we have to replace them. Mr. Yates said no, they are on loan from Sam Houston Museum.

Mr. Yates said the Park Board would be appointed by City Council with 1-2 from Memory Park, 2-Homecoming Park area, 1-2 Fernland and then a representative for Cedar Brake Park. Rebecca Huss said that she would hate to lose the Rotarians' interest in Memory Park. Jon Bickford said the volunteers that are taking care of the parks are aging; the donations are going to Fernland. Jon Bickford said the problem is people are aging and they are not getting as many volunteers, so who is going to keep the parks up. Mayor Countryman said there are people moving into the City, and when you campaign you see a lot of people that say they would volunteer. Jon Bickford asked why they don't. Mayor Countryman said it is because they don't know where to go or what to do, but if they are given an opportunity, she knows where the houses are and she would be happy to visit with them. Jon Bickford said they could put the information in their water bill asking for

volunteers. Mr. Yates said just because you have a Park Board does not mean that people can't volunteer. The consensus was to put the Park Board on the Agenda.

Jon Bickford asked how much money they set aside for Fernland and all the parks. Mr. Yates advised they have \$40,000 for maintenance of parks, and \$30,000 for utilities. Mr. Yates said they spent a large fee on Fernland, \$10,000 for sidewalks. Jon Bickford said that they are paying \$60 per person on the parks, and said that the City was not spending enough money on the parks. Mr. Yates said Memory Park maintenance would be scary if it weren't for Don Carter and his group.

Mr. Yates said the Planning and Zoning Commission was a good group and they are willing to work, and if City Council will do the Community Resiliency Collaborative Program, they could assign that to the Commission to run it. Rebecca Huss said she thought they were going to do the downtown plan instead of the whole Comprehensive Plan. Mr. Yates said it could be either way, but said he was not as much for the downtown as he was for the Community Plan, but he thinks it could still be the middle man for the downtown. Mr. Yates said the downtown group could work with the HMBA. Mr. Yates said he had not really thought how they would organize the Resiliency Group if they focus on downtown. Rebecca Huss said she thought it was a great idea for Planning and Zoning to spearhead if they are looking at a downtown plan, because it would take out some of the personal feelings and removes the MEDC versus Chamber drama.

Jon Bickford asked about the Chamber. Mr. Yates said they would be taking Ms. Reid off of the MEDC budget, and she will be funded by the Chamber. Mr. Yates said it almost came about last year. Jon Bickford said the MEDC helped them get started. Jon Bickford asked about the festivals and whether they would be coming back to the City. Rebecca Huss said the Wine and Music Festival has belonged to the Chamber, even though it originally belonged to HMBA, which is a City function. Rebecca Huss said overall the Chamber uses the Wine Festival as their big fund raiser. Mayor Countryman said she went through all 173 businesses that are listed on the Chamber, and of those there are three businesses in downtown.

Jon Bickford said the City is famous for the Wine Festival and he just did not want anything to happen to it. Rebecca Huss said she did not think anything would happen to it, because she did not think they could afford to not have it, and if they decide to take it somewhere else, we could do our own. Mr. Yates said MEDC contributes to the festival. Mayor Countryman said she thought it was good for MEDC to do \$10,000 for seed money for the new festivals, but maybe put a timeline on them and maybe in five years they should be able to do them on their own, then the \$10,000 could go to something else to seed. Mayor Countryman said if the festival makes a profit, then they should be able to pay back some of the funds. Mr. Yates said MEDC has had that discussion, which he is fine with, but he thinks there is another side to it; you contribute to it regardless of whether it makes money. Rebecca Huss said it might depend on what type of festival or event it is because the Texian Festival does not make money, and they don't charge admission or sell alcohol. Rebecca Huss said with Amy Brown doing the airing of the quilts, unless she has a really big retail component, she does not see how she is going to make money. Mayor Countryman said maybe they have contracts for a period of time, such as up to five years, then they provide a detailed financial report at the end of each year and submit, prior to funding for the next year.

Jon Bickford said he felt that anything they can do to draw people to the City on a weekend to help the local businesses is worth the money, as long as we are not spending a fortune; to him, people come in and see what a great place it is and they come back and shop. Jon Bickford said they are missing out on the whole pets theme, they have a Halloween Contest in Spring with the pets and it is packed. Jon Bickford said they could say "build your business here that is going to pay \$15 to \$20 hour jobs. Jon Bickford said they could get some light manufacturing here, he doubted they could get heavy manufacturing because they are not near a railroad or interstate. Mayor Countryman said they could have a BBQ Festival. Jon Bickford said there are people that work from home and there is a lot of that in the area, a lot of retired people, teachers. Rebecca Huss said whatever it takes to hunt a Cancer Treatment of America or something similar and get a giant campus, and it would not be sales tax money; then put a nursing campus next to it, and the jobs that would come along with that would be astronomical. Jon Bickford said you would have to hire someone to do that and pursue development. Jon Bickford said that he did not know how practical

it would be to pursue, and they would have to spend a lot of money to pursue that, but you won't know unless you try. Rebecca Huss said that you would have to consider how much you would get back. Mr. Yates said someone that needs a lot of land will find the City anyway, because where else can you go and find 500 empty acres. Mayor Countryman said Hermann Memorial started their own cancer center, so why not here because there is the draw for the surrounding areas. Rebecca Huss said those would be good quality primary jobs that she is always talking about, then the retail jobs that follow those create the sales tax. Jon Bickford said if that is what they want to do, then they need to pursue someone that knows what they are doing. Rebecca Huss said the City is a country retreat to heal, get married and/or shop. Mayor Countryman said they need a nice boutique hotel. Rebecca Huss said they have to promote the weddings, festivals and tourism. Jon Bickford said the City might be interested in building a venue. Mayor Countryman discussed all the different wedding venues in the Montgomery area.

❖ City Council comments regarding policies and procedures and inquiries regarding City projects.

Mr. Yates advised they have not adopted any rules and procedures for City Council regarding placing items on the agenda and conducting the meetings, and have been operating using some rules that are several years old. Mr. Yates said Mrs. McCorquodale would be hear around 2 p.m. to discuss Roberts Rules of Order. Mayor Countryman advised that Mrs. McCorquodale would be going out of town and would not be able to attend.

Jon Bickford asked if Mr. Yates was having any problem with items that are being placed on the agenda. Mr. Yates said that he has had only one, from Mr. Linton, who felt like he got shut out of the Homecoming Celebration. Mayor Countryman said Homecoming was a non-City event that was organized by Arnette Easley. Mayor Countryman said Mr. Linton felt that since Mr. Easley received funds from the City, why couldn't he receive funds from the City. Mayor Countryman said she did not know if Mr. Linton had ever asked. Mr. Yates said Mr. Linton called and said he wanted to be put on the agenda, and Mr. Yates advised him that he was not sure that was an item to be put on the agenda since

City Council has told him to handle the administrative issues. Mr. Yates said he spoke to Mr. Easley and T.J. Wilkerson and the Mayor. Mr. Yates said after speaking with Mr. Easley and T.J. Wilkerson, they both said they thought that it was between Mr. Linton and the Homecoming people, and certainly was not the City's business, and the Mayor said the same thing. Mr. Yates said he told Mr. Linton that he was welcome to come and speak during the open portion of the Council Meeting. T.J. Wilkerson said Mr. Linton will probably have some other people with him to voice their rebuttal. T.J. Wilkerson advised he was asked to provide the history of the Homecoming Celebration, so he gave them some information on the history of the event. T.J. Wilkerson advised there was a lot of history in this area that people just do not know about. Mayor Countryman said they need to have that information in a centralized location, because everyone needs to be able to have access to the history and understand the importance. T.J. Wilkerson said the building across from Jim's Hardware was a school house that he believed was in the back portion of the building. Mayor Countryman said they could take the building over to Fernland. Mr. Yates said they could tear down the front portion and move the historical portion. Jon Bickford said that would be great.

Mayor Countryman talked about the logo that was paid for by MEDC in 2013 and said that she asked Mrs. Reid why it has never been used, and said that there was no real explanation so she asked for it so she could use it. Mayor Countryman said moving forward she would like to ask City Council to adopt this logo as the City's brand, as what goes on the web site and letterhead and related documents that the City uses for business. Jon Bickford said he would make it a Consent Agenda Item. Mayor Countryman said they could put a darker border around the logo so that it would show up better. Mayor Countryman said that she would get all the information from the printer regarding the color palette. Mr. Yates said from what he was told by Ms. Reid a couple years ago, City Council turned down the new logo design when it was presented several years ago.

Mr. Yates advised the City would probably go up to \$240 million in property tax this year from \$200 million this past year. Mr. Yates said they could easily go down to one cent and possible two cents in the tax rate and still come out ahead because the assessment value is

so much more. Rebecca Huss said she would like the rate to go to \$.4000. Jon Bickford said it is important to let everyone know that the City is managing their money.

Mr. Yates said they were getting ready to start the budget process for the City, with staff budgets due to him by July 6. Mr. Yates said following receipt of the departmental budgets, he will send out a preliminary budget to City Council on July 15th. Mr. Yates said July 19, 2018 is scheduled to be the first budget workshop and July 31, 2018 the second workshop. Rebecca Huss said she would not be able to make the July 31, 2018 meeting. Mayor Countryman said she would be absent the first Council Meeting in July 2018.

Jon Bickford asked Mr. Yates if he felt they were going to have to add more people next year. Mr. Yates said there will be an Assistant to the City Administrator and probably one police officer. Jon Bickford said he looked at Willis, Shenandoah, Navasota and two other police departments, along with the City of Houston, and what their percentage of the budget goes to the police department versus the annual budget, and the City of Montgomery is right in there. Mr. Yates said the Montgomery Police budget is 31-32% of the total City Budget. Mayor Countryman said she felt that the Police Department is shorthanded. Rebecca Huss said they bought a pickup truck after they spent \$20,000 upgrading the seized truck, which they do not even own, so now they have two pickup trucks. Rebecca Huss said they spent money on a seized vehicle that they rarely use and does not belong to the City. Mayor Countryman said the vehicle is being used and driven. Rebecca Huss said there was a two month period when the vehicle never left the lot.

Mayor Countryman said none of the Police vehicles are consistent and she did not understand that concept, because you have all different colored vehicles and she never knows who is driving down the road. Rebecca Huss said the money is not being spent smartly, you could spend the money on personnel. Rebecca Huss said the Chargers never leave the lot, but yet we have them; they don't start. Rebecca Huss said she signed a check for \$1,300 in uniform expenses and when she checked it was badges and awards. Rebecca Huss said she does not understand why they have tactical helmets now, and why are they looking at a policy for take-home vehicles when they are already paying gas and maintenance on cars that people take home. Rebecca Huss said the Police Department is

asking permission to do something that they are already allowing people to do. Jon Bickford asked if they were already allowing people to take home vehicles. Jon Bickford said if somebody took their vehicle home and they were not supposed to take it home, they need to know. Rebecca Huss said they could check that information by running the data for Memorial Day weekend. Mr. Yates said he would check on that information. Rebecca Huss said there were only two patrol vehicles on the lot at 9:00 p.m. at night. Mayor Countryman said they might have had extra officers on the street. Jon Bickford said they can debate this at City Council. Jon Bickford said he agreed with that and if they need to change the policy, then change the policy. Rebecca Huss said overall she would like to spend more money in cash than give a benefit that she can't and does not know the cost. Jon Bickford asked which funds could only be used by the Police Department. Mr. Yates advised Police Assets and Forfeitures can only be spent by the Police Department, and the rest of their budget is out of the general fund. Jon Bickford said he thought the 15 mile limit was reasonable, and said it was interesting that they have 11 officers and 13 vehicles. Jon Bickford said he does not know how they spend \$20,000 on a vehicle that is not a City vehicle.

Mayor Countryman said she has looked up articles to support the take-home vehicles and every article that she has read states that it really is a deficit to the City and is considered a perk and no upside in saving money, as the Chief had stated. Mayor Countryman said that when DPS officers were going to work in south Texas for a year, they underestimated \$18 million dollars in car expenses for the officers. Jon Bickford said the City did that six or seven years ago and there was a horrible mess. Mayor Countryman said if our driving record is not that strong, it costs more money and if they are on 12 hour shifts and they have to drive home and then they drive up on an accident that they have to work for three hours, there is room for abuse. Jon Bickford said some data could be gathered to say whether this makes sense or not. Mayor Countryman said it would be all but one officer that would be taking their vehicle home from work. Mr. Yates said it would cost the City \$1,669 per month for the officers to take the vehicles home. Jon Bickford said it will be 36,000 miles per year that will retire a vehicle a year to two early. Rebecca Huss said she did not like the fact that they get paid as soon as they get in their vehicles. Jon Bickford said he was not convinced on how this story is really working, and he has a problem with

the fact that they are getting paid to drive to work, because none of us get paid to drive to work.

Mr. Yates said they also had a couple problems with high speed pursuits, which he knew of three of them. Mr. Yates said he asked the Chief if an officer was out on a call and they needed someone on the scene to back them up as quick as they could, would that mean that they have four vehicles coming here at 105 miles an hour down SH 105 or FM 3083. Mr. Yates said the Chief advised him that would rarely happen. Mr. Yates said they don't have a good record for enforcement of our high speed pursuits, and it is not hard to imagine an officer turning on their lights outside the City limits and coming down one of those roads.

Mayor Countryman asked if having the patrol vehicle at the officer's home would serve as a crime deterrent or a target. Mr. Yates said he felt that they would get more vandalism sitting somewhere else other than at City Hall. Jon Bickford said that he has spoken to an officer from another agency who hates taking his vehicle home because they do not want people to know they are a police officer when they are off duty. Mayor Countryman said the person that she knows feels they are a bigger target when they are off duty with the vehicle.

Jon Bickford said one officer would drive 30 minutes a day times 15 days per month, which would be 450 minutes times seven officers would equal 3,164 minutes that works out to 53 hours per month. Jon Bickford said when you multiply that times 12 months, it would be 600 hours a year, which is $\frac{1}{4}$ of a person. Mr. Yates said that would be approximately \$12,980. Mayor Countryman said that was just man hours and does not include maintenance on the vehicle. Jon Bickford said in defense of this posture, if it is hard to find and keep people; if he goes to work for Shenandoah, those 52 hours a year are his. Rebecca Huss said then you pay more for the officer. Jon Bickford said we don't pay more. Rebecca Huss said we should. Mayor Countryman said they should consider that versus the take-home vehicle. Jon Bickford said it would probably be less to pay the officers more than it is to let them take the vehicle home. Mayor Countryman said she agreed. Rebecca Huss said they could pay more and have better control, rather than have this benefit that has more wear and tear on the vehicle and fewer hours in the City. Mayor Countryman

said she knows people that have corporate vehicles, and everyone that she knows that has one abuses them. Jon Bickford said it is a little harder to goof off when you are driving a marked patrol vehicle and you are not going to take the vehicle on vacation. Rebecca Huss said if they are having a hard time keeping officers, specifically related to money, she felt they should pay cash and include it in the budget as a number, rather than have to include it as a budget amendment later on. Mayor Countryman asked what the turnover is right now due to pay. Rebecca Huss said they could have some leaving, but she did not think it was due to money. Mayor Countryman asked if they were going to fill the vacant police officer position; has it been easy or hard to fill, and why has the position not been filled.

T.J. Wilkerson asked if the patrol vehicles have a GPS on them. Mayor Countryman said they do have a GPS on the vehicles, but asked who mans the GPS.

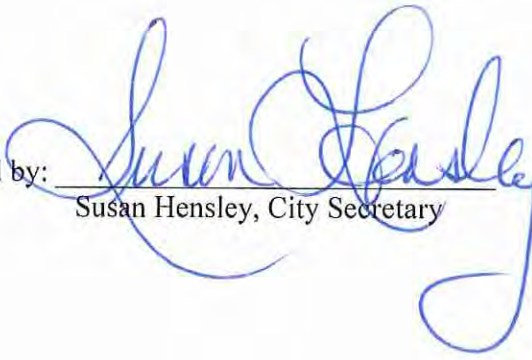
Rebecca Huss asked what was going on with Mr. Muckleroy's addition to the Public Works trucks, because Mr. Yates had mentioned two times ago at the Council Meeting that he had put a GPS tracker on, which is related to maintenance tags, but it could also do these other things. Mr. Yates said he would check with Mr. Muckleroy about that information. Rebecca Huss said Mr. Muckleroy put the system on his vehicle to protect himself, so that no one could say he was driving the vehicle in a way that he was not supposed to be doing, but it serves as a reminder to perform maintenance on the vehicles, which is a good thing.

Jon Bickford said the math on the take-home patrol vehicles would be a very interesting thing to do. Rebecca Huss said she thought it was crazy if you do the math. Jon Bickford said there was hours, mileage, the bigger problem of retiring vehicles sooner, insurance and possible accidents.

ADJOURNMENT

Mayor Countryman adjourned the workshop at 3:00 p.m.

Submitted by: _____ Date Approved: _____


Susan Hensley, City Secretary

Mayor Sara Countryman

MINUTES OF PUBLIC HEARING

August 31, 2018

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:47 p.m.

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

Absent: Dave McCorquodale Place #5

Also Present: Mr. Jack Yates City Administrator
Ms. Susan Hensley City Secretary

PUBLIC HEARING:

1. Open forum that allows each citizen present to address the governing body to express their concerns on the proposed tax increase. (Limit of 3 minutes)

Public Hearing No.1 of 2.

Mayor Countryman convened the Public Hearing at 6:47 p.m.

Mr. Yates advised that the total City property taxes are at .4155, and advised that they are proposing a reduced tax rate of \$.4055.

Mr. Yates announced that the second of the two public hearings, as required by law, would be held on September 4, 2018 at 6:00 p.m. at City Hall.

ADJOURNMENT

Mayor Countryman adjourned the Public Hearing at 6:48 p.m.

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

Mayor Sara Countryman

MINUTES OF PUBLIC HEARING

September 4, 2018

MONTGOMERY CITY COUNCIL

CALL TO ORDER

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

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

Absent:

Also Present: Jack Yates City Administrator
Susan Hensley City Secretary

PUBLIC HEARING:

Convene into Public Hearing #2:

Mayor Jones convened the Public Hearing at 6:02 p.m.

1. Open forum that allows each citizen present to address the governing body to express their concerns on the proposed tax increase. (Limit of 3 minutes)

Mr. Yates advised that \$.4155 was the current tax rate and said that the City is proposing a reduced tax rate of \$.4055.

There were no comments made by the public.

Mayor Countryman closed the Public Hearing at 6:03 p.m.

2. Announcement of the date, time, and place when City Council will adopt the 2018 Tax Rate for the City of Montgomery.

Mr. Yates stated that the current tax rate has been scheduled to be adopted at the Regular Meeting to be held on September 11, 2018 at 6:00 p.m. in the Council Chambers at City Hall.

ADJOURNMENT

Mayor Countryman closed the meeting at 6:04 p.m.

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

Mayor Sara Countryman

MINUTES OF PUBLIC HEARING and REGULAR MEETING

September 11, 2018

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:01 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
Chris Roznovsky City Engineer

Mayor Countryman called for a moment of silence remembering the tragedies that took place on September 11th, 17 years ago to our Country.

INVOCATION

T.J. Wilkerson gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARING

Convene into Public Hearing:

Mayor Countryman convened into Public Hearing at 6:03 p.m.

For the purpose of giving all interested persons the right to appear and be heard regarding the following:

1. **Budget Public Hearing:** for the proposed of hearing public comments regarding the proposed 2018-2019 City of Montgomery FY Operating Budget.
“This budget will raise more total property taxes than last year's budget by \$202,893 a 19.7% percentage increase, and of that amount \$74,617 is tax revenue to be raised from new property added to the tax roll this year.”

There were no public comments made during the Public Hearing.

Adjourn Public Hearing

Mayor Countryman adjourned the Public Hearing at 6:04 p.m.

Reconvene into Regular Meeting

Mayor Countryman reconvened into Regular Meeting at 6:04 p.m.

Mayor Countryman stated, with City Council’s permission, she moved to Agenda Item 22.

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.

Clayton Weikel advised that he did not live or work in the City. Mr. Weikel said he had heard that there was going to be a vote of no confidence possibly against Chief Napolitano, and said if that was to occur City Council would be doing a great injustice to the City and its citizens. Mr. Weikel said he has been in law enforcement for 10 years, and out of those 10 years Chief Napolitano has been one of the best people he has ever worked under. Mr. Weikel said he was not only a boss but a leader.

Scott Smith advised he lived in Montgomery and said he came to support Chief Napolitano. Mr. Smith said that in a previous life he had the satisfaction of working with the U.S. Secret Service with people like Chief Napolitano, and said he was worthy of trust and confidence. Mr. Smith asked City Council to vote no and gave his support to the Chief.

Marisa Zamarripa said that she wanted to state that she thinks that Chief Napolitano is an amazing official in the City. Mrs. Zamarripa said as a business owner, Chief Napolitano has come to their need every time they have called him, during holidays or any time. Mrs. Zamarripa said that if City Council does let the Chief of Police go, has anybody thought of the repercussions, what if he decides to sue the City and what is that going to do as far as the taxpayer dollars and how much is it going to cost and what if he wants compensation, what will that do. Mrs. Zamarripa said she thinks the Chief is a great leader and nobody here has any issues with him that she knows of personally. Mrs. Zamarripa said if someone on City Council or works for the City has issues with the Chief, she felt that needs to be addressed personally and does not need to be brought up at a City Council Meeting. Mrs. Zamarripa said she feels that all of us have come together, they are joining, they want to be here and they want the Chief to be here. Mrs. Zamarripa said some of the things that have come into light by the Golden Hammer of Facebook, such as a letter that was put out there needs to be addressed, and said she was told that it did not need to be addressed, she personally feels that it does and they need answers. Mrs. Zamarripa said she felt that some type of investigation needs to be done, and if someone just has a personal issue with the Chief it should be addressed personally.

Mr. Mike White addressed City Council on behalf of Chief Napolitano. Mr. White said he always believed that elected and appointed officials were put into place to move the City in a positive direction and to face the challenge of the day and to make the community a better, safer place to live and raise their children. Mr. White said this was not true when it comes of the governing body of this City. Mr. White said they choose to take an elementary playground stance for whatever reason to tap one of the finest persons and best Police Chief the City has ever had. Mr. White said some say that Chief Napolitano is over qualified for this job, and that is an understatement. Mr. White said while the Chief was with the United States Secret Service he was awarded the task of guarding Presidents of the United States of America and their families. Mr. White said that after he retired from the Secret Service, the Presidents and their families stayed in contact with Chief Napolitano over the years. Mr. White said due to the friendship that had developed and is still there today, Chief Napolitano has honored this City time and time again with past Presidents of this Country and their families, not only in conversation, but taking officers from this Department to one of their homes to meet with them. Mr. White said he has been in law enforcement for 42 years, 34 of those years have been in this County, and said that when he states that Montgomery Police Department is one of the most respected law enforcement agencies in Montgomery County he knows what he is talking about. Mr. White said Chief Napolitano takes a proactive stance when dealing with protecting this City and its citizens. Mr. White said the

officers in the Police Department are professional and highly trained and equipped to handle any situation that may arise and is all due to Chief Napolitano's push for excellence. Mr. White said Chief Napolitano gets invited to put on classes for the churches and other institutions in Montgomery County to teach them about what to do in the event of an active shooter and how to keep innocent people safe. Mr. White said the City has the best man for the job, a good and decent man who believes in God and is a great family man and has a group of officers that believe in and respect him so why mess with a good thing. Mr. White said that he was asking City Council if they can put their personal feelings aside and do the right thing for the citizens of Montgomery and vote to keep Chief Napolitano.

Mr. Tom Cronin addressed City Council stating that five years ago Police Chief Royce Goodson was fired by City Council, initially he was brought in to clean up the department that he alleged was marred by years of corruption, dirty politics and in fighting. Mr. Cronin said John Fox and City Administrator Bill Kotlan decided that they did not like Chief Goodson so it was a personality conflict. Mr. Cronin said to him it looks like history is repeating itself. Mr. Cronin said now the City of Montgomery's dirty laundry is being displayed in the likes of the Golden Hammer. Mr. Cronin said he does not pretend to know all details based on what is online on the Golden Hammer, which coincidentally is published by the same attorney that represented Royce Goodson when he sued the City. Mr. Cronin said he did not know the exact details but based on what is in the Golden Hammer it should not have been allowed to manifest itself into something that the Mayor and Councilmember Huss have no business getting involved in, at this juncture. Mr. Cronin said according to the information published and confirmed, again this is the Golden Hammer, Officer Bauer, a subordinate to Police Chief Napolitano, used his personal relationship with the Mayor, City Councilmember, City Administrator Yates and asked them to intervene in a personnel matter. Mr. Cronin said he really hoped the City Council and the Mayor think about this long and hard before they do something serious, because again this is a personnel matter that should not be before City Council. Mr. Cronin said City Administrator Yates and Chief Napolitano should be able to sit down and come to an understanding regarding a subordinate Officer Bauer's schedule and allow him to resign if he does not get his way. Mr. Cronin said he hoped the rest of the City Council has the brains and professionalism tenacity to nip this in the bud and not allow these ridiculous power plays to continue. Mr. Cronin said they support Chief Napolitano, we appreciate his commitment to law enforcement and the City of Montgomery.

CONSENT AGENDA:

2. Matters related to the approval of minutes for the Public Hearing and Regular Meeting held on August 28, 2018.
3. Consideration and possible action regarding completion of a one-year warranty period and release of maintenance bond for the McCoy's Building Supply on-site public water, on-site public sanitary sewer, and off-site public sanitary sewer project.
4. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery and Al Cade, Inc. regarding the Cade Tract Development (Dev. No. 1811).
5. Consideration and possible action regarding authorizing Jones|Carter to prepare a Utility and Economic Feasibility for the Cade Tract Development (Dev. No. 1811) subject to receipt of a deposit by the Developer.
6. Consideration and possible action regarding approval of an Amendment to the Montgomery Economic Development Corporation Bylaws replacing "September" as the time of the Annual Meeting to "January."

Rebecca Huss had a question regarding Item 5, and said there was no backup on the item, talking about the usual documents, and wanted to make sure it was the standard usual contract. Mr. Yates advised that was correct.

Dave McCorquodale said he had a question for the City Engineer regarding the McCoy's Punch List Inspection that advised the manholes would be done during regular cleaning. Mr. Roznovsky said that they ended up not requiring that item and the reason that it was on there was there was some debris in the bottom of the manhole and they were going to clean them out, so it was noted at N/A.

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

CONSIDERATION AND POSSIBLE ACTION:

7. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS ADOPTING AN OPERATING BUDGET FOR FISCAL YEAR 2018-2019.

"This budget will raise more total property taxes than last year's budget by \$202,893 a 19.7% percentage increase, and of that amount \$74,617 is tax revenue to be raised from new property added to the tax roll this year."

Mr. Yates advised the tax rate was being reduced from \$.4155 to \$.4000, which is a reduction of one and a half cents. Mr. Yates said there was also a water and sewer increase of \$4.50 per thousand gallons for water, so for the average customer it would be an increase of \$4.50 per month. Mr. Yates said the General Fund had a surplus of \$233,000. Mr. Yates said by putting in as much as they are going to be putting into the Debt Service Fund it will increase its balance up to about \$350,000, which is excellent for the City because that is what is used for future debt. Mr. Yates said the Capital Projects Fund will be the Texas Water Development Board projects and hopefully the General Land Office (GLO) will come through in October. Mr. Yates said the Water and Sewer Fund has a carryover of about \$846,000, with revenues of \$1,902,000 and expenses of \$1,600,000, so they are expecting that fund to increase around \$250,000. Mr. Yates said the reason for that fund to increase is so that they can pay for maintenance and operations of the system. Mr. Yates said whatever funds are carried over for that normally goes over for the Capital Projects Fund, which is the larger water and sewer projects.

Jon Bickford said they have stated that the budget will raise the property taxes, which they don't really raise them, they just raise more money because of more homes and the assessed value has gone up. Jon Bickford said they actually lowered the tax rate. Mr. Yates said that was correct. Mr. Yates said the City has been at the \$.4155 tax rate for the last seven years. Mr. Yates said, as he explained during the Budget Workshop, if the sales tax continues to increase and as they add homes in the City, along with commercial improvements, he thought that next year they will be looking at another decrease in property taxes. Rebecca Huss said that would not be dependent upon the Appraisal District raising peoples assessed rates it is based on conversion of raw land into commercial or residential land. Mr. Yates said that was correct. Mr. Yates said that the City voted in 2007 to assess themselves a one half cent tax to lower property taxes and this year that will bring in about \$765,000 and said if not for that the tax rate would be at \$.7 cents. Rebecca Huss said that City Council continues to place high value on fiscal responsibility, which they started 7-8 years ago and they continue to save money for the future.

Jon Bickford moved to adopt an Ordinance of the City of Montgomery, Texas adopting an Operating Budget for Fiscal year 2018-2019. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action to set by Order the 2018 Ad Valorem Tax Rate for Maintenance and Operations, \$0.2058 /\$100.

Mr. Yates advised the Ad Valorem tax is divided into Maintenance and Operations and Debt Service. Mr. Yates said the Maintenance and Operations goes into the General Fund that pays for the Police Department, City Hall, Parks, Public Works, streets, street lights, Community Center, barricades, everything except water and sewer operations. Mr. Yates said the \$.2058 will bring in approximately \$576,000, which is about \$80,000 more than last year and that is how the City can afford to add a police officer or keep up with the City's growth. Mr. Yates said the tax rate for Operations and Maintenance is recommended at \$.2058.

John Champagne moved to approve the Ad Valorem Tax Rate for Maintenance and Operations at \$.2058. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

9. Consideration and possible action to set by Order the 2018/ Ad Valorem Tax Rate for Debt Service, \$0.1942/\$100.

Mr. Yates advised the other part of the Ad Valorem tax rate is for Debt Service that this year the City will begin the year with the Interest and Sinking Fund, which they are planning to end the year at \$205,224 and this Debt Service Rate of \$.1942 will bring in \$490,000. Mr. Yates said there is a transfer in from Water and Sewer and MEDC also transfers in \$60,000. Mr. Yates said combined, that will be about \$700,000 and they have Debt Service of \$669,369 and they expect to end the year with a remaining balance of \$341,166. Mr. Yates said possibly in a year or two the City will be able to make roughly \$1 million or \$1,200,000 expense to the capital improvements of the City each year so they can be self-sustaining or self-supporting without having to borrow funds.

Jon Bickford moved to approve the Ad Valorem Tax Rate for Debt Service at \$.1942. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

10. Consideration and possible action to adopt the following Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, SETTING THE AD VALOREM TAX RATE OF THE CITY OF MONTGOMERY, FOR THE YEAR 2018 AT A RATE OF \$0.4000 PER ONE HUNDRED DOLLARS (\$100.00) VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MONTGOMERY AS OF JANUARY 1, 2018 SPECIFYING SEPARATE COMPONENTS OF SUCH RATE FOR OPERATIONS AND MAINTENANCE AND FOR DEBT SERVICE; LEVYING AN AD VALOREM TAX FOR THE YEAR 2018 PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR COLLECTION AND ORDAINING OTHER RELATED MATTERS.

John Champagne moved to adopt the Ordinance setting the Ad Valorem Tax Rate for the City of Montgomery for the year 2018 at a rate of \$.4000, as presented. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

11. Consideration and possible action to adopt the following Resolution:

A RESOLUTION GRANTING A PETITION FOR ANNEXATION OF A TOTAL OF 1.758 ACRES OF LAND, MORE OR LESS, IN THE BENJAMIN RIGSBY SURVEY, ABSTRACT 31 AND THE ZACK LANDRUM SURVEY, ABSTRACT 22; SETTING A DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF SAID PROPERTY BY THE CITY OF MONTGOMERY, TEXAS; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS AND MAKE AVAILABLE TO THE PUBLIC THE CITY ANNEXATION SERVICE PLAN.

Mr. Yates advised this was the piece of property that is directly south of the Napa Auto Parts Store. Mr. Yates advised the owner bought the property without checking into the water and sewer situation.

Rebecca Huss said that the documentation shows starting at the corner of SH 105, with the east Right-of-Way line as Old Dobbin Road, and said she thought it should be Old Plantersville

Road and asked if Mr. Yates could check that location. Mr. Yates said he would confirm that information.

Jon Bickford asked if services already run in front of the property in an easement. Mr. Roznovsky said that was correct, there is currently water and sewer in the Right-of-Way on SH 105 and it is just a matter of locating them.

Jon Bickford moved to adopt the Resolution calling for the Public Hearings for October 9, 2018 and October 23, 2018 to be held at 6:00 p.m. at City Hall as previously read. John Champagne seconded the motion.

Discussion: Rebecca Huss asked whether the Engineer's Feasibility Study will be done by that time, because she hates having Public Hearings and making decisions before they actually know exactly how much it is going to cost the City. Mr. Roznovsky asked when the first Public Hearing would be held. Rebecca Huss advised it would be on October 9, 2018. Mr. Roznovsky said the study would be done.

John Champagne asked what possible costs could be included for this piece of property. Mr. Roznovsky said there is not much. Mr. Roznovsky said the biggest difference is going to be that it is questionable as to what side of the road the waterline is located, because maps are different, so Public Works will dig it up. Rebecca Huss said that the use of the land would also determine the costs. Mr. Roznovsky said the only thing the developer is proposing is one bathroom connecting to existing facilities and it is not impacted by the Thoroughfare Plan, Wet Lands, or public utilities; it is more a formality and paperwork.

The motion carried unanimously. (5-0)

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

AN ORDINANCE AMENDING CITY OF MONTGOMERY ORDINANCE NO. 2015-16 TO INCLUDE ADDITIONAL AND FUTURE AREAS WITHIN THE CITY IN THE GRANT OF AUTHORITY; MAKING CONFORMING AMENDMENTS; PROVIDING FOR ACCEPTANCE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (CenterPoint Franchise)

Mr. Yates advised this is a request from CenterPoint to expand the franchise area. Mr. Yates said the expanded area includes an area south of Waterstone subdivision including Lone Star

Parkway all the way over to SH 105, and will take in the Grandview subdivision. Mr. Yates said the expansion also includes getting closer to Buffalo Springs and Lone Star Parkway. Mr. Yates said since this is a nonexclusive franchise, City Council is required to approve the action.

Rebecca Huss said CenterPoint is asking the City for a favor, so could the City ask them for a favor in return. Mr. Roznovsky said CenterPoint has a gas line that crosses the canal outside the City limits that was damaged during Harvey and they have repaired it a couple times, and so this is their way around, to go down Buffalo Springs, Lone Star Parkway and back into Grand Harbor to service that area. Mr. Roznovsky said CenterPoint is trying to eliminate a line that has been causing problems. Rebecca Huss said she is wondering if they have an opportunity to ask them to extend further than what they are asking for in order to break the monopoly that has been driving our citizens crazy. Rebecca Huss said if CenterPoint is wanting something from the City, can't the City ask for something back? Mr. Yates said they could ask for that, but said his question was whether they should ask for something else. Jon Bickford asked if they had already asked CenterPoint. Mr. Yates said yes, he had asked and CenterPoint said they were considering the action. Jon Bickford said at least they asked CenterPoint. Mayor Countryman said yes, they did ask CenterPoint.

Jon Bickford moved to approve the Ordinance to increase the franchise area for CenterPoint Natural Gas. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

13. Consideration and possible action regarding scheduling a Public Hearing for rezoning of the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to "R-2 MultiFamily"; and the property located at 2560 Lone Star Parkway from ID-Industrial to "B-Commercial "be held on October 23 at 6 p.m., as requested by Larry Jacobs. (Both properties are located on one tract of land.)

John Champagne asked if this was not the same property that was requested before. Mr. Yates said the R-2 was, yes. Jon Bickford said City Council already said no once. Mr. Yates said that was correct. Rebecca Huss asked if the City was not in the same boat where they have a single parcel of property that is zoned with two different classifications on Old Plantersville Road that is driving them crazy, so why would the City invite the same type of headache on a different parcel. Mr. Yates said what the property owner is stating is that the property has been

industrial all along and there is residential property located right next to it. Rebecca Huss said they could end up with the same thing 20 years from now with this property.

John Champagne moved to not approve the Public Hearing for rezoning the property located at 2580 Lone Star Parkway and 2560 Lone Star Parkway. Jon Bickford seconded the motion.

Discussion: Rebecca Huss said she did not disagree with the outcome because she voted one way on the previous action, and she obviously disagrees with the split parcel, but she did not know about City Council's ability to reject peoples' right to address or seek governance. John Champagne said he recalled arguing with Rebecca Huss over that same issue. Rebecca Huss said she knew and she might have been wrong. John Champagne said that he could have been right. John Champagne asked if they could reject this action. Mr. Foerster said that he has never seen that done before. Mr. Foerster said he did not think that it is ever wrong to give an opportunity to the property owner or anyone else to engage in discussion and comment about the proposed change. John Champagne said point made.

John Champagne rescinded his motion.

John Champagne moved to approve setting the Public Hearing to be held on October 23, 2018 at 6 p.m. at City Hall regarding rezoning of property located at 2580 Lone Star Parkway and 2560 Lone Star Parkway as presented. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

14. Consideration and possible action on partially vacating the plat of Section 1 of the Lone Star Parkway Development.

Mr. Yates advised that items 14 and 15 will need to be acted on by the Planning and Zoning Commission before City Council can take action on them. There will be no action taken on these items tonight.

15. Consideration and possible action on completely vacating the plat of Section 2 of the Lone Star Parkway Development.

No action was taken on this item as stated under the previous item.

16. Consideration and possible action regarding variance requests regarding Louisa Lane Development as requested by the Developer, as follows:

- a) to allow the use of Hot Mix Asphalt Concrete instead of concrete;
- b) to allow the use of open ditch drainage throughout versus the use of curb and gutter;
- c) to allow a variance from the required 300 feet minimum radius to be 205 feet radius; and
- d) to allow setting the maximum length for a dead-end cul-de-sac street to be 1,000 feet with another 600 feet in front of the gate instead of the required maximum 800 feet.

Rebecca Huss said she understood that there was a Planning and Zoning Commission last night. Mr. Yates said that was correct and advised that after 15-20 minutes of discussion the Commission recommended approval by City Council of all four of the variance requests.

Rebecca Huss asked what questions were brought up at the meeting. Mr. Roznovsky said a lot of the questions revolved around what was being proposed for the development, the private streets, asphalt and open ditch versus concrete curb and gutter. Mr. Roznovsky said there were questions regarding maintenance responsibilities and how to make it clear to potential home buyers in that section that the streets will be private and maintained privately, therefore their HOA or POA dues should be reflected. Mr. Roznovsky said the other questions that came up were in regard to existing Louisa Lane and what would be in front of the gate, which is only 15 feet wide of old asphalt with a 30 foot wide right-of-way. Mr. Roznovsky said the current standards now for a minor residential street would be 50 foot wide right-of-way with a 28 foot wide pavement. Rebecca Huss said that would be double what they currently have on Louisa Street. Mr. Roznovsky said that was correct. Mr. Roznovsky said that what is being proposed behind the gate is to the City's standards with the 50 foot right-of-way and a 28 foot wide pavement, but the question was the impact to the road in front of the gate. Mr. Roznovsky said they went back and today they used the trip generation manual that is a published guide for the number of houses and the number of cars per day that they would generate. Mr. Roznovsky said they get a total of 100 trips a day on that road, so over the entire day, with the peak hour having 14 cars, which is one car every six minutes that would be coming out of that development. Rebecca Huss said that is significantly less than if the road was a thoroughfare.

Mr. Roznovsky said that was correct. Mr. Roznovsky said the Planning and Zoning Commission did recommend approval of the variances. Jon Bickford said that Louisa Street is asphalt today. Mr. Roznovsky said that was correct, the existing street is asphalt with road side ditches, and the new development is proposing the same but to be built according to the City's current wider standards. Rebecca Huss said the street would actually choke down to a smaller street as they exit the development. Mr. Roznovsky said that was correct, there would be a transition.

Dave McCorquodale said the cul-de-sac issue was in the pack and it stated it had been reviewed by the Fire Marshal. Mr. Roznovsky said that was correct; the turning radius issue and the length of the dead end turn was submitted to the Fire Marshal and they offered no objection to it. Mr. Roznovsky said since the development has private streets, the Fire Marshal will have another opportunity and is required to approve the plans. Mr. Roznovsky said there were no issues with the information.

Mr. Jonathan White advised that what they are trying to do with this development is estate homes that range from \$500,000 to \$600,000 and advised that having a gate for this type of development was typical. Mr. White said the turning radius was the main reason for making that transition on Louisa as it comes in and there is also a large oak tree that they are trying to preserve, as well. Mr. White said they are going to be talking to someone to make sure when they work around the tree they make sure they do not affect the tree.

Dave McCorquodale moved to approve the variances requested as presented. Rebecca Huss seconded the motion.

Discussion: Jon Bickford asked about the size of the lots. Mr. White advised the smallest lot will be .4 acres and they go up to a little over an acre.

The motion carried unanimously. (5-0)

17. Consideration and possible action regarding Change Order No. 1 for the 18-Inch Gravity Sanitary Sewer Line Extension contract.

Mr. Roznovsky advised this line goes from Lift Station No. 1 located in the Montgomery Shoppes development to the Wastewater Treatment Plant site. Mr. Roznovsky said this Change Order is for the temporary relocation of an existing utility that is likely in the way due to the proposed line being 30 feet deep, the width of the excavation is likely to be in conflict with the existing force main so this is to temporarily pipe it for the duration of the project. Mr. Roznovsky said the increase is \$4,300 and is a 1.2 percent increase to the contract amount, which is funded by the developer who put up a 10 percent contingency and they are still well within the funds that were provided to the City to cover the costs.

Rebecca Huss moved to approve Change Order No. 1 for the 18-inch Gravity Sanitary Sewer Line Extension project as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

18. Buffalo Springs Bridge Report by the City Engineer.

Mr. Roznovsky stated the latest update on the Buffalo Springs Bridge since the last City Council meeting, when they reported on the work force and project manager issues the contractor was having and advised that the contractor has since gotten additional crews on site to help pick up the pace. Mr. Roznovsky presented photos showing the progress of the road. Mr. Roznovsky said they have had meetings with the contractor regarding requested Change Order. Mr. Roznovsky said they have an item on the Agenda that is a request for additional days for the contract, additional days of pumping, additional debris removal that they negotiated back with the contractor and he has agreed to not ask for those items. Mr. Roznovsky said they advised the contractor why this was his fault, due to management of the project, so he agreed.

Mr. Roznovsky said the current schedule that the contractor has is to not be complete until October 31, 2018 for the bridge. Mr. Roznovsky said what they have done to work with the contractor is he is impacting the State Farm building on the northeast corner as he is mobilizing more of that side to get that complete. Mr. Roznovsky said they met with State Farm last week and they plan to open on November 1, so hopefully the time issue should work out. Mr. Roznovsky said they will see what the rains do over the week. Mr. Roznovsky said they do

not have the schedule because the order of things were not the way that they wanted to see it on the schedule, so they are revising the information.

Mayor Countryman asked about the delay due to the rain and the work force walking off the job. Mr. Roznovsky said the City has approved the days that are attributable to weather delays and issues, but work force issues and management issues are not part of the contract, so as stated in the memo provided, the contractor does have liquidated damages in the contract for \$250 a day. Mr. Roznovsky said if the contractor meets the schedule of October 31, 2018 it will be about \$25,000 in liquidated damages.

John Champagne asked if the contractor was paid up to date in terms of where he is in construction. Mr. Roznovsky said the City currently has Pay Estimates for the month of June, July and they are wrapping up the August Pay Estimate. John Champagne asked if the contractor has been paid. Mr. Roznovsky said the contractor has been paid through work completed through the end of May. John Champagne asked if the City was holding funds in arrear for the work he has already completed. Mr. Roznovsky said with each Pay Estimate they hold 10 percent for retainage, and the timing of why it is still June is because they were going back and forth with the contractor on issues, so that Pay Estimate was not finalized until the first of August. Mayor Countryman asked what the City has withheld so far of that \$25,000. Mr. Roznovsky said the total to date is approximately in the \$400,000 total of the work completed and the City has held back 10 percent of that amount, so we are at \$40,000 for retainage.

Rebecca Huss asked why the contractor gets any credit for a rain day if they are already in the liquidated damages phase, because the project should already be done. Mayor Countryman said she thought the rain day estimates were for the initial completion date. Rebecca Huss said the fact that it has rained this week, if he was supposed to be done last month. Jon Bickford said if they had a month of rain in July they would be in the same boat, so they can't really say that. Rebecca Huss said that it did rain in June and July, but the contractor was given those days, and he was supposed to be done even with those days. Jon Bickford said if they had more rain during the normal performance period and it got delayed out, we would be in the same boat. John Champagne asked Mr. Foerster if a vendor is late on delivery and it costs him money, there are opportunity costs that he can recoup that typically takes legal action, and

asked if there was any possibility that the City could take legal action to recoup opportunity costs, costs that are tangible but not identified. Mr. Foerster responded no, which is why they have liquidated damages in the contract that captures most kinds of issues.

19. Consideration and possible action regarding Change Order No. 2 for the Buffalo Springs Drive Bridge Embankment Repair contract.

Mr. Roznovsky advised that the contractor has requested a Change Order on the one item that they did agree to the Change Order, which was the addition of stabilized sand that was needed. Mr. Roznovsky said that what the contractor found was the soil conditions behind where the wall is now were not suitable to be used, and the amount of groundwater coming in they needed additional stabilized material to help keep the area stable. Mr. Roznovsky said the Change Order is for a total amount of \$84,500 of the shares, which FEMA has 75 percent, the CDBG Grant pays a portion up to a cap and then the City picks up the remainder, so including this Change Order the total shares are listed in the report. Mr. Roznovsky stated that out of the \$1.12 million dollar contract, \$842,008.43 is FEMA, \$274,430 is CDBG and the City's portion is \$6,239.47.

Jon Bickford moved to approve Change Order No. 2. John Champagne seconded the motion, the motion carried unanimously. (5-0)

20. Consideration and possible action regarding authorization to spend additional funds from the General Operating Fund to go toward the Buffalo Springs Drive Bridge Embankment Rehabilitation project until funds are received from FEMA.

Mr. Yates advised that the General Fund has loaned the Capital Improvement Projects Fund \$334,757 and City Council authorized up to \$400,000 several months ago. Mr. Yates advised Pay Estimate #6 is \$51,000 that will get them up to \$386,525. Mr. Yates said in talking with the State, because they have been holding up Pay Estimates #2, #4 and #5 for \$334,757 that he expects to receive in late September 2018 or mid October 2018, but he does not know that he will get those payments. Mr. Yates said that they have received Pay Estimate #7 that will take us over the \$400,000. Mr. Yates said that when the interim loan was approved they thought that they could pay it back in the same fiscal year. Mr. Yates said the General Fund has

\$610,000 available cash without cashing in \$300,000 in CD's. Mr. Yates said the cash flow of the General Fund has approximately \$108,000 per month in expenses and about \$200,000 of revenue. Mr. Yates said he was asking for an allowance of \$150,000 to front the loan to the Capital Improvement Project Fund. Rebecca Huss said Mr. Yates' memo stated \$200,000, and asked which amount was his preference. Mr. Yates said he would prefer \$200,000. Jon Bickford asked if the City borrows the funds from themselves do they have to pay themselves back this year. Mr. Yates said no, it is only if the City borrowed from an outside entity.

Dave McCorquodale asked Mr. Yates to remind City Council the amount that they are saving by essentially loaning ourselves the funds versus going to a commercial bank. Mr. Yates said that it was about \$15,000 to \$20,000 for the interest on \$334,000. Rebecca Huss said that it was not the interest, it was the origination fee that was so bad. Mr. Yates said that was \$6,000 origination fee.

Jon Bickford moved to give permission to the City Administrator to use up to \$200,000 more of General Fund funds for transfer to Capital Improvement Projects Fund for payment to the bridge contractor and to initiate the interim loan if funds are not received from the State by the end of October 2018. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

21. Discussion regarding Animal Ordinance.

Mr. Yates advised this was a discussion of the ordinances of the City that covers all of the complaints of the neighbors except for the number of dogs allowed on a piece of property, because there is no ordinance that limits the number of dogs that can be owned. Mr. Yates said if there was an odor on the property, the City could issue a citation resulting from that. John Champagne asked how the odor would be measured. Mr. Yates said it would be in the eye of the beholder. Rebecca Huss asked, in terms of public health, did the officers actually take samples and check them for health hazards and being a danger to children, etc. Rebecca Huss said those items were not completely exhausted. Mr. Yates said that was probably right. Jon Bickford said before they go any further they need to find out how much it is going to cost the City to set up a lab here to do that type of analysis or send it out to be analyzed and make a decision as City Council as to whether or not they are going to spend that kind of money to determine where that came from. John Champagne said at the first blush they have all these

subjective metrics to determine whether they are in or out of compliance, and said the easy thing would be to make it specific to the number of animals. Mr. Yates said he agreed with that conclusion.

Jon Bickford asked what the question was; was it whether they limit the number of animals. Mr. Yates said his basic point is that he thought they have the ordinances for complaints for everything except the number of dogs. Jon Bickford said he thought that was reasonable. Rebecca Huss said she would offer a note of caution, 1) the City is not cookie cutter in that if you have a limitation of six dogs, that is not going to necessarily work for landowners with 100 acres in the City and it might be unreasonable for them, so it can't be just a broad number. Mr. Yates said what a lot of cities do is use a subdivision lot. John Champagne said then they could just state the square feet. Rebecca Huss said in this particular issue all of the dogs look the same, and they will have to grandfather in the current situation, which means in order to tell if you have new dogs or old dogs you are going to have to license everybody else's dogs, including this person's dogs. Rebecca Huss said if they have dogs that all look the same, no one is going to be able to tell if that is a particular dog and it is more complicated if you are trying to deal with this particular type of problem.

Jon Bickford said that it makes sense to direct the City Administrator to prepare an ordinance regarding the maximum number of dogs that are allowed on property inside the City, with some further investigation that may need to be done in terms of whether it is a residential lot or a lot of a particular size, but get the process started with the implementation and execution can be worked in parallel. Rebecca Huss said maybe they can go forth and say there will be no commercial dog activities on residential lots in residentially zoned areas. John Champagne said now we are getting into liberty; now he has a problem. Rebecca Huss said that property is zoned residential. John Champagne said the point is that is the owner's residence, and if it is offending people around him, the City finds a way to deal with it. Rebecca Huss said that is what she thought they were doing. John Champagne said they were taking it to a commercial activity; this person is in a residential area and without a sign up. Rebecca Huss said this is a commercial activity in a residentially zoned area so that would be another way that they could deal with the problem. John Champagne brought up dog sitting. Rebecca Huss said in most municipalities the animal enforcement laws are related to complaints, so if you dog sit one dog or more and your neighbors do not complain then they are doing a great job. John Champagne

said that was his point. John Champagne said the fact is if you are going to make it commercial dependent, then dog sitting is out and a lot of other things are out; he said leave the liberty of people to do what they want with their homes, not at the expense of people around them. John Champagne said if someone has 25 dogs and it is affecting his neighbors, then he thinks a reasonable thing would be to reduce the number of dogs. Rebecca Huss said she was just confused at the role of the State and limiting dogs on one hand but not limiting the use of property. John Champagne said, in his opinion, it is too encompassing, it is about liberty, which government is always ready to take away. Rebecca Huss said so is taking away the number of dogs you can have. John Champagne said that the number of dogs is all he is focusing on.

Mr. Yates said he was asking for City Council's direction on this matter. Rebecca Huss said this person's dogs all come from the same breeder and they have the same parents. Jon Bickford asked what the issue is if there are only four dogs there at a time. Rebecca Huss said if they have to grandfather the existing 20 dogs. John Champagne asked who said they have to grandfather the existing 20 dogs. Rebecca Huss said she did not understand how you could get rid of animals that people currently own. John Champagne said if they can't come to a conclusion then they need to table the matter. John Champagne said if they have to have someone go out and smell the property to determine whether it is bad or not, it is kind of ridiculous. Mr. Scot Howard said that it is not if you live next door to it.

Mr. Foerster said this item is not for action, so he suggested that they submit an ordinance for City Council to review. Mr. Foerster said the City of Willis has a similar issue and they have a limitation on animals, dogs, etc., and said that it has not been a problem that he is aware of during the last many years that they have had the ordinance. Mr. Foerster said he would share that ordinance with Mr. Yates and City Council for review as a place to start. Mayor Countryman asked Mr. Foerster how many cities he represents. Mr. Foerster advised that he represents seven cities including the City of Montgomery. Mayor Countryman asked if Mr. Foerster could get examples from his cities so they can compare them and have different options and select what would serve the City best so they can come to some type of resolution on the matter. Mr. Foerster said he could do that and share with City Council. Mr. Yates said that is how they work up ordinances by using examples of other ordinances. Jon Bickford said

he would also suggest that they get input on how many dogs a home should or should not have or other ideas about how to implement a new ordinance and provide that to Mr. Yates.

Rebecca Huss said the trouble with some ordinances is Montgomery has gone along pretty well without the situation and they have come to a circumstance where somebody does not care what impact they are having on their neighbors and they feel it is okay to have 25 dogs on a 8,000 square foot lot. Rebecca Huss said she was not sure that an ordinance exists to deal with such a situation that is normal, because this is clearly an abnormal situation. John Champagne said he agreed. Rebecca Huss said they might look around and say this won't stop someone who is determined to do what they are doing, since it does not close every loophole. Jon Bickford said they can do everything that they can do, but there are also limits as to what we can do. Rebecca Huss said she agreed except for if you are saying what is happening is unacceptable to what we want for the quality of life for our City, then it is almost like we have to go above the normal to stop it just because of this one situation. Jon Bickford said they need to let staff capture the information so that we can review it. John Champagne said he was sensitive to the plight and agree 25 dogs does seem to be extreme; it is how they deal with it.

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.

22. 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) 551.074 (personnel matters) concerning the City Police Chief.

Mayor Countryman announced that upon the recommendation of the City Administrator, they are going to be tabling this Executive Session as they will be having a third party independent study to review operations of the Police Department.

Dave McCorquodale moved to table Agenda Item No. 22. T.J. Wilkerson seconded the motion, the motion carried with 4-Ayes and 1-Nay by John Champagne. (4-1)

23. Reconvene into Open Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

24. Consideration and possible action if necessary on matters deliberated in Closed Executive Session related to the City Police Chief.

COUNCIL INQUIRY:

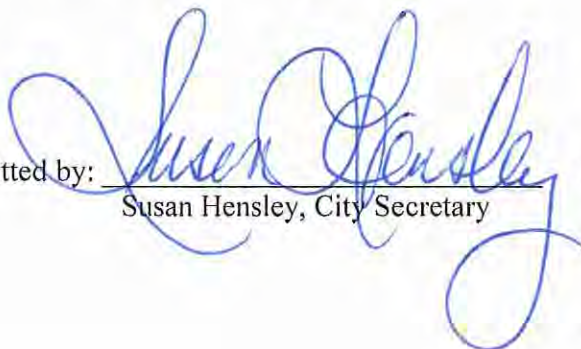
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or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

John Champagne stated that City Council just tabled Executive Session and he is still trying to figure out why, who did it and how it was done. Mr. Foerster said he would be happy to visit with John Champagne after the meeting to discuss the matter. John Champagne said that he would like to put the item back on the Agenda for the next meeting. Mr. Foerster said the matter has only been tabled so it would be brought back at another meeting. John Champagne said he was asking that it be brought back at the next meeting.

ADJOURNMENT

Dave McCorquodale moved to adjourn the meeting at 7:23 p.m. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

Submitted by:



Susan Hensley, City Secretary

Date Approved: _____

Mayor Sara Countryman

Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Engineer memo
Date Prepared: September 20, 2018	

Subject

This is consider acceptance of Montgomery First Phase II and III Public Infrastructure.

Description

The Montgomery First Phase II and III is located east of Longstar Parkway/105. The Engineers memo recommends the acceptance of the public water, sanitary sewer, and paving infrastructure and to begin the one year warranty, which will end on September 25, 2019.

Recommendation

Approve as part of the Consent Item Agenda

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

September 19, 2018

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

Re: Acceptance of Public Infrastructure
Montgomery First Phase II and III Public Infrastructure
City of Montgomery

Dear Mayor and Council:

We have conducted a final inspection of the referenced development and find it to be substantially complete in accordance with the approved plans and specifications. The developer has provided the required 30% maintenance bond for the infrastructure, and is included with this letter. We recommend the City accept the public water, sanitary sewer, and paving infrastructure and begin the one-year warranty period, which will end on September 25, 2019.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

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

Chris Roznovsky, PE
Engineer for the City

CVR/kmv

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2018\MEMO to Council RE Montgomery First Sec 2 & 3 Acceptance.doc

Enclosures: Final Punch List – W5841-1017-00
Certificate of Substantial Completion – Jones|Carter
Maintenance Bond
Certificate of Acceptance

cc/enc: Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, City Attorney

FINAL INSPECTION - PUNCH LIST

Project: **Montgomery First Phase II and III Public Infrastructure**
 Inspection Date: 8/13/2018

J & C Job No.: **W5841-1017-00**

Contractor: <u>Randy Roan Construction, LTD</u>	Construction Manager: <u>James Ian McCain, C.Tech.</u>
Owner: <u>City of Montgomery</u>	Field Project Representative: <u>Jim Greg</u>
	Design Engineer: <u>L2 Engineering</u>

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

Item No.	Description	Date Comp.	FPR	Sign Off
1	Paint valve covers blue.	9/12	JM	
2	Cut main line sewer inside the dog house manhole.	9/12	JM	
3	Backfill around manholes and slope away to prevent infiltration.	9/12	JM	
4	Install valve box and covers on hydrant valves.	9/12	JM	
5	Paint all hydrants City of Montgomery Colors.	9/19	JM	
6	Rotate hydrant 180 degrees so the center discharge faces the road.	9/12	JM	
7	Install blow off box complete with gravel.	9/12	JM	
8	Provide as-built drawings in both CAD and PDF format.	9/17	CVR	
9	Provide two consecutive passing bacteriological tests for the watermain.	9/17	CVR	
10	Provide Certificate of substantial completion.	N/A		
11	Provide financial guarantee of 30% of the total construction cost for all public improvements along with the proof of the actual construction cost. Per sec. 78-131 of the Code of Ordinances.	9/17	CVR	
12	Provide Affidavits of bills paid.	9/17	CVR	
13	Remove public infrastructure debris from right-of-way.	9/17	CVR	
14	Establish vegetation within public easements and right-of-way.	9/17	CVR	

JIM/caw

- Attendees: James McCain - Jones and Carter, Inc.
 Eric Standifer - City of Montgomery
 Ryan Thomas - City of Montgomery
 Matt Marquis - Symmetry Development
 Randy Roan - Randy Roan Construction, LTD
 Beau Roan - Randy Roan Construction, LTD

CERTIFICATE OF SUBSTANTIAL COMPLETION FOR
CONSTRUCTION OF MONTGOMERY FIRST PHASE II AND III PUBLIC INFRASTRUCTURE
CITY OF MONTGOMERY

September 19, 2018

OWNER: The Honorable Mayor and City Council
City of Montgomery
101 Old Plantersville Road
Montgomery, TX 77316

CONTRACTOR: Randy Roan Construction, LLC
5123 Hiltonview Road
Houston, TX 77086-1310

CONTRACT: Construction of Montgomery First Phase II and III Public Infrastructure
City of Montgomery

We have observed the subject project constructed by the **CONTRACTOR** and find it to be substantially complete in accordance with the approved plans and specifications. The project was periodically observed during construction by our field project representative.

We recommend that the **OWNER** issue the **CONTRACTOR** a Certificate of Acceptance of the Work. We also recommend that the Contractor's guarantee period of 1 year begin September 25, 2018.



Sincerely,

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

Chris Roznovsky, PE

CVR/kmv

K:\W5841\W5841-1017-00 KenRoc Development\3 Construction Phase\Contract Documents\Substantial Completion.doc

cc: Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Mike Muckleroy – City of Montgomery, Public Works Director
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney
Mr. Russel Roan – Randy Roan Construction, Inc., Contractor
Mr. Matt Marquis – Symmetry Development, Developer
Mr. Jonathan White, PE – L² Engineering, Engineer



1575 Sawdust Rd, Suite 400, The Woodlands, Texas 77380
TBPE Registration No. F-439

MAINTENANCE BOND

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

THAT Randy Roan Construction, Inc. of the City of Montgomery, County of Montgomery, and State of Texas, as PRINCIPAL, and SureTec Insurance Company is/are authorized under the Laws of the State of Texas to act as SURETY on bonds for PRINCIPAL, as SURETY, are held and firmly bound unto **City of Montgomery, Texas** as OWNER, in the penal sum of Eighty-Nine Thousand Eight Hundred Forty Dollars and Zero cents (\$89,840.00) for the payment whereof, the said PRINCIPAL and SURETY bind themselves, and their officers, directors, successors and assigns, jointly and severally, pursuant to the following:

WHEREAS, the Principal has entered into a certain written contract with the Owner, dated the 5th day of March, 2018, for construction of:

**Montgomery First Public Infrastructure, Job No. 1856
to serve
City of Montgomery, Texas**

which contract is hereby referred to and make a part hereof as fully and to the same extent as if copied at length herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if said PRINCIPAL shall perform regular maintenance and shall repair, replace and restore any and all defects for work provided in said Contract for a period of one (1) year from the date of acceptance of said work from defects in materials furnished by, or workmanship of the contractor or subcontractor performing the work covered by said contract, then this obligation shall be void; otherwise to remain in full force and effect;

PROVIDED, HOWEVER, that this bond is executed pursuant to the provisions of Article 5160 for Public Work of the Revised Civil Statutes of Texas as amended and all liabilities on this bond shall be determined in accordance with the provisions of said Article to the same extent as if it were copied at length herein.

Surety, for value received, stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract, or to the work performed thereunder, or the plans, specifications, or drawings accompanying the same, shall in anyway affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract, or to the work to be performed thereunder.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument the 12th day of September, 2018.

SureTec Insurance Company
{Name of Surety}

Randy Roan Construction, Inc.

By: 
Name: Kelly J. Brooks

By: 
Name: Randall F Roan

Title: Attorney-in-Fact

Title: President

Address: 1330 Post Oak Blvd. Suite 1100
Houston, Texas 77056

Address: 6052 N. FM 1486
Montgomery, Texas 77356

(Seal)

(Seal)

The name and address of the Resident Agent of Surety is:

Kelly J. Brooks, Southern American Insurance Agency, Inc.
13823 Schmidt Road, Cypress, Texas 77429

The name, mailing address, physical address and telephone number, including the area code, of the Surety to which any notice of claim should be sent:

SureTec Insurance Company Atten: Claims
9737 Great Hills Trail, Suite 320
Austin, Texas 78714-9104
866-732-0099

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

C. A. McClure, Kelly J. Brooks, Kenneth L. Meyer, Michelle Ulery

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Fifteen Million and 00/100 Dollars (\$15,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the CEO, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its CEO, and its corporate seal to be hereto affixed this 2nd day of July, A.D. 2018.

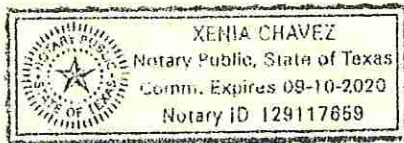
State of Texas ss:
County of Harris



SURETEC INSURANCE COMPANY

By: _____
John Knox Jr., CEO

On this 2nd day of July, A.D. 2018 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is CEO of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



Xenia Chavez, Notary Public
My commission expires September 10, 2020

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this _____ day of _____, A.D.

M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:30 am and 5:00 pm CST.

CERTIFICATE OF ACCEPTANCE

Randy Roan Construction, LLC
5123 Hiltonview Road
Houston, TX 77086-1310

Re: Construction of Montgomery First Phase II and III Public Infrastructure
City of Montgomery

Gentlemen:

This is to certify that City of Montgomery accepts the subject project on the basis of the Certificate of Substantial Completion issued by our engineers, Jones|Carter, and understands that a guarantee shall cover a period of one (1) year beginning September 25, 2018.

By: _____

Mr. Jack Yates
City Administrator, City of Montgomery

Approved by City Council on: _____

K:\W5841\W5841-1017-00 KenRoc Development\3 Construction Phase\Contract Documents\Certificate of Acceptance.doc

cc: Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Mike Muckleroy – City of Montgomery, Public Works Director
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney
Mr. Matt Marquis – Symmetry Development, Developer
Mr. Jonathan White, PE – L² Engineering, Engineer

Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Engineer memo
Date Prepared: September 20, 2018	

Subject

This is consider acceptance of sanitary sewer cleaning and televising contract with Magna Flow Environmental.

Description

The original project included inspection of manholes and sewer line primarily in the FM 149 area. The engineers memo explains the issues that arose with Magna Flow doing some damages that occur lift station number three during construction. The proposed settlement amount of \$12,815.66 includes \$9,094.00of damages to the station number three being removed from their original contract price of \$17,932.50, but with additional videos completed and adjustment to quantities the total works out to \$12,815.66 as a ultimate final payment to Magna Flow for their work.

Recommendation

Approve as part of the Consent Item Agenda

Approved By

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



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

September 19, 2018

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

Re: Pay Estimate No. 1 & Final
2017 FM 149 Sanitary Sewer Cleaning & Televising

Dear Mayor and Council:

We received and recommend approval of Pay Estimate No. 1 & Final to the 2017 FM 149 Sanitary Sewer Cleaning & Televising contract in the amount of \$12,815.66. As we have previously discussed, the pay estimate was delayed due to outstanding issues with the contractor and damages that occurred to Lift Station No. 3 during construction.

In an effort to reconcile the project, the contractor was presented with two options per the enclosed letter dated July 25, 2018 and chose to receive credit for the work performed along Plez Morgan Drive and FM 149 south of SH-105, which was outside the original scope of work. This pay estimate includes the value of the videos submitted within the project scope based on the unit bid price, as well as the value of the videos submitted that were outside the original project scope. The damages to Lift Station No. 3, valued at \$9,094.00, have been deducted from the final project amount, as well as the adjustment to quantities listed in the contract. The breakdown of costs included in the pay estimate is shown below:

Original Contract Price	\$ 17,932.50
Additional Videos Completed	\$ 6,453.15
Adjustments to Quantities	(\$ 2,475.99)
Damages to Lift Station No. 3	(\$ 9,094.00)
TOTAL	\$ 12,815.66

We find this Pay Estimate No. 1 & Final to be in order and recommend payment in the amount of \$12,815.66 to Magna Flow Environmental.



City of Montgomery
Pay Estimate No. 1 & Final
Page 2
September 19, 2018

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

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 Buffalo Springs Drive Bridge Change Order.doc

Enc: Letter to Magna Flow – July 25, 2018

Pay Estimate No. 1 & Final

cc: 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



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

July 25, 2018

Mr. Clay Hoffpauir
Magna Flow Environmental
14915 Highway 59 North
Humble, TX 77396

Re: Construction of 2017 FM 149 Sanitary Sewer Cleaning & Televising
City of Montgomery

Dear Mr. Hoffpauir:

As you are aware the City of Montgomery (the "City") and Magna Flow Environmental ("Magna Flow") entered into a contract for the completion of the above referenced project on August 4, 2017. The project period of performance began on August 8, 2017 and ended on August 28, 2017. As of the date of this letter there are numerous outstanding issues that have not been resolved due to a lack of communication by Magna Flow.

Per our letter dated January 23, 2018 and per countless emails, you were informed of your responsibility for damages caused to Lift Station No. 3 due to a failure to coordinate with the City to draw down the lift station and prevent debris from entering the lift station. This lack of communication caused damages to the lift station in the amount of \$9,094.00 as detailed in the attached documents.

It is our understanding that additional cleaning and televising was performed on sanitary sewer lines not in the scope of the project along Plez Morgan Drive and FM 149 south of SH-105, totaling approximately 3,900 linear feet. The City has not received these videos, nor have the videos been requested. The approximate value of the additional work completed is \$6,453.15 based on the unit bid price of \$1.65/LF.

We propose the following options to close out this project:

1. MagnaFlow will provide the additional sanitary sewer cleaning and televising videos to the City. The City will confirm the videos meet the standards included in the specifications and confirm the actual length of additional video. The value of these additional videos based on the contract unit prices will be subtracted from the amount of damages caused to Lift Station No. 3. The City of Montgomery will pay Magna Flow for the actual work completed in the original scope less the adjusted damages value as described above
2. The City of Montgomery will pay Magna Flow for the actual work performed in the original scope and subtract the \$9,094.00 in damages to Lift Station No. 3.

Please review the information above and determine how you would like to proceed, and notify us of your decision within **14 days** of the date of this letter.



Please contact James McCain or me if you have any questions.

Sincerely,

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

Chris Roznovsky, PE
Engineer for the City

CVR:jim

K:\W5841\W5841-0032-00 201 Sanitary Sewer Cleaning and Televisi\3 Construction Phase\Letters\LETTER Magnaflow 072518.docx

Enclosures: NTS Invoice No. 75735-2
Gulf Utility Services Work Order No. 99752

cc/enc.: Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney
Mr. Mike Muckleroy – City of Montgomery, Director of Public Works
Mr. Charles Stroud – Magna Flow Environmental

Neil Technical Services, Corp.

11304 Windfern Rd.
Houston Texas 77064
281-477-7867

Invoice

DATE	INVOICE #
10/20/2017	75735-2

BILL TO
City of Montgomery P.O. Box 708 Montgomery, TX 77356 Attn: Jack Yates
SERVICE TO
Lift Station #3 Install New Lift Pump #2



State of Texas Electrical Contractor
TECL17123

QUANTITY	DESCRIPTION	TERMS	Net 30
		RATE	AMOUNT
1	Bid Job	8,159.00	8,159.00
	* Install New Hydromatic, H4H1500M3-4, 230V/3, 10" Impeller Lift Pump		
1	12HP Hydromatic 4", 230V 3 Phase Pump Rental - Month	810.00	810.00
	Labor and Material.		

City of Montgomery
 FUNDCCLASS General Police P/W Utility Other *CPF*
 BANK ACCT# _____
 BANK ACCT NAME _____
 EXPENSE CODE # 48002
 EXPENSE CODE NAME Utility Project
 Approved By: MLO M.

RECEIVED BY:
OCT 24 2017
 AUTUMN REDMAN
 City of Montgomery

Thank you for your business.	Total \$8,969.00
Regulated by The Texas Department of Licensing and Regulation. P.O. Box 12157, Austin, Texas 78711 1-800-803-9202, 512-463-6599; website: www.license.state.tx.us/complaints	

Work Order #99752

- Work Order
- Work Order has been billed do NOT edit!!
- Type, Assignment, Approval, Status

Void

Add Purchase Order

Tabbed View

Short Form

Field View

QB WO

99752

Route Operator

Freeman, Anthony

Days Past Due Date

147

✓ District Account

Account

LS-COM-LS3

Route Name

Resident - Name

COM - Lift Station 3

Client/System Name

City Of Montgomery

Dept

Maintenance

Category

Response

Type

Maintenance - LS03

Date Issued

08-16-2017

Date to be completed

08-16-2017

Requested By

Traci Chapa

Assigned To New

Ortiz, Robert

Team Members

Priority

Normal

Status

Completed

Date Completed

08-15-2017

Completed By

Robert Ortiz

Note to Operator

Pull pump 2 and have NTS take to shop to diagnose

WO Type Notes

Instructions

Work Order Type - Quick Bill - Labor & Equipment

Field Notes

-- [AUG-21-17 4:20 PM Traci Chapa] -----

ump 2 was separated from the valve on the front side of the pump and had rags in it. The front bolt looked

to be stripped. One o ring looked cut, the other looked like it was just blown out. The wires on top of the pump were exposed, upon further investigation I found that the ground wire inside the panel was not connected. NTS will be coming out tomorrow to install a loner pump and pickup the original pump. I have unwired it and it is sitting on the ground next to the wet well. Everything else in the wet well was in good condition. See pics for more details.

Meter Number (In Field)



File Attachment

COM LS3 LP2 2 2017 08 15.JPG

Field Meter Read



File Attachment 2

COM LS3 LP2 3 2017 08 15.JPG



File Attachment 3

COM LS3 LP2 4 2017 08 15.JPG



After Repair

COM LS3 LP2 2017 08 15.JPG

Related Client Job

3033

Job Name

Pull pump 2 and have NTS take to shop to diagnose

Job Client - Job Status

Ready to Invoice

▼ **Job Details**

Instructions/Procedures

Pull pump 2 and have NTS take to shop to diagnose

Depth of Main

Main Size

Materials Needed

GPS

▼ Invoicing

of Purchase orders # of Purchase orders RTI
0 0

✓ Approved for Invoicing ✓ Department Reviewed

Backcharge | Billed to Resident
Hurricane Harvey

Total WO Charges Work Order Type - Charge Method
\$125.00 Hourly

DISPLAY Total Work Order Charges
\$125

PO Costs Not Invoiced
\$0.00

Fixed Charge Quick Bill Charge Total Operations
\$0.00

Total Labor/Equip Charge Total Inventory Charged Total PO Amount
\$125.00

Date Invoiced GUS Invoice#
09-08-2017 15681

GUS Invoice# - Date of Invoice
09-08-2017

Billing Notes

Capitalize

▼ Residential Resident

Review Location

Directions

Resident - Service Address Full

Resident - F4Note

Service Address Account Number
Lift Station 3 LS-COM-LS3

Resident - Zip Route No.

Meter Number (RVS) Last Read in RVS

▼ Related KARDIA Tables

- ▼ Water Loss Report
- ▼ Residential Tap
- ▼ WO Operations Charges
- ▼ WO Labor/Equip Charges

Add Work Labor Charge

Date of Service	Labor/Equip Rate - Description	Total Time Charged	Labor/Equip Rate - Rate	Total Labor/Equip Charge
08-15-2017	Maintenance Technician & 1 Ton Truck	1.00	\$80.00	\$80.00
08-15-2017	Maintenance Technician	1.00	\$45.00	\$45.00
TOT		2.00		\$125.00

Total Labor/Equip Charge

\$125.00

- ▼ Employee time entries

Date	Employee	MA Time Detail	Note	OT Approved
No employee time entries found				

- ▼ WO Parts Charges

Add WO Parts Charge

Parts Inv Item - Description	Quantity Used	SS Per Unit Cost	Parts Inv Item - Parts Charge Amount	Amount Charged
No WO Parts Charges found				

Total Inventory Charged

- ▼ Purchase orders

Add Purchase Order

Purchase orders

Purchase Order Date	PO #	Vendor Name	Purchased By	Item Notes	Estimated Amount	Actual Amount of Bill	Work Order Amount	Work Order Amount with Markup	Receipt/Packing Slip Copy	Bill Copy
No purchase orders found										

- ▼ Tap Information
- ▼ KARDIA



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

September 10, 2018

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

Re: Construction of 2017 FM 149 Sanitary Sewer Cleaning & Televising
City of Montgomery
TIN No. 74-2063592

Dear Mayor and Council:

Enclosed is Progress Payment Request No. 1 AND FINAL from Magna Flow Environmental for the referenced project. The estimate is in order and we recommend payment in the amount of \$12,815.66 to Magna Flow Environmental.

Also enclosed is Construction Progress Report No. 1 AND FINAL, which is submitted in accordance with Texas Commission on Environmental Quality Rule No. 293.62. This report covers construction activities for the referenced project during the period August 8, 2017 to August 15, 2018.

You will also find your copies of the Contractor's Affidavit of Bills Paid and Affidavit of Guarantee, our Certificate of Substantial Completion, and the Certificate of Acceptance for signature.

Sincerely,

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

Chris Roznovsky, PE

CVR:dme

P:\Construction\Projects\EST LETTERS\W5841-0032-00.doc

Enclosures

cc: Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney
Magna Flow Environmental

September 10, 2018

Construction Progress Report No. 1 AND FINAL
Period August 8, 2017 to August 15, 2018

Construction of 2017 FM 149 Sanitary Sewer Cleaning & Televising
City of Montgomery
TIN No. 74-2063592

Contract:

- A. Contractor: Magna Flow Environmental
- B. Contract Date: August 4, 2017
- C. Authorization to Proceed: August 8, 2017 (21 Calendar Days)
- D. Completion Date: August 28, 2017
- E. Contract Time Used: 391 Calendar Days (1860%)

I. General

Contractor has completed the project.

II. Change Orders

None Issued this Report.

III. Completion Report

A.	Estimated Cost as of this Report Period		
1.	Contract Bid Price	\$	17,932.50
2.	Quantity Adjustments and Damages	\$	(5,116.84)
3.	Total Estimated Contract Price	\$	12,815.66
B.	Actual cost as of this Report	\$	12,815.66
C.	Total Paid Contractor	\$	12,815.66
D.	Amount Retained (0% of B)	\$	0.00
E.	Estimated Cost Remaining (A.3 - B)	\$	0.00
F.	Construction Complete (B/A.3)		100%

IV. Frequency of Observation

- A. Field Representative - Periodically, on-site
- B. Engineer Observation - Periodically, on-site

V. Problems

Contractor damaged lift pumps at Lift Station No. 3.





OWNER: City of Montgomery PROGRESS PAYMENT NO. 1 AND FINAL

PROJECT: Construction of 2017 FM 149 Sanitary Sewer Cleaning and Televising

CONTRACT DATES

FROM TO

ORIGINAL 08-Aug-17 28-Aug-17

REVISED 08-Aug-17 28-Aug-17

THIS EST. 08-Aug-17 15-Aug-18

JOB NO. : W5841-0032-00

CONTRACTOR: Magna Flow Environmental

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
1	Move-in and start-up, including performance and payment bonds for 100 percent (100%) of the contract amount, a certificate of insurance, distribution of door hangers, and weekly project schedules as directed by Engineer.	L.S.	1.0	\$850.00	100.0%	\$850.00	0.0%	\$0.00	100.0%	\$850.00	100.0%
2	Sanitary sewer cleaning and televising, 6-inch (6") diameter, all depths, including sewer flow control, removal of roots and other obstructions by regular cleaning methods, disposal of sludge & solid materials, removal and replacement of fencing as necessary, and site restoration, complete as specified.	L.F.	1,200.0	\$1.60	447.6	\$716.16	0.0	\$0.00	447.6	\$716.16	37.3%
3	Sanitary sewer cleaning and televising, 8-inch (8") diameter, all depths, including sewer flow control, removal of roots and other obstructions by regular cleaning methods, disposal of sludge & solid materials, removal and replacement of fencing as necessary, and site restoration, complete as specified.	L.F.	7,100.0	\$1.65	7,420.3	\$12,243.50	0.0	\$0.00	7,420.3	\$12,243.50	104.5%
4	Sanitary sewer manhole inspection including video inspection, inspection form, and summary table. Complete in place.	EA.	27.0	\$50.00	137.0	\$6,850.00	0.0	\$0.00	137.0	\$6,850.00	507.4%
5	Traffic Control Plan, as needed.	L.S.	1.0	\$1,200.00	100.0%	\$1,200.00	0.0%	\$0.00	100.0%	\$1,200.00	100.0%



OWNER: City of Montgomery PROGRESS PAYMENT NO. 1 AND FINAL

PROJECT: Construction of 2017 FM 149 Sanitary Sewer Cleaning and Televising

JOB NO. : W5841-0032-00

CONTRACTOR: Magna Flow Environmental

CONTRACT DATES		
	FROM	TO
ORIGINAL	08-Aug-17	28-Aug-17
REVISED	08-Aug-17	28-Aug-17
THIS EST.	08-Aug-17	15-Aug-18

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
6	PROJECT REPORT for the total contract, include one (1) copy submitted on the USB drive per monthly pay request, as well as one (1) external hard drive or USB drive for the entire project to be submitted with the final pay requests. USB and/or hard drive to be in format as schematic on Attachment A. Project report also includes providing redlined project layouts of the actual locations and sizes of the sanitary sewer lines and manholes. Supplemental Bid Items	L.S.	1.0	\$50.00	100.0%	\$50.00	0.0%	\$0.00	100.0%	\$50.00	100.0%
7	Heavy cleaning of 6-inch (6") sanitary sewer lines to remove mineral deposits, heavy roots, heavy grease, and other stabilized debris by remote control cutting device, complete in place, as directed by Engineer.	L.F.	150.0	\$1.85	0.0	\$0.00	0.0	\$0.00	0.0	\$0.00	0.0%
8	Heavy cleaning of 8-inch (8") sanitary sewer lines to remove mineral deposits, heavy roots, heavy grease, and other stabilized debris by remote control cutting device, complete in place, as directed by Engineer.	L.F.	300.0	\$1.90	0.0	\$0.00	0.0	\$0.00	0.0	\$0.00	0.0%
9	Damages to Lift Station	L.S.	0.0	\$0.00	1.0	(\$9,094.00)	0.0	\$0.00	1.0	(\$9,094.00)	100.0%



OWNER: City of Montgomery PROGRESS PAYMENT NO. 1 AND FINAL

PROJECT: Construction of 2017 FM 149 Sanitary Sewer Cleaning and Televising

JOB NO. : W5841-0032-00

CONTRACTOR: Magna Flow Environmental

CONTRACT DATES		
	FROM	TO
ORIGINAL	08-Aug-17	28-Aug-17
REVISED	08-Aug-17	28-Aug-17
THIS EST.	08-Aug-17	15-Aug-18

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
	TOTAL MATERIALS ON HAND					\$0.00		\$0.00		\$0.00	
	CHANGE ORDER PLUS/MINUS / FINAL ADJUSTMENT OF QUANTITIES / DAMAGES										
	Final Adjustment of Quantities					\$3,977.16				\$3,977.16	
	Lift Station Damages					(\$9,094.00)				(\$9,094.00)	
	TOTAL CONTRACT MODIFICATIONS										(\$5,116.84)
	Subtotal (Line Items)					\$12,815.66		\$0.00		\$12,815.66	
	Materials on Hand					\$0.00		\$0.00		\$0.00	
	Subtotal (Materials on Hand/Line Items)					\$12,815.66		\$0.00		\$12,815.66	
	Less Retainage (0%)					\$0.00		\$0.00		\$0.00	
	Total					\$12,815.66		\$0.00		\$12,815.66	
	Less Previous Estimates									\$0.00	
	Due this Estimate									\$12,815.66	
1860%	Complete by Time					Orig. Contract Amount		\$17,932.50			
100%	Complete by Value					Contract Modifications		(\$5,116.84)			
						Total Contract Amount		\$12,815.66			
						Construction Remaining		\$0.00			
						Amount Approved		\$12,815.66			

APPROVED BY JONES & CARTER, INC.

Chris Roznovsky
 BY: Chris Roznovsky, PE

CERTIFICATE OF SUBSTANTIAL COMPLETION FOR
CONSTRUCTION OF 2017 FM 149 SANITARY SEWER CLEANING & TELEVISIONING
CITY OF MONTGOMERY

September 7, 2018

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

CONTRACTOR: Magna Flow Environmental
14915 Highway 59 North
Humble, Texas 77396

CONTRACT: Construction of 2017 FM 149 Sanitary Sewer Cleaning & Televising

We have observed the subject project constructed by the **CONTRACTOR** and find it to be substantially complete in accordance with the approved plans and specifications. The project was periodically observed during construction by our field project representative.

We recommend that the **OWNER** issue the **CONTRACTOR** a Certificate of Acceptance of the Work, and that final payment be made to the **CONTRACTOR**. We also recommend that the Contractor's guarantee period of 1 year begin September 7, 2018.

Sincerely,



Chris Roznovsky, PE



JONES | CARTER

1575 Sawdust Road, Suite 400, The Woodlands, Texas 77380
TBPE Registration No. F-439

CERTIFICATE OF ACCEPTANCE

Magna Flow Environmental
14915 Highway 59 North
Humble, Texas 77396

Re: Construction of 2017 FM 149 Sanitary Sewer Cleaning & Televising
City of Montgomery
TIN No. 74-2063592

Gentlemen:

This is to certify that **CITY OF MONTGOMERY** accepts the subject project on the basis of the Certificate of Substantial Completion issued by our engineers, Jones|Carter, and understands that a guarantee shall cover a period of one (1) year beginning September 7, 2018.

By: _____

Mr. Jack Yates
City Administrator, City of Montgomery

Approved by City Council on _____

K:\W5841\W5841-0032-00 201 Sanitary Sewer Cleaning and Televising\3 Construction Phase\Pay Estimates\FINAL.doc

cc: Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney

AFFIDAVIT
OF
GUARANTEE

STATE OF TEXAS §

COUNTY OF HARRIS §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Charles Stroud of MAGNA FLOW ENVIRONMENTAL well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am Charles Stroud / Sales Manager of MAGNA FLOW ENVIRONMENTAL and have personal knowledge of the matter stated in this affidavit. MAGNA FLOW ENVIRONMENTAL does hereby give notice to the Owner, CITY OF MONTGOMERY that work for the Owner, known as JC Job No. W5841-0032-00 Construction of 2017 FM 149 Sanitary Sewer Cleaning & Televising has been substantially completed. In accordance with the provisions of paragraph 5.07 Guarantee, of the General Conditions of Agreements, MAGNA FLOW ENVIRONMENTAL does hereby guarantee all of the work under the contract to be free from faulty materials and improper workmanship in every particular, and against injury from proper and usual wear; and agrees to replace or re-execute without cost to the Owner such work as may be found to be improper or imperfect, and to make good all damage caused to other work or materials due to such required replacement or recompletion of all work under this contract, as evidenced by the Engineer's Certificate of Substantial Completion.

This affidavit is made in connection with the final payment under the contract between CITY OF MONTGOMERY and MAGNA FLOW ENVIRONMENTAL and with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

DATE: 09/06/2018

Charles Stroud

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, Charles Stroud known to me to be the person whose name subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 10 day of September, A.D., 2018.



(Notary Seal)

Angie Russell
Notary Public Signature

AFFIDAVIT
OF
BILLS PAID

STATE OF TEXAS §

COUNTY OF HARRIS §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Charles Stroud of MAGNA FLOW ENVIRONMENTAL well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am Charles Stroud/Sales Manager of MAGNA FLOW ENVIRONMENTAL and have personal knowledge of the matter stated in this affidavit. MAGNA FLOW ENVIRONMENTAL has paid all of the labor and material costs in connection with construction for CITY OF MONTGOMERY known as JC Job No. W5841-0032-00 Construction of 2017 FM 149 Sanitary Sewer Cleaning & Televising, and as of this date, there are no unpaid bills for labor performed upon, or materials or supplies delivered to or used in connection with such job.

This affidavit is made in connection with the final payment under the contract between CITY OF MONTGOMERY and MAGNA FLOW ENVIRONMENTAL and with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

DATE: 09/06/2018

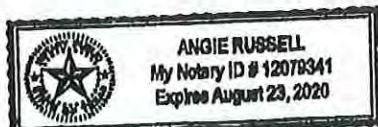
Charles Stroud

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, Charles Stroud known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 10 day of September, A.D., 2018.



(Notary Seal)

Angie Russell
Notary Public Signature

Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: 2006 resolution Proposed current resolution, Letter of request for resolution from Homeland Security Office, summary of mitigation efforts
Date Prepared: September 20, 2018	

Subject

This is a required action in order to qualify for any future FEMA funds due to emergency disasters.

Description

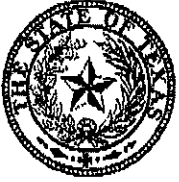
To qualify for any future FEMA funds for flood or any of the type of disaster this Resolution is required. The letter from the Homeland Security Office provides more details about the requirement, saying that "if we were not able to submit the Resolution adopting the Hazard Mitigation Plan your jurisdiction will be ineligible for hazard mitigation grant funding". The summaries of the mitigation show just how general the efforts of the city are described.

Recommendation

Approve as part of the Consent Item Agenda

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

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

RESOLUTION FOR ADOPTION OF THE HAZARD MITIGATION PLAN FOR THE H-GAC REGION

WHEREAS, certain areas of The City of Montgomery are subject to periodic flooding and other natural hazards with the potential to cause damages to people properties within the area; and

WHEREAS, the City of Montgomery desires to prepare and mitigate for such circumstances; and

WHEREAS, UNDER THE Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) requires that local jurisdictions have in place a FEMA-approved Hazard Mitigation Action Plan as a condition of receipt of certain future Federal mitigation funding after November 1, 2004; and

WHEREAS, the cities and counties in the H-GAC Region, in order to meet this requirement, have initiated development of a regional, multi-jurisdictional Hazard Mitigation Plan, including The City of Montgomery;

NOW, therefore, be it resolved, that this Montgomery City Council hereby:
Adopts the Houston-Galveston Area Council of Governments-Regional Hazard Mitigation Plan; and

Vests Kenneth Hudgens with the responsibility, authority, and the means to:

- (a) Inform all concerned parties of this action.
- (b) Develop an addendum to this Hazard Mitigation Plan of the town's unique Situation warrants such an addendum.

Appoints Kenneth Hudgens to assure that the Hazard Mitigation Plan be reviewed at least annually and that any needed adjustment to the City of Montgomery's addendum to the Hazard Mitigation Plan be developed and presented to the Montgomery City Council for consideration.

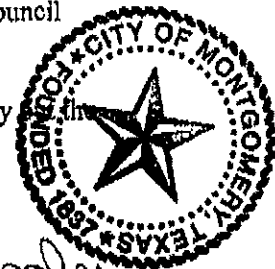
Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted on April 25, 2006

By: *Edith Moore*
Edith Moore
Mayor-City of Montgomery

Attest:

Carol Langley
Carol Langley
City Secretary



RESOLUTION NO. _____

ADOPTION OF THE MONTGOMERY COUNTY HAZARD MITIGATION PLAN

WHEREAS, certain areas of the City of Montgomery are subject to periodic flooding and other natural hazards with the potential to cause damages to people properties within the area; and

WHEREAS, the City of Montgomery desires to prepare and mitigate for such circumstances; and

WHEREAS, under the Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) requires that local jurisdictions have in place a FEMA-approved Hazard Mitigation Action Plan as a condition of receipt of certain future Federal mitigation funding after November 1, 2004; and

WHEREAS, Montgomery County, in order to meet this requirement, has initiated development of a countywide, multi-jurisdictional Hazard Mitigation Plan, including the City of Montgomery.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF MONTGOMERY, TEXAS HEREBY:

Adopts the Montgomery County Regional Hazard Mitigation Plan; and

Vests City Administrator, Jack Yates with the responsibility, authority, and the means to:

- (a) Inform all concerned parties of this action
- (b) Develop an addendum to this Hazard Mitigation Plan if the town's unique situation warrants such an addendum.

Appoints City Administrator, Jack Yates to assure that the Hazard Mitigation Plan be reviewed at least annually and that any needed adjustment to the City's addendum to the Hazard Mitigation Plan be developed and presented to the City Council for consideration.

Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Passed and approved this _____ day of _____, 2018.

By: _____
Sara Countryman, Mayor

Attest: _____
Susan Hensley, City Secretary



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

Montgomery County Hazard Mitigation Plan

1 message

Lumbley, Morgan <morgan.lumbley@mctx.org>

Mon, Sep 17, 2018 at 11:57 AM

To: "jyates@ci.montgomery.tx.us" <jyates@ci.montgomery.tx.us>

Good Morning,

The Montgomery County Hazard Mitigation Plan was approved by FEMA last week. It is now rated APA (approval pending adoption.) We have 60 days to get the Mitigation Plan adopted by each participating jurisdiction AND all documents submitted to the Texas Department of Emergency Management (TDEM).

I have attached a resolution template that can be used, feel free to make any changes to fit your jurisdictions specific needs. If I had a 2006 resolution, that is also attached.

Please note that the plan has changed from a Regional Multi-Jurisdictional Plan to a Countywide Multi-Jurisdictional Plan.

Please place the Adoption of the Montgomery County Hazard Mitigation Plan on the next date your governing body meets.

Additional Action:

- Let me know of the date in which the resolution is anticipated to be approved.
- Submit signed resolution to morgan.lumbley@mctx.org no later than Tuesday October 23, 2018.

NOTE: If we are not able to submit a resolution adopting the Hazard Mitigation Plan, your jurisdiction will be ineligible for Hazard Mitigation Grant funding.

If you have any additional questions or concerns, please do not hesitate to ask.

Thank you all so much for all of the work you have put into making this plan what it is!

Morgan Lumbley

Community Preparedness Planner

Office of Homeland Security and

Emergency Management

9/17/2018

The City of Montgomery Mail - Montgomery County Hazard Mitigation Plan

9472 Airport Rd

Conroe TX 77303

936-523-3915 (office)

Morgan.lumbley@mctx.org

2 attachments



Resolution template.docx

16K



City of Montgomery.pdf

64K

Montgomery

Jurisdiction:	City of Montgomery	Action Number:	E-1
Hazard(s) Addressed:	Floods Hurricane/ Tropical Storms		
Project Title:	Structural		
Project Description:	Incorporate routine repairs and structural renovation efforts of our roads and bridges into capital improvement plans. Make repairs/ renovations to allow for better flood control.		
Responsible Entity:	Mayors Office		
Losses avoided:	Life safety, Property Conservation		
Cost Estimate:	\$1,500,000	Timeframe:	60 Months
Priority:	1 = Highest Priority Rating	Feasibility Score	8
Potential Funding Sources:	HMPG, Local Funds, PDM, CDBG-DR	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			No

Jurisdiction:	City of Montgomery	Action Number:	E-2
Hazard(s) Addressed:	Floods Hurricane/ Tropical Storms Wildfire Severe Thunderstorms Tornado Drought Dam/ Levee Failure Expansive Soils Heat Events Hail Winter Weather		
Project Title:	Natural Disaster Planning and Exercise		
Project Description:	Table top exercise with emergency services and the city of Montgomery. Exercise scenario will be a natural hazard, i.e. tornado		
Responsible Entity:	Mayors Office, responsible jurisdictions		
Losses avoided:	Life Safety, Property Conservation		
Cost Estimate:	\$10,000.00	Timeframe:	12 Months
Priority:	2 = Mid-Level Priority Rating	Feasibility Score	8
Potential Funding Sources:	Local funds and available grant opportunities. i.e. CDBG, PDM, HMPG, TDEM	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			No

Jurisdiction:	City of Montgomery	Action Number:	E-3
Hazard(s) Addressed:	Floods Hurricane/ Tropical Storms Wildfire Severe Thunderstorms Tornado Drought Dam/ Levee Failure Expansive Soils Heat Events Hail Winter Weather		

Project Title:	Coop, Shelter Support		
Project Description:	Improvements, replacements, and additions to redundant power supply systems at critical city infrastructure sites.		
Responsible Entity:	Mayors office		
Losses avoided:	Life safety, Property Conservation		
Cost Estimate:	\$400,000	Timeframe:	34 Months
Priority:	2 = Mid-Level Priority Rating	Feasibility Score	8
Potential Funding Sources:	Local funds and available grant opportunities. i.e. CDBG, PDM, HMPG, TDEM	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			No

Jurisdiction:	City of Montgomery	Action Number:	E-4
Hazard(s) Addressed:	Floods Wildfire		
Project Title:	Property Protection		
Project Description:	Vegetation management program. Remove excessive vegetation to remove fuels for wildfires, and create fire breaks for residences and businesses. Removal of natural barriers will have added benefits by improving drainage for flood waters.		
Responsible Entity:	Mayors Office		
Losses avoided:	Life safety, Property Conservation		
Cost Estimate:	95,000.00	Timeframe:	12 Months
Priority:	2 = Mid-Level Priority Rating	Feasibility Score	4
Potential Funding Sources:	Local funds and available grant opportunities. i.e. CDBG, PDM, HMPG	Benefit-Cost Ratio:	Approximately a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			Yes

Jurisdiction:	City of Montgomery	Action Number:	E-5
Hazard(s) Addressed:	Floods Hurricane/ Tropical Storms		
Project Title:	Flood Relief Project		
Project Description:	Improvements to two water channels within the city. Anders Branch and Town Creek. Physical improvements to both waterways.		
Responsible Entity:	Mayors Office		
Losses avoided:	Life safety, Property Conservation		
Cost Estimate:	\$400,000.00	Timeframe:	12 Months
Priority:	3 = Lowest Priority Rating	Feasibility Score	6
Potential Funding Sources:	Local funds and available grant opportunities. i.e. CDBG, PDM, HMPG, TDEM	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			Yes

Jurisdiction:	City of Montgomery	Action Number:	E-6
Hazard(s) Addressed:	Heat Events		
Project Title:	Cooling Stations		
Project Description:	The city will provide areas within the city hall for individuals to cool in cases of Heat Events.		

Responsible Entity:	Public works / parks department		
Losses avoided:	Life, health safety of vulnerable populations		
Cost Estimate:	\$2,000	Timeframe:	36-48 months
Priority:	3 = Lowest Priority Rating	Feasibility Score	5
Potential Funding Sources:	City Budget	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			No

Jurisdiction:	City of Montgomery	Action Number:	E-7
Hazard(s) Addressed:	Hurricane/ Tropical Storms Winter Weather Tornado		
Project Title:	Hurricane resistant powerline poles		
Project Description:	All new powerline poles installed within the jurisdiction will be wind resistant or buried underground.		
Responsible Entity:	Engineering department		
Losses avoided:	Homes, businesses and public facilities		
Cost Estimate:	\$500,000	Timeframe:	36 months
Priority:	3 = Lowest Priority Rating	Feasibility Score	2
Potential Funding Sources:	HMGP	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			Yes

Jurisdiction:	City of Montgomery	Action Number:	E-8
Hazard(s) Addressed:	Hail		
Project Title:	Hail damage protection		
Project Description:	City will retrofit city owned structures with roofs and window panes that can withstand hail damage.		
Responsible Entity:	Mayor, local building departments		
Losses avoided:	Buildings, residents, and city employees in county and city buildings when a hail storm hits		
Cost Estimate:	\$350,000	Timeframe:	24-36 Months
Priority:	3 = Lowest Priority Rating	Feasibility Score	1
Potential Funding Sources:	HMGP, housing preservation grants, weatherization assistance program	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			No

Jurisdiction:	City of Montgomery	Action Number:	E-9
Hazard(s) Addressed:	Expansive Soils		
Project Title:	Structural and Foundation Protection		
Project Description:	Install moisture sensing irrigation systems at all existing and future county, local, and critical facilities. Irrigation systems automatically water building to reduce the impacts of shrinking and swelling soils during drought		
Responsible Entity:	Facilities and building departments of participating jurisdictions		
Losses avoided:	Structural foundations and anticipated cost of repairs		
Cost Estimate:	\$175,000.00	Timeframe:	36-48 months
Priority:	3 = Lowest Priority Rating	Feasibility Score	0

Potential Funding Sources:	Local budgets and HMGP	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			No

Jurisdiction:	City of Montgomery	Action Number:	E-10
Hazard(s) Addressed:	Lightning		
Project Title:	Lightning and Fire Protection		
Project Description:	The county will work with local jurisdictions to develop a program that offers reduced price lightening rods and technical assistance for homeowners throughout the county.		
Responsible Entity:	Emergency Coordinator		
Losses avoided:	homes and residents who could be affected by lightening throughout the		
Cost Estimate:	\$150,000	Timeframe:	12 months
Priority:	3 = Lowest Priority Rating	Feasibility Score	-4
Potential Funding Sources:	HMGP, FP&S Grants	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			No

Jurisdiction:	City of Montgomery	Action Number:	E-11
Hazard(s) Addressed:	Expansive Soils		
Project Title:	Education and Mitigation Techniques		
Project Description:	Implement an outreach and education campaign to educate the public on mitigation techniques for expansive soils to reduce loss of life and property.		
Responsible Entity:	County OEM and City Managers office or Mayor for each participating jurisdiction.		
Partner(s):			
Losses avoided:	Preservation of property, decreased financial losses due to natural hazards, and mitigating the loss of human life and injuries.		
Cost Estimate:	\$7,000	Timeframe:	12-24 months
Priority:	2 = Mid-Level Priority Rating	Feasibility Score:	8
Potential Funding Sources:	Local budget and salary, HMPG, USACE, Fire Prevention and Safety Grants	Benefit-Cost Ratio	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			No

Jurisdiction:	City of Montgomery	Action Number:	E-12
Hazard(s) Addressed:	Drought		
Project Title:	Adopting ordinance for water sensing irrigation systems		
Project Description:	The city will develop an ordinance to require incorporating water sensing irrigation systems in all public areas.		
Responsible Entity:	City Manager		
Losses avoided:	Monetary loss/ Water Conservation		
Cost Estimate:	\$1,000	Timeframe:	12 months
Priority:	3 = Lowest Priority Rating	Feasibility Score	5
Potential Funding Sources:	City Budget	Benefit-Cost Ratio:	More than a 1:4 cost-benefit ratio
Does this action reduce effects of hazards on existing buildings?			Yes
Does this action reduce effects of hazards for new buildings, infrastructure, or future development?			Yes
Does mitigation action identify, analyze, and prioritize actions related to continued compliance with NFIP?			No

CITY ADMINISTRATOR REPORT – SEPTEMBER, 2018

- Met with the City /Council at three meeting regarding budget/tax rates
- Met with Planning Commission at two meetings.
- Met with Board of Adjustment for one meeting – to set up an August 31st hearing on a parking variance at Blazer Senior Housing development.
- Met with MEDC at one meeting.
- Attended one Chamber event- Bd. Of Directors meeting.
- Met with HMBA Board at two meetings regarding downtown promotion and Streetscape Plan
- Met with Fernland Board one meeting

- Met with city engineers, city attorney and GrantWorks representatives several times regarding; plats, system management, upcoming projects, bridge improvements, developments throughout the city, FEMA, State Dept. of Emergency Management (DEM), CDBG grants, TORC Committee, and billing for Escrow Accounts. attended a developers meeting in late September for review of development processes in the city.

- Met with several developers during the month regarding: Kenrock property west of Pizza Shack, Madsen Building on south Liberty, Shoppes of Montgomery, Business Park PID Attorney, Spirit of Texas Bank and other development possibilities meetings.

- Made several decisions during month as Zoning Administrator, including signs, coordinating variance requests, code enforcement(including a permission to take down a dilapidated structure and one old sign in downtown area) and Historic District activities.

- Assisted several citizens with City, other governmental entities, issues.

- Worked with City Council individually, the Mayor and City Staff on a variety of administrative, personnel and coordination efforts. Including budget review and preparation of upcoming budget and budget amendments to current budget. Prepared new budget.
- Need to mention Summary of Water and Sewer Fund correction. – Although the line items are correct a mistake was made in bringing those totals to the Water and Sewer Fund Summary Sheet. Incorrect page and Corrected page attached- No need for re-vote on the budget since amount/line items are the same.

Fiscal Year 2019
Budget Summary

**Water & Sewer Fund
Budget at a Glance**

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
Beginning Balance*	\$ 198,129	\$ 586,411	\$ 586,411	\$ 846,520	44.4%
Revenues					
Fees for Service	\$ 1,388,572	\$ 1,292,025	\$ 1,282,700	\$ 1,452,900	13.3%
Taxes	8,052	8,080	8,000	8,000	0.0%
Groundwater Reduction Revenue	155,286	131,349	126,000	165,000	31.0%
All Other Revenues	1,938	76,688	320,580	276,520	-13.7%
Total Revenues	\$ 1,553,849	\$ 1,508,142	\$ 1,737,280	\$ 1,902,420	
Interfund Transfers					
Transfers In	\$ -	\$ -	\$ -	\$ -	-
Transfers Out	32,089	230,440	307,840	307,840	0.0%
Net Interfund Transfers	\$ (32,089)	\$ (230,440)	\$ (307,840)	\$ (307,840)	
Expenditures					
Personnel	\$ 128,249	\$ 139,753	\$ 213,640	\$ 267,620	25.3%
Contract Services	411,831	409,251	300,231	347,361	15.7%
All Other Operating Expenditures	593,398	509,994	654,460	672,867	1.8%
Capital Outlay	-	34,700	1,000	1,000	0.0%
Total Expenditures	\$ 1,133,478	\$ 1,093,698	\$ 1,169,331	\$ 1,288,848	1,437,708
Ending Balance**	\$ 586,411	\$ 770,414	\$ 846,520	\$ 1,152,252	829,139

Incorrect Page

Fiscal Year 2019 Budget Summary

Water & Sewer Fund Budget at a Glance

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
Beginning Balance*	\$ 265,884	\$ 586,411	\$ 586,411	\$ 671,267	14.5%
Revenues					
Fees for Service	\$ 1,388,572	\$ 1,292,025	\$ 1,282,700	\$ 1,452,900	13.3%
Taxes	8,052	8,080	8,000	8,000	0.0%
Groundwater Reduction Revenue	155,286	131,349	126,000	165,000	31.0%
All Other Revenues	1,938	76,688	320,580	276,520	-13.7%
Total Revenues	\$ 1,553,849	\$ 1,508,142	\$ 1,737,280	\$ 1,902,420	
Interfund Transfers					
Transfers In	\$ -	\$ -	\$ -	\$ -	-
Transfers Out	157,689	230,440	307,840	307,840	0.0%
Net Interfund Transfers	\$ (157,689)	\$ (230,440)	\$ (307,840)	\$ (307,840)	
Expenditures					
Personnel	\$ 128,249	\$ 139,753	\$ 213,640	\$ 267,620	25.3%
Contract Services	411,831	409,251	300,231	347,361	15.7%
All Other Operating Expenditures	535,553	609,140	848,105	787,727	-7.1%
Capital Outlay	-	34,700	34,700	35,000	0.9%
Total Expenditures	\$ 1,075,633	\$ 1,192,845	\$ 1,396,676	\$ 1,437,708	
Ending Balance**	\$ 586,411	\$ 671,267	\$ 619,175	\$ 828,139	

Correct Page

City of Montgomery – Public Works Department

August 2018 Monthly Report

General

- Added culvert and excavated ditch on Sheppard St.
- Buried conduit for camera addition at WWTP
- Assembled shelving units at City Hall for administration
- Repaired several street signs
- Removed several dead trees from ROW's
- Cleaned sludge buildup from chlorine contact chamber at WWTP
- Located a buried sewer tap at 147 Abner Ln.
- Repaired several potholes throughout the city
- Replaced several broken meter boxes
- Trimmed low limbs throughout the city
- Completed the repair of ditch on FM 1097 with exposed water and sewer lines (before and after pictures included)
- Created HVAC layout diagram of City Hall
- Replaced flags at Community Center
- Attended final walkthrough of Emma's Way extension and Gardner Dr. project
- Replaced tubes in mowing tractor rear tires
- Honored all half-staff alerts
- Weekly pre-trip inspection of vehicles
- Weekly conference calls with engineer and utility operator
- Weekly leak notifications from Beacon website
- Weekly pumping of Terra Vista manhole
- Daily removal of bandit signs as necessary
- Monthly air filter and light bulb check of all facilities
- Monthly AED inspections
- Monthly cutoffs
- Monthly safety meetings with safety officer and department
- Continue performing safety inspection reports
- Monthly idle meter checklist for consumption

- Monthly weed killer list
- Monthly grease trap inspections
- 7 water leaks
- 0 sewer stop ups
- 13 water taps
- 13 sewer taps

Parks and Recreation

- Removed damaged tree from Memory Park
- Built a “fish fence” at Memory Park pond outfall with stainless steel barstock
- Replaced damaged locks at Homecoming Park
- Repaired gate at Memory Park
- Hauled away brush and debris from Rotary Club work days at Memory Park
- M/W/F cleaning of all park facilities
- Weekly check of Memory Park irrigation system with repairs as necessary
- Weekly cleaning of Community Center building
- Monthly check of all irrigation systems with repairs as needed
- Monthly wasp check at Fernland Park
- Monthly barricade delivery for Farmer’s Market

The docents at Fernland Park reported a total of 321 visitors for the month and provided 28 tours.

Report prepared by:
Mike Muckleroy
Director of Public Works
September 19, 2018



Before



After

Montgomery Birthplace of the Texas Flag
TEXAS

CITY OF MONTGOMERY

POLICE DEPARTMENT



101 OLD PLANTERSVILLE RD
MONTGOMERY, TX 77316
(O): (936) 597-6866

CHIEF

JAMES F. NAPOLITANO

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POLICE DEPARTMENT REPORT

AUGUST 2018

Arrests / Charges Total Shifts A, B & Chief

Misdemeanor: **17**

Felony: **11**

Traffic Enforcement Total Shifts A, B & Chief

Citations: **293**

Warnings: 191

Total Violations 326

JAMES F. NAPOLITANO, CHIEF 1600

CITY OF MONTGOMERY POLICE DEPARTMENT



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During the month of August, The Montgomery Police Department "A" Shift Patrol Officers (Lt. Belmares, Officer Bauer, Officer Carswell, Officer Hernandez, and Officer Thompson) generated 18 reports and responded to 291 self initiated/calls for service. The reports are as follows:

Burglary of Habitation

08/08 - Officer Thompson - 800 College St.

Criminal Mischief

08/13 - Officer Carswell - 700 Community Center Dr.

08/27 - Officer Carswell - 14400 Liberty St.

Criminal Trespass (CTW)

08/18 - Officer Bauer - 19800 Eva St.

Driving While Intoxicated (DWI)

08/17 - Officer Thompson - 20100 Eva St.

Emergency Detention Order (EDO)

08/14 - Officer Hernandez - 17200 IH 45

Motor Vehicle Accident (MVA)

08/13 - Officer Carswell - [18400 Hwy 105 W](#)

08/14 - Officer Carswell - 14000 Liberty St.

08/17 - Officer Bauer - [20100 Eva St.](#)

08/18 - Officer Hernandez - 200 Lone Star Parkway (LSP)

CITY OF MONTGOMERY POLICE DEPARTMENT



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CHIEF

JAMES F. NAPOLITANO

08/19 - Officer Thompson - LSP@Plez Morgan

08/23 - Officer Bauer - 15100 Liberty St.

Narcotics Arrest(s)

08/22 - Officer Bauer - 20300 Eva St.

08/28 - Officer Thompson - FM 2854@Havenshire

Supplement Reports

08/08 - Officer Carswell - 14400 Liberty St.

08/25 - Officer Thompson - 800 College St.

08/27 - Officer Hernandez - [101 Old Plantersville Rd.](#)

Theft

08/28 - Officer Carswell - [19000 Minero Ln.](#)

Arrests / Charges:

Misdemeanor - 4

Felony - 1

Traffic Enforcement:

Lt. Belmares - 02 Citations / 2 Violations / 2 Warnings

Bauer - 10 Citations / 13 Violations / 29 Warnings

Carswell - 115 Citations / 123 Violations / 23 Warnings

Hernandez - 66 Citations / 74 Violations / 36 Warnings

Thompson - 23 Citations / 30 Violations / 12 Warnings

CITY OF MONTGOMERY POLICE DEPARTMENT



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Totals: 216 Citations / 242 Violations / 102 Warnings

Training / City Events:

1. On August 1 - 2 Officer Thompson attended Advance Law Enforcement Rapid Response Training also known as ALERRT. The training was hosted by Conroe ISD and instruction was provided by ALERRT certified instructors. The training is specific to teaching officers best practices when responding to active shooters.
2. On August 8 The City of Montgomery Police Dept. in partnership with McDonald's as the host held the Coffee with a Cop event. The event was a success and also in attendance were deputies from the Montgomery County Sheriff's Office and Montgomery ISD Police Department officers and Chief Runnels.
3. August 13 - 16 Lt. Belmares attended the Crimes Against Children Conference hosted by the Dallas Children's Advocacy Center and the Dallas Police Department. The conference is conducted to provide training to those employed by government or nonprofit agencies in the field of law who work directly with child victims of crime. This event had over 5000 professionals in attendance.
4. On August 31st Officers Tim Bauer and Christopher Carswell attended a 1 day training event titled Patrol Response for the Narcotics Officer hosted by Beaumont Police Department. The training focused on current trends related to narcotic activity, probable cause for these types of investigations, methods of searching, and roadside interviews.
- 5. Please mark your calendar for the City of Montgomery National Night Out 2018 to be held on October 2, 2018 (Tuesday) at Cedar Brake Park. Your attendance would be greatly appreciated in support of the community, police department, as well as our first responders.**

CITY OF MONTGOMERY

POLICE DEPARTMENT



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During the month of August, The Montgomery Police Department B Shift (Lt. Rosario, Officer Aguirre, Officer Bracht, and Officer Riley) answered 443 calls for service / proactive policing which generated 32 reports / investigations. The reports and traffic contacts are listed below.

Narcotics

8/31 Aguirre - 500 Shepperd

8/26 Riley - 21101 Eva

8/25 Aguirre - 21587 Eva

8/24 Riley - 20600 Eva

8/12 Aguirre - [1991 Lone Star PKWY](#)

8/11 Aguirre - [11500 FM 149](#)

8/11 Riley - 21101 Eva

8/11 Riley - 21500 Eva

8/10 Riley - 14500 Liberty

8/8 Aguirre - 20224 Eva

8/7 Aguirre - 20224 Eva

8/6 Rosario - [2300 HWY 105 W](#)

8/2 Aguirre - [100 Lone Star Bend](#)

No DL / FMFR / Towed Vehicle

8/20 Rosario - [2500 Lone Star PKWY](#)

Montgomery Birthplace of the Texas Flag
TEXAS

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Warrant Arrest

8/15 Riley - 21500 Eva

8/12 Riley - [1991 Lone Star PKWY](#)

8/12 Rosario - Liberty / FM 1097

DWI

8/21 Bracht - 20180 Eva

8/17 Riley - 21600 Eva

MVA

8/30 Riley - 20100 Eva

8/20 Bracht - 200 Lone Star PKWY

8/16 Bracht - [19800 Eva ST](#)

Other

8/30 Aguirre - 20168 Eva (Theft)

8/29 Riley - 20168 Eva (Theft)

8/21 Bracht - 14075 Liberty (Theft)

8/16 Rosario - 20300 Eva (Reckless Driving)

8/9 Bracht - 20869 (Theft by Check)

8/11 Riley - 21101 Eva (Possession of a Prohibited Weapon)

8/11 Riley - 15498 Summit Park (Forgery)

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TEXAS

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8/7 Aguirre - 124 Waterstone (Assault FV)

8/7 Bracht - 124 Waterstone (Assault MC)

8/5 Bracht - 21768 Eva (Burglary of a Building)

Arrests / Charges:

Misdemeanor Charges - 13

Felony Charges - 10

Traffic Enforcement

Citations Issued - 77

Warnings Issued - 89

Violations - 83

Rosario – 25 Citations / 18 Warnings

Aguirre – 21 Citations / 22 Warnings

Bracht – 20 Citations / 18 Warnings

Riley – 11 Citations / 31 Warnings

Montgomery Birthplace of the Texas Flag
TEXAS

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POLICE DEPARTMENT



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MONTGOMERY, TX 77316
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CHIEF

JAMES F. NAPOLITANO

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James F. Napolitano
Chief of Police
City of Montgomery, Texas
P.O. Box 708
Montgomery, Texas 77356
936-537-3684
jnapolitano@ci.montgomery.tx.us

Beginning Date.....: 08/01/2018
Ending Date.....: 08/31/2018
by Citation date

Agency.....: All
Officer.....: All

Type of Offense.....: All

Special Flag.....:

Entered By.....: All

Sort By.....: Officer Badge

Total by Race/Sex.....: No

PD POLICE DEPARTMENT

1600 NAPOLITANO, JAMES

Totals for Officer

Number of Citations for Officer.....:	1
Number of Violations for Officer.....:	1
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	1

1601 BELMARES, JOE

Totals for Officer

Number of Citations for Officer.....:	2
Number of Violations for Officer.....:	2
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	1

1602 ROSARIO, M

Totals for Officer

Number of Citations for Officer.....:	24
Number of Violations for Officer.....:	29
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	4

1612 BRACHT, JAMES

Totals for Officer

Number of Citations for Officer.....:	20
Number of Violations for Officer.....:	21
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	3

1613 HERNANDEZ, GEORGE J

Totals for Officer

Number of Citations for Officer.....:	66
Number of Violations for Officer.....:	74
Number of Citations to Juveniles.....:	3
Number of Citations to Minors.....:	10

1614 Carswell, Chris

Totals for Officer

Number of Citations for Officer.....:	115
Number of Violations for Officer.....:	123
Number of Citations to Juveniles.....:	1
Number of Citations to Minors.....:	6

1615 AGUIRRE, ABEL

Totals for Officer

Number of Citations for Officer.....:	18
Number of Violations for Officer.....:	20
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	4

1616 RILEY, ANDY

Totals for Officer

Number of Citations for Officer.....:	10
Number of Violations for Officer.....:	13
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	3

1617 THOMPSON, KEVIN

Totals for Officer

Number of Citations for Officer.....:	23
Number of Violations for Officer.....:	30
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	3

1618 BAUER, TIM

Totals for Officer

Number of Citations for Officer.....:	10
Number of Violations for Officer.....:	13
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0

Totals for Agency

Number of Citations for Agency.....:	289
Number of Violations for Agency.....:	326
Number of Citations to Juveniles.....:	4

Number of Citations to Minors.....: 35

Grand Totals

Total Number of Citations.....: 289
Total Number of Violations.....: 326
Total Number of Citations Juveniles.: 4
Total Number of Citations Minors....: 35



CITY OF MONTGOMERY MUNICIPAL COURT REPORT

AUGUST 2018

KIMBERLY DUCKETT

COURT ADMINISTRATOR

City of Montgomery Municipal Court Report August 2018

REVENUE Category	Aug-18	Jul-18	Jun-18	May-18
Total Number of Citations	285	236	257	229
Total Number of Violations	320	282	291	269
Deposit-City	\$21,572.71	\$15,435.80	\$11,506.75	\$26,119.76
Deposit-State	\$19,062.28	\$15,461.06	\$9,613.81	\$18,522.96
Deposit-OMNI	\$144.87	\$275.27	\$89.94	\$293.90
Child Safety Fund	\$0.00	\$0.00	\$0.00	\$0.00
Judicial Efficiency (JFCI)	\$144.04	\$169.93	\$13.40	\$154.67
Court Tech Fund (CTF)	\$971.87	\$1,051.86	\$504.94	\$948.45
Court Bldg Security Fund (MCSB)	\$728.89	\$788.90	\$366.73	\$711.32
Collection Agency (COLAGY)	\$1,337.22	\$396.67	\$553.93	\$3,437.29
TOTAL	\$43,961.88	\$33,579.49	\$22,649.50	\$50,188.35
Bond Amounts	\$7,059.30	\$6,343.40	\$2,543.70	\$5,132.90
GRAND TOTAL	\$51,021.18	\$39,922.89	\$25,193.20	\$55,321.25

Comparison Chart

Citations and Revenue January 2016 - Present

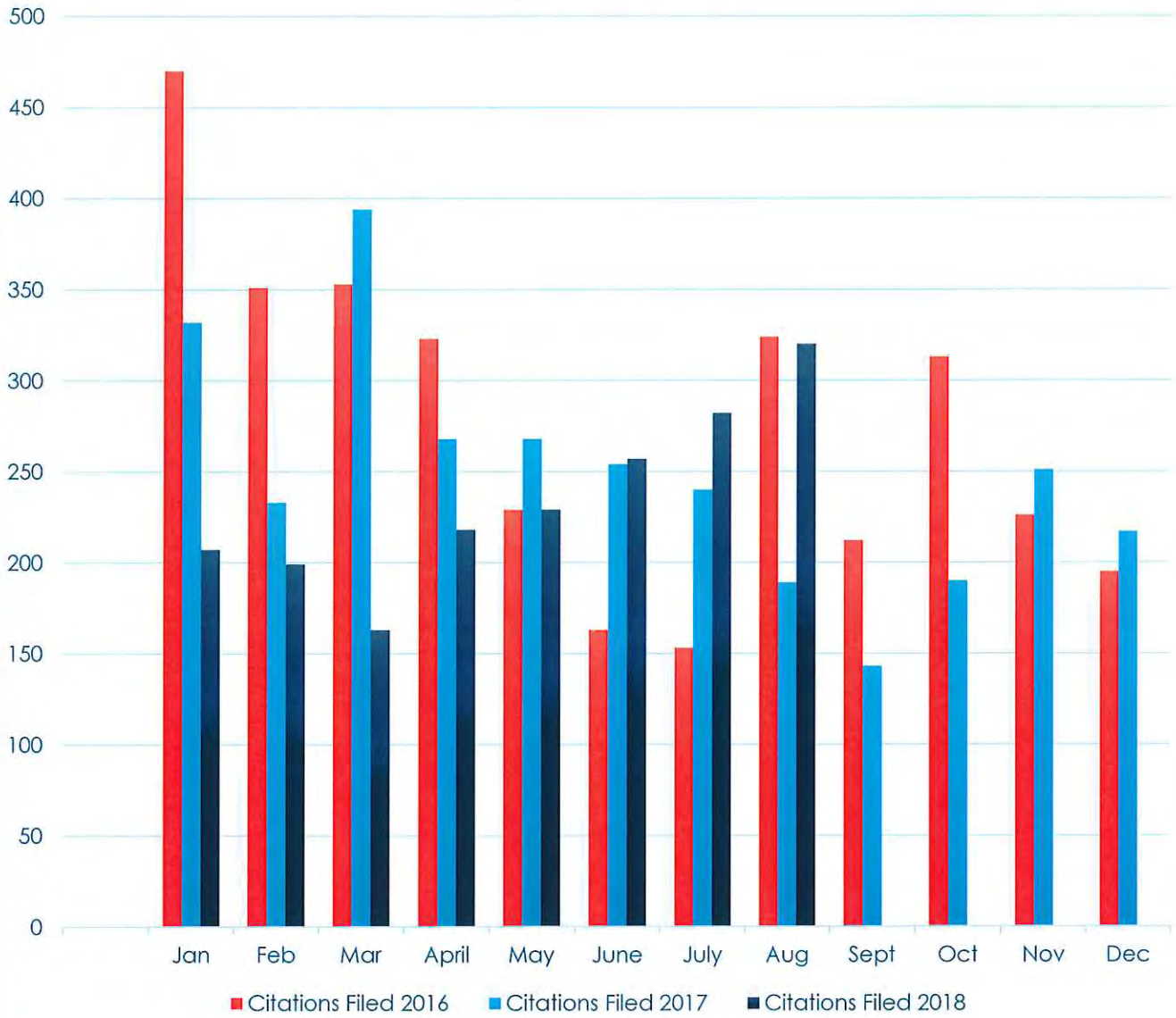
Citations Filed			
	2016	2017	2018
<i>Jan</i>	470	332	207
<i>Feb</i>	351	233	199
<i>Mar</i>	353	394	163
<i>April</i>	323	268	218
<i>May</i>	229	268	229
<i>June</i>	163	254	257
<i>July</i>	153	240	282
<i>Aug</i>	324	189	320
<i>Sept</i>	212	143	
<i>Oct</i>	313	190	
<i>Nov</i>	226	251	
<i>Dec</i>	195	217	

Totals 2164 2402 1875

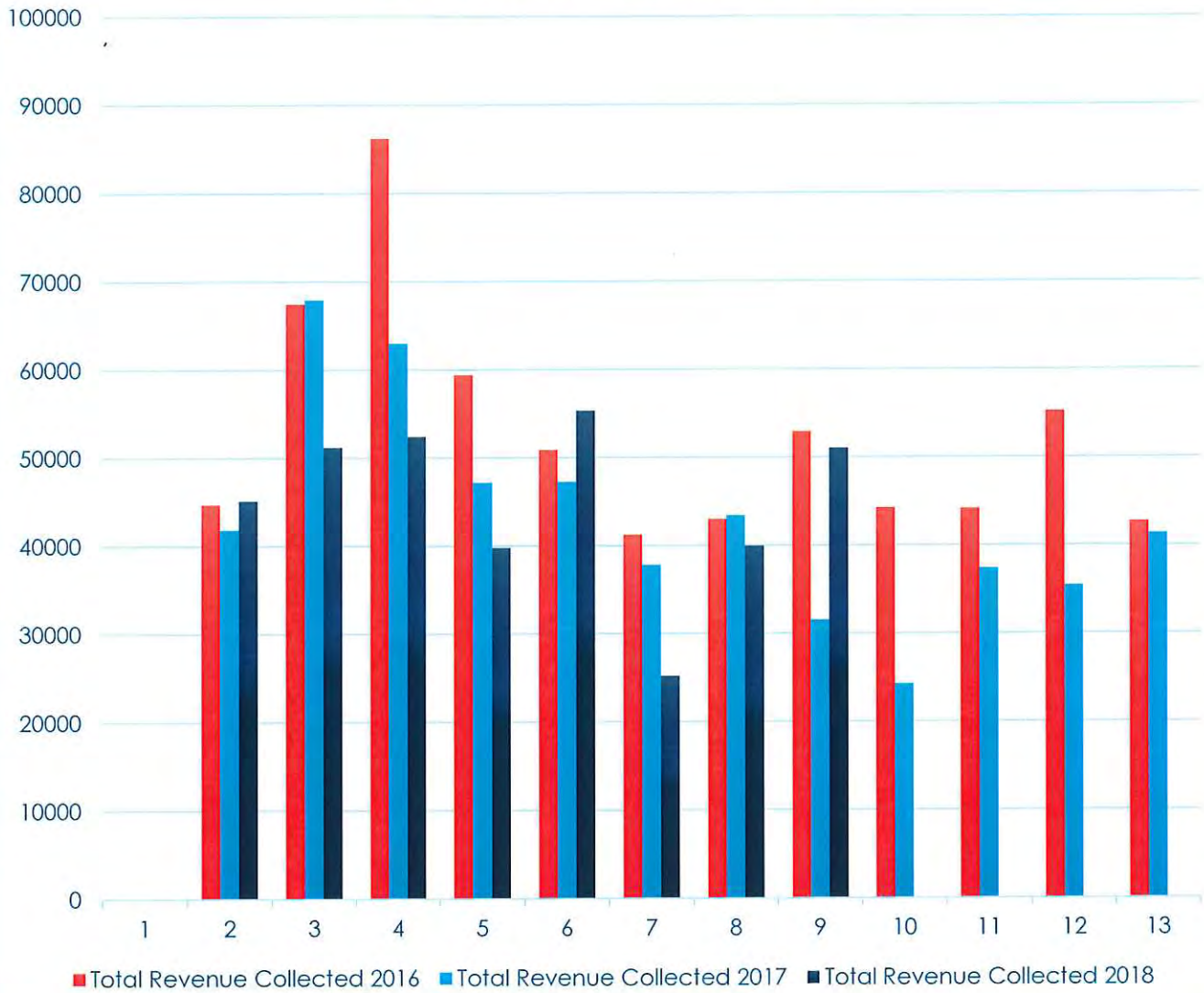
Total Revenue Collected			
	2016	2017	2018
<i>Jan</i>	\$44,702.82	\$41,830.44	\$45,128.89
<i>Feb</i>	\$67,466.54	\$67,937.61	\$51,188.10
<i>Mar</i>	\$86,201.43	\$62,992.57	\$52,380.12
<i>April</i>	\$59,388.14	\$47,163.40	\$39,781.86
<i>May</i>	\$50,854.90	\$47,225.90	\$55,321.25
<i>June</i>	\$41,238.67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

Totals \$632,082.02 \$518,336.80 \$359,937.49

Citations Filed



Total Revenue Collected



UTILITY REPORTS – AUGUST 2018

TOTAL REVENUE

Utilities	\$158,962.60
Permits	\$20,817.90
Community Building	\$1,630.00

UTILITIES

New Water Accts.	25
Disconnected Water Accts.	12
Total Number of Active Accts.	688

PERMITS

Type	Permit Total	Revenue
Building - Residential	11	\$13,410.00
Building - Commercial	0	\$0.00

Pool	1	\$210.00
Photography	1	\$25.00
Irrigation	4	\$392.90
Electrical	9	\$1,733.00
Mechanical	12	\$1,966.00
Plumbing	13	\$3,031.00
Sign	1	\$50.00
Total:	52	\$20,817.90

COMMUNITY BUILDING

Type of Rental	Number of Bookings	Revenue
Profit	5	\$1,630.00
Non - Profit	12	\$0.00

CITY ACCOUNT CONSUMPTION

	JUNE	JULY	AUGUST
Community Building – Irrigation (01-8732-00)	8	6	9
Community Building (01-0130-00)	1	1	1
City Cemetery (01-1110-00)	0	0	0
City Welcome Sign Irrigation at HWY 105 & Prairie – Rose Garden (01-8733-00)	1	0	1
North Liberty Sewer Plant			
Cedar Break Park Irrigation (01-8736-00)	8	2	3
Cedar Break Park Restrooms (01-8735-00)	1	2	1
Fernland (01-8737-00)	18	5	6
Memory Park (01-5885-00)	180	189	205
Community Building Stage Irrigation – Rose Garden (01-6180-00)	5	0	2
City Hall & Irrigation (01-6190-00)	27	26	27
Homecoming Park Restrooms (01-8820-00)	2	0	0
Homecoming Park Drinking Ftn (01-8738-00)	0	0	2
Buffalo Springs Sewer Plant (01-8821-00)	2	1	2



City of Montgomery

Operations Report

August 2018

7/18/18-8/17/18

TAP

INTO

TECHNOLOGY

Dear City of Montgomery Council Members:

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

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

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

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

Michael Williams



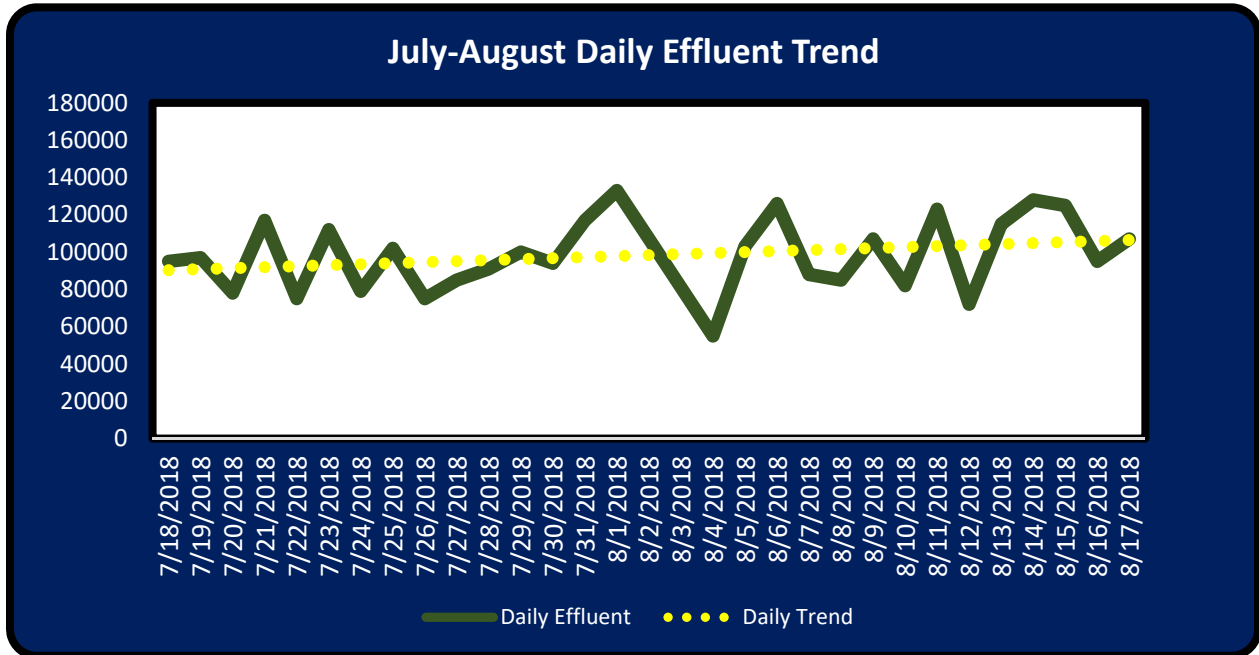
Vice President of Operations
Gulf Utility Service

District Alerts

08/12/2018 – Lift station 4, 13, and WP3 Power failure

Upon arrival operator found all facilities running normally, alarm was due to power surges in the area.

Wastewater Plant Flow Detail



- Flow for the month of July – August was 3,049,000 gallons
- Daily peak flow August 1, 2018 was 133,000 gallons
 - 33% of permitted value
- Average Daily Flow 98,400 gallons
 - 25% of permitted value


Discharge Limitations

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

Effluent

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

Buffalo Springs WWTP Effluent Monitoring Report

Effluent Permitted Values	Parameter		Measured	Excursion
Average Monthly T.S.S.	15	mg/l	2.30	no
Average Monthly NH3	2	mg/l	0.28	no
Minimal CL2 Residual	1	mg/l	1.02	no
Max CL2 Residual	4	mg/l	3.53	no
Rainfall for the Month		2.75	inches	

There were no excursions for the month of August



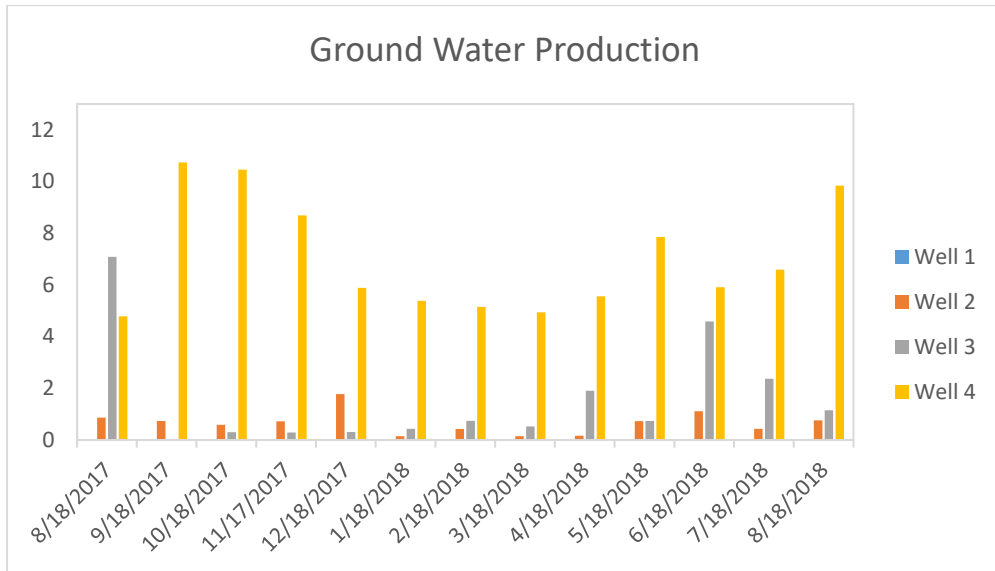
Water Report

7/18/2017-8/17/2018

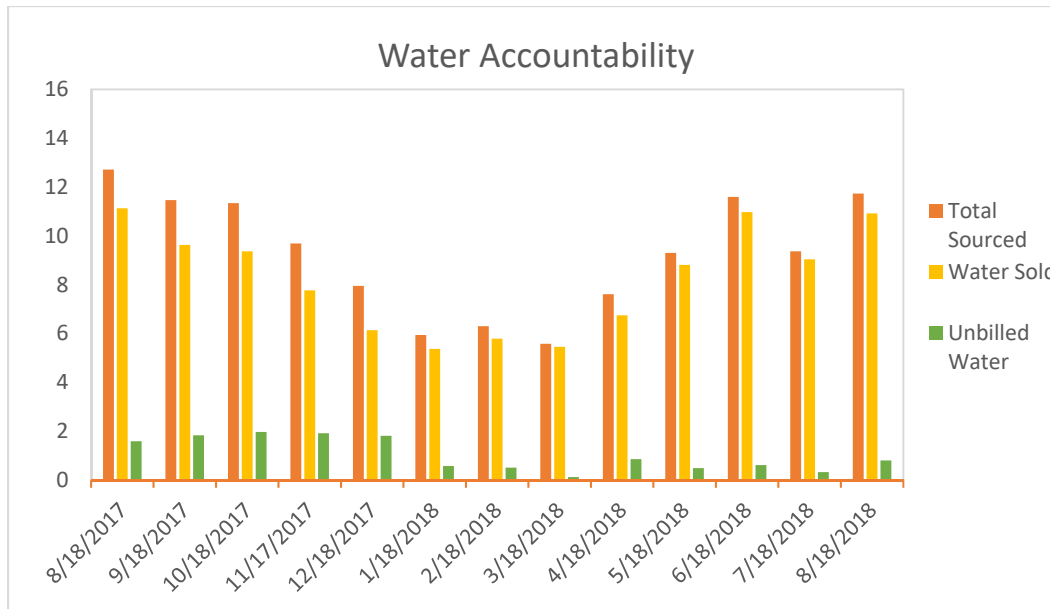
2018							
Well Name	Recorded Flow	% of Total	Rating G/Day	YTD Pumpage	YTD %	Permitted Value	Remaining Permit %
Well 2	0.751	6.40%	0.864	3.861	5.73%	47.551	65.82%
Well 3	1.145	9.76%	0.864	12.390	18.37%	47.551	65.82%
Well 4	9.834	83.84%	2.160	51.182	75.90%	75.100	31.85%
Total	11.730	100.00%	3.888	67.432	100%	122.651	
Flushing	0.386						
Subtotal	11.344						
Sold	10.922						
% Accounted	96%						

Accountability	
Total Water Sourced	11.730
Flushing	0.386
Subtotal	11.344
Sold	10.922
Accountability %	96%

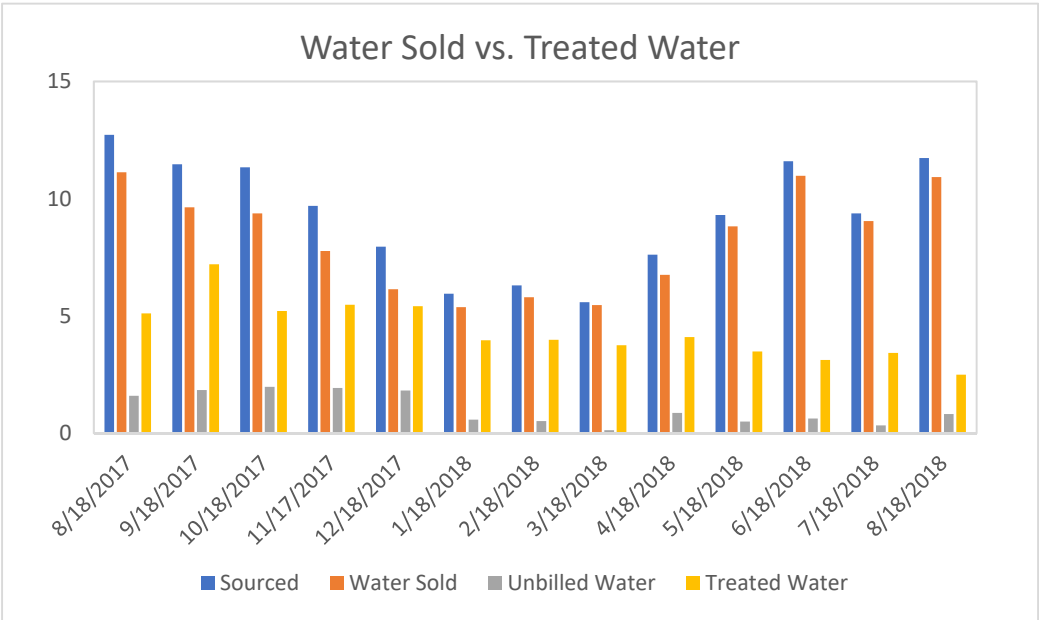
CONNECTIONS	
School	12
Commercial Inside	143
Commercial Outside	1
Residential Inside	580
Residential Outside	25
Church	13
City	15
Hydrant	6
Multifamily	11
n/a	2
Total	808



Date	Total	Well_1	Well_2	Well_3	Well_4
AVG	9.276	0.000	0.655	1.565	7.055
8/18/2017	12.718	0.000	0.861	7.080	4.777
9/18/2017	11.463	0.000	0.729	0.001	10.733
10/18/2017	11.337	0.000	0.581	0.297	10.459
11/17/2017	9.688	0.000	0.718	0.283	8.687
12/18/2017	7.951	0.000	1.769	0.299	5.883
1/18/2018	5.943	0.000	0.139	0.423	5.381
2/18/2018	6.299	0.000	0.418	0.735	5.146
3/18/2018	5.584	0.000	0.138	0.515	4.931
4/18/2018	7.61	0.000	0.160	1.899	5.551
5/18/2018	9.304	0.000	0.725	0.730	7.849
6/18/2018	11.593	0.000	1.105	4.582	5.906
7/18/2018	9.37	0.000	0.425	2.361	6.584
8/18/2018	11.73	0.000	0.751	1.145	9.834
Total	120.59	0.000	8.519	20.350	91.721



Date	Accountability	Unaccounted	Total Sourced	Water Sold	Flushing Leaks	Unbilled Water
8/18/2017	89%	1.388	12.718	11.127	0.203	1.591
9/18/2017	98%	0.266	11.463	9.628	1.569	1.835
10/18/2017	89%	1.279	11.337	9.368	0.690	1.969
11/17/2017	83%	1.615	9.688	7.767	0.306	1.921
12/18/2017	79%	1.7051	7.951	6.136	0.110	1.815
1/18/2018	93%	0.389	5.943	5.369	0.185	0.574
2/18/2018	95%	0.323	6.299	5.791	0.185	0.508
3/18/2018	101%	-0.077	5.584	5.459	0.202	0.125
4/18/2018	91%	0.709	7.610	6.75	0.151	0.860
5/18/2018	96%	0.327	9.304	8.814	0.163	0.490
6/18/2018	96%	0.458	11.593	10.976	0.159	0.617
7/18/2018	98%	0.141	9.370	9.043	0.186	0.327
8/18/2018	96%	0.422	11.730	10.922	0.386	0.808



Date	Sourced	Water Sold	Unbilled Water	Treated Water	Return %	Rain
8/18/2017	12.718	11.127	1.591	5.107	46%	14.16
9/18/2017	11.463	9.628	1.835	7.199	75%	1.41
10/18/2017	11.337	9.368	1.969	5.204	56%	2.75
11/17/2017	9.688	7.767	1.921	5.473	70%	4.15
12/18/2017	7.951	6.136	1.815	5.412	88%	3.74
1/18/2018	5.943	5.369	0.574	3.956	74%	2.75
2/18/2018	6.299	5.791	0.508	3.979	69%	3.50
3/18/2018	5.584	5.459	0.125	3.744	69%	3.75
4/18/2018	7.610	6.750	0.860	4.096	61%	6.75
5/18/2018	9.304	8.814	0.490	3.481	39%	2.50
6/18/2018	11.593	10.976	0.617	3.121	28%	3.25
7/18/2018	9.370	9.043	0.327	3.417	38%	7.00
8/18/2018	11.73	10.922	0.808	2.492	23%	2.75

September 20, 2018

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

Re: Engineering Report
Council Meeting: September 25, 2018
City of Montgomery

Dear Mayor and Council:

The following information summarizes our activities on your behalf since the August 28, 2018 Council Meeting:

Status of Previously Authorized Projects:

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

a) Buffalo Springs Drive Bridge Repair (FEMA)

The contractor has completed the grading of the embankment slopes and installation of all storm sewer. The contractor is nearly complete with all end treatments and is beginning to construct the approaches to the bridge on both the north and south sides. The contractor is scheduled to begin formwork and construction of the slope paving this week. Enclosed is the most recent construction schedule showing substantial completion in the end of October. We received and approved Pay Estimate Nos. 7 and 8 in the amounts of \$108,882.82 and \$125,480.99, respectively, to Glenn Fuqua, Inc. We are continuing to assist City Staff in providing the necessary documentation to FEMA to receive reimbursement.

b) FM 149 Sanitary Sewer Cleaning and Televising

We have completed our review of all submitted line segment and manhole videos and have prepared our recommendations for repairs. The work is complete, and we recommend acceptance of the project and approval of final payment.

Agenda Item – Consideration and possible action regarding Certificate of Acceptance for the 2017 FM 149 Sanitary Sewer Cleaning and Televising project and approval of final payment.

c) Water Distribution System Analysis and Master Plan-CP No. 1, Water Plant No. 2 GST Backfill

As a reminder, this project will be rebid with the Water Plant No. 3 Improvements project.

Status of Previously Authorized Projects (cont.):

- d) Water Distribution System Analysis and Master Plan - CP No. 2, 12-inch Waterline Across Town Creek Bridge**
The contractor has been further delayed by the contractor for the bridge. We anticipate the contractor will be able to begin work on September 24th. We plan to present Change Order No. 2 at your October 9th Council meeting to add additional days to the contract period of performance.
- e) Water Distribution System Analysis and Master Plan – CP No. 3 – Downtown and SH-105 Waterline Replacement**
As a reminder, this project is included in the TWDB Drinking Water State Revolving Fund (“DWSRF”) loan. We expect to complete the design in early October 2018 and receive plan approval in November 2018. We expect construction to begin in January 2019.
- f) Water Distribution System Analysis and Master Plan – CP No. 9 - Water Plant No. 3 Improvements**
As a reminder, this project is included in the TWDB DWSRF loan. We expect to complete the design and receive all plan approvals in Fall/Winter 2018.
- g) Sanitary Sewer System Analysis and Master Plan – CP No. 3b – Lift Station No. 1 Replacement**
As a reminder, this project is included in the TWDB Clean Water State Revolving Fund (“CWSRF”) loan. The design is substantially complete and undergoing internal review before being submitted for external review. We have received comments from the TORC and are currently addressing them.
- h) Sanitary Sewer System Analysis and Master Plan – CP No. 10 – Lift Station No. 3 Force Main Re-Route**
As a reminder, this project is included in TWDB CWSRF loan. The design is substantially complete and under final internal review before undergoing TWDB review. We expect construction to begin in December 2018.
- i) 18” Gravity Sanitary Sewer Extension**
As a reminder, Change Order No. 1 was approved at the September 11th Council meeting. The contractor has mobilized and has completed preliminary site work. We met with the contractor on September 19th to discuss construction methods to avoid excessive groundwater onsite. We received and approved Pay Estimate No. 1 in the amount of \$21,363.30 to Randy Roan Construction, Inc. It is our understanding the contractor plans to begin installing the sanitary sewer pipe next week.
- j) Baja Road Water and Drainage Improvements (CDBG)**
The design is complete, and the project is currently advertising for bid. We plan to hold a pre-bid meeting on September 25th and receive bids at City Hall on October 2nd.
- k) Baja Road Paving Repairs (FEMA)**
We have prepared a scope and schedule for the project, which has been approved by the City Administrator. We are beginning our design of the project and preparation of bid documents. As a reminder, this project will take place following the completion of the Baja Road Water and Drainage Improvements (CDBG) project.

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

We are proceeding with the design of the repairs. The structural engineering and hydraulic analysis are still taking place but are on schedule to be complete by October 2nd. Once the structural design is complete, the environmental approval process will begin.

m) GLO Projects

We submitted the required documentation to GrantWorks to complete the review package on March 15th. As a reminder, the projects submitted include the remaining estimated portion of the Buffalo Springs Drive Bridge; sanitary sewer, drainage, and paving improvements along Martin Luther King, Jr. and Baja Road including improvements to a tributary of Town Creek; the addition of a generator at Water Plant No. 3; and improvements to Lift Station No. 3. We are continuing to coordinate with GrantWorks to determine when funds will become available.

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

- i. **Cade Country (Al Cade) Development** – As a reminder, at the September 11th meeting of the City Council, we were authorized to proceed with a Utility and Economic Feasibility Study for the Cade Country Development. We plan to present our findings at the October 9th meeting of the City Council.

b) Plan Reviews

- i. **Peter Hill Public Infrastructure** – We received revised plans on July 3rd and await the deposit of funds from the developer before proceeding with our review.
- ii. **Lone Star Cowboy Church** – We received revised plans on August 28th and returned plan approval on September 5th.
- iii. **Shoppes at Montgomery, Phase II** – We received revised plans on August 17th and returned comments on September 4th.
- iv. **Heritage Seniors Apartments** – We received plans on September 11th and provided comments to the plans on September 18th.
- v. **Exxon Eva Street** – We received plans on August 28th and await the deposit of funds from the developer before proceeding with our review.

c) Plat Reviews

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

Plat Reviews (cont.):

- ii. **Lone Star Parkway North, Sections 1 & 2 Vacating Plats** – We received revised plats last month and recommend approval.

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

Agenda Item - Consideration and possible action on vacating the plat of Lonestar Parkway North Section Two.

- iii. **Hills of Town Creek, Section 3 Final Plat** – We received the final plat on September 6th and provided comments to the plat on September 10th. We received a revised plat on September 14th and recommend approval of the final plat.

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

d) Ongoing Construction

- i. **Hills of Town Creek, Section 3** – Construction is proceeding on the public improvements to serve the development.
- ii. **Emma’s Way** – We held a final inspection of the infrastructure on August 27th and provided the contractor and developer with the final punch list. It is our understanding the contractor is working to address all punch list items.
- iii. **Montgomery First Phase I, II, & III** – The contractor has sufficiently addressed all punch list items identified at the final inspection held on August 13th, and we recommend acceptance of the public infrastructure.

Agenda Item – Consideration and possible action regarding the Certificate of Acceptance for public water and public sanitary sewer infrastructure to serve the Montgomery First (Dev. No. 1017) Development.

- iv. **Shoppes at Montgomery, Phase I** – The Contractor is proceeding with construction of the public waterline and sanitary sewer line along FM 2854.

e) One-Year Warranty Inspections

- i. **Lift Station No. 14** – We are working with Public Works and Gulf Utilities to bring the lift station to the proper specifications with the funds deposited by the developer for the replacement pumps.
- ii. **Gardner Drive** – We conducted a one-year warranty inspection for the public infrastructure installed on August 28th. It is our understanding the contractor is working to address all punch list items identified at the inspection.

One-Year Warranty Inspections (cont.):

- iii. **Lake Creek Village, Section 3** – We plan to conduct a one-year warranty inspection for the public infrastructure in October.

Meetings and Ongoing Activities:

- a) **2018 Catahoula Well Permit Amendment** – The City Administrator submitted the Permit Amendment Application to Lone Star Groundwater Conservation District this week to request additional permit capacity for the Catahoula Well permit to accommodate current demands and future growth within the City. We have received a request from LSGCD for additional information, and we will provide all requested documentation this week.
- b) **Lone Star Parkway Transportation Improvement Plan (TIP)** – We are working with the H-GAC to discuss planning for the possible acceptance Lone Star Parkway by TxDOT in the future.
- c) **2018 Annual Water Plant Inspection** – We are coordinating with Gulf Utilities and the Public Works Director to schedule the annual water plant inspection. As a reminder, this will be a full mechanical and electrical inspection and corresponding report, as approved at the June 26th meeting of the City Council.
- d) **Right of Way Survey (SE Corner of FM 149/SH-105)** – We prepared the legal description and exhibit for the portion of the property at the southeast corner of FM 149 and SH-105 to be donated to TxDOT for construction of a right-hand turn lane.
- e) **Development Handbook and Approval Process** – We completed all updates to the Development Handbook and have provided a final copy to the City Secretary and City Administrator to publish on the City's website.
- f) **Developer's Roundtable** – Together with the Mayor and City Administrator, we held a developer's roundtable at City Hall on September 14th to discuss processes and ordinances that pertain to development within Montgomery. Attendees included developers and major landowners within the City, Mayor Countryman, Mike Muckleroy, and Jack Yates. We discussed practicality and implementation concerns developers are facing regarding the tree ordinance, landscaping ordinance, and lighting ordinance, as well as the overall development process. We presented the final Development Handbook and introduced attendees to the City's GIS system, so they can begin using it. We are working with the Mayor and City Administrator to determine if any improvements can be made to existing ordinances and processes.
- g) **Weekly Operations Conference Call** – We continue hosting a weekly conference call with representatives from Gulf Utility Service, Inc. and City Staff. Items of note discussed during the previous month included receiving estimates for repairs to Lift Station No. 14, updates on various warranty inspections, general updates on all active design and construction projects, and general operations of the City's water and sanitary sewer facilities.

Meetings and Ongoing Activities (cont.):

- h) Technical Operations Review Committee (TORC)** – We received comments to the Lift Station No. 1 Relocation project and comments to the previously agreed upon projections. We plan to meet within the next couple of weeks to determine if a recommendation should be made to the Capital Improvements advisory Committee before their semi-annual meeting in October.

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

Sincerely,



Chris Roznovsky, PE
Engineer for the City

CVR/kmv

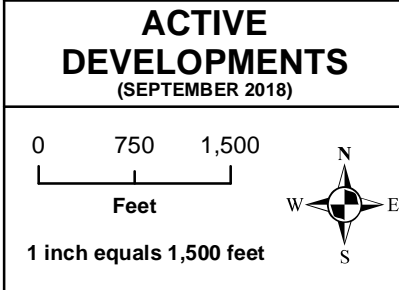
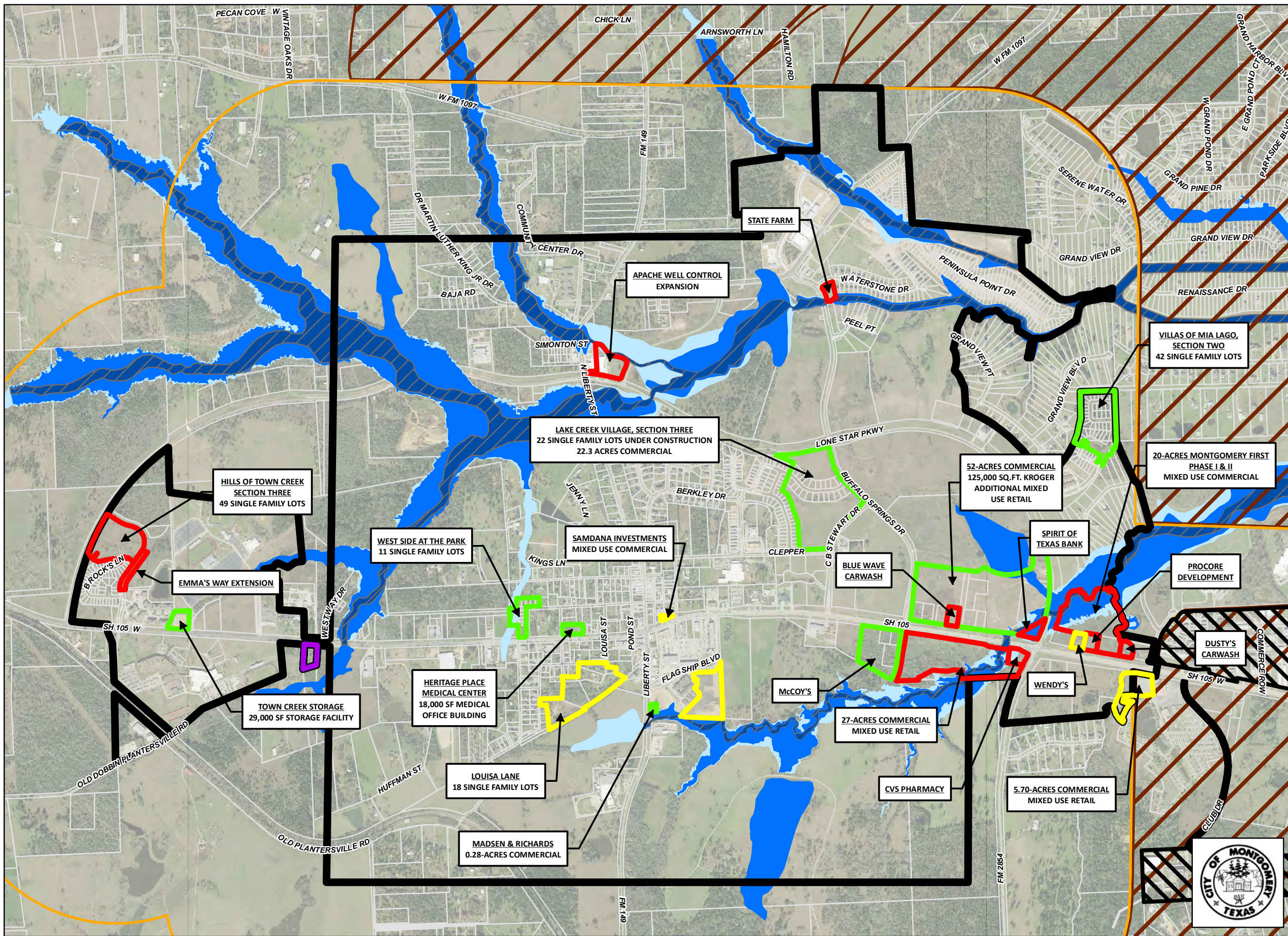
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Enclosures:

Project Master Schedule
Active Capital Projects Map
Active Developments Map

Cc (via email):

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



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CITY OF MONTGOMERY
ACCOUNT BALANCES
For Meeting of September 25, 2018

	CHECKING ACCT BALANCES	PRIOR MONTH END INVESTMENTS	TOTAL FUNDS AVAILABLE
GENERAL FUNDS			
OPERATING FUND #1017375	\$ 608,884.18		\$ 608,884.18
HOME GRANT FUNDS /COPS UNIVERSAL #1032895	\$ 10.00		\$ 10.00
ESCROW FUND #1025873	\$ -		\$ -
PARK FUND #7014236	\$ -		\$ -
POLICE DRUG & MISC FUND #1025675	\$ 10,675.64		\$ 10,675.64
INVESTMENTS - GENERAL FUND		\$ 300,000.00	\$ 300,000.00
TEXPOOL - GENERAL FUND # 00003		\$ 211,049.43	\$ 211,049.43
TEXPOOL - RESERVE FUND # 00005		\$ -	\$ -
TOTAL GENERAL FUND	\$ 619,569.82	\$ 511,049.43	\$ 1,130,619.25
CONSTRUCTION FUND			
BUILDING FUND #1058528	\$ -		\$ -
CONSTRUCTION ACCOUNT #1058544	\$ 238,336.17		\$ 238,336.17
BOK Financial Series 2017A	\$ 1,015,862.32		\$ 1,015,862.32
BOK Financial Series 2017BA	\$ 1,606,975.20		\$ 1,606,975.20
TEXPOOL - CONST # 00009		\$ 586,950.43	\$ 586,950.43
INVESTMENTS - CONSTRUCTION		\$ -	\$ -
TOTAL CONSTRUCTION FUND	\$ 2,861,173.69	\$ 586,950.43	\$ 3,448,124.12
DEBT SERVICE FUND			
DEBT SERVICE FUND #7024730	\$ 250,090.41		\$ 250,090.41
TEXPOOL DEBT SERVICE # 00008	\$ -	\$ 24,754.37	\$ 24,754.37
TOTAL DEBT SERVICE FUND	\$ 250,090.41	\$ 24,754.37	\$ 274,844.78
COURT SECURITY FUND #1070580	\$ 8,044.11	\$ -	\$ 8,044.11
COURT TECHNICAL FUND #1058361	\$ 33,291.23	\$ -	\$ 33,291.23
GRANT FUND			
HOME GRANT ACCOUNT #1059104	\$ 5,737.63		\$ 5,737.63
GRANT ACCOUNT #1048479	\$ 7,174.81		\$ 7,174.81
TOTAL GRANT FUND	\$ 12,912.44	\$ -	\$ 12,912.44
HOTEL OCCUPANCY TAX FUND #1025253	\$ 11,021.15	\$ -	\$ 11,021.15
MEDC			
CHECKING ACCOUNT #1017938	\$ 251,017.34		\$ 251,017.34
TEXPOOL - MEDC # 00003		\$ 238,581.90	\$ 238,581.90
INVESTMENTS - MEDC		\$ 250,000.00	\$ 250,000.00
TOTAL MEDC	\$ 251,017.34	\$ 488,581.90	\$ 739,599.24
POLICE ASSET FORFEITURES #1047745	\$ 6,221.99		\$ 6,221.99
UTILITY FUND			
UTILITY FUND #1017383	\$ 581,518.33		\$ 581,518.33
CUSTOMER DEPOSITS FUND #1017417	\$ -		\$ -
WATER WORKS & SAN SEWER #7013840	\$ -		\$ -
TEXPOOL - UTILITY FUND # 00002		\$ 18,236.42	\$ 18,236.42
TOTAL UTILITY FUND	\$ 581,518.33	\$ 18,236.42	\$ 599,754.75
TOTAL ALL FUNDS	\$ 4,634,860.51	\$ 1,629,572.55	\$ 6,264,433.06
INVESTMENTS			
TEXPOOL - GENERAL FUND			\$ 211,049.43
INVESTMENTS - GENERAL FUND			\$ 300,000.00
TEXPOOL - CONST # 00009			\$ 586,950.43
TEXPOOL - DEBT SERVICE # 00008			\$ 24,754.37
TEXPOOL - MEDC			\$ 238,581.90
INVESTMENTS - MEDC			\$ 250,000.00
TEXPOOL - UTILITY			\$ 18,236.42
TOTAL ALL INVESTMENTS			\$ 1,629,572.55

*Note: Due to General Fund from Construction Fund (for Bridge Repair)
(Advances up to \$600,000.00 approved by Council)

\$52,182.11
\$334,343.21

Reimbursed 9/20/18

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

August 2018

	Aug 18	Budget	\$ Over B...	Oct '17 - ...	YTD Bud...	\$ Over B...	Annual B...
Ordinary Income/Expense							
Income							
14000.1 · Taxes & Franchise Fees							
14103 · Beverage Tax	0.00	0.00	0.00	10,656.16	8,250.00	2,406.16	11,000.00
14111 · Franchise Tax	72,284.18	0.00	72,284.18	87,389.55	54,000.00	33,389.55	72,000.00
14320 · Ad Valorem Taxes							
14320.1 · PID Tax Revenue	0.00			35,375.81	35,775.00	-399.19	35,775.00
14320 · Ad Valorem Taxes - Other	1,255.79	10,406.84	-9,151.05	402,200.42	401,742.31	458.11	402,412.00
Total 14320 · Ad Valorem Taxes	1,255.79	10,406.84	-9,151.05	437,576.23	437,517.31	58.92	438,187.00
14330 · Penalties & Interest on Adv Tax	307.27	408.33	-101.06	3,448.61	2,891.67	556.94	3,100.00
14331 · Rendition Penalties	0.00	16.67	-16.67	0.00	183.33	-183.33	200.00
14600 · Sales Tax	228,316.93	142,986.32	85,330.61	1628342.85	1589943.80	38,399.05	1810800.00
Total 14000.1 · Taxes & Franchise Fees	302,164.17	153,818.16	148,346.01	2167413.40	2092786.11	74,627.29	2335287.00
14000.2 · Permits & Licenses							
14105 · Building Permits	34,033.77	17,951.40	16,082.37	216,608.92	178,361.60	38,247.32	205,000.00
14146 · Vendor/Beverage Permits	20.00	0.00	20.00	2,563.50	1,875.00	688.50	2,500.00
14611 · Sign Fee	50.00	150.00	-100.00	2,035.00	1,650.00	385.00	1,800.00
14612 · Misc Permit Fees(plats,& Zoning	2,049.56	166.67	1,882.89	4,523.76	1,833.33	2,690.43	2,000.00
Total 14000.2 · Permits & Licenses	36,153.33	18,268.07	17,885.26	225,731.18	183,719.93	42,011.25	211,300.00
14000.4 · Fees for Service							
14380 · Community Bldg Rental	1,180.00	458.33	721.67	5,860.00	5,041.67	818.33	5,500.00
14381 · Kiosk Revenue	0.00	0.00	0.00	0.00	30.00	-30.00	30.00
14385 · Right of Way Use Fees	1,115.28	500.00	615.28	7,991.20	5,500.00	2,491.20	6,000.00
Total 14000.4 · Fees for Service	2,295.28	958.33	1,336.95	13,851.20	10,571.67	3,279.53	11,530.00
14000.5 · Court Fines & Forfeitures							
14101 · Collection Fees	1,337.22	2,416.66	-1,079.44	26,968.05	26,583.34	384.71	29,000.00
14102 · Asset Forfeitures	0.00	0.00	0.00	0.00	375.00	-375.00	500.00
14106 · Child Belt/Safety (Dedicated)	0.00	100.00	-100.00	71.33	700.00	-628.67	800.00
14108 · Court Fees	0.00			234.71			
14110 · Fines	47,100.29	38,333.33	8,766.96	434,568.25	421,666.67	12,901.58	460,000.00
14118 · OMNI	144.87	166.67	-21.80	2,231.49	1,833.33	398.16	2,000.00
14125 · Warrant Fees	0.00	0.00	0.00	0.00	50.00	-50.00	50.00
14126 · Judicial Efficiency (Dedicated)	144.04	145.83	-1.79	1,306.58	1,604.17	-297.59	1,750.00
14130 · Accident Reports	0.00	30.00	-30.00	231.41	204.00	27.41	240.00
Total 14000.5 · Court Fines & Forfeitures	48,726.42	41,192.49	7,533.93	465,611.82	453,016.51	12,595.31	494,340.00
14000.6 · Other Revenues							
15380 · Unanticipated Income	663.43	375.00	288.43	5,795.12	4,125.00	1,670.12	4,500.00
15391 · Interest Income	351.74	12.57	339.17	465.42	187.11	278.31	200.00
15392 · Interest on Investments	0.00	450.00	-450.00	5,838.06	4,950.00	888.06	5,400.00
Total 14000.6 · Other Revenues	1,015.17	837.57	177.60	12,098.60	9,262.11	2,836.49	10,100.00
15350 · Proceeds from sales	0.00	0.00	0.00	0.00	100.00	-100.00	100.00
15352 · Proceeds from FEMA Dissaster Re	0.00	0.00	0.00	-5,718.73	0.00	-5,718.73	0.00
15393 · Police Grant Revenue	0.00	0.00	0.00	0.00	471.00	-471.00	471.00
Total Income	390,354.37	215,074.62	175,279.75	2878987.47	2749927.33	129,060.14	3063128.00
Expense							
16000 · Personnel							
16353.1 · Health Ins.	9,383.40	8,832.54	550.86	98,256.40	97,157.46	1,098.94	105,990.00
16353.4 · Unemployment Ins.	48.69	110.56	-61.87	3,445.79	2,992.83	452.96	3,110.00
16353.5 · Workers Comp.	3,733.34	1,285.38	2,447.96	25,427.93	14,524.62	10,903.31	15,810.00

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

August 2018

	Aug 18	Budget	\$ Over B...	Oct '17 - ...	YTD Bud...	\$ Over B...	Annual B...
16353.6 · Dental & Vision Insurance	1,155.86	1,013.96	141.90	7,605.81	10,766.04	-3,160.23	11,780.00
16353.7 · Life & AD&D Insurance	121.46	80.84	40.62	513.27	889.16	-375.89	970.00
16353.8 · Crime-Ins	43.92	0.00	43.92	263.51	0.00	263.51	0.00
16560 · Payroll Taxes	10,902.26	7,495.82	3,406.44	83,552.08	82,454.18	1,097.90	89,950.00
16600 · Wages	139,419.67	98,279.17	41,140.50	1024336.68	1067745.83	-43,409.15	1166025.00
16600.1 · Overtime	1,144.46	1,640.30	-495.84	41,304.95	17,707.49	23,597.46	20,000.00
16620 · Retirement Expense	8,472.24	4,216.66	4,255.58	62,994.00	46,383.34	16,610.66	50,600.00
Total 16000 · Personnel	174,425.30	122,955.23	51,470.07	1347700.42	1340620.95	7,079.47	1464235.00
16001 · Communications							
16338 · Advertising/Promotion							
16338.1 · Legal Notices and Pub	1,279.45	0.00	1,279.45	5,272.43	2,073.00	3,199.43	2,073.00
16338.2 · Recording Fees	0.00			1,500.00	0.00	1,500.00	0.00
16338 · Advertising/Promotion - Other	0.00	302.25	-302.25	2,520.49	4,324.73	-1,804.24	4,626.98
Total 16338 · Advertising/Promotion	1,279.45	302.25	977.20	9,292.92	6,397.73	2,895.19	6,699.98
Total 16001 · Communications	1,279.45	302.25	977.20	9,292.92	6,397.73	2,895.19	6,699.98
16002 · Contract Services							
16102 · General Consultant Fees							
16102.1 · Sales Tax Tracking	1,400.00			4,200.00	0.00	4,200.00	0.00
16102 · General Consultant Fees - Other	1,594.90	2,166.67	-571.77	19,645.92	29,833.33	-10,187.41	32,000.00
Total 16102 · General Consultant Fees	2,994.90	2,166.67	828.23	23,845.92	29,833.33	-5,987.41	32,000.00
16220 · Omni Expense	0.00	291.66	-291.66	1,062.00	3,208.34	-2,146.34	3,500.00
16242 · Prosecutors Fees	1,800.00	750.00	1,050.00	9,900.00	10,750.00	-850.00	11,500.00
16280 · Mowing	7,640.08	6,716.67	923.41	74,308.43	73,883.33	425.10	80,600.00
16281 · Records Shredding	0.00			765.60			
16299 · Inspections/Permits	20,229.25	10,000.00	10,229.25	126,955.33	110,000.00	16,955.33	120,000.00
16310 · Judge's Fee	1,500.00	1,500.00	0.00	16,547.00	16,500.00	47.00	18,000.00
16320 · Legal							
16320.1 · House Abatement Legal	0.00	0.00	0.00	36.00	50.00	-14.00	50.00
16320 · Legal - Other	3,113.34	0.00	3,113.34	29,101.18	26,000.00	3,101.18	26,000.00
Total 16320 · Legal	3,113.34	0.00	3,113.34	29,137.18	26,050.00	3,087.18	26,050.00
16321 · Audit Fees	0.00	0.00	0.00	25,306.25	22,000.00	3,306.25	22,000.00
16322 · Engineering	19,058.01	6,833.33	12,224.68	159,471.09	113,166.67	46,304.42	120,000.00
16326 · Collection Agency Fees	0.00	2,800.00	-2,800.00	29,052.34	45,000.00	-15,947.66	45,000.00
16333 · Accounting Fees	12,643.06	7,000.00	5,643.06	97,140.08	88,000.00	9,140.08	95,000.00
16335 · Repairs & Maintenance							
16335.1 · Maintenance - Vehicles & Equip							
16334 · Gas/Oil	3,538.60	2,666.66	871.94	34,978.64	32,333.34	2,645.30	35,000.00
16343 · Tractor & Mower	0.00	83.33	-83.33	104.49	916.67	-812.18	1,000.00
16357 · Auto Repairs	3,560.63	1,791.66	1,768.97	18,829.36	19,708.34	-878.98	21,500.00
16373 · Equipment repairs	246.89	708.33	-461.44	3,771.13	8,791.67	-5,020.54	9,500.00
16374 · Building Repairs-City Hall/Comm	1,226.67	1,541.66	-314.99	22,788.43	19,458.34	3,330.09	21,000.00
16375 · Street Repairs - Minor							
16375.1 · Streets-Preventive Maintenance	0.00	0.00	0.00	4,662.45	6,000.00	-1,337.55	6,000.00
16375 · Street Repairs - Minor - Other	981.97	0.00	981.97	5,863.10	7,000.00	-1,136.90	7,000.00
Total 16375 · Street Repairs - Minor	981.97	0.00	981.97	10,525.55	13,000.00	-2,474.45	13,000.00
16335.1 · Maintenance - Vehicles & Equip - ...	126.54	83.33	43.21	419.33	916.67	-497.34	1,000.00
Total 16335.1 · Maintenance - Vehicles & Equip	9,681.30	6,874.97	2,806.33	91,416.93	95,125.03	-3,708.10	102,000.00
16335 · Repairs & Maintenance - Other	1,663.35	750.00	913.35	16,403.74	3,392.72	13,011.02	3,392.72

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

ccrual Basis

August 2018

	Aug 18	Budget	\$ Over B...	Oct '17 - ...	YTD Bud...	\$ Over B...	Annual B...
Total 16335 · Repairs & Maintenance	11,344.65	7,624.97	3,719.68	107,820.67	98,517.75	9,302.92	105,392.72
16337 · Street Signs	1,291.98	316.66	975.32	7,012.72	3,483.34	3,529.38	3,800.00
16340 · Printing & Office supplies	658.42	600.01	58.41	8,678.66	6,299.99	2,378.67	6,900.00
16342 · Computers/Website	4,146.27	2,625.00	1,521.27	31,978.98	29,875.00	2,103.98	32,500.00
16350 · Postage/Delivery	598.12	333.33	264.79	6,017.77	4,591.67	1,426.10	5,100.00
16351 · Telephone	1,048.31	1,529.17	-480.86	16,900.24	20,779.83	-3,879.59	22,309.00
16360 · Tax Assessor Fees	1,905.25	0.00	1,905.25	7,775.21	7,320.00	455.21	7,320.00
16370 · Election	0.00	0.00	0.00	7,381.00	9,900.00	-2,519.00	9,900.00
17030 · Mobil Data Terminal	0.00	1,333.33	-1,333.33	19,362.43	14,666.67	4,695.76	16,000.00
17031 · Police Officer Scheduling Serv	0.00	133.33	-133.33	562.95	1,866.67	-1,303.72	2,000.00
17040 · Computer/Technology	2,417.33	1,481.67	935.66	19,908.26	21,517.50	-1,609.24	23,000.00
17510 · State Portion of Fines/Payouts	0.00	0.00	0.00	118,958.45	162,000.00	-43,041.55	200,000.00
Total 16002 · Contract Services	92,388.97	54,035.80	38,353.17	945,848.56	919,210.09	26,638.47	1007871.72
16003 · Supplies & Equipment							
16244 · Radio Fees	0.00	0.00	0.00	0.00	4,398.24	-4,398.24	4,398.24
16328 · Uniforms & Safety Equip	225.54	1,083.33	-857.79	10,221.45	11,416.67	-1,195.22	12,500.00
16328.1 · Protective Gear	0.00	250.00	-250.00	0.00	2,250.00	-2,250.00	2,500.00
16358 · Copier/Fax Machine Lease	-211.00	1,689.12	-1,900.12	18,506.92	18,310.88	196.04	20,000.00
16460 · Operating Supplies (Office)							
16460.1 · Streets and Drainage	78.25	291.67	-213.42	2,807.87	3,208.33	-400.46	3,500.00
16460.2 · Cedar Brake Park	0.00	333.33	-333.33	2,131.56	3,366.67	-1,235.11	3,700.00
16460.3 · Homecoming Park	11.99	166.67	-154.68	1,009.34	1,633.33	-623.99	1,800.00
16460.4 · Fernland Park	0.00	208.33	-208.33	1,953.23	2,291.67	-338.44	2,500.00
16460.5 · Community Building	39.44	225.00	-185.56	1,335.53	2,475.00	-1,139.47	2,700.00
16460.6 · Tools, Etc	249.08	233.33	15.75	2,391.75	2,366.67	25.08	2,600.00
16460.7 · Memory Park	650.62	250.00	400.62	2,636.79	2,750.00	-113.21	3,000.00
16460 · Operating Supplies (Office) - Other	2,985.11	1,700.01	1,285.10	23,162.88	33,728.71	-10,565.83	35,428.72
Total 16460 · Operating Supplies (Office)	4,014.49	3,408.34	606.15	37,428.95	51,820.38	-14,391.43	55,228.72
16503 · Code Enforcement Expenses	0.00	33.33	-33.33	0.00	366.67	-366.67	400.00
17010 · Emergency Equipment	290.00	154.80	135.20	2,853.33	2,363.70	489.63	2,600.00
17050 · Radios	0.00	0.00	0.00	0.00	100.00	-100.00	100.00
17100 · Capital Purchase Furniture	298.99	2,527.00	-2,228.01	2,576.81	10,400.00	-7,823.19	10,400.00
16003 · Supplies & Equipment - Other	139.50	250.00	-110.50	781.04	2,750.00	-1,968.96	3,000.00
Total 16003 · Supplies & Equipment	4,757.52	9,395.92	-4,638.40	72,368.50	104,176.54	-31,808.04	111,126.96
16004 · Staff Development							
16241 · Training/Education	397.62	708.36	-310.74	1,202.60	7,791.64	-6,589.04	8,500.00
16339 · Dues & Subscriptions	420.11	166.67	253.44	4,952.46	3,333.33	1,619.13	3,500.00
16341 · Community Relations	180.00	100.00	80.00	1,895.52	1,900.00	-4.48	2,000.00
16354 · Travel & Training (Travel)	2,997.36	3,141.31	-143.95	25,606.12	24,227.86	1,378.26	26,500.00
16004 · Staff Development - Other	0.00	0.00	0.00	125.00	100.00	25.00	100.00
Total 16004 · Staff Development	3,995.09	4,116.34	-121.25	33,781.70	37,352.83	-3,571.13	40,600.00
16005 · Maintenance							
16228 · Park Maint-Memory Pk	99.54	708.33	-608.79	3,161.22	7,791.67	-4,630.45	8,500.00
16229 · Park Maint - Fernland	0.00	1,925.00	-1,925.00	22,802.54	21,075.00	1,727.54	23,000.00
16230 · Park Maint-Cedar Brake Park	80.00	500.00	-420.00	3,978.38	4,400.00	-421.62	4,900.00
16231 · Park Maint. - Homecoming Park	63.98	125.00	-61.02	923.97	1,375.00	-451.03	1,500.00
Total 16005 · Maintenance	243.52	3,258.33	-3,014.81	30,866.11	34,641.67	-3,775.56	37,900.00
16006 · Insurance							
16353.2 · Liability Ins.	3,880.58	1,116.67	2,763.91	23,283.48	23,308.33	-24.85	24,425.00
16353.3 · Property Ins.	1,353.22	458.34	894.88	8,119.31	8,041.66	77.65	8,500.00

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

ccrual Basis

August 2018

	Aug 18	Budget	\$ Over B...	Oct '17 - ...	YTD Bud...	\$ Over B...	Annual B...
Total 16006 · Insurance	5,233.80	1,575.01	3,658.79	31,402.79	31,349.99	52.80	32,925.00
16007 · Utilities							
16352.0 · Electronic Sign-City	48.71	50.00	-1.29	556.62	500.00	56.62	550.00
16352.1 · Street Lights	2,211.27	1,183.33	1,027.94	12,333.19	11,816.67	516.52	13,000.00
16352.2 · Downtown Utilities	97.21	28.33	68.88	483.12	311.67	171.45	340.00
16352.3 · Utilities-Cedar Brake Park	160.56	250.00	-89.44	2,051.74	2,750.00	-698.26	3,000.00
16352.4 · Utilities-Homecoming Park	125.61	108.33	17.28	1,486.05	1,191.67	294.38	1,300.00
16352.5 · Utilities-Fernland Park	532.39	408.33	124.06	4,443.43	3,691.67	751.76	4,100.00
16352.6 · Utilities - City Hall	1,102.70	944.00	158.70	10,695.54	10,386.00	309.54	11,330.00
16352.7 · Utilities - Gas	0.00	68.33	-68.33	0.00	751.67	-751.67	820.00
16352.8 · Utilities - Comm Center Bldg	389.59	450.00	-60.41	5,342.84	4,750.00	592.84	5,200.00
16352.9 · Utilities-Memory Pk	1,616.35	750.00	866.35	8,991.04	8,250.00	741.04	9,000.00
16007 · Utilities - Other	0.00	0.00	0.00	0.00	100.00	-100.00	100.00
Total 16007 · Utilities	6,284.39	4,240.65	2,043.74	46,383.57	44,499.35	1,884.22	48,740.00
16008 · Capital Outlay							
16233 · Cap Outlay- Com Building Proj	0.00	125.00	-125.00	3,243.98	1,375.00	1,868.98	1,500.00
17070 · Capital Outlay - Police Cars							
17070.1 · Emergency Lights, Decals	0.00	0.00	0.00	17,238.94	17,240.00	-1.06	17,240.00
17070.3 · Watch Guard	0.00	0.00	0.00	55,025.00	55,025.00	0.00	55,025.00
17070.4 · Tsf To CPF-Vehicle Replacement	15,000.00	0.00	15,000.00	15,000.00	15,000.00	0.00	15,000.00
17070 · Capital Outlay - Police Cars - Other	0.00	0.00	0.00	28,142.10	28,145.00	-2.90	28,145.00
Total 17070 · Capital Outlay - Police Cars	15,000.00	0.00	15,000.00	115,406.04	115,410.00	-3.96	115,410.00
17071 · Cap Purchase - Computers/Equip							
17071.1 · Copsync	1,200.00	0.00	1,200.00	1,200.00	6,500.00	-5,300.00	6,500.00
17071.2 · Radar	0.00	0.00	0.00	299.45	3,000.00	-2,700.55	3,000.00
17071.4 · Laser Fish (Software Equip)	0.00	308.23	-308.23	3,445.87	3,391.77	54.10	3,700.00
17071.6 · Investigative and Testing Equip	0.00	400.00	-400.00	1,281.83	3,600.00	-2,318.17	4,000.00
17071.7 · Ballistic Vests & Shields	0.00	0.00	0.00	9,881.31	9,880.00	1.31	9,880.00
17071 · Cap Purchase - Computers/Equip - Other	865.00	2,583.33	-1,718.33	9,209.52	18,416.67	-9,207.15	19,000.00
Total 17071 · Cap Purchase - Computers/Equip	2,065.00	3,291.56	-1,226.56	25,317.98	44,788.44	-19,470.46	46,080.00
17071.5 · Patrol Weapons	0.00	0.00	0.00	55.98	5,200.00	-5,144.02	5,200.00
17072 · Capital Outlay-PWorks Items	689.57	5,000.00	-4,310.43	53,629.27	55,000.00	-1,370.73	60,000.00
17080 · Capital Outlay-Improvements	1,046.00	0.00	1,046.00	1,046.00	15,000.00	-13,954.00	15,000.00
Total 16008 · Capital Outlay	18,800.57	8,416.56	10,384.01	198,699.25	236,773.44	-38,074.19	243,190.00
16009 · Miscellaneous Expenses							
16590 · Misc. Expense							
16590.2 · Property 149/105	5,018.76	0.00	5,018.76	9,173.82	6,200.00	2,973.82	6,200.00
16590 · Misc. Expense - Other	789.70	333.33	456.37	8,702.46	7,181.67	1,520.79	7,515.00
Total 16590 · Misc. Expense	5,808.46	333.33	5,475.13	17,876.28	13,381.67	4,494.61	13,715.00
16009 · Miscellaneous Expenses - Other	58.10			179.44	800.00	-620.56	800.00
Total 16009 · Miscellaneous Expenses	5,866.56	333.33	5,533.23	18,055.72	14,181.67	3,874.05	14,515.00
16010 · Contingency	0.00	10.00	-10.00	0.00	90.00	-90.00	100.00
16356 · Contract Labor- Streets	10,562.63	6,884.91	3,677.72	28,219.73	75,734.10	-47,514.37	82,619.01
16500 · Leases - Parks and Recreation							
16504 · Adams Park	0.00	0.00	0.00	5,458.91	6,000.00	-541.09	6,000.00
Total 16500 · Leases - Parks and Recreation	0.00	0.00	0.00	5,458.91	6,000.00	-541.09	6,000.00
17000 · Capital Purchase	0.00	250.00	-250.00	0.00	2,750.00	-2,750.00	3,000.00

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

accrual Basis

August 2018

	Aug 18	Budget	\$ Over B...	Oct '17 - ...	YTD Bud...	\$ Over B...	Annual B...
17500 · Tax Rebatement							
17500.1 · Sales Tax Rebate	0.00	0.00	0.00	0.00	107,250.00	-107,250.00	107,250.00
17500.2 · 380 Ad Valorem Tax Rebate	0.00	0.00	0.00	0.00	43,118.00	-43,118.00	43,118.00
17500.3 · PID Property Tax Reimbursement	27.44	0.00	27.44	35,403.25	35,775.00	-371.75	35,775.00
Total 17500 · Tax Rebatement	27.44	0.00	27.44	35,403.25	186,143.00	-150,739.75	186,143.00
Total Expense	323,865.24	215,774.33	108,090.91	280,348.143	303,992.136	-236,439.93	328,566.67
Net Ordinary Income	66,489.13	-699.71	67,188.84	75,506.04	-289,994.03	365,500.07	-222,537.67
Other Income/Expense							
Other Income							
14000.3 · Transfers In							
14620.2 · Admin Transfer from MEDC	0.00	0.00	0.00	28,125.00	18,750.00	9,375.00	37,500.00
14620.4 · Admin Trf from Court Security	0.00	0.00	0.00	1,700.00	1,700.00	0.00	3,400.00
Total 14000.3 · Transfers In	0.00	0.00	0.00	29,825.00	20,450.00	9,375.00	40,900.00
Total Other Income	0.00	0.00	0.00	29,825.00	20,450.00	9,375.00	40,900.00
Net Other Income	0.00	0.00	0.00	29,825.00	20,450.00	9,375.00	40,900.00
Net Income	66,489.13	-699.71	67,188.84	105,331.04	-269,544.03	374,875.07	-181,637.67

City of Montgomery - Capital Projects Acct
Profit & Loss Budget Performance

August 2018

accrual Basis

	Aug 18	Budget	% of Bud...	Oct '17 - A...	YTD Bud...	% of ...	Annual Bu...
Ordinary Income/Expense							
Income							
43901 · Capital Proj Funding Sourc							
43901.1 · Transfer from MEDC-Hou St	0.00	0.00	0.0%	50,012.50	0.00	100.0%	0.00
43901.2 · Trns from General-Hon St.	0.00	0.00	0.0%	21,627.67	0.00	100.0%	0.00
43947 · Transfer from Utility Fund							
43947A · Tsf from Utility - Capital	0.00	0.00	0.0%	77,400.00	116,100.00	66.7%	154,800.00
43947B · Tsf from Utility - Maint	0.00	0.00	0.0%	18,241.62	68,550.00	26.6%	91,400.00
43947C · Tsf fr Utility - Cap Costs Proj	0.00	0.00	0.0%	155,286.00	200,000.00	77.6%	200,000.00
43947D · Revenue -Lift Sta 1 Replacement	0.00	0.00	0.0%	200,000.00	0.00	100.0%	0.00
Total 43947 · Transfer from Utility Fund	0.00	0.00	0.0%	450,927.62	384,650.00	117.2%	446,200.00
43948 · Transfer from Grant Fnnd	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
43949 · Transfers from General Fund							
43949.1 · Tsf fr Gen - Police Veh Replace	15,000.00	0.00	100.0%	15,000.00	15,000.00	100.0%	15,000.00
Total 43949 · Transfers from General Fund	15,000.00	0.00	100.0%	15,000.00	15,000.00	100.0%	15,000.00
43952 · Other Fund Reserves/Transfers							
43952.1 · 380 Agt-1st Hrtford-18" SS line	385,903.68	0.00	100.0%	443,403.68	0.00	100.0%	0.00
43952.2 · Util Ext Proj-Waterstone on LC	0.00	0.00	0.0%	36,218.91	0.00	100.0%	0.00
43952 · Other Fund Reserves/Transfers - Other	0.00	0.00	0.0%	17,240.30	0.00	100.0%	0.00
Total 43952 · Other Fund Reserves/Transfers	385,903.68	0.00	100.0%	496,862.89	0.00	100.0%	0.00
Total 43901 · Capital Proj Funding Sourc	400,903.68	0.00	100.0%	1,034,430.68	399,650.00	258.8%	461,200.00
43956 · Proceeds - TWDB 2017 A	0.00	0.00	0.0%	0.00	1,000,000.00	0.0%	1,000,000.00
43959 · FEMA Grant Revenue							
43956.1 · FEMA DR4272- Bridge	0.00	0.00	0.0%	70,716.29	1,200,000.00	5.9%	1,200,000.00
43956.2 · FEMA-DR4272-Plz Morgan St	0.00	0.00	0.0%	0.00	300,000.00	0.0%	300,000.00
43956.3 · Impact Fees (from Customers)	0.00	0.00	0.0%	0.00	75,000.00	0.0%	75,000.00
43956.4 · FEMA -DR4332-Hurricane Harvey	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 43959 · FEMA Grant Revenue	0.00	0.00	0.0%	70,716.29	1,575,000.00	4.5%	1,575,000.00
43961 · Grant Funds-CDBG							
43961.1 · Bridge Repair - CDBG DR 7217037	0.00	0.00	0.0%	170,539.26	300,000.00	56.8%	300,000.00
43961.2 · Baja,W/S Drainag, MLK-CD7217230	11,986.80	0.00	100.0%	21,961.80	0.00	100.0%	0.00
Total 43961 · Grant Funds-CDBG	11,986.80	0.00	100.0%	192,501.06	300,000.00	64.2%	300,000.00
43964 · Proceeds-TWDB 2017 B	0.00	0.00	0.0%	0.00	1,606,000.00	0.0%	1,606,000.00
45391 · Interest Earned							
45391.1 · Interest Earned Ser 2017A	1,210.25	0.00	100.0%	8,721.13	0.00	100.0%	0.00
45391.2 · Interest Earned Ser 2017B	1,914.48	0.00	100.0%	12,376.22	0.00	100.0%	0.00
45391 · Interest Earned - Other	466.04	333.33	139.8%	1,924.49	3,666.67	52.5%	4,000.00
Total 45391 · Interest Earned	3,590.77	333.33	1,077.2%	23,021.84	3,666.67	627.9%	4,000.00
Total Income	416,481.25	333.33	124,945.6%	1,320,669.87	4,884,316.67	27.0%	4,946,200.00
Expense							
43889 · Grant Administrative Expenses							
43889.1 · Bridge-CDBG-DR #7217037	0.00	0.00	0.0%	28,000.00	0.00	100.0%	0.00
43889.2 · Baja Project CDBG #7217320	0.00			9,975.00			
Total 43889 · Grant Administrative Expenses	0.00	0.00	0.0%	37,975.00	0.00	100.0%	0.00
43890 · Engineering							
43890.1 · Eng-Catahoula Aquifer WW	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
43890.2 · Eng-WP #3 Improvements	0.00	9,583.33	0.0%	0.00	105,416.67	0.0%	115,000.00
43890.3 · Eng - Lift St #1 Expansion	0.00	7,500.00	0.0%	11,911.90	82,500.00	14.4%	90,000.00
43890.4 · Eng-Waterline replacement/HouSt	0.00	0.00	0.0%	2,956.15	0.00	100.0%	0.00
43890.5 · Eng-LS #3/Force Main Re-Route	0.00	1,583.33	0.0%	0.00	17,416.67	0.0%	19,000.00

City of Montgomery - Capital Projects Acct
Profit & Loss Budget Performance

August 2018

accrual Basis

	Aug 18	Budget	% of Bud...	Oct '17 - A...	YTD Bud...	% of ...	Annual Bu...
43890.7 · Eng-Downtown/SH105 Imp	0.00	7,833.33	0.0%	0.00	86,166.67	0.0%	94,000.00
43890.8 · Eng-18" SS Line	4,815.33	0.00	100.0%	51,634.08	0.00	100.0%	0.00
43890.9 · Eng-Bridge Water Line	100.32			7,868.90			
43890.A · Eng - Baja Project	0.00			11,986.80			
43890.B · .B Eng-Buff Sp Brdg Emb Repair	0.00			28,399.00			
43890 · Engineering - Other	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 43890 · Engineering	4,915.65	26,499.99	18.5%	114,756.83	291,500.01	39.4%	318,000.00
43995 · Const Cost-Contingencies							
43995.1 · Cont's -LS#3 Force Main RcRoute	0.00	3,000.00	0.0%	0.00	33,000.00	0.0%	36,000.00
43995.2 · Cont's-LS#1 Replacement/Expans	0.00	11,666.67	0.0%	0.00	128,333.33	0.0%	140,000.00
43995.3 · Cont's-WP#3 Improvements	0.00	12,833.33	0.0%	0.00	141,166.67	0.0%	154,000.00
43995.4 · Cont's-Downtown/SH105 Improve	0.00	10,500.00	0.0%	0.00	115,500.00	0.0%	126,000.00
43995 · Const Cost-Contingencies - Other	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 43995 · Const Cost-Contingencies	0.00	38,000.00	0.0%	0.00	418,000.00	0.0%	456,000.00
44000 · Wastewater System							
44006 · LS #1-Replacement/Expansion	0.00	47,500.00	0.0%	0.00	522,500.00	0.0%	570,000.00
44007 · LS#3 Forcemain Reroute	0.00	12,083.33	0.0%	0.00	132,916.67	0.0%	145,000.00
44008 · 18" Gravity S.S. Line Const	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 44000 · Wastewater System	0.00	59,583.33	0.0%	0.00	655,416.67	0.0%	715,000.00
45000 · Water System- Capital Proj							
43976.1 · Downtown/SH 105 Water Line Imp	0.00	41,833.33	0.0%	5,510.00	460,166.67	1.2%	502,000.00
43992.1 · Water Plant #3 - Improvements	0.00	36,666.67	0.0%	0.00	403,333.33	0.0%	440,000.00
43992.4 · WP#3 Improvements - Other Costs	0.00	14,583.33	0.0%	0.00	160,416.67	0.0%	175,000.00
46000.1 · Water - Meters	0.00			0.00	0.00	0.0%	0.00
Total 45000 · Water System- Capital Proj	0.00	93,083.33	0.0%	5,510.00	1,023,916.67	0.5%	1,117,000.00
46000 · Roadway System Improvements							
46001 · Plez Morgan Street (FEMA4272)	0.00	25,000.00	0.0%	0.00	275,000.00	0.0%	300,000.00
46002 · Buf SpBrg RepFEMA4272-CD7217307	0.00	125,000.00	0.0%	508,659.92	1,375,000.00	37.0%	1,500,000.00
46003 · Downtown/SH 105 Improvements	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 46000 · Roadway System Improvements	0.00	150,000.00	0.0%	508,659.92	1,650,000.00	30.8%	1,800,000.00
47000 · Capital Costs Projects	0.00	16,666.67	0.0%	0.00	183,333.33	0.0%	200,000.00
47395 · Cost of Issuance Exp							
47395.1 · Cost of Issuance Series 2017A	0.00			0.00	0.00	0.0%	0.00
47395.3 · TWDB Loan Origination Fee 2017A	0.00			0.00	0.00	0.0%	0.00
Total 47395 · Cost of Issuance Exp	0.00			0.00	0.00	0.0%	0.00
48000 · Cap Outlay-Fac, Equip, Etc							
48000.1 · Buffalo Sp Bridge Proj	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
48000.2 · Kroger Project	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
48000.3 · Houston Street Rehab	0.00	0.00	0.0%	96,503.94	0.00	100.0%	0.00
48001 · GRP Capital Projects	0.00	7,483.33	0.0%	37,252.48	82,316.67	45.3%	89,800.00
48002 · Utili ProjPrev Maint	0.00	0.00	0.0%	65,434.37	68,550.00	95.5%	91,400.00
48003 · Buf Spgs-Water Line-Util ExProj	0.00	5,416.67	0.0%	0.00	59,583.33	0.0%	65,000.00
48004 · Police Vehicle Replacement	0.00	1,250.00	0.0%	0.00	13,750.00	0.0%	15,000.00
48005 · Baja/MLK Wtr & Drg Imp-TXCDBG	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
48006 · Hurricane Harvey Exp (FEMA)	0.00	0.00	0.0%	996.75	0.00	100.0%	0.00
48007 · Impact Fee-WL Ext-Pkwy/Buff Sp	0.00	0.00	0.0%	0.00	75,000.00	0.0%	75,000.00
Total 48000 · Cap Outlay-Fac, Equip, Etc	0.00	14,150.00	0.0%	200,187.54	299,200.00	66.9%	336,200.00
Total Expense	4,915.65	397,983.32	1.2%	867,089.29	4,521,366.68	19.2%	4,942,200.00
Net Ordinary Income	411,565.60	-397,649.99	-103.5%	453,580.58	362,949.99	125.0%	4,000.00

City of Montgomery - Capital Projects Acct
Profit & Loss Budget Performance

August 2018

Accrual Basis

	<u>Aug 18</u>	<u>Budget</u>	<u>% of Bud...</u>	<u>Oct '17 - A...</u>	<u>YTD Bud...</u>	<u>% of ...</u>	<u>Annual Bu...</u>
Net Income	<u>411,565.60</u>	<u>-397,649.99</u>	<u>-103.5%</u>	<u>453,580.58</u>	<u>362,949.99</u>	<u>125.0%</u>	<u>4,000.00</u>

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Accrual Basis

City of Montgomery - Debt Service Profit & Loss Budget Performance August 2018

	Aug 18	Budget	\$ Ove...	Oct '17 - ...	YTD Bud...	\$ Over Bu...	Annual B...
Income							
34000 · Taxes & Franchise Fees							
34320 · Ad Valorem Taxes	0.00	0.00	0.00	415,448.05	416,002.00	-553.95	416,002.00
34330 · Penalty & Interest	0.00	100.00	-100.00	3,259.39	1,100.00	2,159.39	1,200.00
Total 34000 · Taxes & Franchise Fees	0.00	100.00	-100.00	418,707.44	417,102.00	1,605.44	417,202.00
34100 · Transfers							
34301.4 · Transfers in-MEDC Fund	0.00	0.00	0.00	80,000.00	160,000.00	-80,000.00	160,000.00
34301.5 · Transfers in - Utility Fund	0.00	0.00	0.00	76,520.00	114,780.00	-38,260.00	153,040.00
Total 34100 · Transfers	0.00	0.00	0.00	156,520.00	274,780.00	-118,260.00	313,040.00
35000 · Other Revenues							
35390 · Interest on Checking	0.00			21.47	0.00	21.47	0.00
35391 · Interest on Investments	48.15	25.00	23.15	385.17	275.00	110.17	300.00
Total 35000 · Other Revenues	48.15	25.00	23.15	406.64	275.00	131.64	300.00
Total Income	48.15	125.00	-76.85	575,634.08	692,157.00	-116,522.92	730,542.00
Expense							
37000 · Debt Service							
37360 · Interest Payments On Note	21,665.75	21,665.75	0.00	43,951.50	43,951.50	0.00	43,951.50
37363 · Paying Agent Fees	580.00	0.00	580.00	1,230.00	2,500.00	-1,270.00	2,500.00
37365 · Interest 2012 Series Premium	92,396.88	92,396.88	0.00	187,643.76	187,643.76	0.00	187,643.76
37395 · Principal Note Payments	0.00	0.00	0.00	435,000.00	435,000.00	0.00	435,000.00
Total 37000 · Debt Service	114,642.63	114,062.63	580.00	667,825.26	669,095.26	-1,270.00	669,095.26
Total Expense	114,642.63	114,062.63	580.00	667,825.26	669,095.26	-1,270.00	669,095.26
Net Income	-114,594.48	-113,937.63	-656.85	-92,191.18	23,061.74	-115,252.92	61,446.74

**City of Montgomery - Ct Security Fund
Profit & Loss Budget Performance**

accrual Basis

August 2018

	<u>Aug 18</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct '17 ...</u>	<u>YTD B...</u>	<u>\$ Over ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
84110 · Court Fines & Forfeitures							
84110.1 · Court Security Fees	-150.00	500.00	-650.00	5,226.30	5,500.00	-273.70	6,000.00
Total 84110 · Court Fines & Forfeitures	-150.00	500.00	-650.00	5,226.30	5,500.00	-273.70	6,000.00
84120 · Other Revenues							
84120.1 · Interest Income	0.00	0.42	-0.42	0.00	4.58	-4.58	5.00
Total 84120 · Other Revenues	0.00	0.42	-0.42	0.00	4.58	-4.58	5.00
Total Income	-150.00	500.42	-650.42	5,226.30	5,504.58	-278.28	6,005.00
Expense							
86005 · Miscellaneous Expenses	0.00	41.67	-41.67	312.50	458.33	-145.83	500.00
Total Expense	0.00	41.67	-41.67	312.50	458.33	-145.83	500.00
Net Ordinary Income	-150.00	458.75	-608.75	4,913.80	5,046.25	-132.45	5,505.00
Other Income/Expense							
Other Expense							
86560 · Interfund Transfers							
86551 · Baliff Transfer to General Fund	0.00	0.00	0.00	1,700.00	2,700.00	-1,000.00	3,600.00
Total 86560 · Interfund Transfers	0.00	0.00	0.00	1,700.00	2,700.00	-1,000.00	3,600.00
Total Other Expense	0.00	0.00	0.00	1,700.00	2,700.00	-1,000.00	3,600.00
Net Other Income	0.00	0.00	0.00	-1,700.00	-2,700.00	1,000.00	-3,600.00
Net Income	<u>-150.00</u>	<u>458.75</u>	<u>-608.75</u>	<u>3,213.80</u>	<u>2,346.25</u>	<u>867.55</u>	<u>1,905.00</u>

City of Montgomery - Ct Tech Fund
Actual to Budget Performance
August 2018

accrual Basis

	<u>Aug 18</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct '17 ...</u>	<u>YTD Bu...</u>	<u>\$ Over ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
74100 · Court Fines and Forfeitures							
74110 · Court Technology Fees	<u>0.00</u>	<u>833.33</u>	<u>-833.33</u>	<u>7,724.35</u>	<u>9,166.67</u>	<u>-1,442.32</u>	<u>10,000.00</u>
Total 74100 · Court Fines and Forfeitures	<u>0.00</u>	<u>833.33</u>	<u>-833.33</u>	<u>7,724.35</u>	<u>9,166.67</u>	<u>-1,442.32</u>	<u>10,000.00</u>
74200 · Other Revenues							
74291 · Interest Income	<u>0.28</u>	<u>0.17</u>	<u>0.11</u>	<u>2.56</u>	<u>1.83</u>	<u>0.73</u>	<u>2.00</u>
Total 74200 · Other Revenues	<u>0.28</u>	<u>0.17</u>	<u>0.11</u>	<u>2.56</u>	<u>1.83</u>	<u>0.73</u>	<u>2.00</u>
Total Income	<u>0.28</u>	<u>833.50</u>	<u>-833.22</u>	<u>7,726.91</u>	<u>9,168.50</u>	<u>-1,441.59</u>	<u>10,002.00</u>
Expense							
76200 · Contract Services							
76362 · Computer/Website Services	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>290.98</u>	<u>3,750.00</u>	<u>-3,459.02</u>	<u>5,000.00</u>
Total 76200 · Contract Services	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>290.98</u>	<u>3,750.00</u>	<u>-3,459.02</u>	<u>5,000.00</u>
76500 · Miscellaneous Expenses							
76560 · Miscellaneous Expense	<u>0.00</u>			<u>10.00</u>			
Total 76500 · Miscellaneous Expenses	<u>0.00</u>			<u>10.00</u>			
Total Expense	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>300.98</u>	<u>3,750.00</u>	<u>-3,449.02</u>	<u>5,000.00</u>
Net Ordinary Income	<u>0.28</u>	<u>833.50</u>	<u>-833.22</u>	<u>7,425.93</u>	<u>5,418.50</u>	<u>2,007.43</u>	<u>5,002.00</u>
Net Income	<u>0.28</u>	<u>833.50</u>	<u>-833.22</u>	<u>7,425.93</u>	<u>5,418.50</u>	<u>2,007.43</u>	<u>5,002.00</u>

**City of Montgomery - Hotel Occupancy Tax Fund
Profit & Loss Budget Performance**

accrual Basis

August 2018

	<u>Aug 18</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct '17...</u>	<u>YTD B...</u>	<u>\$ Over ...</u>	<u>Annual...</u>
Income							
44300 · Taxes & Franchise Fees							
44330 · Hotel Occupancy Taxes	0.00	50.00	-50.00	1,552.50	550.00	1,002.50	600.00
Total 44300 · Taxes & Franchise Fees	0.00	50.00	-50.00	1,552.50	550.00	1,002.50	600.00
44400 · Other Revenues							
44360 · Interest Earned On Checking	0.00	0.42	-0.42	0.00	4.58	-4.58	5.00
44490 · Interest Income	0.10			0.57			
Total 44400 · Other Revenues	0.10	0.42	-0.32	0.57	4.58	-4.01	5.00
Total Income	0.10	50.42	-50.32	1,553.07	554.58	998.49	605.00
Expense							
46600 · Miscellaneous Expenses	0.00	125.00	-125.00	0.00	1,375.00	-1,375.00	1,500.00
Total Expense	0.00	125.00	-125.00	0.00	1,375.00	-1,375.00	1,500.00
Net Income	<u>0.10</u>	<u>-74.58</u>	<u>74.68</u>	<u>1,553.07</u>	<u>-820.42</u>	<u>2,373.49</u>	<u>-895.00</u>

City of Montgomery - MEDC
Actual to Budget Performance
 August 2018

	Aug 18	Budget	\$ Over ...	Oct '17 -...	YTD Bud...	\$ Over Bu...	Annual B...
Income							
55000 · Taxes & Franchise Fees							
55400 · Sales Tax	76,105.64	52,468.66	23,636.98	543,198.31	479,787.13	63,411.18	530,000.00
Total 55000 · Taxes & Franchise Fees	76,105.64	52,468.66	23,636.98	543,198.31	479,787.13	63,411.18	530,000.00
55300 · Other Revenues							
55391 · Interest Income	388.53	213.46	175.07	3,539.54	849.43	2,690.11	950.00
Total 55300 · Other Revenues	388.53	213.46	175.07	3,539.54	849.43	2,690.11	950.00
Total Income	76,494.17	52,682.12	23,812.05	546,737.85	480,636.56	66,101.29	530,950.00
Expense							
56000 · Pub Infrastructure - Category I							
56000.6 · Downtown Dev Improvments	0.00	0.00	0.00	34,751.38	49,138.98	(14,387.60)	55,000.00
56000.8 · Utility Extensions	0.00	0.00	0.00	142,225.50	180,000.00	(37,774.50)	180,000.00
56000.9 · Flagship Dev Improvements	0.00	0.00	0.00	4,465.00	8,000.00	(3,535.00)	8,000.00
56430 · Tsf to Debt Service	0.00	0.00	0.00	80,000.00	160,000.00	(80,000.00)	160,000.00
Total 56000 · Pub Infrastructure - Category I	0.00	0.00	0.00	261,441.88	397,138.98	(135,697.10)	403,000.00
56001 · Business Dev & Ret -Category II							
56001.8 · Sales Tax Reimbursement	0.00	0.00	0.00	0.00	35,000.00	(35,000.00)	35,000.00
56423 · Economic Development Grant Prog	0.00	0.00	0.00	22,070.00	20,000.00	2,070.00	20,000.00
Total 56001 · Business Dev & Ret -Category II	0.00	0.00	0.00	22,070.00	55,000.00	(32,930.00)	55,000.00
56002 · Quality of Life - Category III							
56404 · Seasonal Decorations	0.00	0.00	0.00	5,275.89	6,000.00	(724.11)	6,000.00
56420.2 · Christmas Lighting(Civic Assn)	0.00	0.00	0.00	2,469.49	1,600.00	869.49	1,600.00
56423.1 · Walking Tours	656.72	0.00	656.72	5,374.72	4,000.00	1,374.72	4,000.00
56429 · Removal of Blight	0.00	0.00	0.00	5,413.49	12,857.14	(7,443.65)	15,000.00
56433 · Downtown Signs	0.00	0.00	0.00	0.00	1,000.00	(1,000.00)	1,000.00
56435 · Fermland Improvements	0.00	0.00	0.00	0.00	4,000.00	(4,000.00)	4,000.00
56439 · Downtown Enhancement Projects	0.00	0.00	0.00	0.00	20,000.00	(20,000.00)	20,000.00
Total 56002 · Quality of Life - Category III	656.72	0.00	656.72	18,533.59	49,457.14	(30,923.55)	51,600.00
56003 · Marketing & Tourism-Category IV							
56408.1 · Promotional Video	0.00	0.00	0.00	3,000.00	1,500.00	1,500.00	1,500.00
56409 · Antique Show & Fest	0.00	0.00	0.00	10,000.00	10,000.00	0.00	10,000.00
56413 · Brochures/Printed Literature	0.00	0.00	0.00	7,030.00	5,000.00	2,030.00	5,000.00
56414 · Wine & Music Fest	9,500.00	10,000.00	(500.00)	9,500.00	10,000.00	(500.00)	10,000.00
56415 · Texian/Heritage Festival	0.00	0.00	0.00	0.00	8,000.00	(8,000.00)	8,000.00
56418 · Christmas in Montgomery	0.00	0.00	0.00	5,000.00	5,000.00	0.00	5,000.00
56419 · Website	0.00	166.67	(166.67)	525.00	1,833.33	(1,308.33)	2,000.00
Total 56003 · Marketing & Tourism-Category IV	9,500.00	10,166.67	(666.67)	35,055.00	41,333.33	(6,278.33)	41,500.00
56004 · Administration - Category V							
56004.1 · Admin Transfers to Gen Fund	0.00	9,375.00	(9,375.00)	28,125.00	37,500.00	(9,375.00)	37,500.00
56004.2 · MACC Administration & Office	5,133.34	2,666.67	2,466.67	30,800.04	29,333.33	1,466.71	32,000.00
56004.3 · Miscellaneous Expenses	96.99	335.69	(238.70)	8,156.10	5,364.33	2,791.77	6,000.00
56004.5 · Internship Program	0.00	833.33	(833.33)	0.00	9,166.67	(9,166.67)	10,000.00
56327 · Consulting (Professional servi)	0.00	0.00	0.00	11,950.75	10,000.00	1,950.75	10,000.00
56354 · Travel & Training Expenses	175.00	0.00	175.00	1,015.00	2,800.00	(1,785.00)	2,800.00
Total 56004 · Administration - Category V	5,405.33	13,210.69	(7,805.36)	80,046.89	94,164.33	(14,117.44)	98,300.00
56338 · Publications	102.09			102.09			
Total Expense	15,664.14	23,377.36	(7,713.22)	417,249.45	637,093.78	(219,844.33)	649,400.00
Net Income	60,830.03	29,304.76	31,525.27	129,488.40	(156,457.22)	285,945.62	(118,450.00)

**City of Montgomery - Police Asset Forfeiture
Profit & Loss Budget Performance
August 2018**

accrual Basis

	<u>Aug 18</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct '17...</u>	<u>YTD B...</u>	<u>\$ Over ...</u>	<u>Annual...</u>
Ordinary Income/Expense							
Income							
74000 · Police Asset Forfeitures							
74102 · Asset Forfeitures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,949.74</u>	<u>100.00</u>	<u>1,849.74</u>	<u>100.00</u>
Total 74000 · Police Asset Forfeitures	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,949.74</u>	<u>100.00</u>	<u>1,849.74</u>	<u>100.00</u>
Total Income	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,949.74</u>	<u>100.00</u>	<u>1,849.74</u>	<u>100.00</u>
Net Ordinary Income	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,949.74</u>	<u>100.00</u>	<u>1,849.74</u>	<u>100.00</u>
Net Income	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>1,949.74</u></u>	<u><u>100.00</u></u>	<u><u>1,849.74</u></u>	<u><u>100.00</u></u>

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

August 2018

	Aug 18	Budget	\$ Over Bu...	Oct '17 - A...	YTD Budget	\$ Over Bu...	Annual Bu...
Ordinary Income/Expense							
Income							
24000 · Charges for Service							
24100 · Water Revenue	50,089.78	45,000.00	5,089.78	503,552.39	495,000.00	8,552.39	540,000.00
24118 · Surface Water Revenue	763.28	500.00	263.28	6,041.56	5,500.00	541.56	6,000.00
24119 · Application Fee	0.00	125.00	(125.00)	0.00	1,375.00	(1,375.00)	1,500.00
24120 · Disconnect Reconnect	1,425.00	458.33	966.67	6,975.00	5,041.67	1,933.33	5,500.00
24200 · Sewer Revenue	37,550.68	37,500.00	50.68	434,531.30	412,500.00	22,031.30	450,000.00
24310 · Tap Fees/Inspections	49,490.22	12,500.00	36,990.22	364,986.67	137,500.00	227,486.67	150,000.00
24319 · Grease Trap Inspections	1,100.00	833.33	266.67	11,200.00	9,166.67	2,033.33	10,000.00
24330 · Late Charges	1,729.09	1,250.00	479.09	19,032.09	13,750.00	5,282.09	15,000.00
24333 · Returned Ck Fee	0.00	0.00	0.00	525.00	200.00	325.00	200.00
25403 · Solid Waste Revenue	10,124.53	8,708.33	1,416.20	102,292.71	95,791.67	6,501.04	104,500.00
Total 24000 · Charges for Service	152,272.58	106,874.99	45,397.59	1,449,136.72	1,175,825.01	273,311.71	1,282,700.00
24101 · Taxes and Franchise Fees							
24110 · Sales Tax Rev for Solid Waste	828.26	666.67	161.59	8,354.77	7,333.33	1,021.44	8,000.00
Total 24101 · Taxes and Franchise Fees	828.26	666.67	161.59	8,354.77	7,333.33	1,021.44	8,000.00
24121 · Groundwater Reduction Revenue	17,991.60	10,500.00	7,491.60	142,365.30	115,500.00	26,865.30	126,000.00
25000 · Other Revenues							
25000.1 · Impact Fees							
25000.2 · Capital Cost Fees	0.00	0.00	0.00	0.00	200,000.00	(200,000.00)	200,000.00
25000.1 · Impact Fees - Other	0.00	0.00	0.00	0.00	75,000.00	(75,000.00)	75,000.00
Total 25000.1 · Impact Fees	0.00	0.00	0.00	0.00	275,000.00	(275,000.00)	275,000.00
25391 · Interest Income	44.90	9.17	35.73	269.46	100.83	168.63	110.00
25392 · Interest earned on Investments	0.00	9.17	(9.17)	95.27	100.83	(5.56)	110.00
25399 · Misc & ETS Revenue	217.50	30.00	187.50	1,682.62	330.00	1,352.62	360.00
Total 25000 · Other Revenues	262.40	48.34	214.06	2,047.35	275,531.66	(273,484.31)	275,580.00
25394 · Admin Fund Balance (Carry Over)	0.00	0.00	0.00	0.00	45,500.00	(45,500.00)	45,500.00
Total Income	171,354.84	118,090.00	53,264.84	1,601,904.14	1,619,690.00	(17,785.86)	1,737,780.00
Expense							
26001 · Personnel							
26353.1 · Health Ins.	1,042.60	1,616.67	(574.07)	11,373.00	17,783.33	(6,410.33)	19,400.00
26353.4 · Unemployment Ins	0.00	32.50	(32.50)	476.37	357.50	118.87	390.00
26353.5 · Workers Comp.	294.33	175.00	119.33	3,500.36	2,558.00	942.36	2,733.00
26353.6 · Dental Insurance	111.28	145.83	(34.55)	1,224.08	1,604.17	(380.09)	1,750.00
26353.7 · Life & AD&D Insurance	52.67	50.00	2.67	560.65	550.00	10.65	600.00
26353.8 · Crime Insurance	21.94			241.43			
26501 · Retirement Expense	491.51	558.33	(66.82)	7,387.27	6,141.67	1,245.60	6,700.00
26560 · Payroll Taxes	627.24	1,058.33	(431.09)	9,410.09	11,641.67	(2,231.58)	12,700.00
26600 · Wages	8,199.16	14,113.91	(5,914.75)	123,007.35	155,253.09	(32,245.74)	169,367.00
Total 26001 · Personnel	10,840.73	17,750.57	(6,909.84)	157,180.60	195,889.43	(38,708.83)	213,640.00
26200 · Contract Services							
26102 · General Consultant Fees	0.00	0.00	0.00	0.00	905.00	(905.00)	905.00
26320 · Legal Fees	1,240.00	1,421.08	(181.08)	18,360.00	15,631.92	2,728.08	17,053.00
26322 · Engineering	13,080.36	6,250.00	6,830.36	138,827.77	68,750.00	70,077.77	75,000.00
26323 · Operator	3,300.00	3,365.00	(65.00)	33,000.00	37,015.00	(4,015.00)	40,380.00
26324 · Billing and Collection	1,268.33	985.00	283.33	19,378.51	10,835.00	8,543.51	11,820.00
26328 · Testing	1,285.00	955.00	330.00	12,853.00	10,505.00	2,348.00	11,460.00
26331 · Sales Tax for Solid Waste	831.13	684.41	146.72	8,402.60	7,528.59	874.01	8,213.00
26333 · Accounting Fees	400.00	400.00	0.00	4,400.00	4,400.00	0.00	4,800.00
26336 · Sludge Hauling	3,900.00	1,458.33	2,441.67	20,124.00	16,041.67	4,082.33	17,500.00
26340 · Printing	0.00	0.00	0.00	80.28	0.00	80.28	0.00
26350 · Postage	601.87	266.67	335.20	4,003.42	2,933.33	1,070.09	3,200.00
26351 · Telephone	365.20	375.00	(9.80)	4,132.25	4,125.00	7.25	4,500.00
26370 · Tap Fees & Inspections	419.00	833.33	(414.33)	23,284.00	9,166.67	14,117.33	10,000.00
26399 · Garbage Pickup	11,097.90	7,950.00	3,147.90	96,689.77	87,450.00	9,239.77	95,400.00
Total 26200 · Contract Services	37,788.79	24,943.82	12,844.97	383,535.60	275,287.18	108,248.42	300,231.00
26300 · Communications							

	Aug 18	Budget	\$ Over Bu...	Oct '17 - A...	YTD Budget	\$ Over Bu...	Annual Bn...
26338 · Advertising/Promotion	0.00	0.00	0.00	126.00	1,055.00	(929.00)	1,055.00
Total 26300 · Communications	0.00	0.00	0.00	126.00	1,055.00	(929.00)	1,055.00
26326 · Permits & Licenses	370.00	1,083.33	(713.33)	14,808.67	11,916.67	2,892.00	13,000.00
26371 · Dues & Subscriptions	0.00			0.00	2,000.00	(2,000.00)	2,000.00
26400.1 · Supplies & Equipment							
26342 · Chemicals	2,344.92	1,508.33	836.59	18,846.00	16,591.67	2,254.33	18,100.00
26358 · Copier/Fax Machine Lease	46.50	0.00	46.50	46.50	3,920.00	(3,873.50)	3,920.00
26460 · Operating Supplies	7,707.60	5,875.00	1,832.60	39,004.81	64,625.00	(25,620.19)	70,500.00
26485 · Uniforms	225.55	266.67	(41.12)	2,214.01	2,933.33	(719.32)	3,200.00
27040 · Computer Technology Equipment	1,046.00	316.67	729.33	2,768.93	3,483.33	(714.40)	3,800.00
26400.1 · Supplies & Equipment - Other	0.00	166.67	(166.67)	284.93	1,833.33	(1,548.40)	2,000.00
Total 26400.1 · Supplies & Equipment	11,370.57	8,133.34	3,237.23	63,165.18	93,386.66	(30,221.48)	101,520.00
26401 · Groundwater Reduction Expenses	0.00	0.00	0.00	0.00	100.00	(100.00)	100.00
26500 · Staff Development							
26354 · Travel & Training (Travel)	325.00	416.67	(91.67)	1,548.24	4,583.33	(3,035.09)	5,000.00
26355 · Employee Relations (Education)	0.00	0.00	0.00	0.00	200.00	(200.00)	200.00
Total 26500 · Staff Development	325.00	416.67	(91.67)	1,548.24	4,783.33	(3,235.09)	5,200.00
26600.2 · Maintenance							
26335 · Repairs & Maintenance	24,153.32	17,916.66	6,236.66	149,165.22	197,083.34	(47,918.12)	215,000.00
26335.1 · Vehicle Rep. & Maint.	815.09	83.33	731.76	949.99	916.67	33.32	1,000.00
26349 · Gas & Oil	676.05	366.67	309.38	5,388.92	4,033.33	1,355.59	4,400.00
Total 26600.2 · Maintenance	25,644.46	18,366.66	7,277.80	155,504.13	202,033.34	(46,529.21)	220,400.00
26700 · Insurance Expense							
26353.2 · Liability Ins.	200.88	166.67	34.21	2,209.69	2,333.33	(123.64)	2,500.00
26353.3 · Property Ins.	1,914.49	1,000.00	914.49	21,059.37	16,000.00	5,059.37	17,000.00
Total 26700 · Insurance Expense	2,115.37	1,166.67	948.70	23,269.06	18,333.33	4,935.73	19,500.00
26800 · Utilities Expense							
26352.1 · Utilities - Gas for Generators	154.93	58.33	96.60	794.92	641.67	153.25	700.00
26352.2 · Utilities-Water Plants	6,743.24	5,500.00	1,243.24	65,173.99	60,500.00	4,673.99	66,000.00
26352.3 · Utilities-WW Treatment Plants	2,607.54	3,240.83	(633.29)	26,900.67	35,649.17	(8,748.50)	38,890.00
26352.4 · Utilities - Lift Stations	1,056.13	1,028.33	27.80	13,776.38	11,311.67	2,464.71	12,340.00
Total 26800 · Utilities Expense	10,561.84	9,827.49	734.35	106,645.96	108,102.51	(1,456.55)	117,930.00
26900 · Capital Outlay							
26900.2 · Capital Outlay-Vehicles	0.00	2,891.67	(2,891.67)	34,700.00	31,808.33	2,891.67	34,700.00
Total 26900 · Capital Outlay	0.00	2,891.67	(2,891.67)	34,700.00	31,808.33	2,891.67	34,700.00
26901 · Util Projects/Prev Maint-Transf							
26901.1 · Util Proj/Prev Maint-Tsf to CPF	0.00	0.00	0.00	6,171.20	68,550.00	(62,378.80)	91,400.00
26901.2 · Capital Costs-Tsf to CPF	0.00	0.00	0.00	155,286.00	200,000.00	(44,714.00)	200,000.00
26901.3 · Impact Fees - Tsf to CPF	0.00	0.00	0.00	0.00	75,000.00	(75,000.00)	75,000.00
26901 · Util Projects/Prev Maint-Transf - Other	0.00			22,543.30	0.00	22,543.30	0.00
Total 26901 · Util Projects/Prev Maint-Transf	0.00	0.00	0.00	184,000.50	343,550.00	(159,549.50)	366,400.00
27000 · Miscellaneous Expenses							
26359 · Misc Expense	0.00	83.33	(83.33)	1,929.19	916.67	1,012.52	1,000.00
26361 · Bank Charges/ETS	671.74			6,742.31			
Total 27000 · Miscellaneous Expenses	671.74	83.33	588.41	8,671.50	916.67	7,754.83	1,000.00
Total Expense	99,688.50	84,663.55	15,024.95	1,133,155.44	1,289,162.45	(156,007.01)	1,396,676.00
Net Ordinary Income	71,666.34	33,426.45	38,239.89	468,748.70	330,527.55	138,221.15	341,104.00
Other Income/Expense							
Other Expense							
27001 · Other Expenses							
27001.2 · Transfer to Debt Service	0.00	0.00	0.00	76,520.00	114,780.00	(38,260.00)	153,040.00
27002 · Transfer to Construction Fund	0.00	0.00	0.00	77,400.00	116,100.00	(38,700.00)	154,800.00
Total 27001 · Other Expenses	0.00	0.00	0.00	153,920.00	230,880.00	(76,960.00)	307,840.00

	<u>Aug 18</u>	<u>Budget</u>	<u>\$ Over Bu...</u>	<u>Oct '17 - A...</u>	<u>YTD Budget</u>	<u>\$ Over Bu...</u>	<u>Annual Bu...</u>
Total Other Expense	0.00	0.00	0.00	153,920.00	230,880.00	(76,960.00)	307,840.00
Net Other Income	0.00	0.00	0.00	(153,920.00)	(230,880.00)	76,960.00	(307,840.00)
Net Income	<u>71,666.34</u>	<u>33,426.45</u>	<u>38,239.89</u>	<u>314,828.70</u>	<u>99,647.55</u>	<u>215,181.15</u>	<u>33,264.00</u>

Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineer memo w/ maps
Date Prepared: September 20, 2018	

Subject

This is to consider a potential land swap is Josh Cheatham who is seeking to acquire .47 acres of city property at water Plant number two in return for 1.8 acres along the north side of Lone Star Pkwy., West of FM 149.

Description

Attached City Engineers memo explains the options.
The city engineer and city attorney are looking for direction as to whether to continue to work on such a land swap.
If you say no to the entire land swap idea that is the end of the matter.
If you say yes to continuing to look into the issue of the City Engineer and I will look into the value of each of the properties, and determine the practicality of the locations for possible land uses for the City, such as a water tank location, in the City Attorney will prepare documents for the property swap.

Recommendation

Consider and give the Engineer and City Attorney direction to stop the process or to continue the process of discussing the land swap.

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380-3795
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

September 18, 2018

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

Re: Potential Land Swap of Water Plant No. 2 Property
City of Montgomery

Dear Mayor and Council:

As you are aware, the developer of the Louisa Lane Development is seeking to acquire approximately 0.47-acres of the City's property at Water Plant No. 2, as shown in the enclosed exhibit, to allow an additional home to be constructed. As a reminder, this topic was discussed at your July 24th Council meeting where it was proposed to sell the City's remaining Water Plant No. 2 property at market value which the City declined.

At this time, the developer is proposing a land swap with the City. The developer is offering the City approximately 1.8-acres of land along the north side of Lone Star Parkway west of FM 149, as shown in the attached exhibit. 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. The 1.22-acre tract was intended to be used as the future Water Plant No. 4 site with an elevated storage tank. Based on the existing topography of the proposed 1.8-acres, which is slightly larger than the property being requested of the City, an elevated storage tank will still be feasible, if necessary.

The proposed tract is located along a natural drainage swale which would make a portion of the property unusable. We have discussed this 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.

Based upon the information mentioned above we offer no objection to the proposed land swap. Upon your approval, we will continue to work with the developer and his engineer to determine a final location of property and prepare the documentation to complete the land swap.

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 Water Plant Land Swap.doc



JONES | CARTER

City of Montgomery
Potential Land Swap
Page 2
September 18, 2018

Enc: Water Plant No. 2 Exhibit
Location of Proposed Property
Cc (via email): Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney

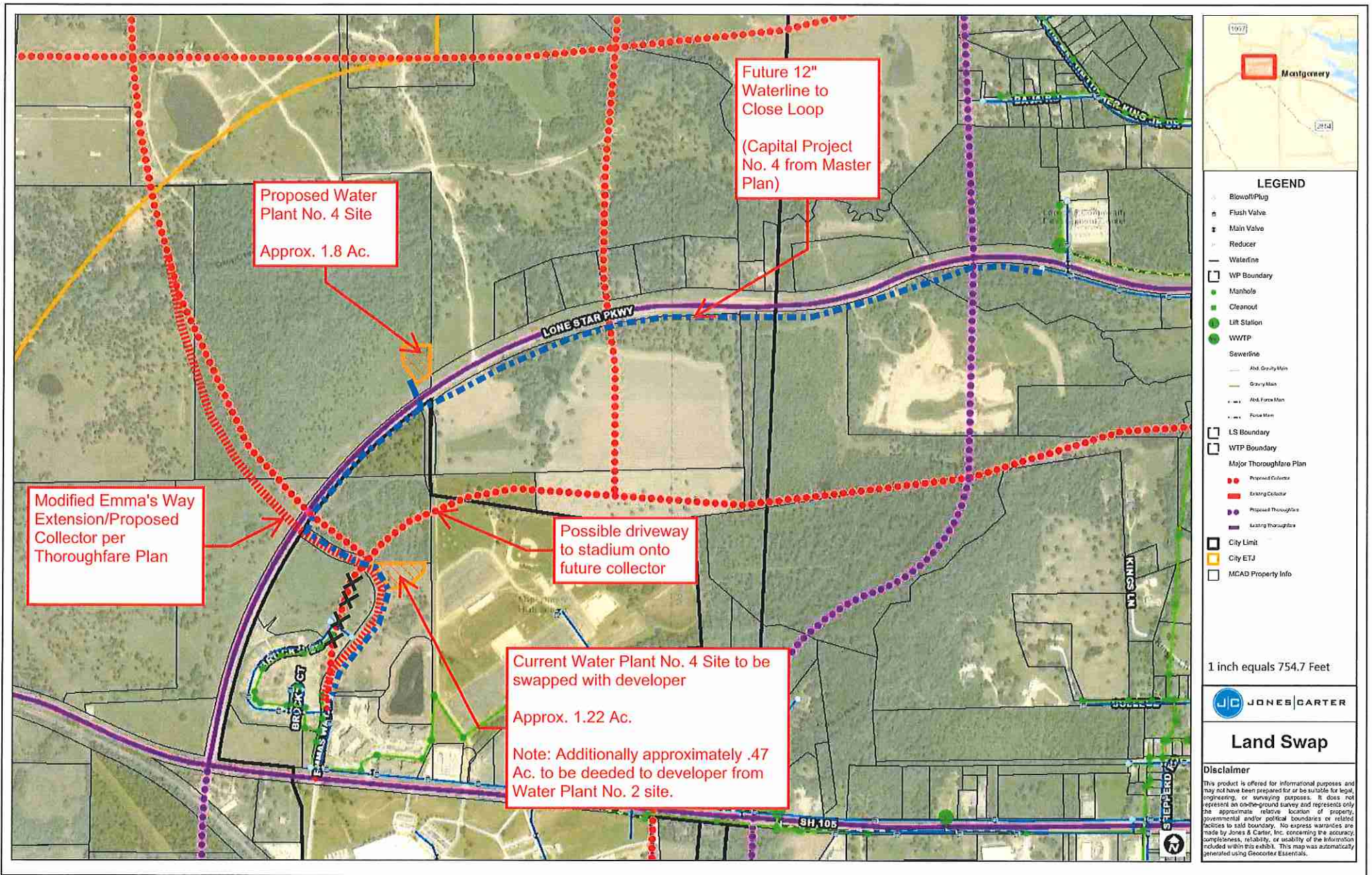


NO.	BRACING	LENGTH	LINE TABLE
17	MANHOLE	1.50'	1.50'
16	MANHOLE	1.50'	1.50'
15	MANHOLE	1.50'	1.50'
14	MANHOLE	1.50'	1.50'
13	MANHOLE	1.50'	1.50'
12	MANHOLE	1.50'	1.50'
11	MANHOLE	1.50'	1.50'
10	MANHOLE	1.50'	1.50'
9	MANHOLE	1.50'	1.50'
8	MANHOLE	1.50'	1.50'
7	MANHOLE	1.50'	1.50'
6	MANHOLE	1.50'	1.50'
5	MANHOLE	1.50'	1.50'
4	MANHOLE	1.50'	1.50'
3	MANHOLE	1.50'	1.50'
2	MANHOLE	1.50'	1.50'
1	MANHOLE	1.50'	1.50'

DATE: 11/17/2016
 01
 SHEET NO. 01 OF 01
 PROJECT NO. 10442

LOUISA LANE SITE PLAN

L SQUARED ENGINEERING, INC.
 10000 WOODBRIDGE BLVD., SUITE 100
 WOODBRIDGE, VA 22192
 WWW.LSQUAREDENGINEERING.COM
 (703) 499-1234



LEGEND

- Blowoff/Plug
- ⊕ Flush Valve
- ⊕ Main Valve
- Reducer
- Waterline
- WP Boundary
- Manhole
- Cleanout
- LR Station
- WWTP
- Sewerline
- Abd. Gravity Main
- Gravity Main
- Abd. Force Main
- Force Main
- LS Boundary
- WTP Boundary
- Major Thoroughfare Plan
- Proposed Collector
- Existing Collector
- Proposed Thoroughfare
- Existing Thoroughfare
- City Limit
- City ETJ
- MCAD Property Info

1 inch equals 754.7 Feet



Land Swap

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. This map was automatically generated using Geoconter Essentials.

Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineer memo w/ maps Performance Bond
Date Prepared: September 20, 2018	

Subject

This is to consider approval of the Final Plat for Hills of Town Creek Section 3.

Description

The Hills of Town Creek Section 3 subdivision is located west of the Town Creek Apartments and North of Hills of Town Creek Section 2.
The attached City Engineers memo explains the status of the Final Plat. The Performance bond is also attached.
I have the full-size plat if you want to see it.

Recommendation

Motion to approve the Final Plat and to accept the Performance Bond as submitted.

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

September 19, 2018

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77356

Re: Submission of Final Plat
Hills of Town Creek Section 3
City of Montgomery

Dear Commission:

We reviewed the Final Plat submission for The Hills of Town Creek Section 3, owned by Ranier & Son Development Company, LLC ("the Owner"), on behalf of the City of Montgomery. The Owner has requested platting of the tract for the development of 49 single-family residential lots.

Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 61 and any other applicable chapters. We offer no objection to the plat and recommend the Commission approve the plat as submitted.

If you have any questions or comments, please contact me.

Sincerely,

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

Chris Roznovsky, PE
Engineer for the City

CVR/ab

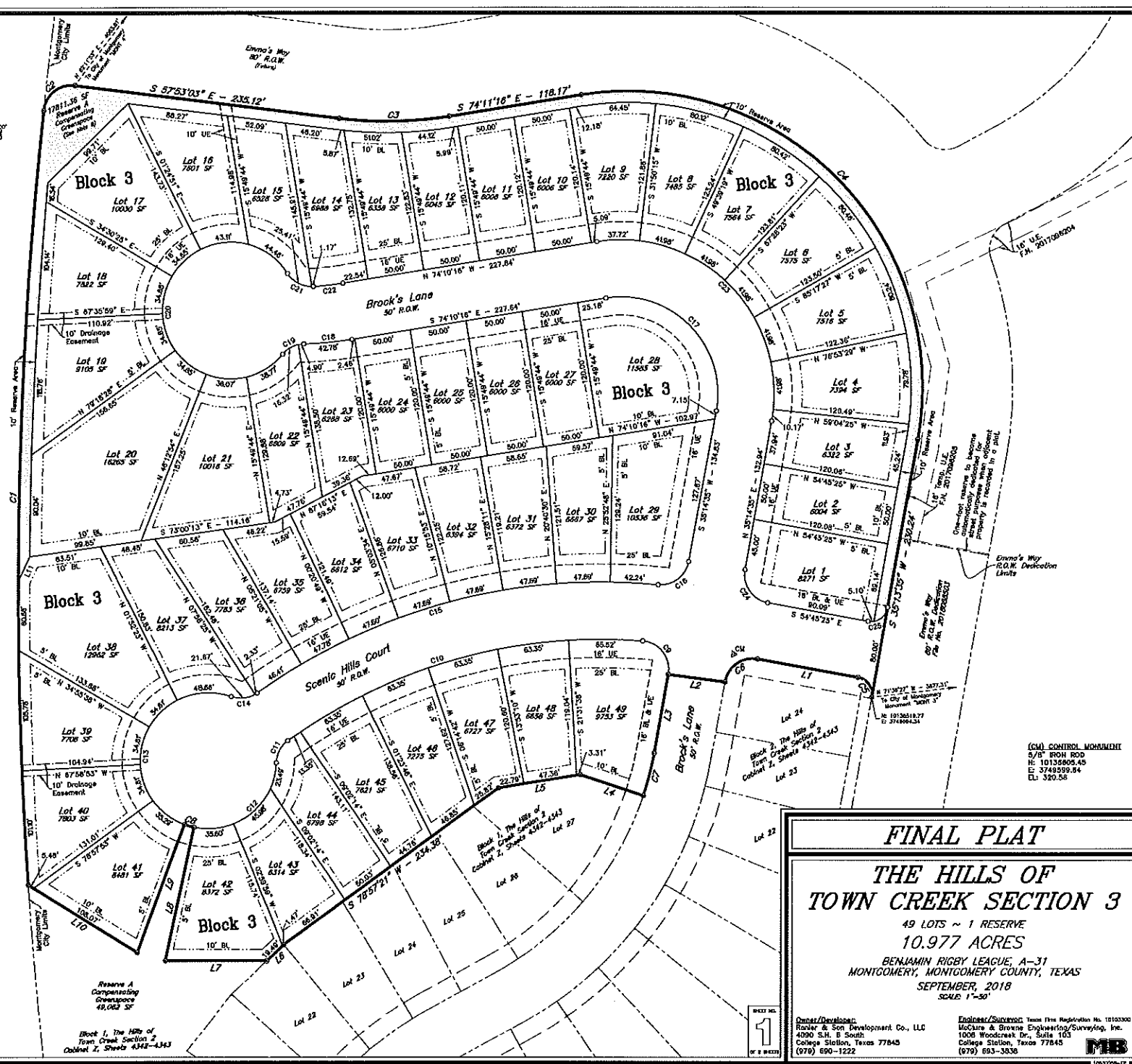
K:\W5841\W5841-1019-00 Hills of Town Creek Section 3\Project Management\Letters\FINAL PLAT APPROVAL Hills of Town Creek Sec. 3 09172018.doc

Enclosures: Final Plat
cc: The Honorable Mayor and City Council – 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
Mr. Kevin R. McClure, RPLS – McClure & Browne Engineering/Surveying, Inc.

SCALE: 1" = 50'



Lonestar Parkway
10' R.O.W.



Reserve A
Compensating
Greenpace
41,062 SF

Block 1, The Hills of
Town Creek Section 3
Cobblet Z. Streets 4342-4343

FINAL PLAT
THE HILLS OF
TOWN CREEK SECTION 3

49 LOTS ~ 1 RESERVE
10.977 ACRES
BENJAMIN RICBY LEAGUE, A-31
MONTGOMERY, MONTGOMERY COUNTY, TEXAS
SEPTEMBER, 2018
SCALE: 1"=50'

OWNER/DEVELOPER:
Randy & Son Development Co., LLC
4090 S.H. B South
College Station, Texas 77845
(979) 690-1222

ENGINEER/SURVEYOR: Texas Reg. No. 15163300
McCura & Broome Engineering/Surveying, Inc.
1008 Woodcreek Dr., Suite 103
College Station, Texas 77845
(979) 693-3536

(C.M.) CONTROL MONUMENT
5/8" FROM BOUND
N: 10136005.45
E: 3748559.84
CL: 320.56

BOOK NO.
1
OF 2 BOOKS



10632009-17

STATE OF TEXAS
COUNTY OF MONTGOMERY

That we, Rorler & Son Development Company, LLC, a Texas Corporation herein acting individually or through the undersigned duly authorized agents, do hereby adopt this plat designating the herein described real property as THE HILLS OF TOWN CREEK SECTION 3, and do hereby make subdivision of said property according to the lines, streets, alleys, parks and easements therein shown and dedicated to public use forever all areas shown on this plat as streets, alleys, parks and easements, except those specifically indicated as private; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and do hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

Owner hereby certifies the Owner has or will comply with all applicable regulations of the City of Montgomery, Texas, and that all rough proportionality exists between the dedication, improvements, and easements required under such regulations and the projected impact of the subdivision.

Where streets or alleys are dedicated for private use, such dedication shall include an easement covering the street area which permits the installation, operation and maintenance of water, sewer, gas, electric, telephones, cable television or other such utility facilities by the city and other utilities lawfully entitled to provide service to the abutting property. The easement shall also provide a right of access to public agencies engaged in both routine and emergency public services including law enforcement, fire protection, medical response, inspection and code enforcement.

IN TESTIMONY WHEREOF, Rorler & Son Development Company, LLC have caused these presents to be signed by Doug French, Vice President (hereunto authorized), this _____ day of _____, 2018.

Rorler & Son Development Company, LLC
By _____

STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared _____ 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 considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of such corporation.

GIVEN UNDER MY HAND AND SEAL, this _____ day of _____, 2018.
My Commission expires: _____

KNOWN ALL MEN BY THESE PRESENTS:

That I, Kevin R. McClure, RPLS, do certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas.

Kevin R. McClure, Registered Professional Land Surveyor No. 5839

Chris Roznowsky, PE
City Engineer - Montgomery

This plat and subdivision has been submitted to and considered by the City Planning and Zoning Commission and the City Council of the City of Montgomery, Texas, and is hereby approved by such Commission and Council.

Dated This _____ day of _____, 2018

By: _____
Sara Courtney
Mayor

By: _____
Nelson Cox
Chairman Planning and Zoning Commission

Attest:
By: _____
Susan Hensley
City Secretary

STATE OF TEXAS
COUNTY OF MONTGOMERY

LENDER'S ACKNOWLEDGEMENT AND SUBORDINATION STATEMENT

I, _____ acting on behalf of Commerce National Bank, a branch of Lubbock National Bank, owner and holder of a lien against the property described in the plat known as THE HILLS OF TOWN CREEK SECTION 3, have been advised by instruments of record in the Clerk's File No. 2018-044857 of the O.P.R. of Montgomery County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedication and dedications shown herein to said subdivision plat and we hereby confirm that we are the present owner said lien and have not assigned the same nor any part thereof.

Commerce National Bank
By: _____

STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared _____ 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 considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of such corporation.

GIVEN UNDER MY HAND AND SEAL, this _____ day of _____, 2018.
My Commission expires: _____

STATE OF TEXAS
COUNTY OF MONTGOMERY

L. MARK TURNBULL, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2018, at _____ o'clock, _____ M. and duly recorded on _____, 2018, at _____ o'clock, _____ M. in Cabinet _____, Sheet _____ of record of said County.

WITNESS MY HAND AND SEAL OF OFFICE, at Conroe, Montgomery County, Texas, the day and date last above written.

Mark Turnbull, Clerk, County Court,
Montgomery County, Texas
By _____ Deputy

GENERAL NOTES:

1. ORGAN OF BEARING SYSTEM: Monuments found and the record bearings along the north line of THE HILLS OF TOWN CREEK SECTION 2 final plat recorded in Cabinet 2, Pages 4342-4343 of the Montgomery County Plat Records were used as the basis of bearings shown on this plat.
2. Distances shown hereon are Texas Central Zone No. 4203 State Plane Grid (NAD83) and may be converted to geodetic horizontal by dividing by a constant Scale Factor of 1.000077350.
3. Distances shown along curves are arc lengths.
4. Unless otherwise depicted hereon, Building Setback Lines are as follows:
Front: 25'
Rear: 10'
Side: 5'
5. According to the Flood Insurance Rate Maps for Montgomery County, Texas and Incorporated Areas, Map Number 483302002, Map Revised August 18, 2014, this property is not located in a 100-year flood hazard area.
6. All Reserves are to be maintained by the Homeowners' Association.
7. APPROVED VARIANCES JUNE 9, 2015:

1. Reduction in minimum lot width.
2. Reduction in minimum lot area.
3. Reduction in street width.
4. Reduction in side yard setback.

LEGEND

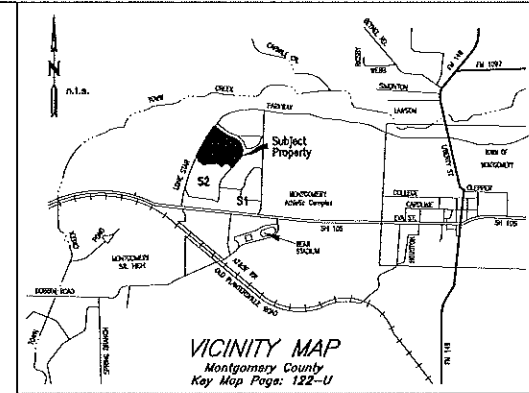
- Building Setback Line
- Boundary Line
- Utility Easement
- Property Line
- Existing Property Line

- - 5/8" Iron Rod Found
- - 1/2" Iron Rod Set

Unless noted otherwise, corners will be marked with 1/2" iron rod with a plastic cap stamped with "McClure Brown"

ABBREVIATIONS

- BL Building Line Setback
- M.C. Montgomery County
- D.R. Montgomery County Deed Records
- O.P.R. Montgomery County Official Public Records
- R.P. Montgomery County Record Plots
- R.O.W. Right-of-Way
- U.E. Utility Easement



LINE	BEARING	LENGTH	TANGENT	CHORD BRG.	CHORD DIST.
L1	N 54°45'25" W	90.12'			
L2	N 57°24'23" W	50.09'			
L3	S 35°14'35" W	70.48'			
L4	N 45°42'13" W	58.57'			
L5	N 74°10'18" W	73.48'			
L6	S 71°50'13" W	20.98'			
L7	N 64°51'50" W	89.04'			
L8	N 38°59'59" E	120.00'			
L9	S 45°15'41" W	120.00'			
L10	N 33°28'04" W	113.53'			
L11	N 50°10'17" E	23.65'			

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BRG.	CHORD DIST.
C1	9°59'58"	3910.00'	882.39'	342.06'	N 26°05'01" E	681.52'
C2	9°10'14"	25.00'	39.72'	25.45'	N 76°35'54" E	35.97'
C3	16°18'13"	345.00'	88.17'	49.42'	S 55°02'09" E	97.84'
C4	109°24'50"	280.00'	498.51'	387.31'	S 18°28'51" E	424.43'
C5	89°59'00"	15.00'	23.58'	18.00'	N 8°45'55" W	21.21'
C6	90°00'00"	25.00'	39.27'	23.00'	S 80°14'35" W	35.39'
C7	8°03'12"	275.00'	38.65'	19.35'	S 39°16'11" W	38.92'
C8	8°15'11"	60.00'	8.64'	4.33'	N 48°51'55" W	8.64'
C9	95°48'48"	25.00'	41.81'	27.87'	S 12°39'48" E	37.10'
C10	40°04'42"	475.00'	332.28'	173.25'	S 60°38'32" E	325.53'
C11	52°40'55"	25.00'	22.99'	12.38'	N 53°00'40" E	22.19'
C12	100°20'17"	60.00'	105.67'	71.94'	N 78°50'21" E	92.15'
C13	178°19'41"	60.00'	187.79'	10233.75'	S 44°55'31" W	120.00'
C14	55°00'18"	25.00'	24.00'	13.02'	N 72°54'47" W	23.09'
C15	40°54'20"	825.00'	374.82'	195.80'	N 78°57'48" W	358.91'
C16	85°14'48"	25.00'	37.20'	23.01'	S 77°51'59" W	33.86'
C17	109°24'50"	85.00'	162.32'	120.06'	S 19°27'51" E	138.76'
C18	7°32'28"	325.00'	42.78'	21.42'	S 70°24'02" E	42.75'
C19	48°37'23"	25.00'	21.22'	11.29'	N 89°03'31" E	20.58'
C20	287°28'08"	60.00'	301.04'	-44.02'	S 28°28'52" W	70.98'
C21	60°53'58"	25.00'	28.57'	14.70'	N 38°14'52" W	25.34'
C22	5°29'15"	275.00'	28.34'	13.18'	N 71°25'38" W	28.33'
C23	109°24'50"	135.00'	257.60'	190.72'	N 18°27'51" W	220.38'
C24	90°00'00"	25.00'	39.27'	25.00'	S 9°45'25" E	35.39'
C25	90°00'59"	15.00'	23.57'	15.00'	S 80°14'03" W	21.22'

FINAL PLAT

THE HILLS OF TOWN CREEK SECTION 3

49 LOTS ~ 1 RESERVE
10.977 ACRES

BENJAMIN RIGBY LEAGUE, A-31
MONTGOMERY, MONTGOMERY COUNTY, TEXAS

SEPTEMBER, 2018
SCALE: 1"=50'

Owner/Developer:
Rorler & Son Development Co., LLC
4090 S.H. 6 South
College Station, Texas 77645
(979) 890-1222

Surveyor:
McClure & Browne Engineering/Surveying, Inc.
1008 Woodcreek Dr., Suite 103
College Station, Texas 77645
(979) 333-3535

Texas Plat Registration No. 15103300

2
of 8 sheets



10/20/2018 - 18



Plat Filing Fee Calculation Sheet

Upon completion return calculation sheet with plat fee to Autumn Redman at Montgomery City Hall, 101 Old Plantersville Road, Montgomery, TX 77316

Please complete the information below corresponding to the type of plat you are submitting. Your calculation of the plat fee will be verified upon submittal to the City.

A. CONTACT INFORMATION

Plat Name: The Hills of Town Creek Section 3

Name of Development: The Hills of Town Creek Section 3

Development Number: _____

Name of Owner: CTX Land Investments, LLC

Mailing Address: 4090 S.H. 6 South

City/State/Zip: College Station, TX 77845

Telephone Number: 979-690-1222 Fax Number: _____

Cell Phone: _____ Email: _____

Name of registered Professional Land Surveyor: _____

Firm Name & Registration No.: McClure & Browne Engineering/Surveying, Inc. 10103300

Mailing Address: 1008 Woodcreek Dr., Suite 103

City/State/Zip: College Station, TX 77845

Telephone Number: 979-693-3838 Fax Number: _____

Cell Phone: _____ Email: _____

B. DEVELOPMENT INFORMATION

Number of Acres: 10.977 Number of Lots: 50

C. PRELIMINARY PLAT

- 1. \$200.00 Base Fee.....\$200.00
- 2. \$5.00/acre Additional Fee.....\$ 0
- 3. \$5.00/lot Additional Fee.....\$ 0

Total Plat Fee Due (Sum of 1 and greater of 2 or 3):.....\$

D. FINAL, AMENDING, REPLAT, AND MINOR PLAT

- 1. \$200.00 Base Fee.....\$200.00
- 2. \$30.00/acre Additional Fee.....0 \$329.31
- 3. \$8.00/lot Additional Fee.....\$400

Total Plat Fee Due (Sum of 1 and greater of 2 or 3):.....\$ 600

E. DEVELOPMENT PLAT

- 1. \$200.00 Base Fee.....\$200.00
- 2. \$5.00/acre Additional Fee.....\$ 0

Total Plat Fee Due (Sum of 1 and 2):.....\$ _____

For City Use Only

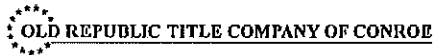
Amount Received: _____

Date Received: _____

Check Number: _____

Received by: _____

_____ Date



CITY PLANNING LETTER
September 12, 2018

City Planning Commission
Commissioners Court
Montgomery County, Texas

RE: 1803639

To Whom It May Concern:

Old Republic Title Company certifies that a diligent search of the real property records of Title Company's title plant has been made, as to the herein described property, and as of 7:00 AM on September 6, 2018, we find the following:

Record Owner: RANIER & SON DEVELOPMENT COMPANY, LLC, A TEXAS LIMITED LIABILITY COMPANY, by Deed recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2018-044955.

RE: The Platting of The Hills of Town Creek, Section 3, a proposed subdivision of 10.977 acres of land, more or less, in the Benjamin Rigby Survey, A-31, Montgomery County, Texas.

Subject to the following:

1. Restrictions:

Restrictions as may be set out on proposed plat of The Hills of Town Creek, Section 3, and all Regulations and/or Ordinances as may be imposed by the City of Montgomery, Texas.

2. Easements:

Easement recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 9602503.

Building line restrictions and easements as may be set out on proposed plat of The Hills of Town Creek, Section 3.

3. Liens:

Lien recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2018-044957.

No examination has been made as to abstracts of judgments, state or federal tax liens, the status of taxes, tax suits or paving assessments.

This letter is issued for the use of , and shall inure to the benefit of PLATTING. Liability of Title Company for mistakes or errors in this letter is hereby limited to the cost of said letter.

This letter is issued with the express understanding, evidenced by the acceptance thereof, that Title Company does not undertake to give or express any opinion as to the validity or effect of the instruments listed, and this letter is neither a guaranty or warranty of title.

Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein, and may not be given to or used by any third party. Title Company assumes no liability whatsoever for the accuracy of this report, nor for any omission or error with respect hereto. YOU AGREE TO RELEASE, INDEMNIFY AND HOLD HARMLESS TITLE COMPANY BECAUSE OF ANY NEGLIGENCE BY TITLE COMPANY (WHETHER SOLE, JOINT OR OTHERWISE) FOR ANY CLAIM, LOSS, LIABILITY OR DAMAGES ARISING OUT OF THIS REPORT. This report is not title insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined solely by the terms of such policy.

Sincerely,

By: 
Old Republic Title Company of Conroe

TAX CERTIFICATE



TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
400 N. SAN JACINTO
CONROE, TX 77301-2823

Issued To:
NICOLE MULDER
9171 GRAND LAKE ESTATES DR
MONTGOMERY, TX 77316

Legal Description
A0031 - RIGSBY BEN J, TRACT 63A1-C,
ACRES 10.976

Fiduciary Number: 26566977

Parcel Address:
Legal Acres: 10.9760

< - - -

- - - >

Account Number: 00.0031.01.06312
Certificate No: 237855068
Certificate Fee: \$10.00

Print Date: 09/11/2018
Paid Date: 09/11/2018
Issue Date: 09/11/2018
Operator ID: TJACKSON

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2017. TAXES THRU 2017 ARE PAID IN FULL.

Exemptions:

Certified Owner:

CTX LAND INVESTMENTS LLC
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

2017 Value: 76,830
2017 Levy: \$1,858.22
2017 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Tax Unit(s):

1 MONTGOMERY COUNTY
2 MONTGOMERY CO HOSPITAL DIST
203 MONTGOMERY ISD
303 CITY OF MONTGOMERY
802 MONTGOMERY CO ESD 2

Reference (GF) No: N/A

Issued By:
TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
(936) 539-7897

PERFORMANCE BOND

BOND NO. US00081839SU18A

KNOW ALL MEN BY THESE PRESENTS:

THAT we, Ranier & Son Development Company, as Principal, and XL Specialty Insurance Company, a corporation organized and doing business under and by virtue of the laws of the State of Delaware and duly licensed to conduct surety business in the State of Texas, as Surety, are held and firmly bound unto the City of Montgomery, Texas, as Obligee, in the sum of One Hundred Sixty One Thousand Six Hundred Fifty Seven and 50/100 Dollars (\$161,657.50), for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into, or is about to enter into, an agreement or agreements with said Obligee to complete Hills of Town Creek Section 3.

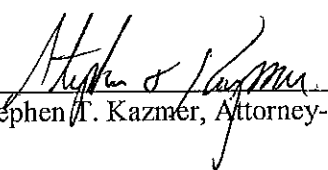
NOW, THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform said agreement or agreements during the original term thereof, or any extension of said term that may be granted by the Obligee with or without notice to the Surety, and upon receipt of a written discharge from the Obligee, then this obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact this 13th day of September, 2018.

Ranier & Son Development Company
(Principal)

By 

XL Specialty Insurance Company
(Surety)

By: 
Stephen T. Kazmer, Attorney-in-Fact

PERFORMANCE BOND

BOND NO. US00081839SU18A

KNOW ALL MEN BY THESE PRESENTS:

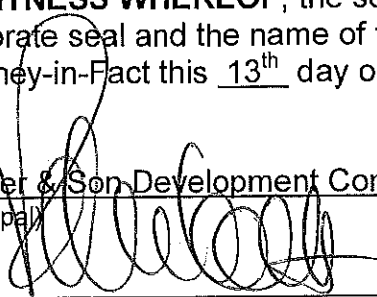
THAT we, Ranier & Son Development Company, as Principal, and XL Specialty Insurance Company, a corporation organized and doing business under and by virtue of the laws of the State of Delaware and duly licensed to conduct surety business in the State of Texas, as Surety, are held and firmly bound unto the City of Montgomery, Texas, as Obligee, in the sum of One Hundred Sixty One Thousand Six Hundred Fifty Seven and 50/100 Dollars (\$161,657.50), for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

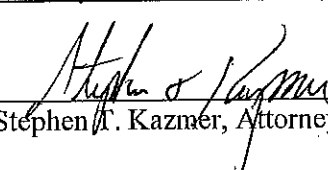
THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into, or is about to enter into, an agreement or agreements with said Obligee to complete Hills of Town Creek Section 3.

NOW, THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform said agreement or agreements during the original term thereof, or any extension of said term that may be granted by the Obligee with or without notice to the Surety, and upon receipt of a written discharge from the Obligee, then this obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact this 13th day of September, 2018.

Ranier & Son Development Company
(Principal)
By 

XL Specialty Insurance Company
(Surety)
By: 
Stephen T. Kazmer, Attorney-in-Fact



Power of Attorney
XL Specialty Insurance Company
XL Reinsurance America Inc.

BOND NUMBER US00081839SU18A
LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That XL Specialty Insurance Company, a Delaware insurance companies with offices located at 505 Eagleview Blvd., Exton, PA 19341, and XL Reinsurance America Inc., a New York insurance company with offices located at 70 Seaview Avenue, Stamford, CT 06902, , do hereby nominate, constitute, and appoint:

Stephen T. Kazmer

each its true and lawful Attorney(s)-in-fact to make, execute, attest, seal and deliver for and on its behalf, as surety, and as its act and deed, where required, any and all bonds and undertakings in the nature thereof, , for the penal sum of no one of which is in any event to exceed \$100,000,000.00.

Such bonds and undertakings, when duly executed by the aforesaid Attorney (s) - In - Fact shall be binding upon each said Company as fully and to the same extent as if such bonds and undertakings were signed by the President and Secretary of the Company and sealed with its corporate seal.

The Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Board of Directors of each of the Companies on the 26th day of July 2017.

RESOLVED, that Gary Kaplan, Daniel Riordan, Maria Duhart, Gregory Boal and Kevin Mirsch are hereby appointed by the Board as authorized to make, execute, seal and deliver for and on behalf of the Company, any and all bonds, undertakings, contracts or obligations in surety or co-surety with others and that the Secretary or any Assistant Secretary of the Company be and that each of them hereby is authorized to attest the execution of any such bonds, undertakings, contracts or obligations in surety or co-surety and attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that Gary Kaplan, Daniel Riordan, Maria Duhart, Gregory Boal and Kevin Mirsch each is hereby authorized to execute powers of attorney qualifying the attorney named in the given power of attorney to execute, on behalf of the Company, bonds and undertakings in surety or co-surety with others, and that the Secretary or any Assistant Secretary of the Company be, and that each of them is hereby authorized to attest the execution of any such power of attorney, and to attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that the signature of such officers named in the preceding resolutions and the corporate seal of the Company may be affixed to such powers of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be thereafter valid and binding upon the Company with respect to any bond, undertaking, contract or obligation in surety or co-surety with others to which it is attached.

IN WITNESS WHEREOF, the XL SPECIALTY INSURANCE COMPANY has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officers this April 13th, 2018.

XL SPECIALTY INSURANCE COMPANY



by: *Gregory Boal*
Gregory Boal, VICE PRESIDENT

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

Attest: *Kevin M. Mirsch*
Kevin M. Mirsch, ASSISTANT SECRETARY

On this 13th day of April, 2018, before me personally came Gregory Boal to me known, who, being duly sworn, did depose and say: that he is Vice President of XL SPECIALTY INSURANCE COMPANY, described in and which executed the above Instrument; that he knows the seals of said Companies; that the seals affixed to the aforesaid instrument is such corporate seals and were affixed thereto by order and authority of the Boards of Directors of said Companies; and that he executed the said instrument by like order.



COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Rebecca C. Shalhoub, Notary Public
Uwchlan Twp., Chester County
My Commission Expires April 28, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Rebecca C. Shalhoub

Rebecca C. Shalhoub, NOTARY PUBLIC

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

I, Kevin M. Mirsch, Assistant Secretary of XL SPECIALTY INSURANCE COMPANY, a corporation of the State of Delaware, do hereby certify that the above and foregoing is a full, true and correct copy of a Power of Attorney Issued by said Companies, and that I have compared same with the original and that it is a correct transcript therefrom and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of Exton, this 13th day of September, 2018.



Kevin M. Mirsch
Kevin M. Mirsch, ASSISTANT SECRETARY

IN WITNESS WHEREOF, XL REINSURANCE AMERICA INC. has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officers this 13th day of April, 2018.



XL REINSURANCE AMERICA INC.

by: *Gregory Boal*
Gregory Boal, VICE PRESIDENT

Attest: *Kevin M. Mirsch*
Kevin M. Mirsch, ASSISTANT SECRETARY

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

On this 13th day of April, 2018, before me personally came Gregory Boal to me known, who, being duly sworn, did depose and say: that he is Vice President of XL REINSURANCE AMERICA INC., described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the aforesaid instrument is such corporate seal and was affixed thereto by order and authority of the Board of Directors of



COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Rebecca C. Shalhoub, Notary Public
Uwchlan Twp., Chester County
My Commission Expires April 28, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Rebecca C. Shalhoub

Rebecca C. Shalhoub, NOTARY PUBLIC

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

I, Kevin M. Mirsch, Assistant Secretary of XL REINSURANCE AMERICA INC. a corporation of the State of New York, do hereby certify that the person who executed this Power of Attorney, with the rights, respectively of XL REINSURANCE AMERICA INC., do hereby certify that the above and foregoing is a full, true and correct copy of a Power of Attorney Issued by said Corporation, and that I have compared same with the original and that it is a correct transcript therefrom and of the whole original and that the said Power of Attorney is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of Exton, this _____ day of _____



Kevin M. Mirsch

Kevin M. Mirsch, ASSISTANT SECRETARY

This Power of Attorney may not be used to execute any bond with an inception date

4/13/2023 12:00:00AM

Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineers memo w/maps showing the present zoning and a map showing the zoning by ordinances (a much larger Ordinance map is available to you or will be given to you at the meeting.
Date Prepared: September 20, 2018	

Subject

This is to clarify the zoning map, using the ordinances they were adopted as the guide -- as researched by the City Secretary and City Engineer.

Description

The City Attorney has advised that adopting this map is a certain way of assuring may correct map, because each properties tied to the zoning ordinance for any changes since the original adoption of zoning. With no public hearing required because the public was notified at time of passage of the original ordinances.

Recommendation

Motion to adopt the presented zoning map as the official zoning map of the City as submitted.

Approved By

City Administrator

Jack Yates

Date: September 20,
2018



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

August 23, 2018

Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Re: Proposed Approval of Zoning Map Updates
The City of Montgomery

Commission Members:

It recently came to our attention that the City's official zoning map does not correctly reflect all previously approved ordinances. We have found several properties that underwent rezoning by City ordinance between 2008 and 2014 but were not updated on the zoning map. Additionally, the current zoning map does not show the Corridor Enhancement District or Historic Landmarks, both of which are included in the Zoning Ordinance and should be shown on the zoning map. Enclosed in your packets is a copy of the current zoning map identifying the corrections/additions to be made. Also enclosed is a fully revised zoning map for your review.

Based on information provided by the City Attorney, it is our understanding that public hearings are not required before approving the corrected zoning map, as the hearings were held for each individual rezoning or initial zoning at the time of the ordinance. Therefore, we request the Planning and Zoning Commission approve updating the zoning map to accurately reflect all previously approved ordinances and adopt the amended map as the official City zoning map. Upon approval, we will also update your GIS system to reflect all zoning ordinances correctly.

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 P&Z RE Zoning Map Amendment Approval.doc

Enc: Current Zoning Map with Corrections Highlighted
Proposed Zoning Map

Cc (via email): The Honorable Mayor and City Council, 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

- HL and HO is an overlay so will have 2 zones (Ex. B-HL)
 - Corridor Enhancement should be 750' from ROW on each side of SH105
 - FM 1097 Corridor enhancement is 300 feet on each side of ROW.
 - FM 159 has a corridor enhancement over 750' of 300 ft on each side of ROW from City limit to City limit
 - Leta Star Parkway has corridor enhancement on each side of the ROW 300ft.
 - Corridor enhancement is an overlay district so will have 2 zones in that area (ex. B-CE)

Limits should include this piece (Ord. 2014-07)

PD per original zoning. Not changed in Ord. 2012-16

B - Commercial (Ord. 2011-14)

ID (Ord. 2014-11) (Enline Ogarechok Tract)

All lots R1

Dist B (Ord. 2006-19)

B - Commercial (Ord. 2012-16)

PD per original zoning

MCAD update.

R2 (Ord No. 2011-16)

MCAD has added streets and lots

MCAD Update

Lots and streets have been defined by MCAD. All District B per Ord. 2012-15

R2 (Ord 2012-25)

PD (Ord. 2011-10)

PD (Ord. 2012-21)

Square off to match original zoning and adjust triangle point to be B, Commercial

Strip is B - Commercial (Ord 2012-14)

ID

ID

MCAD defines these properties. Please update



VICINITY MAP
 Scale: 1 inch equals 10 miles

LEGEND

- Base Layers**
- City Limits
 - Corridor Enhancement Boundary
 - Historic District
- Zone Classification**
- Unknown
 - Commercial
 - Industrial
 - Institutional
 - Multi-Family
 - Multi-Use
 - Residential
 - City ETJ
 - City of Conroe ETJ
 - MCAD Parcels

Add section for Overlay Zone and include "Historic Preservation", "Corridor Enhancement - CE", and "Historical Landmark - HL"

LAST AMENDED 10 OCTOBER 2017
 VIA ORDINANCE NO. 2017-22

*Annual Inventory From Inventory 2016



ZONING LAYOUT
 (JUNE 2018)



1 inch equals 600 feet

DISCLAIMER
 This plan is offered for informational purposes only and is not to be used for legal, engineering, or planning purposes. It does not represent an endorsement, approval, or warranty of any kind by Jones Carter, Inc. or any other party. The user assumes all liability for any use of this plan. Jones Carter, Inc. is not responsible for any errors, omissions, or delays in the completion of any project resulting from the use of this plan.



JONES CARTER
 Texas Board of Professional Engineers Registration No. 1-493



CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

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

TO: Residents and Property Owners in the City of Montgomery

FROM: City of Montgomery

The City of Montgomery is rich in history and ambiance, and a contributing factor to its character is the number and quality of historic homes and other buildings throughout the City. In an effort to help preserve this ambiance, a Historic Preservation Ordinance and a Corridor Enhancement Ordinance have been drafted for public hearing and possible implementation by City Council. These tools are used by many cities throughout the state and country. Several months ago, a public hearing was held for the initial draft of the Historic Preservation Ordinance. After valuable input from City residents and other stakeholders in the City, a new version of the ordinance is being considered along with a separate Corridor Enhancement Ordinance.

Public hearings have been scheduled to gather input on these proposed ordinances for January 15, 2008 at 7:00 p.m. and January 22, 2008 at 6:30 p.m. with both hearings taking place at Montgomery City Hall, located at 101 Old Plantersville Rd. in Montgomery, TX.

The purpose of this letter is to educate property owners as to the content of the ordinances and explain how this approach differs from the previous draft:

- Establishes a Historic Preservation District which is an overlay to existing zoning classifications. It also establishes historic landmarks outside the district boundaries.
- Establishes Design Criteria Guidelines that provide direction as to how a subject building and related structures may look.
- The size of the district is much smaller than originally proposed and primarily includes the Downtown area as well as adjoining neighborhoods along Pond, Caroline, Prairie, and College Streets. This does not include landmark locations of the proposed district boundaries.
- Buildings/properties within the Historic Preservation District that are not deemed to be landmarks are not affected by the ordinance unless a major renovation to the façade is planned. However, voluntary compliance to the Design Criteria Guidelines is encouraged.
- Existing landmarks within and outside the district are subject to Design Criteria Guidelines only if a major façade change is planned. The prior ordinance draft included all properties within the district.
- Unless major renovations are planned, all existing homes/structures within the Historic Preservation District are already in compliance with the proposed ordinance.

- New construction within the district is subject to the Design Criteria Guidelines.
- Both versions of the ordinance prohibit the demolition or removal of a designated landmark without receiving proper approval. Additionally, both versions of the ordinance prohibit landmarks to be destroyed by neglect.
- As with the old draft, the new draft ordinance allows for economic hardship applications.
- Both ordinances establish special setback provisions in the Downtown area. However, the latest ordinance makes this voluntary rather than mandated.
- The Historic Preservation Commission has been eliminated. The oversight duties required to enforce the ordinance will be handled by City staff and the existing Planning and Zoning Commission as part of the building permit process.
- Lastly, during the last public hearing, many people expressed the desire to be able to influence architecture on buildings along Hwy. 105 and Hwy. 149 as well as the new Lone Star Parkway. The Corridor Enhancement Ordinance will do this.

In summary, it is believed these ordinances accomplish the preservation of the historic character of the City in a manner which is much less rigid in its requirements for both landmark and non-landmark buildings within the proposed district and enhances future construction along the major thoroughfares of the City. Copies of both ordinances may be obtained at City Hall or on the City website at www.historicmontgomerytexas.com under "City" and "Documents." Please also feel free to contact City Hall with any questions or requests for special accommodations at 936-597-6434.

HISTORIC LANDMARKS & HOMES

Rabon-Gullen Home	315 Caroline St.
Pecan Shadows	504 Caroline St.
Social Circle	602 Caroline St.
Bell's Grove	708 Caroline St.
Shelton-Smith Home	811 Caroline St.
Gay-Miller Home	816 Caroline St.
The Parsonage	902 Caroline St.
Price Hotel	Clepper St.
Old Methodist Parsonage	705 College St.
Davis Jackson Cottage	708 College St.
Chilton Home	709 College St.
Magnolia	801 College St.
Patton Home	902 College St.
Prairie House	905 College St.
Liberty Building	907 College St.
Melrose	202 Eya St.
Waters-Stewart	415 Houston
The Old Post Office	210 Liberty St.
First State Bank of Montgomery	211 Liberty St.
Davis Law Office	306 Liberty St.
Davis Cottage	308 Liberty St.
McCall Law Office	308 Liberty St.
Simonton-Furlow	415 Louisa
Homewood	303 Mason
Lincoln School	Martin Luther King Dr.
Mt. Sinai Church	Martin Luther King Dr.
Hardesty-Shockley House	623 Old Plantersville Rd.
New Cemetary	Old Plantersville Rd.
Old Baptist Church	301 Pond St.
The Bells of Montgomery (old Methodist Church)	309 Pond St.
Campbell Williams Home	411 Pond St.
Old Cemetary	Hwy 105 & Pond St.
Addison-Gandy House	104 Prairie St.
The Oaks	202 Prairie St.
Conner-Gibbs Home	Prairie St.
Old School Site	Simonton St. (end)
Arnold Simonton Home	905 Stewart
Montgomery Memorial Cemetary	FM1097
Knight of Pithias	Hwy 149 North
China Chapel Church	Hwy 149 North
Mt. Pleasant Church	Hwy 149 North
Original Townsite/ Trading Post on Town Creek	Hwy 149 North

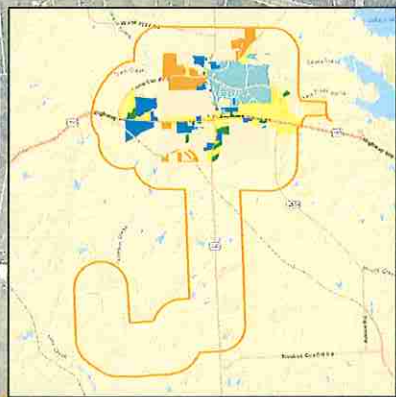
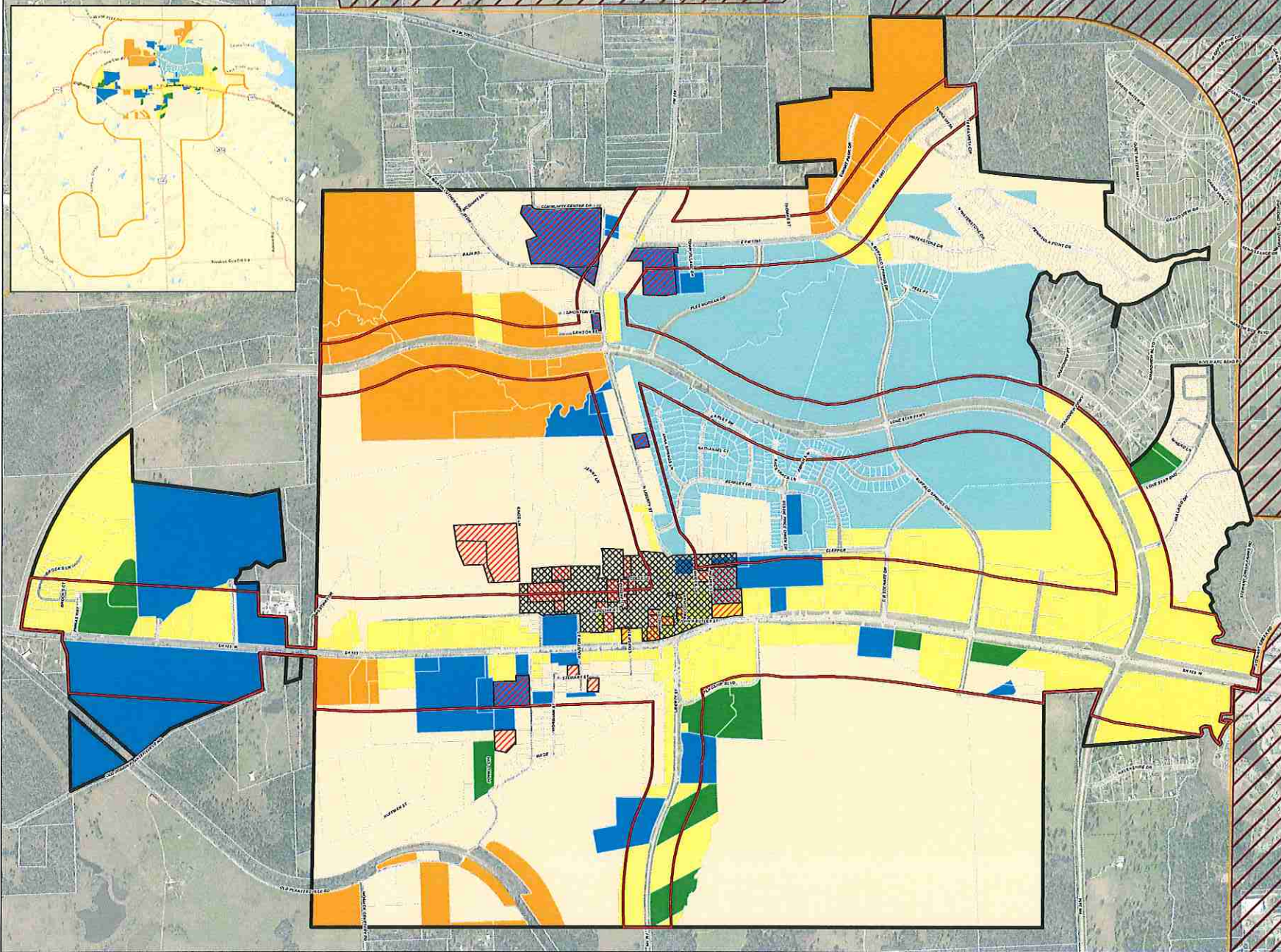
Markers:

Railroad in Montgomery	Hwy 149 South/Liberty St.
John M. Wade 1815-1879	Eva St./Hwy 105 West
Reuben Jonathan Palmer	Old Cemetary
William S. Taylor	Old Cemetary

Community Center Grounds:

- Town of Montgomery Site Marker
- Montgomery County Courthouse Site Marker
- First Secretary of State Subject Marker – Charles Stewart
- Old Montgomery Community Well
- Time Capsule – Buried 4/25/87

King's Café – site of Peel's Mercantile - 214 Liberty
Branding Iron – site of Price Grocery - 212 Liberty



VICINITY MAP
Scale: 1 inch equals 10 miles

- LEGEND**
- Overlay Zone**
 - Corridor Enhancement (CE)
 - Historical Landmark (HL)
 - Historic Preservation District (HPD)
 - Base Layers**
 - City Limits
 - City of Connes ETJ
 - City ETJ
 - MCAD Parcels
 - Zone Classification**
 - Zoning**
 - Commercial (C)
 - Industrial (ID)
 - Institutional (I)
 - Multi-Family (MF)
 - Planned Development (PD)
 - Residential (R)

LAST AMENDED 13 FEBRUARY 2018
VIA ORDINANCE NO. 2018-04

*Aerial Imagery From January 2018



ZONING LAYOUT
(JUNE 2018)



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 a warranty of any kind and is not intended to be used as a substitute for professional services. The user assumes all liability for any and all uses of this product. The user assumes all liability for any and all uses of this product. The user assumes all liability for any and all uses of this product.



JONES CARTER
Team: Board of Professional Engineers Registration No. P-438

Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineers memo w/maps
Date Prepared: September 20, 2018	

Subject

This is to replat Lone Star Parkway North, Section 1. The area involved is not in the city limits but is necessary to be approved by the City due to ETJ rules.

Description

This is an action to partially vacate and to replat the Lone Star Pkwy., North Section 1 subdivision as owned by the Carwile Family Partners and CWS Propane. The owners of requested vacation of reserve the of the existing plat for tax reduction purposes.

A 16 foot utility easement along the southern boundary of the reserve is continued to exist after this re-platting.

Recommendation

Motion to approve the vacating plan on of Lone Star Parkway North Section 1

Approved By

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



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

August 30, 2018

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77356

Re: Submission of Vacating Plat
Lonestar Parkway North, Section 1
City of Montgomery

Dear Commission:

We reviewed the Vacating Plat submission for Lonestar Parkway North, Section 1, owned partially by Carwile Family Partners, LP and partially by CWS Propane, LLC ("the Owners"), on behalf of the City of Montgomery. The Owners have requested vacation of Reserve "D" of the existing plat for tax reduction purposes.

We requested that the Owners preserve the existing 16' utility easement along the southern boundary of the Reserve to allow for future utility extensions by the City. The easement has since been recorded by separate instrument under Montgomery County Clerk's File No. 2018-050455.

Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 62 and any other applicable chapters. We offer no objection to the plat and recommend the Commission approve the plat as submitted. Note that because the plat is outside of the City limits but within the City's ETJ, County approval will also be required for recordation of the plat.

If you have any questions or comments, please contact me.

Sincerely,

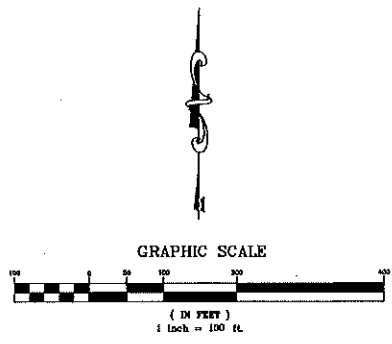
A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE
Engineer for the City

CVR/ab

K:\W5841\W5841-0900-00 General Consultation\Plan Reviews\Plan Review Letters\Lonestar Parkway North Plats\VACATING PLAT APPROVAL
Lonestar Parkway North Sec. 1 08302018.doc

Enclosures: Partial Plat Vacation, Lonestar Parkway North, Section 1
cc: The Honorable Mayor and City Council – 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
Mr. Jeffrey Moon, RPLS – Jeffrey Moon & Associates, Inc.



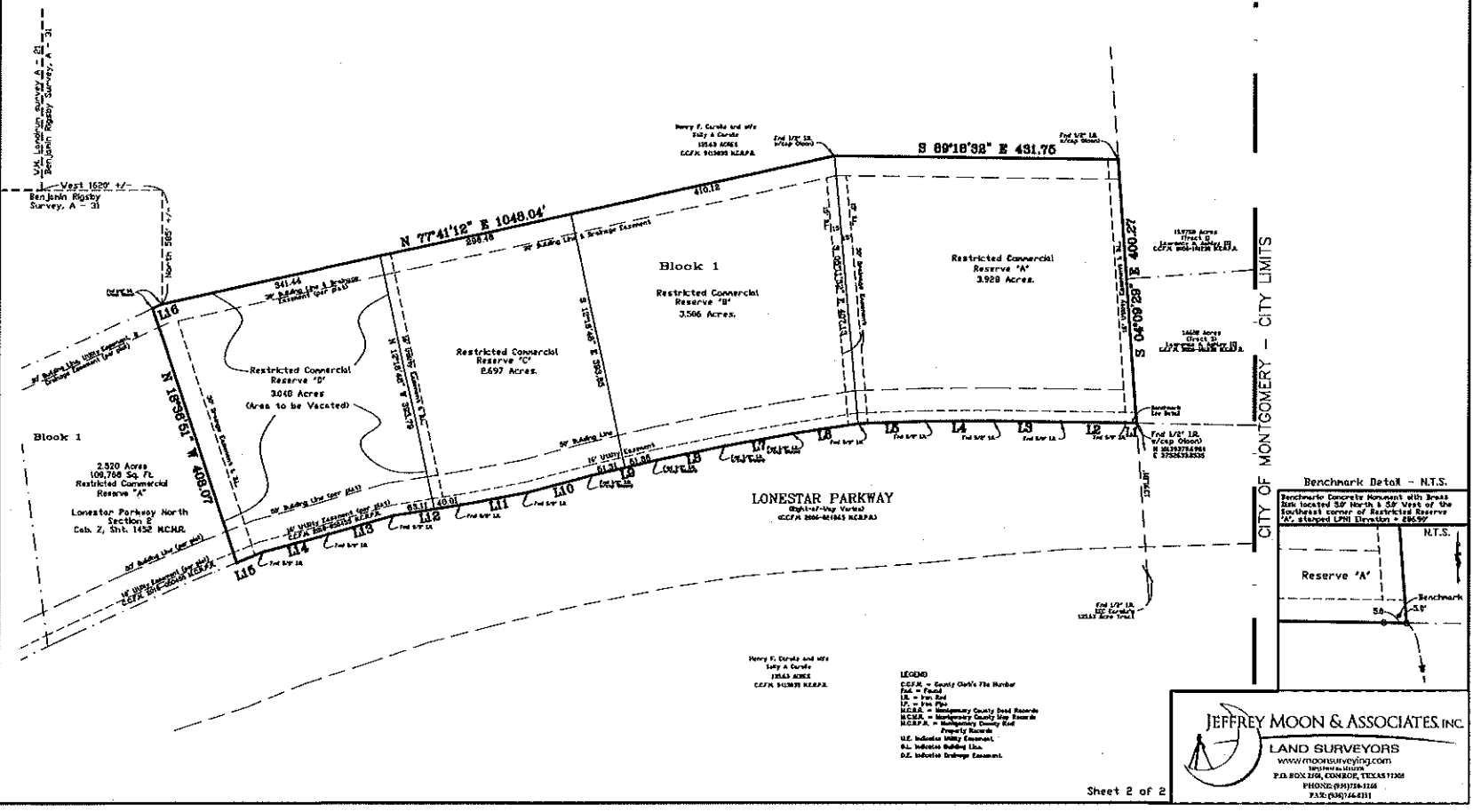
**PARTIAL PLAT VACATION
LONESTAR PARKWAY
NORTH**

SECTION ONE
A SUBDIVISION OF 13.179 ACRES
OF LAND IN THE
BENJAMIN RIGSBY SURVEY, A - 31
MONTGOMERY COUNTY, TEXAS
CONTAINING 4 RESTRICTED COMMERCIAL RESERVES
IN 1 BLOCKS
April, 2011

Reason for plat is to vacate Restricted Commercial Reserve "D"
OWNER/DEVELOPER

Cheryl Family Partners, LP P.O. Box 850 Montgomery, Texas 77134 (936) 397-4111 FAX (936) 397-4191 MooreW@cheryl.com as to Reserve "D"	CWS Propane, LLC 415 E. Priddy, Conroe, Texas 77381 (281) 319-3131 FAX (281) 319-1347 ckaynes@conroecws.com as to Reserves "A", "B", & "C"
--	---

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°01'41"W	16.41
L2	N89°16'58"W	100.21
L3	N89°02'53"W	101.24
L4	S89°32'38"W	102.89
L5	S88°05'38"W	103.19
L6	S81°17'35"W	102.87
L7	S79°39'13"W	102.93
L8	S78°13'03"W	102.82
L9	S76°46'53"W	102.66
L10	S75°20'45"W	102.55
L11	S79°16'01"W	102.80
L12	S80°52'32"W	103.12
L13	S73°50'52"W	102.76
L14	S75°09'36"W	102.88
L15	S68°18'03"W	43.66
L16	N65°23'01"E	15.88



JEFFREY MOON & ASSOCIATES, INC.
LAND SURVEYORS
www.moonsurveying.com
19075 WOODHURST
P.O. BOX 1206, CONROE, TEXAS 77384
PHONE: (936) 758-1124
FAX: (936) 746-4311

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Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineers memo w/maps
Date Prepared: September 20, 2018	

Subject

This is to replat Lone Star Parkway North, Section 2. The area involved is not in the city limits but is necessary to be approved by the City due to ETJ rules.

Description

This is an action to partially vacate and to replat the Lone Star Pkwy., North Section 1 subdivision as owned by the Carwile Family Partners, The owners of requested vacation of reserve the of the existing plat for tax reduction purposes. A 16 foot utility easement along the southern boundary of the reserve is continued to exist after this re-platting.

Recommendation

Motion to approve the vacating plan on of Lone Star Parkway North Section 2

Approved By

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



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

August 30, 2018

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77356

Re: Submission of Vacating Plat
Lonestar Parkway North, Section 2
City of Montgomery

Dear Commission:

We reviewed the Vacating Plat submission for Lonestar Parkway North, Section 2, owned by Carwile Family Partners, LP ("the Owner"), on behalf of the City of Montgomery. The Owner has requested vacation of the existing plat for tax reduction purposes.

We requested that the Owner preserve the existing 16' utility easement along the southern boundary of the tract to allow for future utility extensions by the City. The easement has since been recorded by separate instrument under Montgomery County Clerk's File No. 2018-050455.

Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 62 and any other applicable chapters. We offer no objection to the plat and recommend the Commission approve the plat as submitted. Note that because the plat is outside of the City limits but within the City's ETJ, County approval will also be required for recordation of the plat.

If you have any questions or comments, please contact me.

Sincerely,

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

Chris Roznovsky, PE
Engineer for the City

CVR/ab

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Lonestar Parkway North Sec. 2 08302018.doc

Enclosures: Plat Vacation, Lonestar Parkway North, Section 2
cc: The Honorable Mayor and City Council – 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
Mr. Jeffrey Moon, RPLS – Jeffrey Moon & Associates, Inc.

PLAT VACATION
**LONESTAR PARKWAY
 NORTH**

SECTION TWO
 A SUBDIVISION OF 5.041 ACRES
 OF LAND IN THE
 BENJAMIN ROSSBY SURVEY, A - 31
 MONTGOMERY COUNTY, TEXAS
 CONTAINING RESTRICTED COMMERCIAL RESERVES
 IN 1 BLOCK

Reason for plat is to vacate this subdivision in its entirety.

OWNER/DEVELOPER

Carveth Family Partners, LP
 P.O. Box 490 Montgomery, Texas 77135
 (936) 397-4111
 FAX (936) 397-4105
 Moore@Carveth.com
 April, 2018

THE STATE OF TEXAS
 COUNTY OF MONTGOMERY

We, Henry F. Carveth and Sally A. Carveth, Members of H&B Management, LLC, General Partner of Carveth Family Partners, L.P., a Texas Limited Partnership, owner of the property indicated in the above and foregoing map of Lonestar Parkway North, Section 2, do hereby make application to this plat for and to the effect that Carveth Family Partners, L.P. is the owner of the property according to the Block, Street, Lot, Block, Parcel, Building, Unit, and Apartment Number 2 located in the Benjamin Rossby Survey A-31, Montgomery County, Texas, and on behalf of Carveth Family Partners, L.P., a Texas Limited Partnership, and interests in public use, at which, the streets, other roads, and easements are shown on the map and do hereby make application to this plat for and to the effect that the plat is to be recorded in the public records and to be approved for the streets and above indicated, or succeeded by the expiration of the term of any portion of streets or other public use, at which, the streets, other roads, and easements are shown on the map and to be approved for the streets and above indicated.

It is to be noted that we, Henry F. Carveth and Sally A. Carveth, Members of H&B Management, LLC, General Partner of Carveth Family Partners, L.P., a Texas Limited Partnership, owner of the property indicated in the above and foregoing map of Lonestar Parkway North, Section 2, do hereby make application to this plat for and to the effect that the plat is to be recorded in the public records and to be approved for the streets and above indicated, or succeeded by the expiration of the term of any portion of streets or other public use, at which, the streets, other roads, and easements are shown on the map and to be approved for the streets and above indicated.

There is also indicated for filing on unabstracted acreage (see (5) that side view in plan view) (25) that show the ground water table elevation in all abstracted above terrain.

FURTHER, we do hereby declare forever to the public at large, a minimum of four (4) feet wide on each side of the center line of any and all public roads, streets, alleys, or other public ways shown on the map and to be approved for the streets and above indicated, or succeeded by the expiration of the term of any portion of streets or other public use, at which, the streets, other roads, and easements are shown on the map and to be approved for the streets and above indicated, or succeeded by the expiration of the term of any portion of streets or other public use, at which, the streets, other roads, and easements are shown on the map and to be approved for the streets and above indicated.

FURTHER, we do hereby declare that all parcels of land designated as reserved in this plat are original parcels for the construction of commercial units shown and shall be restricted for use under the terms and conditions of such restrictions that appear on the plat.

1. That drainage of any lot into road, street, alley, or other public utility, other than as indicated, is strictly prohibited.
 2. Driveway structures under public drainage shall have a flat drainage sloping area of sufficient size to permit the flow of water without obstruction, and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe outlet).
 3. FURTHER, we do hereby declare that all parcels of land designated as reserved in this plat are original parcels for the construction of commercial units shown and shall be restricted for use under the terms and conditions of such restrictions that appear on the plat.

IN WITNESS WHEREOF, Carveth Family Partners, L.P. has caused these presents to be signed by Henry F. Carveth and Sally A. Carveth, Members of H&B Management, LLC, General Partner, hereunto subscribed, and its common seal hereunto affixed this day of _____, 2018.

Carveth Family Partners, L.P., a Texas Limited Partnership, acting by and through its General Partner

By _____
 Henry F. Carveth, Member

By _____
 Sally A. Carveth, Member

THE STATE OF TEXAS
 COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority on this day personally appeared Henry F. Carveth and Sally A. Carveth, Members of H&B Management, LLC, General Partner of Carveth Family Partners, L.P., a Texas Limited Partnership, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out, and in the act and deed of said limited partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this day of _____, 2018.

My Public In and for Montgomery County, Texas

CITY ADMINISTRATOR

This plat has been submitted to and examined by the City Administrator of the City of Montgomery, Texas and it hereby approved on this day of _____, 2018.

By _____
 Jack Taylor
 City Administrator - Montgomery

I, THE UNDERSIGNED, Engineer for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as in which it is approved is required.

Chris Remington, PE
 Engineer, City of Montgomery

STATE OF TEXAS
 COUNTY OF MONTGOMERY

I, Mark Turnebid, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office

on _____ 2018 at _____ o'clock _____, and day

recorded on _____ 2018 at _____ o'clock _____, in

Subvol. _____ Sheet _____ of record of _____ for said County.

WITNESS MY HAND AND SEAL OF OFFICE, at Carveth, Montgomery County, Texas, this day and date last above written.

Mark Turnebid, Clerk, County Court
 Montgomery County

By _____ Deputy

APPROVED by the Commissioners' Court of Montgomery
 County, Texas, this _____ day of _____, 2018.

Vicki Mosler
 Commissioner, Precinct 1

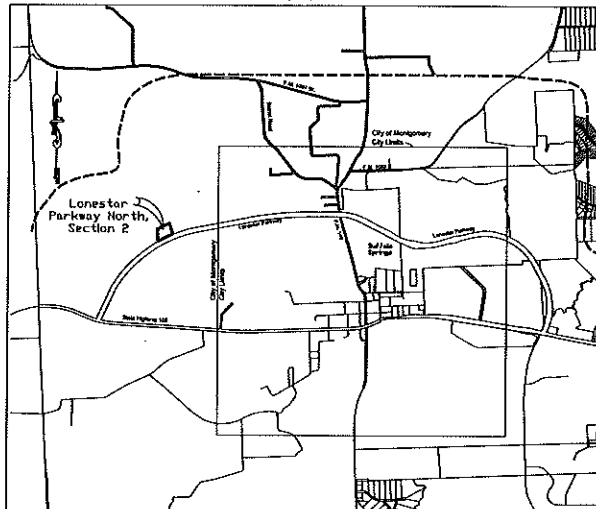
Charlie Rizzo
 Commissioner, Precinct 2

Chris Boyd
 County Judge

James L. Hood
 Commissioner, Precinct 3

Jim Clark
 Commissioner, Precinct 4

Neighborhood - N.T.S.



I, Jeffrey Moon, County Engineer of Montgomery County, Texas do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Montgomery County Commissioners Court.

I further certify that the plat of this subdivision complies with the requirements for internal subdivision drawings as adopted by the Commissioners Court; however no certification is hereby given as to the effects of drawings from this subdivision on the adjoining drainage artery or parent stream or on any other area of subdivision with the exception.

Mark A. Mooney, PE
 County Engineer Montgomery County, Texas

JEFFREY MOON & ASSOCIATES, INC.
 LAND SURVEYORS
 www.moonandsurveyors.com
 1801 W. WOODLAWN
 P.O. BOX 1144, CONROE, TEXAS 77385
 PHONE: (936) 764-2700
 FAX: (936) 764-1200

FLAT VACATION
**LONESTAR PARKWAY
 NORTH**

SECTION TWO
 A SUBDIVISION OF 504 ACRES
 OF LAND IN THE
 BENJAMIN RIGSBY SURVEY, A - J1
 MONTGOMERY COUNTY, TEXAS
 CONTAINING 7 RESTRICTED COMMERCIAL RESERVES
 IN 1 BLOCK

Reason for plat is to vacate this subdivision in its entirety.

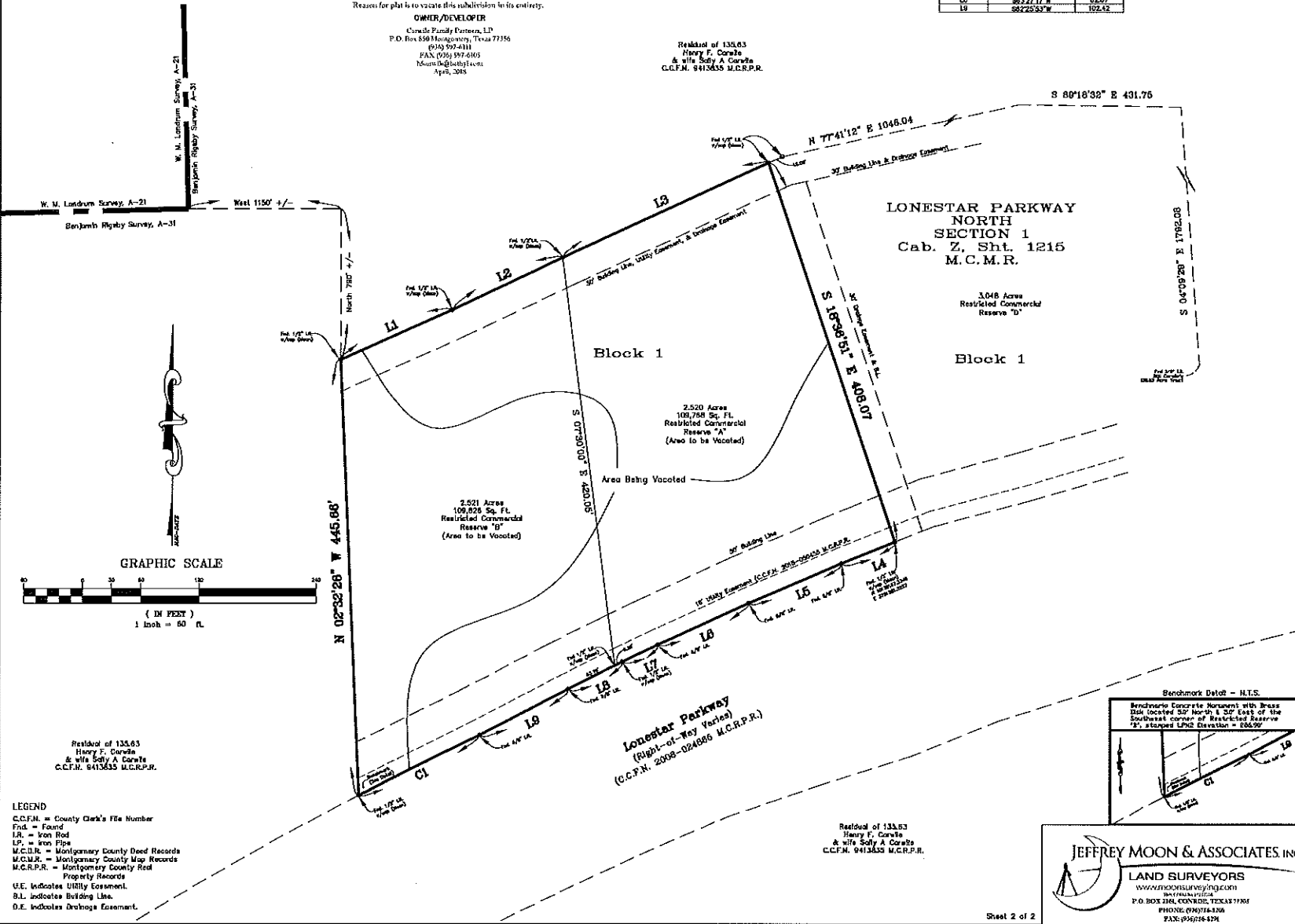
OWNER/DEVELOPER

Corvide Family Partners, LP
 P.O. Box 550 Montgomery, Texas 77156
 (936) 597-4111
 FAX: (936) 597-6105
 MontCoReg@att.net
 April, 2015

Residual of 135.63
 Henry F. Corvide
 & wife Sally A. Corvide
 C.C.F.N. 9413635 M.C.R.P.R.

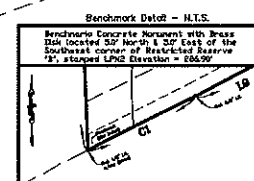
CURVE TABLE			
CURVE	Radius	Length	Chord Bearing & Distance
C1	4926.03	127.99	S 63°13'54" W 127.99

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 62°56'40" E	125.83
L2	N 44°47'28" E	125.19
L3	S 83°22'01" E	232.51
L4	S 83°07'54" W	50.25
L5	S 68°45'25" W	102.85
L6	S 65°21'11" W	107.82
L7	S 45°56'51" W	40.54
L8	S 33°27'17" W	62.07
L9	S 62°25'52" W	102.42



Residual of 135.63
 Henry F. Corvide
 & wife Sally A. Corvide
 C.C.F.N. 9413635 M.C.R.P.R.

LEGEND
 C.C.F.N. = County Clerk's File Number
 Fnd = Found
 IR = Iron Rod
 LP = Iron Pipe
 M.C.D.R. = Montgomery County Deed Records
 M.C.M.R. = Montgomery County Map Records
 M.C.R.P.R. = Montgomery County Real Property Records
 U.E. Indicates Utility Easement
 B.L. Indicates Building Line
 D.E. Indicates Drainage Easement



Residual of 135.63
 Henry F. Corvide
 & wife Sally A. Corvide
 C.C.F.N. 9413635 M.C.R.P.R.

JEFFREY MOON & ASSOCIATES, INC.
 LAND SURVEYORS
 WWW.JMOONANDASSOCIATES.COM
 207 PARKWAY
 P.O. BOX 1841, CONROE, TEXAS 77385
 PHONE: (281) 764-1200
 FAX: (281) 764-4278

Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: September 17, 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 being charged for each day that damages occur.

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: September 17, 2018

ID	Task Name	Start	Finish	Duration	2018																																											
					Jan 2018				Feb 2018				Mar 2018				Apr 2018				May 2018				Jun 2018				Jul 2018				Aug 2018				Sep 2018				Oct 2018				Nov 2018			
					1/4	1/11	1/18	1/24	2/1	2/8	2/15	2/22	3/1	3/8	3/15	3/22	4/1	4/8	4/15	4/22	5/6	5/13	5/20	5/27	6/3	6/10	6/17	6/24	7/1	7/8	7/15	7/22	7/29	8/5	8/12	8/19	8/26	9/2	9/9	9/16	9/23	9/30	10/7	10/14	10/21	10/28	11/4	
1	Site Prep	1/15/2018	2/15/2018	24d	█																																											
2	SWPPP	1/16/2018	1/18/2018	3d	█																																											
3	Traffic Control	1/15/2018	1/15/2018	1d	█																																											
4	Clearing and Grubbing	1/15/2018	1/17/2018	3d	█																																											
5	Demolition and removals	1/15/2018	2/15/2018	24d	█																																											
6	Bulkhead N Wall Sec 1	1/31/2018	3/9/2018	28d					█																																							
7	Bulkhead N Wall Sec 2	3/12/2018	4/19/2018	29d																													█															
8	Bulkhead N Wall Sec 3	4/19/2018	5/28/2018	28d																													█															
9	Bulkhead S Wall Sec 1	5/29/2018	6/21/2018	18d																													█															
10	Bulkhead S Wall Sec 2	6/21/2018	7/18/2018	20d																													█															
11	Bulkhead S Wall Sec 3	7/18/2018	8/24/2018	28d																													█															
12	Storm Sewer N	5/29/2018	9/14/2018	79d																													█															
13	Storm Sewer S	7/12/2018	8/17/2018	27d																													█															
14	Storm Boxes and Structures	9/4/2018	9/14/2018	9d																													█															
15	Force Main Work- On Hold	9/30/2019	10/3/2019	4d																																												
16	12" Waterline	9/24/2018	9/28/2018	5d																													█															
17	Slope Paving SE Corner	9/21/2018	9/27/2018	5d																													█															
18	Slope Paving SW Corner	9/26/2018	10/2/2018	5d																													█															
19	Slope Paving NE Corner	9/17/2018	9/25/2018	7d																													█															
20	Slope Paving NW Corner	9/17/2018	9/25/2018	7d																													█															
21	Approach Slab N	10/1/2018	10/4/2018	4d																													█															
22	Approach Slab S	10/5/2018	10/10/2018	4d																													█															
23	Base/Paving N	10/11/2018	10/18/2018	6d																													█															
24	Base/Paving S	10/18/2018	10/25/2018	6d																													█															
25	Guardrail	10/24/2018	10/26/2018	3d																													█															
26	Clean/Demobilize	10/29/2018	10/31/2018	3d																													█															
27	Punchlist Walkthrough	11/1/2018	11/1/2018	1d																													█															
28	Final Punch Complete	11/1/2018	11/9/2018	7d																													█															

Montgomery City Council
AGENDA REPORT

Meeting Date: September 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Group A: My proposed ordinance changes option Group B: More encompassing animal ordinance option
Date Prepared: September 20, 2018	

Subject

This is for Group A- a maximum number of dogs and cats on a piece of property, chickens maximum number, rooster maximum.
Group B: a proposed ordinance by local citizen that encompasses virtually all large livestock and larger animals. In the margins I have written where state law is now in place that provides for this section of the proposed ordinance.

Description

Currently, Montgomery County Animal Control in conjunction with the City Police Department enforce all animal control that our state law, city ordinance or federal law. This includes cruelty to animals, dogs a large or wounded animals.

The Group A Proposal is, admittedly, an attempt to solve current issues that I understand exist from complaints of neighbors against other neighbors. I know of two issues one on Carolyn St. regarding chickens in a coop on a neighboring property on College Street and a dog number/noise/odor issue on Worsham St.

Group B Proposal is, a much more comprehensive ordinance that involves virtually any type of animal kept in the city and a basically good ordinance. The Group B ordinance would involve much more management from the City to enforce, as number of animals on certain sized property is not something that would be enforced by Montgomery County Animal Control.

The issues of odor, noise and excrement management are already in place and are not affected by your consideration of selecting Group A or Group B ordinance options.

Montgomery City Council
AGENDA REPORT

Recommendation

This is on the agenda as a report—what I would like is for you to describe to me which direction to go in preparing an actual ordinance.

Approved By

City Administrator

Jack Yates

Date: September 20,
2018

GROUP
"A"

PROPOSED DOGS/CATS, CHICKENS AND ROOSTER ORDINANCES

Keeping dogs, cats or other domestic animals

- (a) Maximum number of dogs and cats. It shall be unlawful for any person to own, keep, or harbor more than six (6) dogs or (6) cats over three (3) months of age, or any combination of six dogs and cats at any one address or location within the city limits.
- (b) Keeping dogs at location other than owner's residence. All persons residing in the city who own one or more dogs must keep such dog or dogs at the residential premises permanently occupied and inhabited by said dog owners. It shall be unlawful for said dog owners to keep their dog or dogs at any other location within the city limits. Animals found at a property where an owner does not reside will be considered abandoned and subject to impoundment.
- (c) Exceptions. Subsections (a), (b), and keeping of hogs, swine, potbellied or miniature pigs shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.
-

Chickens

No person shall keep, feed, raise, or maintain chickens in a residential area within the city except under the following conditions:

- (1) The chicken shall be contained within and have access to sufficient shelter. "Sufficient shelter" shall mean a roof and three (3) solid sides that is capable of protecting the animal from the elements and shall be situated so there is a buffer area between it and neighboring property with sufficient access to allow the sufficient shelter to be effectively cleaned and which sufficient shelter shall be kept cleaned and not create an unsightly structure.
- (2) The sufficient shelter shall be located on the owner's property and kept 50 ft. from neighboring residences.
- (3) The maximum number of adult chickens that may be kept on any residential property or lot of one-half (1/2) acre or less is six (6).

Roosters

- (a) No person shall keep, feed, raise, or maintain roosters in a residential area within the city unless granted a permit by the city.
- (b) A resident may apply for a permit to maintain one (1) rooster on the property for the purpose of breeding only. The permit may be revoked if there are any violations.

ROOSTER PERMIT

Owner Name: _____

Physical Address of Permit : _____

By receipt of this permit I acknowledge and agree to abide by the following:

(a) No person shall keep, feed, raise, or maintain roosters in a residential area within the city unless granted a permit by the city.

(b) A resident may apply for a permit to maintain one (1) rooster on the property for the purpose of breeding only. The permit may be revoked if there are any violations.

Owner

Date:

Permit acknowledged/accepted by the City: _____

By: _____ print
Code Enforcement Officer

Registry of Homes with six or more dogs and/or cats in the city:

<u>Address</u>	<u>Owner</u>	<u>Description of Animals</u>	<u>Owner Under Notice</u>
123 Caroline	Mr. Sam Jones	1 Labrador black w/ white stripe on head from nose to crown 4 cats described as: 1 golden tabby 1 black and white 1 black 1 white 1 Dachshund chestnut w/ black stripe on belly 1 Poodle- white	10-15-18 Reviewed 12-15-18
<u>Removed from Registry due to death of Labrador Close of Situation 2-15-19</u>			

Chicken Location in Residential Area

Location of Chicken kept area: _____

Is there a sufficient shelter for the chickens
(as defined in the ordinance): Yes _____ No _____

If Yes, proceed with review, If No, notify the Owner of the need to provide shelter.

Location of the shelter (must be 50 feet or more away from neighboring residences property (not a structure on the neighboring property- but from the neighboring property line): _____ feet.

What is the lot size of the location of the Chickens (Use Montgomery County Tax Appraisal District your source of information on this): _____ sq. ft.

Is the lot size one-half acre or more? Yes _____ No _____

If Yes, a maximum of 12 adult chickens, including a Rooster, may be kept on the property.

If No, a maximum of 6 adult chickens, including a Rooster, may be kept on the property.

Number of Chickens on the property: _____

If in compliance no further action needs to be taken. Give this form to the City Secretary for the files of the City.

Information determined and reviewed by : _____
Code Enforcement Officer

If not in compliance, then give the Owner of the property a copy of the ordinance with the direction that they need to as promptly as possible get into compliance with the ordinance. Then give the Owner two months to comply and if not in compliance then issue a warning citation to Municipal Court then give two additional months before issuing a citation to Municipal Court then following a guilty adjudication let the Owner know of the City's capability to write a citation for each day of violation- then proceed as you think appropriate to gain compliance with the ordinance

To: Officer and Code Enforcement Officer Assistant Tim Bauer
From: Jack Yates
Subject: Instructions regarding enforcement of Dogs/Cats, Rooster and
Chickens Ordinance
Date: October 20, 2018

Attached is a copy of the Ordinance passed on October 9th by the City Council. Also attached is a Rooster Permit, an example of a Registry of places in the City with more than the six allowed dogs and/or cats.

Below are general directions of how I suggest that you enforce the ordinances. The suggestions are not absolute direction but should act as a guide toward the ultimate enforcement of the Ordinance:

Rooster Permit – You probably already know where Roosters are in the City. I would suggest that you make a copy of the attached Rooster Permit form and contact the owner of the Rooster(s) and ask if they have more than one Rooster. If they have only one Rooster complete two forms for them and ask them to sign. You have permission to sign as the Code Enforcement Officer on the form. Then give them one copy of the permit and keep the other one to do in order to give to the City Secretary who can start a file on the Rooster permits. If the owner refuses to sign the permit then you can sign the permit as the Code Enforcement Officer and in the owner blank write in “(owner name) refused to sign” and give them a copy of the permit or if they refuse to accept a copy bring back the permit to the City Secretary who should send a copy of the permit to the owner as a return receipt letter.

Chickens – You probably already know where chickens are kept in the City. I would suggest a separate page for each chicken location. The attached “Chickens Located in a Residential Area” sheet should be enough guidance. If questions, contact me.

Dogs/Cats Maximum Number—I would not think that you have hardly any idea at all about the number of dogs or cats at residences inside the city. First, let me advise you, that the ordinance does not have anything at all to do with the size of the property—a maximum of six dogs or cats on a property, or a collection of

the passage of this ordinance), other Police Officers can inform you if they find out of possible violations. Upon learning of a possible violation, you should make a personal visit to the property Owner and discuss the ordinance and their possible violation. If as, the conversation and your personal review of the property determines there is no violation—that is the end of the matter for that property/Owner.

If you determine that there is more than six dogs and/or cats at a location in the City, then you need to explain to the property owner that they have the right to keep as many animals as they have now, until the animal(s) die or are removed from the property. For those property owners in excess of six dogs/cats you need to complete a entry to the “Registry of Homes with six or more dogs and/or cats in the City” so that you can go back to the property occasionally (recommendations is every three months) to determine if there have been any deaths or removal of animals. Remember, the maximum number is six dogs and/or cats, so with a death or removal of an animal it cannot be replaced about the six maximum.

For a kennel, or otherwise commercial enterprise in a non-commercial zone (get me to verify the zone before you contact the property Owner), where there is an excess of six dogs/cats the same process as a for a private residence applies, but you will need to make a definite description of each of the dogs/cats on the property. Possibly taking photographs of each animal so as to prevent the replacement of any dog/cat since there is the motivation to keep as many dogs/cats as possible.

If you if you have any questions on the Rooster, Chicken or Dog/Cat enforcement feel free to come and ask me.

Group
'B'

PROPOSED Ideas' for changes to the CITY OF MONTGOMERY ANIMAL ORDINANCE FOR ALL

COMMERCIAL ZONES, INSTITUTIONAL ZONES, HISTORIC MUD ZONES"

ZONE (DISTRICT) AND STANLEY LAKE

City does not regulate in Stanley Lake mud area

Chapter 14 - ANIMALS

ARTICLE I. - IN GENERAL

- **Definitions**

- Abandonment. To desert or leave without care.
- Animal. Any member of the group of living beings belonging to the subphylum Vertebrate, specifically excluding human beings.
- Animal establishment. Any pet shop, grooming shop, kennel or animal shelter in which more than three (3) dogs and cats are confined, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of U.S. Public Laws 89544 and 91579.
- Animal shelter. A facility designated or recognized by the city for the purpose of impoundment, quarantine, shelter and destruction of stray, diseased, injured or vicious animals.
- Cat. Any member of the family Feline domestica.
- Dog. Any member of the family Canine familiaris.
- Domestic animal. A gentle animal not considered exotic or wild, other than caged birds, amphibians, fish, reptiles other than poisonous or dangerous reptiles, small caged rodents and the common ferret.
- Fowl or birds. All animals belonging to the class Aves, including all game birds such as, but not limited to, the following: dove, quail, chicken, duck, goose, pigeon, cardinal, bluejay, robin, sparrow, blackbird, crow.
- Harboring. The act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter or care for a period of three (3) days.
- Horse. Any member of the family Equidae domestica.
- Humane manner. Care of a domestic animal, to include, but not be limited to, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.
- Kennel. An establishment kept for the purpose of breeding, selling or boarding dogs or cats or engaged in training dogs or cats
- Livestock. Domestic animals generally used or raised on a farm for profit or use, including but not limited to cattle, horses, cows, sheep, bulls, stallions, jacks, and swine.

In State Law

- Nuisance. A domesticated animal shall be considered a nuisance if it:

(1) Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

(2) Causes unsanitary, dangerous or offensive conditions.

(3) Causes a disturbance by excessive barking or other noise-making.

(4) Chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

Owner. Any person, firm or corporation who has in his care, harbors or keeps an animal or causes or permits an animal to remain on or about his premises for a period of three (3) days.

Person. Any individual, corporation, partnership, organization or institute commonly recognized by law as a legally accountable unit.

Pet shop. An establishment engaged in the business of buying or selling at retail animals for profit-making purposes.

Residential purpose. Any property utilized as a multifamily fourplex, triplex, or duplex or single-family dwelling.

Restraint. An animal shall be deemed to be restrained when it is:

(1) Confined on the premises of the owner within a fence or enclosure;

(2) Fastened or picketed by a lead, rope or chain so as to keep the animal on the premises of the owner;

(3) Under the control of a person by means of a harness, leash, chain or similar device attended by a person of sufficient strength to prevent the animal from running at large; or

(4) On or within a vehicle being driven or parked.

- Running at large. Any animal running free with no physical or other restraint, whether on or off the premises of its owner. An animal within an automobile or other vehicle of its owner shall not be deemed running at large. ☐

- Vaccination. Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state.

- Vicious animal. An animal that displays vicious conduct and has the ability to attack a person or domestic animal, and the vicious animal:

(1) Makes an unprovoked attack on a person or domestic animal;

In
State
Law

- (2) Threatens to attack or terrorizes a person on private property or a public place;
- (3) Has behaved in such a manner that the person who keeps said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons;
- (4) Causes bodily injury;
- (5) Has, on one (1) previous occasion, without provocation, attacked or bitten any person or animal, or an individual animal which the animal control officer has reason to believe has a dangerous disposition or is likely to be harmful to humans or other animals. The provisions of this subsection shall not apply to animals that are in the service of law enforcement agencies or guard dogs restrained as provided in this chapter; or
- (6) Is one described in the Texas Penal Code, section 42.12 [42.10].

In
state
law

- Wild animal. Shall include all species of animals which commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity. This definition includes but is not limited to lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, all forms of reptiles, skunks and squirrels, and bobcats.
- Sec. 14-1. - Penalty.

Upon proof of violation of this chapter by any person owning or having control over or having custody of any dog or cat, then such person shall be punished as provided for in section 1-13.

(A) Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a Class C misdemeanor, unless otherwise noted, and, upon conviction thereof, shall be fined a sum of \$50.00 and not to exceed \$2,000.00, for each and every violation per day until appropriate remediation has been determined by the appointed city representative.

(B) Any person violating _____ ? _____ is guilty of a Class A misdemeanor under the Texas Penal Code.

(C) An offense under _____ ? _____ is a Class C misdemeanor and, upon conviction thereof, shall be deemed guilty thereof and shall be fined a sum not to exceed \$500 for each and every violation.

(D) An offense under _____ ? _____ is a Class C misdemeanor and, upon conviction thereof, shall be deemed guilty and be fined in a sum not to exceed \$500 for each and every violation.

(E) Any person violating _____ ? _____ is guilty of an offense punishable as a Class A misdemeanor under Tex. Penal Code, § 42.11.

(F) Any person who refuses to comply with and violates the provisions of

_____ and fails to quarantine a dog or cat which has been identified as the biting animal shall be guilty of a Class C misdemeanor and shall be fined in a sum not to exceed \$500 for each and every violation. The owner shall receive a citation for each and every day the animal has not been placed in quarantine, up to the tenth day of the bite.

Municipal
Court
Only
Handler
Class "C"
misdemeanor

ANIMAL LIMITS AND LAND REQUIREMENTS.

No person shall maintain livestock or fowl within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and the ~~Stanley Lake MUD zone~~, unless the following requirements and space allocations for each animal or fowl can be and are satisfied:

(1) Horses, mule, jack, jennet, pony or other animal of like kind. There shall be a minimum enclosed space of 3,000 square feet for each horse, mule, jack, jennet, pony or other animal of like kind kept within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and the Stanley Lake MUD zones. This 3,000 square feet shall be in addition to the area on which a residence or business structure is located. The shed used for protection against the elements may be located on this plot. Every additional horse, mule, jack, jennet, pony or other animal of like kind that is kept on the same lot must be given an additional 2,000 square feet. Such lot must be enclosed with a suitable safe fence.

} No
City
Ordinance

(a) Horses, mules, jacks, jennets, ponies. One animal for the first three acres, and an additional animal for each additional acre, up to a maximum of five horses, mules, jacks, jennets, or ponies are feet. Such lot must be enclosed with a suitable safe fence.

(2) Cattle. There shall be a minimum enclosed space of 4,000 square feet for each cow kept within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and ~~the Stanley Lake MUD zones~~. This 4,000 square feet shall be in addition to the area on which a residence or business structure is located. The shed for protection against the elements or used for milking purposes may be located on this plot. Any additional cows will be given 4,000 square feet each. Such lot must be enclosed with a suitable safe fence.

No City Ordinance

(a) Cattle. One cow for the first three acres, and one additional cow for each additional acre, up to a maximum of seven cows.

No City Ordinance

(3) Goats and sheep. Each goat or sheep kept in the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and ~~the Stanley Lake MUD zones~~, limits shall be allowed a minimum enclosed space of 1,200 square feet for stable and lot. This 1,200 square feet shall be in addition to the area on which a residence or business structure is located. Any additional goat or sheep kept on the same lot shall be granted an additional 1,200 square feet per animal. Such lot must be enclosed with a suitable safe fence.

No City Ordinance

(a) Goats and sheep. One sheep or goat for the first three acres, and one additional animal for each additional acre, up to a maximum of ten sheep or goats.

No City Ordinance

(4) Chickens and other fowl. Any fowl lot maintained in the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and ~~the Stanley Lake MUD zones~~ must be large enough to provide a minimum of four square feet per chicken. The chicken house will be allowed to be a part of this area. Suitable wire shall be used as the fence material for chickens. The chicken house must be of such construction as will allow for ease in cleaning and airing.

No City Ordinance

(a) Chickens and other fowl. No person shall keep, harbor, possess or allow to remain on any premises that is within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and ~~the Stanley Lake MUD zone~~ more than 12 grown fowl. No chickens, except laying hens and pullets, may be kept or maintained in the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and the Stanley Lake MUD zones.

No City Ordinance

5) Rabbits. Suitable wire or metal shall be used as fence and hutch material for rabbits. All rabbit hutches must be kept in a sanitary manner at all times, and so constructed as to allow ease in cleaning.

No City Ordinance

a) Rabbits. No person shall keep, harbor, possess or allow to remain on any premises that is within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and ~~the Stanley Lake MUD zones~~, more than six grown rabbits, or more than 18 fryer rabbits. All rabbit hutches must be kept in a sanitary manner at all times and constructed to allow ease in cleaning. Hutches shall be located not less than 50 feet from an adjacent property line, and not less than 50 feet from any residence, other than that of the owner.

No City Ordinance

(F) Combination. Any combination of livestock may be kept or maintained on premises within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and ~~the Stanley Lake MUD~~

No City Ordinance

zones, provided a ratio of one animal for the first 3 acres, and one animal for each additional 3 acres over the first 3 acres is not exceeded, and the maximum quantity for each type of animal as described in this section is not exceeded.

(G) Student exception. Students enrolled in a 4-H Future Farmers of America project may maintain livestock or fowl within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and the Stanley Lake MUD zone, provided they are city residents who are members of the immediate household; they have filed with the City Secretary a letter from their 4-H adult leader or the teacher of their Future Farmers of America class, certifying their project; and no neighbor within 50 feet of the animal's pen files a written complaint with the City Secretary. This exception to this chapter shall be available to a student only for the duration of his or her project. The following requirements and space allocations for each animal or fowl shall be satisfied

No city ordinance covers this - not presently needed

(H) It shall be unlawful for any person to have, keep, raise, breed, feed or maintain upon any premises situated within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and the Stanley Lake MUD zone, any hog, pig or swine of any kind, whether owned, claimed, held or under his control or supervision.

(I) The city council may grant exemptions they deem appropriate from specific provisions of this section upon formal request of property owners for premises within areas zoned.

No city ordinance covers this - not presently needed

(J) Each request for exemption shall be in writing and include justification for the request and assurance that granting such exemption will not create a condition constituting a nuisance or health hazard.

Disposal of dead animals and fowl

(a) A person commits an offense if he intentionally or knowingly leaves the carcass of any animal that died in his possession on any street or alley or at any other place within the city limits.

(b) The carcass of any animal or fowl not slaughtered for food but dead of disease or any other cause shall be removed and/or disposed of immediately by the owner (if known or if found) at his own expense.

In state law

Proximity to residence or public building.

(1) It shall be unlawful for any person to own, have, keep, house, stable, or cause or permit to be owned, kept, maintained, fed, housed or stabled, any livestock upon any premises in the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district)

and the Stanley Lake MUD zones. The lot in which horses, mules, jack, jennet, pony or other animal of like kind, cows, goats or sheep are kept under provisions of this section shall not be located nearer than 50 feet to the nearest adjoining residence or eating/dining establishment or sleeping facility. Fowl lots maintained under provisions of this section shall not be situated closer than 50 feet to the nearest adjoining residence, or eating/dining establishment or sleeping facility. Rabbit hutches shall not be located nearer than 50 feet to the adjoining residence. All animals, fowl and rabbit shelter or buildings will be thoroughly cleaned at least once per week and will be maintained in a clean, sanitary condition at all times. Any lot maintained in the city limits for fowl must be large enough to provide a minimum of four square feet per fowl. The chicken or fowl house will be part of this area.

No city ordinance covers this

cleanliness of enclosures

It shall be unlawful for any person who may own or control any premises, lots, yards, stables, barns or pens upon and on which any livestock are kept to maintain, keep or conduct such premises, or cause or permit the same to be maintained or kept, in such an unclean, odorous and unsanitary condition as to be a public nuisance. If, upon inspection or examination, any such premises are found to be in such an unclean and unsanitary condition as to be a public nuisance, the health officer shall give notice in writing to any owner, lessee, agency, manager or other person in charge or control of such premises to cause such premises to be cleaned and placed in a sanitary condition and abate such nuisance within a reasonable time. Failure to do so shall constitute a misdemeanor.

Existing
City
Nuisance
ordinance
in place

- NOISE AND NUISANCES.

(A) Any livestock, fowl, chickens, rabbits or other animals kept or maintained within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and the Stanley Lake MUD zone, that, by whinnying, crowing or in any manner producing noises calculated to disturb any person in this city, are deemed a nuisance, and the person keeping or maintaining such animals, livestock, fowl, rabbits or chickens guilty of such nuisance shall immediately, when directed by the appointed representative of the city, dispose of or remove such from within the city limits.

Exists in
present City ordinance
in place

existing
city
ordinance
does not allow
removal of an
animal

(B) Any animals or premises that are kept or maintained within the city of Montgomery Commercial Zones, Institutional Zones, Historic Zone (district) and the Stanley Lake MUD zone, so as to produce malodorous or noxious smells that disturb any person in this city shall be deemed a nuisance, and the person keeping or maintaining the animals or premises shall immediately remediate the malodorous or noxious smell upon notification from the appointed representative of the city.

City has
an