

# NOTICE OF PUBLIC HEARING and REGULAR MEETING

September 11, 2018

## MONTGOMERY CITY COUNCIL

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

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

### CALL TO ORDER

### INVOCATION

### PLEDGE OF ALLEGIANCE TO FLAGS

### PUBLIC HEARING

#### Convene into Public Hearing:

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."

#### Adjourn Public Hearing

#### Reconvene 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:

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."

**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."**
8. Consideration and possible action to set by Order the 2018 Ad Valorem Tax Rate for Maintenance and Operations, \$0.2058 /\$100.
9. Consideration and possible action to set by Order the 2018/ Ad Valorem Tax Rate for Debt Service, \$0.1942/\$100.
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.
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.
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*)

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.)*
14. Consideration and possible action on partially vacating the plat of Section 1 of the Lone Star Parkway Development.
15. Consideration and possible action on completely vacating the plat of Section 2 of the Lone Star Parkway Development.
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.
17. Consideration and possible action regarding Change Order No. 1 for the 18-Inch Gravity Sanitary Sewer Line Extension contract.
18. Buffalo Springs Bridge Report by the City Engineer.
19. Consideration and possible action regarding Change Order No. 2 for the Buffalo Springs Drive Bridge Embankment Repair contract.
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.
21. Discussion regarding Animal Ordinance.

**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.
23. Reconvene into Open Session.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

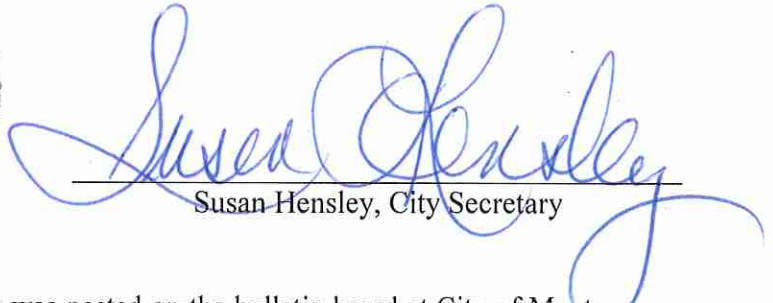
24. Consideration and possible action if necessary on matters deliberated in Closed Executive Session related to the City Police Chief.

**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.

**ADJOURNMENT**



  
Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 7<sup>th</sup> day of **September 2018** at **4:45** 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**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: budget ordinance, copy of budget without the narrative</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to have a public hearing regarding the City budget.

**Description**

The budget is based on general fund revenues of \$3,713,779 and expenses of \$3,713,791 with a projected net of \$236,883 being placed in the "Contract Labor Streets" line item to balance the Fund. This is with a reduction of the property tax rate of .0155, from .4155 to .4000.

The Water and Sewer Fund has Revenues of \$1,902,420 and Expenses of \$1,596,688 for a projected net of \$305,732 with a plan<sup>ed</sup> water and sewer increase of \$.50 per thousand gallons of water and sewer for those with consumption of 2000 up to 20,000 gallons.

The smaller funds are very minor and are self-explanatory

**Recommendation**

This is the public hearing, for the public to comment.

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------

**Fiscal Year 2018-19  
Base Budget**

**Summary of All Funds**

	Proj. Balance 9/30/2018	FY 2018-19 Proj. Expense	FY 2018-19 Proj. Transfers	FY 2018-19 Proj. Revenue	Proj. Balance 9/30/2019
<b>Governmental Funds</b>					
General Fund	\$ 983,302	\$ 3,713,779	\$ 110,380	\$ 3,603,399	\$ 983,302
Debt Service Fund	205,224	671,869	313,040	494,771	\$ 341,166
Capital Projects Fund (Grants/ Etc)	2,763,160	7,773,346	289,200	4,770,446	\$ 49,460
Hotel Occupancy Fund	10,559	4,000	-	1,007	\$ 7,566
Court Technology Fund	29,623	2,000	-	10,002	\$ 37,625
Court Security Fund	8,110	2,600	(3,900)	6,505	\$ 8,115
Police Asset Forfeiture Fund	4,272	-	-	100	\$ 4,372
<b>Total Governmental Funds</b>	<b>\$ 4,004,250</b>	<b>\$ 12,167,594</b>	<b>\$ 708,720</b>	<b>\$ 8,886,230</b>	<b>\$ 1,431,606</b>
<b>Non-Governmental Funds</b>					
Water & Sewer Fund	846,520	1,288,848	(307,840)	1,902,420	\$ 1,152,252
<b>Total Non-Governmental Funds</b>	<b>\$ 846,520</b>	<b>\$ 1,288,848</b>	<b>\$ (307,840)</b>	<b>\$ 1,902,420</b>	<b>\$ 1,152,252</b>
<hr/>					
<b>Total All Funds</b>	<b>\$ 4,850,770</b>	<b>\$ 13,456,442</b>	<b>\$ 400,880</b>	<b>\$ 10,788,650</b>	<b>\$ 2,583,857</b>

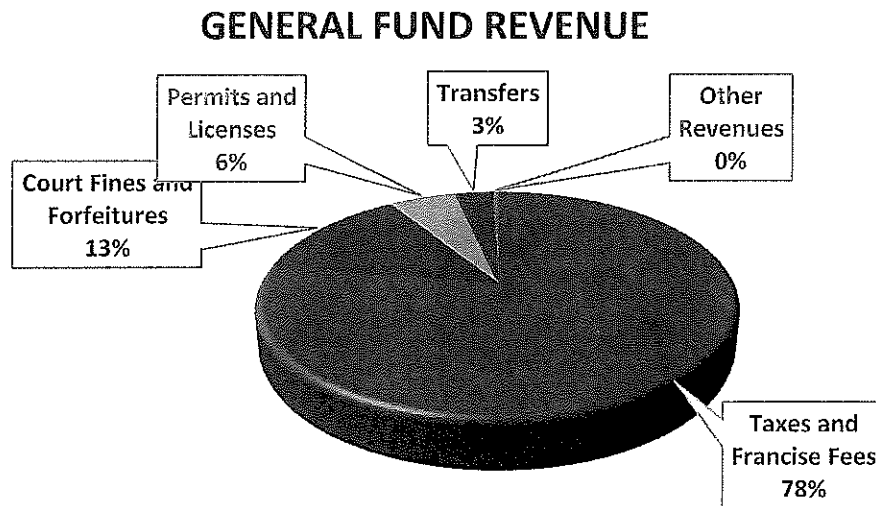
\* MDC Fund is not shown and its transfers are shown as revenues to other funds.

## Fiscal Year 2019 Proposed Base Budget Summary

<b>General Fund Budget at a Glance</b>	<b>2017 Actual</b>	<b>2018 Estimate</b>	<b>2018 Budget</b>	<b>2019 ProBudget</b>	<b>% Change</b>
<b>Beginning Fund Balance</b>	<b>1,202,840</b>	<b>1,094,048</b>	<b>1,094,048</b>	<b>983,302</b>	
<b>Revenue</b>					
14000.1 Taxes and Franchise Fees	1,931,544	2,624,837	2,298,912	2,883,499	25.4%
14000.2 Permits and Licenses	204,936	183,000	178,900	204,400	14.3%
14000.4 Fees For Service	8,419	12,500	7,630	8,530	11.8%
14000.5 Court Fines and Forfeitures	532,866	509,890	579,680	498,370	-14.0%
14000.6 Other Revenues	177,442	50,380	44,207	8,600	-80.5%
<i>Revenue</i>	<u>2,855,206</u>	<u>3,380,607</u>	<u>3,109,329</u>	<u>3,603,399</u>	<u>15.9%</u>
<b>Expenditures</b>					
16000 Personnel	1,315,654	1,422,288	1,464,235	1,692,428	15.6%
16001 Communications	8,350	13,589	4,627	7,900	70.7%
16002 Contract Services	902,130	1,034,923	957,870	1,066,555	11.3%
16003 Supplies and Equipment	103,486	99,581	105,898	94,398	-10.9%
16004 Staff Development	37,482	33,475	36,500	41,050	12.5%
16005 Maintenance	27,237	36,033	39,600	20,800	-47.5%
16006 Insurance	26,866	31,403	32,925	35,322	7.3%
16007 Utilities	51,685	50,438	55,260	55,950	1.2%
16008 Capital Outlay	255,365	220,036	231,750	177,225	-23.5%
17075 Sales Tax Rebatement	0	0	20,000	169,125	745.6%
16010 Miscellaneous/ Contingency	145,941	91,731	162,727	353,026	116.9%
<i>Expenditures</i>	<u>2,874,195</u>	<u>3,033,495</u>	<u>3,111,392</u>	<u>3,713,779</u>	<u>19.4%</u>
<b>Net Ordinary Income</b>	<b>-18,989</b>	<b>347,112</b>	<b>-2,063</b>	<b>-110,380</b>	
<b>Interfund Transfers</b>					
Transfers In	40,900	40,380	40,900	110,380	170%
Transfers Out	130,703	0	0	0	0%
<i>Net Transfers</i>	<u>-89,803</u>	<u>40,380</u>	<u>40,900</u>	<u>110,380</u>	
<b>Net Income</b>	<b>-108,792</b>	<b>387,492</b>	<b>38,837</b>	<b>0</b>	
<b>Ending Fund Balance</b>	<b>1,094,048</b>	<b>1,481,540</b>	<b>983,302</b>	<b>983,302</b>	

# Fiscal Year 2019 Proposed Base Budget Summary

Taxes and Francise Fees	2,883,499
Court Fines and Forfeitures	498,370
Permits and Licenses	204,400
Transfers	110,380
Other Revenues	17,130





## Fiscal Year 2019 Proposed Base Budget

General Fund Revenues Statement of Revenues	2017 Actual	2018 Estimate	2018 Budget	2019	% Change
<b>Ordinary Revenue</b>					
<b>Taxes and Francise Fees</b>					
14103 Beverage Tax	8,172	12,000	11,000	12,000	9%
14111 Francise Tax	80,891	72,000	72,000	72,000	0%
14320 Ad Valorem Tax	334,114	402,412	402,412	520,085	29%
14320.1 Ad Valorem Tax - PID	0	35,775	0	35,775	0%
14330 AdValorem Tax Penalty and Int	6,695	2,650	2,500	3,000	20%
14331 Rendition Penalties	0	0	200	100	-50%
14600 Sales Tax	1,474,121	2,100,000	1,810,800	1,501,162	-17%
14600.2 Sales Tax ILO Property Tax	0	0	0	739,377	0%
14605 Sales Tax Rev - W/H by State	27,551	0	0	0	0%
<i>14000.1 Total Taxes and Francise</i>	<i>1,931,544</i>	<i>2,624,837</i>	<i>2,298,912</i>	<i>2,883,499</i>	
<b>Permits and Licenses</b>					
14105 Building Permits	197,918	175,000	175,000	200,000	14%
14146 Vendor Permits	0	3,500	100	500	400%
14611 Sign Fee	2,782	2,000	1,800	1,800	0%
14000.2 Permits and Licenses-Other	0	0	0	100	0%
14612 Miscellaneous Permit Fee	4,236	2,500	2,000	2,000	0%
<i>14000.2 Permits and Licenses</i>	<i>204,936</i>	<i>183,000</i>	<i>178,900</i>	<i>204,400</i>	
<b>Fees for Service</b>					
14380 Community Building Rental	5,385	5,500	5,500	5,500	0%
14381 Kiosk Revenue	0	0	30	30	0%
14385 Right of Way Use Fees	3,034	7,000	2,100	3,000	0%
<i>14000.4 Fees for Service</i>	<i>8,419</i>	<i>12,500</i>	<i>7,630</i>	<i>8,530</i>	
<b>Court Fines and Forfeitures</b>					
14101 Collection Fees	34,563	26,000	24,000	24,000	0%
14102 Asset Forfeitures	0	0	500	400	0%
14104 Bond Fees (Dedicated)	-7,545	0	0	0	0%
14106 Child Belt Fees	1,136	150	1,200	200	-83%
14110 Fines	500,109	480,000	550,000	470,000	-15%
14118 OMNI	2,645	2,000	2,000	2,000	0%
14120 State (Dedicated)	0	0	0	0	0%
14125 Warrant Fees	0	0	50	50	0%
14126 Judicial Efficiency Court (Ded)	1,771	1,500	1,750	1,500	-14%
14130 Accident Reports	186	240	180	220	22%
<i>14000.5 Court Fines and Forfeitures</i>	<i>532,866</i>	<i>509,890</i>	<i>579,680</i>	<i>498,370</i>	
<b>Other Revenues</b>					
15380 Unanticipated Income	10491	4900	100	2000	1900%
15350 Proceeds from Sales	6,608	0	200	200	0%
15351 Proceeds From Insurance	24,731	0	0	0	0%

## Fiscal Year 2019 Proposed Base Budget

General Fund Revenues Statement of Revenues	2017 Actual	2018 Estimate	2018 Budget	2019	% Change
15352 Proceeds FEMA Disaster Relief	89,423	0	0	0	0%
15393 Police Grant Revenue	2,302	0	500	300	-40%
15391 Interest Income	237	100	707	600	-15%
15392 Interest on Investments	2,749	5,000	1,800	5,500	206%
<i>14000.6 Other Revenues</i>	<i>136,542</i>	<i>10,000</i>	<i>3,307</i>	<i>8,600</i>	
<b>Net Income</b>	<b>2,814,306</b>	<b>3,340,227</b>	<b>3,068,429</b>	<b>3,603,399</b>	
<b>Grants/ Transfers</b>					
14620.2 MEDC Contributions	37,500	37500	37500	107,500	187%
14620.4 Court Security Contributions	3,400	2880	3400	2,880	-15%
Subtotal	40,900	40,380	40,900	110,380	
<b>Total Income</b>	<b>2,855,206</b>	<b>3,380,607</b>	<b>3,109,329</b>	<b>3,713,779</b>	

**Fiscal Year 2019  
Proposed Base Budget**

General Fund Admin Class Expenditures	2017 Actual	2018 Estimate	2018 Budget	2019 Pro Bud	%
					Change
<b>Ordinary Expense</b>					
<b>Personnel</b>					
16247 Compensated Benefit		0	0	0	
16353.1 Health Insurance	11,896	16,782	10,500	31,042	195.6%
16353.4 Unemployment Insurance	458	600	600	1,026	71.0%
16353.5 Workers Comp.	712	1,226	900	1,650	83.3%
16353.6 Dental Insurance	1,107	1,305	1,540	2,799	81.8%
16353.7 Life & AD&D Insurance	99	123	140	250	78.6%
16560 Payroll Taxes	15,340	16,930	16,000	26,165	63.5%
16600 Wages	129,365	220,646	225,350	342,016	51.8%
16620 Retirement	6,152	10,946	8,400	13,680	62.9%
16600.1 Overtime	0	523	0	0	0.0%
16600 Personnel - Other	55	6,000	0	0	0.0%
<i>16000 Total Personnel</i>	<i>165,185</i>	<i>275,081</i>	<i>263,430</i>	<i>418,628</i>	
<b>Communications</b>					
16338.1 Legal Notices and Publication	0	4,864	0	2,600	0.0%
16338.2 Recording Fees	0	4,000	0	2,000	0.0%
16338 Advertising/Promotion Other	5,613	2,035	3,127	1,000	-68.0%
<i>16001 Total Communications</i>	<i>5,613</i>	<i>10,899</i>	<i>3,127</i>	<i>5,600</i>	
<b>Contract Services</b>					
16102 General Consultant Fees	3,575	395	6,000	6,000	0.0%
16102.1 Sales Tax Tracking	0	7,000	0	18,480	0.0%
16281 Records Shredding	0	220	0	1,860	0.0%
16299 Inspections/Permits	0	356	0	0	0.0%
16320 Legal	26,130	30,000	32,000	26,000	-18.8%
16320.1 House Abatement Legal	0	80	0	0	0.0%
16321 Audit	18,275	21,150	14,000	22,000	57.1%
16322 Engineering	0	10,000	32,000	32,000	0.0%
16333 Accounting	93,672	100,441	84,000	55,000	-34.5%
16335 Repairs and Maintenance	0	0	3,000	2,000	-33.3%
16340 Printing and Office Supplies	4,174	2,195	2,000	2,000	0.0%
16342 Computers Website	2,793	4,150	4,000	5,000	25.0%
16350 Postage and Delivery	1,552	3,507	2,500	3,000	20.0%
16351 Telephone	13,810	8,080	14,750	6,800	-53.9%
16360 Tax Assessor Fee	6,425	6,000	7,320	7,500	2.5%
16370 Election	0	7,381	16,000	12,000	-25.0%
17040 Computer Technology	5,997	9,665	6,000	6,500	8.3%
<i>16002 Contract Services</i>	<i>176,403</i>	<i>210,619</i>	<i>223,570</i>	<i>206,140</i>	
<b>Supplies and Equipment</b>					
16358 Copier/Fax	7,570	9,000	8,200	8,100	-1.2%

Admin Class

**Fiscal Year 2019  
Proposed Base Budget**

General Fund Admin Class Expenditures	2017 Actual	2018 Estimate	2018 Budget	2019 Pro Bud	%
					Change
16460 Operating Supplies	6,189	6,621	5,600	6,000	7.1%
17100 Furniture	0	2,500	1,900	1,200	-36.8%
<i>16003 Supplies and Equipment</i>	<i>13,759</i>	<i>18,121</i>	<i>15,700</i>	<i>15,300</i>	
<b>Staff Development</b>					
16339 Dues/ Subscriptions	2,597	3,500	2,000	3,200	60.0%
16341 Community Relations	145	1,200	1,200	1,250	4.2%
16354 Travel and Training	8,599	12,500	6,500	12,000	84.6%
<i>16004 Staff Development</i>	<i>11,341</i>	<i>17,200</i>	<i>9,700</i>	<i>16,450</i>	
<b>Insurance</b>					
16353.2 Liability Insurance	4,920	5,574	6,080	3,451	-43.2%
16353.3 Property Insurance	1,756	3,851	3,970	4,879	22.9%
<i>16006 Insurance</i>	<i>6,675</i>	<i>9,425</i>	<i>10,050</i>	<i>8,330</i>	<i>-17.1%</i>
<b>Utilities</b>					
16352.6 Utilities - City Hall	3	1,229	0	0	0.0%
16352.7 Utilities - Gas	668	0	820	0	-100.0%
16352.8 Utilities - Community Center	0	1,270	0	0	0.0%
<i>16007 Total Utilities</i>	<i>672</i>	<i>2,499</i>	<i>820</i>	<i>0</i>	
<b>Capital Outlay</b>					
16223 Community Bldg Irrigation	240	0	0	0	0.0%
17071 Computers/ Equipment	4,534	0	3,000	12,500	316.7%
17071.4 Laser Fish Software Equip	0	1,900	1,900	1,900	0.0%
17080 Capital Outlay-Improvements	24,520	0	10,000	5,000	-50.0%
<i>16008 Total Capital Outlay</i>	<i>29,294</i>	<i>1,900</i>	<i>14,900</i>	<i>19,400</i>	
<b>Miscellaneous</b>					
16504 Adams Park Lease	4,365	5,459	3,400	4,200	23.5%
16361.3 Transfer to Debt Service	0	0	0	0	0.0%
16471 Withheld By State	27,551	0	0	0	0.0%
16590 Miscellaneous	11,050	1,372	932	1,000	7.3%
16590.2 Property 149/105	0	1,555	0	11,500	0.0%
<i>16009 Total Miscellaneous</i>	<i>42,966</i>	<i>8,386</i>	<i>4,332</i>	<i>16,700</i>	
<b>Sales Tax Rebatement</b>					
17500.1 Sales Tax Rebatement	0	0	20,000	169,125	745.6%
17500.2 380 Ad Valorim Tax Rebate	0	0	0	83,408	0%
17500.3 PID Prop Tax Reimbursement	0	35,775	0	35,775	0%
	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0%</u>

Admin Class

**Fiscal Year 2019  
Proposed Base Budget**

General Fund Admin Class Expenditures	2017 Actual	2018 Estimate	2018 Budget	2019 Pro Bud	%
					Change
<i>17500 Total Sales Tax Rebatement</i>	0	35,775	20,000	288,308	
<b>Total Expense</b>	<b>451,908</b>	<b>589,903</b>	<b>565,629</b>	<b>714,878</b>	

**Fiscal Year 2019  
Proposed Base Budget**

General Fund Court Class Expenditures	2017 Actual	2018 Estimate	2018 Budget	2019 ProBudget	%
					Change
<b>Ordinary Expense</b>					
<b>Personnel</b>					
16353.1 Health Insurance	17,848	19,000	23,870	13,480	-43.5%
16353.4 Unemployment Insurance	684	500	710	530	-25.4%
16353.5 Workers Comp.	426	1,165	600	820	36.7%
16353.6 Dental Insurance	2,133	985	2,240	1,120	-50.0%
16353.7 Life & AD&D Insurance	158	135	200	100	-50.0%
16353.8 Crime Insurance	47	265	0	0	0.0%
16560 Payroll Taxes	13,197	10,245	14,350	9,420	-34.4%
16600 Wages	168,983	131,305	188,195	122,300	-35.0%
16600.1 Overtime	3,605	3,000	3,000	4,000	33.3%
16620 Retirement	9,363	8,490	12,000	4,200	-65.0%
<i>16000 Personnel</i>	<i>216,445</i>	<i>175,090</i>	<i>245,165</i>	<i>155,970</i>	
<b>Contract Services</b>					
16100 Admin Expense Misc.					
16102 General Consultant	6,847	5,500	6,000	6,000	0.0%
16220 Omni Expense	2,501	2,200	3,500	4,000	14.3%
16242 Prosecutor	8,550	11,500	11,500	12,500	8.7%
16281 Record Shredding	0	822	0	200	0.0%
16310 Judge	18,000	18,050	18,000	18,000	0.0%
16326 Collection Agent	33,881	38,000	45,000	40,000	-11.1%
16340 Printing/ Office Supplies	1,140	3,180	2,000	2,000	0.0%
16342 Computers/ Website	4,119	600	5,000	4,000	-20.0%
16350 Postage/ Delivery	942	1,080	1,500	1,500	0.0%
16351 Telephone	1,200	1,340	1,200	0	-100.0%
17510 State Portion of Fines	181,649	170,000	200,000	190,000	-5.0%
<i>16002 Contract Services</i>	<i>258,830</i>	<i>252,272</i>	<i>293,700</i>	<i>278,200</i>	
<b>Supplies and Equipment</b>					
16328 Uniforms & Protective Gear	0	100	500	100	-80.0%
16358 Copier/Fax Machine Lease	3,373	3,050	3,500	4,000	14.3%
16003 Supplies and Equipment - Other	823	1,000	3,000	1,500	-50.0%
16460 Operating Supplies	1,505	2,090	3,500	3,500	0.0%
17100 Furniture	3,613	0	3,500	4,000	14.3%
<i>16003 Supplies and Equipment</i>	<i>9,313</i>	<i>6,240</i>	<i>14,000</i>	<i>13,100</i>	
<b>Staff Development</b>					
16004 Staff Development Other	0	100	50	100	0.0%
16339 Dues/ Subscriptions	101	250	250	300	20.0%
16341 Community Relations (Education)	0	0	200	200	0.0%
16354 Travel and Training	4,596	4,000	5,000	5,000	0.0%
<i>16004 Staff Development</i>	<i>4,697</i>	<i>4,250</i>	<i>5,450</i>	<i>5,500</i>	

**Fiscal Year 2019  
Proposed Base Budget**

General Fund Court Class Expenditures	2017 Actual	2018 Estimate	2018 Budget	2019 ProBudget	%
<b>Insurance</b>					
16353.2 Liability Insurance	0	0	25	25	0.0%
16353.3 Property Insurance	0	0	0	1,045	#DIV/0!
<i>16006 Insurance</i>	<i>0</i>	<i>0</i>	<i>25</i>	<i>1,070</i>	
<b>Capital Outlay</b>					
17071.4 Laser Fiche (Software Equip)	0	0	0	0	0.0%
17071 Computers/Equipment	300	3,000	3,000	1,500	-50.0%
<i>16008 Capital Outlay</i>	<i>300</i>	<i>3,000</i>	<i>3,000</i>	<i>1,500</i>	
<b>Miscellaneous</b>					
16590 Miscellaneous	2,231	2,000	3,000	2,000	-33.3%
<b>Total Expense</b>	<b>491,817</b>	<b>442,852</b>	<b>564,340</b>	<b>457,340</b>	

**Fiscal Year 2019  
Proposed Base Budget**

General Fund Police Class Expenditures	2017 Actual	2018 Estimate	2018 Budget	2019 ProBudget	%
					Change
<b>Ordinary Expense</b>					
<b>Personnel</b>					
16247 Compensated Benefit	0	0	0	0	0%
16353.1 Health Insurance	45,605	46,388	53,720	62,660	17%
16353.4 Unemployment Insurance	-1,810	2,451	1,300	2,700	108%
16353.5 Workers Comp.	15,139	20,191	11,000	22,390	104%
16353.6 Dental Insurance	5,744	2,871	6,000	6,700	12%
16353.7 Life & AD&D Insurance	584	216	500	600	20%
16560 Payroll Taxes	42,187	44,929	49,000	59,500	21%
16600 Wages	532,760	549,663	615,480	708,000	15%
16600.1 Overtime	18,382	37,641	14,000	20,000	43%
16620 Retirement	30,405	35,849	25,000	40,000	60%
<i>16000 Personnel</i>	<i>688,997</i>	<i>740,200</i>	<i>776,000</i>	<i>922,550</i>	
<b>Communications</b>					
16338 Advertising/Promotion	312	605	500	500	0%
<i>16001 Communications</i>	<i>312</i>	<i>605</i>	<i>500</i>	<i>500</i>	
<b>Contract Services</b>					
<i>Repairs and Maintenance</i>					
16281 Records Shredding	0	219	0	600	0%
16334 Gas/Oil	22,768	29,575	28,000	30,000	7%
16335 Repairs and Maintenance Other	11,607	0	0	0	0%
16357 Auto Repairs	19,305	16,453	19,000	22,000	16%
16373 Equipment Repairs	1,212	3,000	5,000	3,500	-30%
16374 Bldg Repairs-City Hall/Comm	0	242	0	0	0%
16335.1 Maint-Vehicles & Equip	0	50	0	0	0%
16376 Building Maintenance	0	0	0	0	0%
<i>16335 Repairs and Maintenance</i>	<i>54,892</i>	<i>49,539</i>	<i>52,000</i>	<i>56,100</i>	
16340 Printing/ Office Supplies	1,329	2,571	2,000	2,600	30%
16342 Computers/ Website	14,868	28,027	18,000	16,000	-11%
16350 Postage/ Delivery	24	618	400	500	25%
16351 Telephone	1,601	2,880	4,000	3,300	-18%
17030 Mobile Data Terminal (Air Fees)	14,807	27,231	16,000	16,000	0%
17031 Police Officer Scheduling Syst	376	844	2,000	1,600	-20%
17040 Computer Technology	2,077	180	5,000	2,500	-50%
<i>16002 Contract Services</i>	<i>89,973</i>	<i>111,890</i>	<i>99,400</i>	<i>98,600</i>	



**Fiscal Year 2019  
Proposed Base Budget**

General Fund Police Class Expenditures	2017 Actual	2018 Estimate	2018 Budget	2019 ProBudget	%
					Change
<b>Supplies and Equipment</b>					
16244 Radio Fees	420	4,398	4,398	4,398	0%
16328 Uniforms	7,915	8,627	8,000	6,000	-25%
16328.1 Protective Gear	0	2,000	3,000	2,000	-33%
16358 Copier/Fax	5,585	5,933	6,800	6,700	-1%
16460 Operating Supplies - Other	3,058	9,183	3,800	5,000	32%
16460.6 Tools, Etc	0	300	300	300	0%
17010 Emergency Equipment	1,192	3,312	2,000	4,000	100%
17050 Radios	22,915	4,100	4,100	0	-100%
17100 Capital Purchase Furniture	5,493	2,000	6,000	1,500	-75%
<i>16003 Supplies and Equipment</i>	<i>46,578</i>	<i>39,852</i>	<i>38,398</i>	<i>29,898</i>	
<b>Staff Development</b>					
16241 Police Training/ Education	5,408	1,500	6,300	3,500	-44%
16339 Dues/ Subscriptions	249	850	1,000	900	-10%
16341 Community Relations	540	500	1,300	1,000	-23%
16354 Travel and Training	7,657	6,000	6,000	6,000	0%
<i>16004 Staff Development</i>	<i>13,854</i>	<i>8,850</i>	<i>14,600</i>	<i>11,400</i>	
<b>Insurance</b>					
16353.2 Liability Insurance	14,952	15,867	11,960	16,180	35%
16353.3 Property Insurance	2,968	3,515	2,850	4,745	66%
<i>16006 Subtotal Insurance</i>	<i>17,920</i>	<i>19,382</i>	<i>14,810</i>	<i>20,925</i>	
<b>Capital Outlay</b>					
17070 Capital Outlay-Police Cars	82,218	28,142	31,750	0	-100%
17070.1 Emergency Lights, Decals	37,573	17,239	15,000	0	-100%
17070.3 Watch Guard	7,088	55,025	48,400	55,025	14%
17070.4 Tsf To CPF - Vehicle Replacement	0	15,000	15,000	15,000	0%
Vid Tec - In Car	0	0	0	0	0%
17071 Computers/Equipment	14,339	12,000	10,000	10,000	0%
17071.1 Copsync	5,484	6,500	6,500	9,500	46%
17071.2 Radar	3,089	3,000	4,000	8,000	100%
17071.6 Investigative and Testing Equip	477	4,000	4,000	4,000	0%
17071.7 Ballistic Vests and Shields	1,243	9,881	4,700	3,000	-36%
17071.5 Patrol Weapons	0	5,200	5,200	5,200	0%
17071.8 Capital Outlay Misc	0	0	0	25,500	0%
17071.9 In Field Fingerprinter	0	0	0	0	0%
<i>16008 Capital Outlay</i>	<i>151,511</i>	<i>155,987</i>	<i>144,550</i>	<i>135,225</i>	
<b>Other/ Miscellaneous</b>					
16590 Miscellaneous	323	300	300	300	0%
16010 Contingency	0	0	100	100	0%
16356 Contract Labor	0	0	0	0	0%

Fiscal Year 2019  
Proposed Base Budget

Total Expense

---

1,009,468 1,077,066 1,088,658 1,219,498

## Fiscal Year 2019 Proposed Base Budget

General Fund Public Works Class Expenditures	2017 Actual	2018 Estimate	2018 Budget	2019 ProBudget	%
					Change
<b>Ordinary Expense</b>					
<b>Personnel</b>					
16353.1 Health Insurance	17,369	24,340	17,900	18,620	4%
16353.4 Unemployment Insurance	762	890	500	590	18%
16353.5 Workers Comp.	3,311	4,040	3,310	3,600	9%
16353.6 Dental/Vision Insurance	1,985	1,831	2,000	2,000	0%
16353.7 Life & AD&D Insurance	115	130	130	170	31%
16560 Payroll Taxes	16,798	19,050	10,600	13,000	23%
16600 Wages	191,374	165,032	137,000	146,000	7%
16600.1 Overtime	3,209	5,974	3,000	5,000	67%
16620 Retirement	10,106	10,630	5,200	6,300	21%
<i>16000 Personnel</i>	<i>245,027</i>	<i>231,917</i>	<i>179,640</i>	<i>195,280</i>	
<b>Communications</b>					
16338.1 Legal Notices & Publications	0	846	0	500	0%
16338 Advertising/Promotion	2,425	1,239	1,000	1,300	30%
<i>16001 Communications</i>	<i>2,425</i>	<i>2,085</i>	<i>1,000</i>	<i>1,800</i>	
<b>Contract Services</b>					
16102 General Consultant Fees	200	10,096	20,000	20,000	0%
16280 Mowing	78,282	80,002	80,600	128,000	59%
16281 Record Shredding	0	219	0	200	0%
16299 Inspections/ Permits	102,943	123,934	81,000	115,000	42%
16320 Legal	2,122	888	2,500	2,500	0%
16322 Engineering	106,815	144,192	50,000	100,000	100%
16337 Street Signs	4,947	6,500	6,500	6,000	-8%
16340 Printing and Office Supplies	830	500	1,200	1,200	0%
16342 Computers/ Website	2,770	2,800	2,800	2,940	5%
16350 Postage/ Delivery	498	500	700	700	0%
16351 Telephone	3,924	6,119	4,400	7,500	70%
17040 Computer Technology	12,031	12,185	11,500	12,075	5%
16334 Gas/Oil	5,004	5,814	4,000	6,200	55%
16335 Maintenance -Other	14,061	18,238	15,000	16,500	10%
16335.1 Maintenance -Vehicles & Equip	0	1,000	1,500	2,400	60%
16343 Tractor & Mower	30	500	1,000	1,000	0%
16357 Auto Repairs	1,040	2,500	2,500	3,000	20%
16373 Equipment Repairs	7,794	3,000	4,500	5,000	11%
16374 Building Repairs-City Hall/Comm	3,936	27,155	18,500	18,500	0%

## Fiscal Year 2019 Proposed Base Budget

16375 Street Repairs	28,845	14,000	33,000	33,900	3%
16332 Downtown Repairs	0	0	0	1,000	0%
16002 Contract Services - Other	854	0	0	0	0%
<i>16002 Total Contract Services</i>	<i>376,924</i>	<i>460,142</i>	<i>341,200</i>	<i>483,615</i>	

## Fiscal Year 2019 Proposed Base Budget

General Fund Public Works Class Expenditures	2014 Actual	2015 Estimate	2015 Budget	2016 Budget	% Change
<b>Supplies and Equipment</b>					
16328 Uniforms/ Safety Equip	4,288	6,000	6,000	5,500	-8%
16358 Copier/Fax Machine Lease	1,757	2,158	1,800	1,800	0%
16460 Operating Supplies	7,635	7,500	7,500	8,250	0%
16460.1 Streets and drainage	10,150	3,500	3,500	3,675	5%
16460.2 Cedar Brake Park	2,273	3,000	4,000	3,500	-13%
16460.3 Homecoming Park	674	2,000	2,000	2,000	0%
16460.4 Fernland Park	1,276	3,000	2,500	2,625	5%
16460.5 Community Building	2,148	1,500	4,000	2,000	-50%
16460.6 Tools, Etc	1,647	2,711	2,500	2,750	0%
16460.7 Memory Park	1,987	3,000	3,000	3,000	0%
16503 Code Enforcement Expense	0	1,000	1,000	1,000	0%
<i>16003 Supplies and Equipment</i>	<u>33,835</u>	<u>35,368</u>	<u>37,800</u>	<u>36,100</u>	
<b>Staff Development</b>					
16241 Training/Education	0	0	500	1,000	100%
16339 Dues/ Subscriptions	150	250	250	500	100%
16341 Community Relations	25	603	0	500	0%
16354 Travel and Training	7,414	2,247	6,000	5,600	-7%
16004 Staff Development Other	0	75	0	100	0%
<i>16004 Staff Development</i>	<u>7,589</u>	<u>3,175</u>	<u>6,750</u>	<u>7,700</u>	
<b>Maintenance</b>					
16228 Memory Park Maintenance	3,729	4,000	8,500	7,500	-12%
16229 Fernland Park Maintenance	15,798	25,033	23,100	4,000	-83%
16230 CB Park Maintenance	6,516	5,500	6,000	6,300	5%
16231 Homecoming Park Maintenance	1,194	1,500	2,000	3,000	50%
<i>16005 Park Maintenance</i>	<u>27,237</u>	<u>36,033</u>	<u>39,600</u>	<u>20,800</u>	
<b>Insurance</b>					
16353.2 Liability Insurance	1,635	1,843	6,360	2,945	-54%
16353.3 Property Insurance	636	753	1,680	2,052	22%
<i>16006 Insurance</i>	<u>2,271</u>	<u>2,596</u>	<u>8,040</u>	<u>4,997</u>	
<b>Utilities</b>					
16352 Electronic Sign-City	546	700	600	600	0%
16352.1 Street Lights	15,448	13,496	14,200	14,900	5%
16352.2 Downtown Utilities	263	340	340	1,200	253%
16352.3 Cedar Brake Park	2,393	2,320	3,000	3,000	0%
16352.4 Homecoming Park	1,216	1,655	1,300	1,365	5%
16352.5 Fernland Park	4,015	4,287	4,900	4,900	0%

## Fiscal Year 2019 Proposed Base Budget

16352.6 City Hall Utilities	10,646	10,600	10,600	11,025	4%
16352.8 Community Center Utilities	4,799	4,405	5,400	4,860	-10%
16352.9 Memory Park	11,688	10,137	14,000	14,000	0%
16007 Utilities Other	0	0	100	100	0%
<i>16007 Utilities</i>	<i>51,013</i>	<i>47,939</i>	<i>54,440</i>	<i>55,950</i>	

### General Fund Public Works Class Expenditures

	<b>2017</b>	<b>2018</b>	<b>2018</b>	<b>2019</b>	<b>%</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Budget</b>	<b>ProBudget</b>	<b>Change</b>

#### Capital Outlay

16233 Community BuildingnProj	135	3,244	1,500	0	-100%
17071.4 Laser Fiche (Software Equip)	1,745	1,725	1,800	2,200	22%
17071 Computers/Equipment	192	180	1,000	1,000	0%
17072 Public Works Items	61,603	54,000	60,000	12,900	-79%
17080 Improvements	10,585	0	5,000	5,000	0%
17081 Drainage Improvements	0	0	0	0	0%
<i>16008 Capital Outlay</i>	<i>74,259</i>	<i>59,149</i>	<i>69,300</i>	<i>21,100</i>	

#### Miscellaneous

16356 Contract Labor-Streets	75,615	50,000	129,219	236,883	83%
16590 Miscellaneous	752	3,845	1,000	1,000	0%
16590.2 Property 149/105	0	2,700	0	93,043	0%
17000 Capital Purchase	24,054	24,500	24,776	3,000	-88%
Miscellaneous/Other	100,422	81,045	154,995	333,926	

### Total Expense

	<b>921,002</b>	<b>959,449</b>	<b>892,765</b>	<b>1,161,268</b>	
--	----------------	----------------	----------------	------------------	--

**Fiscal Year 2019  
Base Budget**

**Debt Service Fund**

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
<b>Beginning Balance</b>	\$ 122,002	\$ 143,665	\$ 143,665	\$ 205,224	42.8%
<b>Revenues</b>					
Ad Valorem Tax	\$ 356,222	\$ 417,200	\$ 417,202	\$ 490,771	17.6%
All Other Revenues	208	415	300	4,000	1233.3%
<b>Total Revenues</b>	<b>\$ 356,430</b>	<b>\$ 417,615</b>	<b>\$ 417,502</b>	<b>\$ 494,771</b>	<b>18.5%</b>
<b>Interfund Transfers</b>					
Transfers In	\$ 189,350	\$ 313,040	\$ 313,040	\$ 313,040	0.0%
Transfers Out	-	-	-	-	-
<b>Net Interfund Transfers</b>	<b>\$ 189,350</b>	<b>\$ 313,040</b>	<b>\$ 313,040</b>	<b>\$ 313,040</b>	<b>0.0%</b>
<b>Expenditures</b>					
Debt Service	\$ 523,242	\$ 666,596	\$ 666,596	\$ 669,369	0.4%
Contract Services	860	2,500	2,500	2,500	0.0%
All Other Operating Expenditures	-	-	-	-	-
<b>Total Expenditures</b>	<b>\$ 524,102</b>	<b>\$ 669,096</b>	<b>\$ 669,096</b>	<b>\$ 671,869</b>	<b>0.4%</b>
<b>Ending Balance*</b>	<b>\$ 143,665</b>	<b>\$ 205,224</b>	<b>\$ 205,112</b>	<b>\$ 341,166</b>	<b>66.2%</b>

**Fiscal Year 2019  
Proposed Base Budget  
Summary Page**

**Capital Projects Fund**

	Actual 2016-17	Estimate 2017-18	Budget 2017-18	Proposed 2018-19	% Change
<b>Beginning Balance*</b>	\$ 2,577	\$ 2,759,160	\$ 2,759,160	\$ 2,763,160	0.1%
<b>Revenues</b>					
43956 Proceeds-TWDB 2017 A /B	\$ 2,820,000	\$ -	\$ 2,606,000	\$ -	0.0%
43952.3 Proceeds-GLO	-	-	-	2,306,000	-
43901 Total Trans from - MEDC/Ger	69,988	71,640	-	-	-
43961 CDBG Grant Funds	-	216,770	300,000	388,230	100.0%
43959 FEMA Grant Revenue	-	951,716	1,575,000	1,626,616	-35.5%
Other Source Revenue	-	490,959	-	437,500	-
45391 Interest	3,427	20,708	4,000	\$ 12,100	202.5%
<b>Total Revenues</b>	<b>\$ 2,893,414</b>	<b>\$ 1,751,793</b>	<b>\$ 4,485,000</b>	<b>\$ 4,770,446</b>	
<b>Interfund Transfers</b>					
45392 Transfers In (43947/43949)	\$ 102,077	\$ 465,928	\$ 461,200	\$ 289,200	-37.3%
43002 Transfers Out	-	-	-	-	-
<b>Net Interfund Transfers</b>	<b>\$ 102,077</b>	<b>\$ 465,928</b>	<b>\$ 461,200</b>	<b>\$ 289,200</b>	
<b>Grand Total Revenues</b>	<b>\$ 2,995,491</b>	<b>\$ 2,217,721</b>	<b>\$ 4,946,200</b>	<b>\$ 5,059,646</b>	
<b>Expenditures</b>					
43889 Grant Administrative Services	\$ -	\$ 49,962	\$ -	\$ 188,800	-
43890 Engineering	50,567	246,030	318,000	990,000	211.3%
44000-Wastewater System	-	-	715,000	1,302,500	82.2%
45000-Water System Cap Projects	93,125	5,510	1,117,000	1,843,000	65.0%
46000 Roadway Projects	-	456,892	1,800,000	849,846	-52.8%
43995-Const Cost-Contingencies	-	-	456,000	456,000	0.0%
47000-Capital Costs Projects	-	-	200,000	200,000	0.0%
48000-Cap Outlay-Fac, Equip, Etc	1,290	214,191	336,200	1,943,200	478.0%
47395 Other/Cost of Issuance	187,939	-	-	-	-
<b>Total Expenditures</b>	<b>\$ 332,920</b>	<b>\$ 972,585</b>	<b>\$ 4,942,200</b>	<b>\$ 7,773,346</b>	
<b>Ending Balance**</b>	<b>\$ 2,759,160</b>	<b>\$ 4,004,297</b>	<b>\$ 2,763,160</b>	<b>\$ 49,460</b>	



**Fiscal Year 2019  
Base Budget**

**Capital Projects Fund  
Statement of Revenues**

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
<b>Sources of Funding</b>					
43956/43964 Series 2017A&B	2,820,000	-	\$ 2,606,000	-	0.0%
43952.3 Proceeds GLO	-	-	-	2,306,000	-
43901.1 Tsf from MEDC-Hou St.	69,988	50,013			
43901.2 Tsf from Gen-Hou St.		21,628			
43901 Total Trans from - MEDC/General	2,889,988	71,640	2,606,000	2,306,000	-11.5%
43947A-Tsf Fr Util-GRP		77,400	154,800	-	0.0%
43947B-Tsf From Util-Maint		18,242	91,400	91,400	0.0%
43947C-Tsf from Util-Cap Costs Proj	\$ 32,089	155,286	200,000	91,400	0.0%
43947D-Rev for Lift St #1 Replacement		200,000	-	91,400	-
43947 Total Transfers In	32,089	450,928	446,200	274,200	
43961 Grant Funds CDBG					
43961.1 CDBG Block Grant-DR	-	216,770	300,000	88,230	-70.6%
43961.2 CDBG Block Grant-Baja	-	-	-	300,000	-
43959 FEMA Grant Revenue					
43956.1 FEMA Buff Sp Bridge	-	951,716	1,200,000	641,616	-46.5%
43956.2 FEMA Plez Morgan St.			300,000	250,000	
43956.3 Impact Fees	-		75,000	-	-100.0%
43956.4 FEMA Hurricane Harvey	-			435,000	-
43956.5 FEMA Baja Proj	-			300,000	-
43949.1 Tsf from Gen-Pol Veh Replacement		15,000	15,000	15,000	0.0%
43952.1-380 Agt-1st Htfd-18" SS Line		437,500	-	437,500	-
43952.2-Util Ext Proj-Waterstone on LC		36,219	-	-	-
43952 - Other (Heritage PI-Hou St.)		17,240	-	-	-
43949/43952 Other Source Revenue	-	505,959	15,000	452,500	2916.7%
<b>Total Transfers, Bonds, Grants</b>	<b>\$ 2,922,077</b>	<b>\$ 2,197,013</b>	<b>\$ 4,942,200</b>	<b>\$ 5,047,546</b>	
<b>Other Revenue</b>					
Interest Income	3,427	20,708	4,000	12,100	202.5%
<b>Total Other Revenue</b>	<b>\$ 3,427</b>	<b>\$ 20,708</b>	<b>\$ 4,000</b>	<b>\$ 12,100</b>	
<b>Grand Total Revenues</b>	<b>\$ 2,925,503</b>	<b>\$ 2,217,721</b>	<b>\$ 4,946,200</b>	<b>\$ 5,059,646</b>	<b>\$ -</b>

**Fiscal Year 2019  
Proposed Base Budget**

**Capital Projects Fund  
Expenditures**

	<b>Actual 2017</b>	<b>Estimate 2018</b>	<b>Budget 2018</b>	<b>Proposed 2019</b>	<b>% Change</b>
<b>43889-Grant Admin Services</b>					
43889.1 - Bridge - CDBG Proj	-	28,000	-	5,000	0.0%
43889.2 - Baja Proj - CDBG	-	21,962	-	20,000	0.0%
43889.3 - GLO - All Projects	-	-	-	163,800	0.0%
	-	-	-	-	-
<b>Total Grant Administrative</b>	<b>\$ -</b>	<b>\$ 49,962</b>	<b>\$ -</b>	<b>\$ 188,800</b>	
<b>43890-Engineering</b>					
43890.2 - WP #3 Imp	-	-	115,000	115,000	0.0%
43890.3 - Lift St #1 Expansion	-	51,990	90,000	90,000	0.0%
43890.4 - WL Replace/HouSt	44,007	2,956	-	-	0.0%
43890.5-L St #3 Forcemain Re-route	6,560	14,309	19,000	19,000	0.0%
43890.7-Downtown/SH105 Imp	-	46,359	94,000	94,000	0.0%
43890.8 - 18" SS Gravity Line	-	46,819	-	57,000	0.0%
43890.9 - Bridge Wtr Line	-	7,769	-	10,000	0.0%
43890.A - Baja Project	-	21,962	-	40,000	0.0%
43890.B-B Sp Brdg Emb Rep-FEMA	-	53,866	-	60,000	0.0%
43890.C-Hurricane Harvey	-	-	-	140,000	0.0%
43890.D-B Sp Brdg - CDBG	-	-	-	15,000	0.0%
43890.E-Eng All GLO	-	-	-	300,000	0.0%
43890.F-Plez Morgan FEMA	-	-	-	50,000	0.0%
	-	-	-	-	-
<b>Total Engineering</b>	<b>\$ 50,567</b>	<b>\$ 246,030</b>	<b>\$ 318,000</b>	<b>\$ 990,000</b>	
<b>43995-Const Cost Contingencies</b>					
43995.1-LS #3 Force Main Re-route	-	-	36,000	36,000	0.0%
43995.2-Lift St #1 Expansion	-	-	140,000	140,000	0.0%
43995.3-Lift St #3 Imp	-	-	154,000	154,000	0.0%
43995.4-Downtown/SH105 Imp	-	-	126,000	126,000	0.0%
	-	-	-	-	-
<b>Total Const Cost Contingencies</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 456,000</b>	<b>\$ 456,000</b>	<b>-</b>
<b>44000-Wastewater System</b>					
44006-LS #1 Replacement/Expansio	-	-	570,000	570,000	0.0%
44007-LS #3 Forcemain Re-route	-	-	145,000	145,000	0.0%
44008-18" Gravity SS Line Const	-	-	-	437,500	0.0%
44009-LS #3 Improvement-GLO	-	-	-	150,000	0.0%

**Fiscal Year 2019  
Proposed Base Budget**

**Capital Projects Fund  
Expenditures**

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
	-	-	-	-	-
<b>Total Wastewater System</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 715,000</b>	<b>\$ 1,302,500</b>	<b>-</b>
<b>45000-Water System</b>					
43975-WP ## Generator-GLO	-	-	-	486,000	0.0%
43976.1-Dwntrn/SH105 Water Line Ir	93,125	5,510	502,000	502,000	0.0%
43992.1-Water P #3 - Imp	-	-	440,000	440,000	0.0%
43992.4-WP #3 Imp - Other Costs	-	-	175,000	175,000	0.0%
43992.5-CDBG - Baja	-	-	-	240,000	-
<b>Total Water System</b>	<b>\$ 93,125</b>	<b>\$ 5,510</b>	<b>\$ 1,117,000</b>	<b>\$ 1,843,000</b>	
<b>46000-Roadway System Imp</b>					
46001-Pliez Morgan St (Fema 4272)	-	-	300,000	200,000	-30.5%
46002-Buff Sp Brdg Rep (Fema 427)	-	456,892	1,500,000	581,616	-30.5%
46006-Buff Sp Brdg (CDBG7307)	-	-	-	68,230	-30.5%
<b>Total Roadway System</b>	<b>\$ -</b>	<b>\$ 456,892</b>	<b>\$ 1,800,000</b>	<b>\$ 849,846</b>	
<b>47395-Cost of Issuance Exp</b>					
47395.1 - Cost of Issu Series 2017A	77,615	-	-	-	-
47395.2 - Cost of Issu Series 2017B	110,324	-	-	-	-
	-	-	-	-	-
<b>47395-Total Cost of Issuance Exp</b>	<b>\$ 187,939</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-</b>
<b>47000-Capital - LS #1 Relocation</b>	-	-	200,000	200,000	0.0%
	-	-	-	-	-
<b>Total Capital Cost Projects</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>-</b>
<b>48000-Facility Equipment and Planning</b>					
48000.3-Hou St Rehab	-	96,504	-	-	0.0%
48001-GRP Capital Projects	-	37,252	89,800	-	99.3%
48002-Utility Proj/Prev Maint	1,290	65,434	91,400	50,000	-45.3%
48003-Buff Spgs - Water Line Util E)	-	-	65,000	87,000	33.8%
48004-Police Vehicle Replacement	-	15,000	15,000	15,000	0.0%
48005-Baja/MLK Wt/Drg Imp -CDBG	-	-	-	240,000	0.0%
48005.A-Baja/MLK -GLO	-	-	-	716,100	0.0%

**Fiscal Year 2019  
Proposed Base Budget**

**Capital Projects Fund  
Expenditures**

	<b>Actual 2017</b>	<b>Estimate 2018</b>	<b>Budget 2018</b>	<b>Proposed 2019</b>	<b>% Change</b>
48005.B-Baja - FEMA	-	-	-	50,000	0.0%
48006-Hurricane Harvey Exp (FEMA	-	-	-	295,000	0.0%
48007-Impct Fee Proj-WL Ext Pkwy	-	-	75,000	-	0.0%
48008-Andres Branch - GLO	-	-	-	490,100	0.0%
	-	-	-	-	-
<b>Total Facilities, Equip, etc</b>	<b>\$ 1,290</b>	<b>\$ 214,191</b>	<b>\$ 336,200</b>	<b>\$ 1,943,200</b>	
<hr/>					
<b>Grand Total Expenditures</b>	<b>\$ 332,920</b>	<b>\$ 972,585</b>	<b>\$ 4,942,200</b>	<b>\$ 7,773,346</b>	

**Fiscal Year 2019  
Base Budget**

**Hotel Occupancy Tax Fund**

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
<b>Beginning Balance</b>	\$ 9,400	\$ 9,468	\$ 9,468	\$ 10,559	11.5%
<b>Revenues</b>					
Hotel Occupancy Tax	\$ 68	\$ 1,091	\$ 600	\$ 1,000	66.7%
All Other Revenues	-	0	5	7	40.0%
<b>Total Revenues</b>	<b>\$ 68</b>	<b>\$ 1,091</b>	<b>\$ 605</b>	<b>\$ 1,007</b>	
<b>Interfund Transfers</b>					
Transfers In	\$ -	\$ -	\$ -	\$ -	-
Transfers Out	-	-	-	-	-
<b>Net Interfund Transfers</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-</b>
<b>Expenditures</b>					
Contract Services	-	-	-	-	-
All Other Operating Expenditures	-	-	1,500	4,000	166.7%
<b>Total Expenditures</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,500</b>	<b>\$ 4,000</b>	
<hr style="border: 2px solid black;"/>					
<b>Ending Balance*</b>	<b>\$ 9,468</b>	<b>\$ 10,559</b>	<b>\$ 8,573</b>	<b>\$ 7,566</b>	

**Fiscal Year 2019  
Base Budget**

**Court Technology Fund**

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
<b>Beginning Balance</b>	\$ 18,101	\$ 25,426	\$ 25,426	\$ 29,623	16.5%
<b>Revenues</b>					
Court Technology Fees	\$ 10,149	\$ 9,004	\$ 10,000	\$ 10,000	0.0%
All Other Revenues	3	3	2	2	0.0%
<b>Total Revenues</b>	\$ 10,152	\$ 9,007	\$ 10,002	\$ 10,002	0.0%
<b>Interfund Transfers</b>					
Transfers In	\$ -	\$ -	\$ -	\$ -	-
Transfers Out	-	-	-	-	-
<b>Net Interfund Transfers</b>	\$ -	\$ -	\$ -	\$ -	-
<b>Expenditures</b>					
Supplies & Equipment	\$ -	\$ -	\$ -	\$ -	-
Contract Services	2,827	4,800	5,000	2,000	-60.0%
All Other Operating Expenditures	-	10	-	-	-
<b>Total Expenditures</b>	\$ 2,827	\$ 4,810	\$ 5,000	\$ 2,000	-60.0%
<b>Ending Balance*</b>	\$ 25,426	\$ 29,623	\$ 30,428	\$ 37,625	27.0%

**Fiscal Year 2019  
Proposed Base Budget**

**Court Security Fund**

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
<b>Beginning Balance</b>	\$ 17,827	\$ 6,210	\$ 6,210	\$ 8,110	30.6%
<b>Revenues</b>					
Court Security Fees	\$ 7,600	\$ 6,000	\$ 6,000	\$ 6,500	8.3%
All Other Revenues	1	-	5	5	0.0%
<b>Total Revenues</b>	\$ 7,601	\$ 6,000	\$ 6,005	\$ 6,505	
<b>Interfund Transfers</b>					
Transfers In	\$ -	\$ -	\$ -	\$ -	-
Transfers Out	2,222	3,600	3,600	3,900	8.3%
<b>Net Interfund Transfers</b>	\$ (2,222)	\$ (3,600)	\$ (3,600)	\$ (3,900)	-
<b>Expenditures</b>					
Contract Services	16,770	-	-	600	-
All Other Operating Expenditures	225	500	500	2,000	300.0%
<b>Total Expenditures</b>	\$ 16,995	\$ 500	\$ 500	\$ 2,600	
<b>Ending Balance*</b>	\$ 6,210	\$ 8,110	\$ 8,115	\$ 8,115	

**Fiscal Year 2017-18  
Base Budget**

**Police Asset Forfeiture Fund**

	<b>Actual 2016-17</b>	<b>Estimate 2017-18</b>	<b>Budget 2017-18</b>	<b>Proposed 2018-19</b>	<b>% Change</b>
<b>Beginning Balance</b>	\$ 4,272	\$ 4,272	\$ 4,272	\$ 4,272	0.0%
<b>Court Fines and Fees</b>					
Asset Forfeitures	\$ -	\$ 1,950	\$ 100	\$ 100	0.0%
All Other Revenues	-	-	-	-	-
<b>Total Revenues</b>	\$ -	\$ 1,950	\$ 100	\$ 100	0.0%
<b>Interfund Transfers</b>					
Transfers In	\$ -	\$ -	\$ -	\$ -	-
Transfers Out	-	-	-	-	-
<b>Net Interfund Transfers</b>	\$ -	\$ -	\$ -	\$ -	-
<b>Expenditures</b>					
Supplies & Equipment	\$ -	\$ -	\$ -	\$ -	-
Contract Services	-	-	-	-	-
Capital Outlay	-	-	-	-	-
All Other Operating Expenditures	-	1,950	-	-	-
<b>Total Expenditures</b>	\$ -	\$ 1,950	\$ -	\$ -	-
<hr/>					
<b>Ending Balance*</b>	\$ 4,272	\$ 4,272	\$ 4,372	\$ 4,372	



Fiscal Year 2019  
Budget Summary

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

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
<b>Beginning Balance*</b>	\$ 198,129	\$ 586,411	\$ 586,411	\$ 846,520	44.4%
<b>Revenues</b>					
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%
<b>Total Revenues</b>	<b>\$ 1,553,849</b>	<b>\$ 1,508,142</b>	<b>\$ 1,737,280</b>	<b>\$ 1,902,420</b>	
<b>Interfund Transfers</b>					
Transfers In	\$ -	\$ -	\$ -	\$ -	-
Transfers Out	32,089	230,440	307,840	307,840	0.0%
<b>Net Interfund Transfers</b>	<b>\$ (32,089)</b>	<b>\$ (230,440)</b>	<b>\$ (307,840)</b>	<b>\$ (307,840)</b>	
<b>Expenditures</b>					
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	2.8%
Capital Outlay	-	34,700	1,000	1,000	0.0%
<b>Total Expenditures</b>	<b>\$ 1,133,478</b>	<b>\$ 1,093,698</b>	<b>\$ 1,169,331</b>	<b>\$ 1,288,848</b>	
<b>Ending Balance**</b>	<b>\$ 586,411</b>	<b>\$ 770,414</b>	<b>\$ 846,520</b>	<b>\$ 1,152,252</b>	

**Fiscal Year 2019  
Base Budget**

**Water & Sewer Fund  
Statement of Revenues**

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
<b>Charges for Service</b>					
Water Fees	\$ 548,886	\$ 480,000	\$ 540,000	\$ 560,000	3.7%
Surface Water Rev	6,590	5,575	6,000	6,000	0.0%
Application Fee	60	-	1,500	1,500	0.0%
Dosconnect Reconnect	4,755	4,590	5,500	5,500	0.0%
Sewer Fees	417,914	425,000	450,000	492,000	9.3%
Tap Fees/ Insp	284,294	250,000	150,000	250,000	66.7%
Grease Trap Inspections	10,400	10,860	10,000	13,200	32.0%
Backflow Revenue	-	-	-	5,000	-
Late Fees	16,158	16,500	15,000	15,000	0.0%
Returned/Miscellaneous Fees	255	600	200	200	0.0%
Solid Waste Fees	99,261	98,900	104,500	104,500	0.0%
<b>Total Charges for Service</b>	<b>\$ 1,388,572</b>	<b>\$ 1,292,025</b>	<b>\$ 1,282,700</b>	<b>\$ 1,452,900</b>	
<b>Taxes</b>					
Sales Tax on Solid Waste Fees	\$ 8,052	\$ 8,080	\$ 8,000	\$ 8,000	0.0%
<b>Total Taxes</b>	<b>\$ 8,052</b>	<b>\$ 8,080</b>	<b>\$ 8,000</b>	<b>\$ 8,000</b>	
<b>Groundwater Reduction Rev</b>	<b>155,286</b>	<b>131,349</b>	<b>126,000</b>	<b>165,000</b>	<b>31.0%</b>
<b>Other Revenue</b>					
Impact Fees - Capital Cost	\$ -	\$ -	\$ 200,000	\$ 200,000	0.0%
Impact Fees - Other	\$ -	\$ 75,000	\$ 75,000	\$ 75,000	0.0%
Interest Income	\$ 237	\$ 323	\$ 220	\$ 220	0.0%
Misc Revenue	\$ 905	\$ 1,365	\$ 360	\$ 1,300	261.1%
Unanticipated/Other Revenue	796	-	45,000	-	0.0%
<b>Total Other Revenue</b>	<b>\$ 1,938</b>	<b>\$ 76,688</b>	<b>\$ 320,580</b>	<b>\$ 276,520</b>	
<b>Grand Total Revenues</b>	<b>\$ 1,553,849</b>	<b>\$ 1,508,142</b>	<b>\$ 1,737,280</b>	<b>\$ 1,902,420</b>	

**Fiscal Year 2019  
Base Budget**

**Water & Sewer Fund**

	<b>Actual 2017</b>	<b>Estimate 2018</b>	<b>Budget, 2018</b>	<b>Proposed 2019</b>	<b>% Change</b>
<b>Personnel</b>					
Wages	\$ 98,101	\$ 105,243	\$ 169,367	\$ 215,250	27.1%
Payroll Taxes	7,420	8,044	12,700	14,400	13.4%
Unemployment Insurance	351	443	390	430	10.3%
Workers Comp	1,703	3,847	2,733	1,900	-30.5%
Crime Insurance	47	263	-	-	-
Dental Insurance	1,197	1,450	1,750	2,240	28.0%
Life AD&D Insurance	411	666	600	900	50.0%
Retirement	5,344	6,338	6,700	7,500	11.9%
TMRS Pension Esp	1,776	-	-	-	-
Group Health Insurance	11,899	13,458	19,400	25,000	28.9%
<b>Total Personnel</b>	<b>\$ 128,249</b>	<b>\$ 139,753</b>	<b>\$ 213,640</b>	<b>\$ 267,620</b>	
Licenses & Permits	13,031	15,000	13,000	19,400	49.2%
Depreciation Expense	-	-	-	-	-
Dues & Subscriptions	\$ 545	\$ 500	\$ 2,000	2,000	0.0%
<b>Supplies</b>		100,119			
Uniforms & Protective Gear	\$ 3,010	\$ 2,900	\$ 3,200	\$ 3,200	0.0%
Office Supplies	1,821	1,000	2,000	2,000	0.0%
Operating Supplies	56,760	55,000	70,500	74,000	5.0%
Chemicals	20,518	24,500	18,100	19,000	5.0%
Computer Technology & Equip	4,435	3,664	3,800	3,800	0.0%
Equipment Leases	-	-	3,920	-	-100.0%
<b>Total Supplies &amp; Equipment</b>	<b>\$ 86,544</b>	<b>\$ 87,064</b>	<b>\$ 101,520</b>	<b>\$ 102,000</b>	
<b>Communications</b>					
Advertising/Permotion	\$ 825	\$ 500	\$ 1,055	\$ 1,000	-5.2%
<b>Total Communications</b>	<b>\$ 825</b>	<b>\$ 500</b>	<b>\$ 1,055</b>	<b>\$ 1,000</b>	<b>-5.2%</b>
<b>Groundwater Reduction Expense</b>	<b>\$ 35,476</b>	<b>\$ -</b>	<b>\$ 100</b>	<b>\$ 100</b>	<b>0.0%</b>
<b>Contract Services</b>					
General Consultant Fees	\$ 878	\$ -	\$ 905	\$ 905	0.0%
Legal Fees	16,180	21,560	17,053	17,053	0.0%
Engineering	165,669	132,000	75,000	75,000	0.0%
Operator	39,200	39,600	40,380	40,380	0.0%
Billing Collecting	16,906	22,758	11,820	21,400	81.0%
Testing	11,160	16,065	11,460	14,400	25.7%
Sales Tax for Solid Waste	8,117	9,021	8,213	\$ 8,623	5.0%

**Fiscal Year 2019  
Base Budget**

**Water & Sewer Fund**

	<b>Actual 2017</b>	<b>Estimate 2018</b>	<b>Budget 2018</b>	<b>Proposed 2019</b>	<b>% Change</b>
Accounting Fees	5,800	4,800	4,800	4,800	0.0%
Sludge Hauling	15,872	20,384	17,500	19,250	10.0%
Printing	90	90	-	100	-
Postage	2,359	4,082	3,200	3,700	15.6%
Telephone	2,812	4,183	4,500	4,750	5.6%
Taps & Insp	33,352	30,000	10,000	30,000	200.0%
Garbage	93,436	104,707	95,400	107,000	12.2%
Contract Serv - Other	-	-	-	-	-
<b>Total Contract Services</b>	<b>\$ 411,831</b>	<b>\$ 409,251</b>	<b>\$ 300,231</b>	<b>\$ 347,361</b>	<b>15.7%</b>
<b>Maintenance</b>					
Maint. & Repairs	\$ 191,150	\$ 160,330	\$ 215,000	\$ 225,750	5.0%
Maint. & Repairs - Vehicles	67	200	1,000	1,500	50.0%
Gas and Oil	4,508	5,555	4,400	6,200	40.9%
<b>Total Vehicles &amp; Equipment</b>	<b>\$ 195,724</b>	<b>\$ 166,085</b>	<b>\$ 220,400</b>	<b>\$ 233,450</b>	
<b>Staff Development</b>					
Employee Relations/Education	276	200	200	200	0.0%
Travel & Training	2,733	2,000	5,000	5,500	10.0%
<b>Total Staff Development</b>	<b>\$ 3,009</b>	<b>\$ 2,200</b>	<b>\$ 5,200</b>	<b>\$ 5,700</b>	
<b>Insurance Expense</b>					
Liability	\$ 2,118	\$ 2,678	\$ 2,500	\$ 2,945	17.8%
Property	10,988	21,527	17,000	20,932	23.1%
<b>Total General Expenses</b>	<b>\$ 13,106</b>	<b>\$ 24,205</b>	<b>\$ 19,500</b>	<b>\$ 23,877</b>	
<b>Utilities Expense</b>					
Utilities - Gas for Gen	\$ 638	\$ 834	\$ 700	\$ 1,000	42.9%
Water Plants	61,956	70,185	66,000	69,300	5.0%
WW Treatment Plants	35,167	31,000	38,540	40,500	5.1%
Lift Stations	13,232	17,502	12,200	14,200	16.4%
Security Light	134	-	140	-	-100.0%
Buffalo Sp STP Water Usage	7,670	-	350	-	-100.0%
<b>Total Utilities</b>	<b>\$ 118,797</b>	<b>\$ 119,521</b>	<b>\$ 117,930</b>	<b>\$ 125,000</b>	
<b>Capital Outlay -Sewer Plant Imp</b>	<b>\$ -</b>	<b>\$ 34,700</b>	<b>\$ 34,700</b>	<b>\$ 35,000</b>	<b>0.9%</b>

**Fiscal Year 2019  
Base Budget**

**Water & Sewer Fund**

	Actual 2017	Estimate 2018	Budget 2018	Proposed 2019	% Change
Utilities Proj Prev Maint -Other	\$ 65,048	\$ 25,000	\$ -	\$ -	-
Utilities Prev Maint - Tsf to CPF	\$ -	\$ 6,171	\$ 91,400	\$ 91,400	0.0%
Capital Costs-Tsf to CPF	\$ -	\$ 155,286	\$ 200,000	\$ 91,400	-54.3%
Impact Fees - Tsf to CPF	\$ -	\$ -	\$ 75,000	\$ 91,400	21.9%
<b>Total Util Projects/Prev Maint</b>	<b>\$ 65,048</b>	<b>\$ 186,457</b>	<b>\$ 366,400</b>	<b>\$ 274,200</b>	
<b>Miscellaneous</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-</b>
Miscellaneous Exp/ETS Fees	3,448	7,608	1,000	1,000	0.0%
<b>Total Miscellaneous</b>	<b>\$ 3,448</b>	<b>\$ 7,608</b>	<b>\$ 1,000</b>	<b>\$ 1,000</b>	
<b>Transfers In / Out</b>					
Transfer out-Debt Service/GRP	\$ 125,600	\$ 153,040	\$ 153,040	\$ 153,040	0.0%
Transfer out-Construction Fund	\$ 32,089	\$ 77,400	\$ 154,800	\$ 154,800	0.0%
<b>Total Transfers in / Out</b>	<b>\$ 157,689</b>	<b>\$ 230,440</b>	<b>\$ 307,840</b>	<b>\$ 307,840</b>	
<b>Grand Total Expenditures</b>	<b>\$ 1,233,322</b>	<b>\$ 1,423,285</b>	<b>\$ 1,704,516</b>	<b>\$ 1,745,548</b>	

# MINUTES OF PUBLIC HEARINGS AND REGULAR MEETING

August 28, 2018

## MONTGOMERY CITY COUNCIL

### CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:00 p.m.

Present: Sara Countryman Mayor  
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: Jon Bickford City Council Place # 1

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

### INVOCATION

John Champagne gave the Invocation.

### PLEDGE OF ALLEGIANCE TO FLAGS

1. Consideration and possible action regarding receiving the Final Report from the Planning and Zoning Commission, related to their second Public Hearing held on February 27, 2018 regarding a request to rezone a portion of the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes Tract, from R-1 (Single-Family), R-2 (Multi-Family), and I (Institutional) to B (Commercial) and I (Institutional).

Mr. Yates advised last night the Planning and Zoning Commission met and unanimously passed the Final Report recommending the zoning amendment, which is part of the 380 Agreement with the City. Mr. Yates said the Commission said the use of the property was in the best interest of the

Community. Mr. Yates said that B-Commercial was the property owned by The Shoppes and the I-Institutional is the City's sewer plant that is all located on one plat.

Rebecca Huss moved to accept the Final Report by the Planning and Zoning Commission on the rezoning of The Shoppes property located at the southeast corner of Buffalo Springs Drive and SH 105, from R-1 (Single-Family), R-2 (Multi-Family), and I (Institutional) to B (Commercial) and I (Institutional) as presented on the Exhibits. Dave McCorquodale seconded the motion.

Discussion: Rebecca Huss stated to clarify, all they are doing with this motion is accepting the Final Report. Mr. Yates said that was correct.

The motion carried unanimously. (4-0)

### **PUBLIC HEARING:**

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

2. **Public Hearing** – regarding a request to rezone a portion of the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes Tract, from R-1 (Single-Family), R-2 (Multi-Family), and I (Institutional) to B (Commercial) and I (Institutional)

Mayor Countryman convened into the Public Hearing at 6:06 p.m.

Mr. Yates said this is the Public Hearing for the actual rezoning of the property for public comments.

There were no comments made by the public.

#### **Adjourn Public Hearing.**

Mayor Countryman adjourned the Public Hearing at 6:07 p.m.

#### **Convene into Regular Meeting.**

Mayor Countryman convened into the Regular Meeting at 6:07 p.m.

### **VISITOR/CITIZENS FORUM:**

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

- Mr. Scott Howard who resides on Worsham Street advised that he was here to discuss a specific dog boarding business at 607 Worsham Street and to make known his formal complaint about the business. Mr. Howard said one of the biggest concerns is the unsanitary stay of the property and the effect that it will have on the health and safety of the families, including pets in the area. Mr. Howard referred to the City of Montgomery Code of Ordinances, Chapter 34, Section 34-19 regarding the authority of the City Council to address unsanitary conditions and health hazards.

Mr. Howard said at first the primary problem was noise generated by 14 or more large dogs housed on the property. Mr. Howard said that Police were called on several occasions, including a call from our City Administrator. Mr. Howard said that business owner did manage to reduce the barking somewhat, however, as the business took on more clients, the stench created by such a large number of canines became an even greater nuisance. Mr. Howard said each day they are assaulted with the nauseating smells generated by this business as well as the irritating noise of the barking dogs, dog training whistles and on one occasion a starter pistol. Mr. Howard said they use a power washer every day to wash dog feces and urine out of the garage.

Mr. Howard said the second concern regarding this matter, which is no less important, is the impact this disgusting business has on the value of his property and the surrounding homes. Mr. Howard said he takes pride in his neighborhood and in homeownership in this town. Mr. Howard said he makes every effort to treat his neighbors in a respectful manner. Mr. Howard advised he and his wife own two businesses, which they conduct out of commercial property, they do not sell product out of their home that would necessitate customers parking out in the street, in their neighbors driveways or where ever. Mr. Howard said this is not only due to respect of their neighbors, it is commonsense. Mr. Howard said since the owner of this dog boarding business seemingly has no ties with this community, nor does he actually own the property, he has no apparent interest in developing and maintaining good relationships with his neighbors and could care less of for the health and safety of his community. Mr. Howard said he has been told by members of this City Council that running a business from your home in a noncommercial area is legal as long as you do not put a sign advertising your business in the yard. Mr. Howard asked what would stop the next person from turning his driveway into a toxic waste, hog farm or slaughter house. Mr. Howard said Police have done what they can in this matter, and in their own works it is not a criminal act, as such he is here tonight to obtain guidance and assistance from City Council as the elected officials. Mr. Howard asked what the point if zoning is if an individual can do whatever he or she wants. Mr. Howard said why go through all the red tape to rezone to commercial, when all you have to do is start a business up and ask for forgiveness later. Mr. Howard said Montgomery is



growing by leaps and bounds and it is certainly not country any more, and it is barely small town. Mr. Howard said he came to Montgomery because he liked the small town atmosphere and the distinct sense of community. Mr. Howard said they need ordinances to keep up with the growth if they are to maintain the existing harmony. Mr. Howard said they all want the town to grow and bring in jobs and capital into the community, but please do not let the ideal of the small town neighborhood fall by the wayside by permitting the anything goes attitude, because it is a slippery slope toward just that scenario.

Mr. Howard said as to what needs to be addressed, the City needs an ordinance outlining the number of animals that can be kept safely and the sanitary conditions within the City limits on residential size lots. Mr. Howard said they need an ordinance where at least a permitting process outlines the use of residential property for commercial ventures. Mr. Howard said if someone had asked him if he wanted a dog boarding business next door he would have most certainly rejected it. Mr. Howard said they need enforcement of these ordinances, proper investigation of the abuse of these ordinances when a complaint is made. Mr. Howard said they need officials that do not look the other way or write it off as country living when it is happening in their own yard. Mr. Howard thanked City Council for their time and he looks forward to some response maybe on the next meeting toward some ideal resolutions and ordinances.

Mayor Countryman said perhaps they could look at the dog ordinance when they have their workshop.

**CONSENT AGENDA:**

3. Matters related to the approval of minutes of the Special Meeting held on August 21, 2018.
4. Consideration and possible action regarding adoption of an Escrow Agreement by and between the City of Montgomery and Haza Foods regarding the Wendy's Development.

Rebecca Huss asked about the Escrow Agreement, given some of the other Escrow Agreements the City has entered into, \$5,000 seems like a really small amount for the Agreement. Mr. Roznovsky advised the reason that the amount of money for this Agreement is so small is because it is already an existing platted developed site, so the initial overall master plan for it is complete, this is just building out the actual space. Mr. Roznovsky said this is like the Burger King or Car Wash versus the entire Kroger site.

John Champagne moved to accept and approve the Consent Agenda Items 3 and 4 as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

**CONSIDERATION AND POSSIBLE ACTION:**

5. Consideration and possible action on Department Reports.

- A. Administrator's Report – Mr. Yates presented his report to City Council. Mr. Yates advised he had attended the required Public Funds Investment School in Austin. Mr. Yates also attended the SnoBalls in Cedar Brake Park with Mayor Countryman. Mr. Yates advised that there were two TORC Committee Meetings during the past month, and coordinated a developers meeting in late September for review of the development processes in the City. John Champagne asked about the positions that are being advertised and asked if there have been any interviews as of yet. Mr. Yates said there have been three interviews for the Assistant to the City Administrator, and for the Tourism person they are starting to get resumes.

John Champagne asked where they are in terms of percentage between zero and 100% of getting a person in place. Mr. Yates said they were about 75% to 80%, and said he has two choice, both of which are good choices. John Champagne asked how Mr. Yates was going to make that choice. Mr. Yates said one person is someone that can do engineering work as well as the administrative duties, and the other person is more an Assistant to the City Administrator. Mr. Yates said that perhaps they could have one person doing both jobs. John Champagne asked who would be making that decision. Mr. Yates said he would make that decision with the City Secretary. Rebecca Huss said that she would caution that they used to have someone that did two jobs, and she would rather have one person to do one job really well at a time. Mr. Yates said he thought that they could afford both positions. John Champagne asked if the person with the engineering background had a degree in engineering. Mr. Yates said yes and the person has a State Seal.

- B. Public Works Report – Mr. Muckleroy, Director of Public Works presented his report to City Council. Mr. Muckleroy said they repaired a sewer sink hole on Martin Luther King Drive. Rebecca Huss asked about the size of the sink hole. Mr. Muckleroy said it was three feet in diameter and formed really quickly, and was an old sewer tap that was not utilized with duct tape at the end of it, so they capped it. Rebecca Huss asked if it was a source of infiltration. Mr. Muckleroy said it might have been a little, but not much. Mr. Muckleroy said they stripped the parking lot and installed parking curbs and mulch and

plants in the new parking lot by Jacobs's properties. Mr. Muckleroy said they completed the projector screen project in the Council Chambers. Mr. Muckleroy said they pressure washed the cooling tower at Well #4 as part of the Plant Maintenance Program. Mr. Muckleroy said they had two water leaks, one sewer stoppage, 18 water taps and 15 sewer taps for the month. Mr. Muckleroy said on the park side they repaired the lights inside the Crane Cabin at Fernland, repaired the leaking waterline to the drinking fountain at the Community Center and installed a bicycle rack at Cedar Brake Park. Mr. Muckleroy said the docents at Fernland reported a total of 477 visitors and provided 43 tours for the month.

Rebecca Huss said she noticed that Mr. Muckleroy reported the street lights out to Entergy and asked how many were out. Mr. Muckleroy said there were three lights out. Mr. Muckleroy said they did the survey a couple of months ago and reported 43 lights out. Rebecca Huss asked if Entergy fixed all the lights expeditiously. Mr. Muckleroy said over a months' time they fixed them. Mr. Muckleroy advised there was a new lighting coordinator at Entergy that has really been on the ball and he had the street light installed on Old Plantersville Road last month and the one on Bessie Price Owen in the curve at Berkley, and has been really nice to deal with and follows through. Rebecca Huss asked if the City was getting better service. Mr. Muckleroy said absolutely.

John Champagne said the fountains seems to be growing some unidentified fungus or mold at Cedar Brake Park and is green. John Champagne said on College Street on the new home build near the stream, where the bridge crosses over College Street in the back, they seem to have dropped some stones and damaged the road so it might need checked. John Champagne said he noticed the water tap, and asked if the inspector is looking at how that is going to drain in the front in terms of a ditch, which there appears to be a ditch that runs along there. John Champagne said the meter looks like it might be right in the middle of the ditch. Mr. Muckleroy said if it is then they will move the tap. Mr. Muckleroy said at the time the tap was done the culvert was not put in, so the position of the ditch is not set in stone. John Champagne said the culvert is still not in. John Champagne said it can't go too many places. Mr. Muckleroy said they can move the tap in 30 minutes if it does in fact end up in the ditch. Mr. Muckleroy said that mold in the fountain at Cedar Brake Park is something that they put HGH in every couple of weeks to try and keep it under control.

- C. Police Department Report – Chief of Police James Napolitano presented his report to City Council. The Chief said that he has added this month a quarterly snapshot with graphs to

make it easier to understand. The Chief reviewed additional charts with City Council advising the May investigations showed the time the officers are taking to investigate the arrests that they made previously. Chief Napolitano said Officer Bracht helped put all this together and they have discussed how they would put a shadow graph to show officers time involved on the calls for the next monthly report. Chief Napolitano review the months of May, June and July. Chief Napolitano said in June possession of controlled substances was very high as was in May, and driving while intoxicated was pretty high because they are getting intoxicated and then getting in their vehicle and driving. Chief Napolitano said they had an increase in criminal trespass warnings, which means people have gone to shops or other places and caused a disturbance where the owner has asked the police to give them a criminal trespass warning, which tells them if they come back on the property within the next year they will be arrested on the spot and there is no more need to warn them they are trespassing. Chief Napolitano said July was high up on possession charges and arrests they are making on the street. Chief Napolitano said the department is arresting a lot of people that are bringing illegal drugs into the City, with most of it being a pass through and are people that do not live in the City. Chief Napolitano thanked Rebecca Huss for giving the Police Department the idea of trying to get the data put in some kind of format where it is easier to see. John Champagne said he thought it was good for the public to see this information. Chief Napolitano said it gives the public an idea of what they are out there doing and what they are looking for.

Chief Napolitano said school started this month, and said MISD has gone back and looked at how they were running their busses. Chief Napolitano said if the student is going to Lincoln Elementary the busses are leaving Lincoln Elementary from the bus barn and only going to pick up Lincoln Elementary students and taking them to school. Chief Napolitano said in the past they were picking up students going to different schools along the bus route and then dropping them off at the different schools and then the children that go in later at the end of the bus, which put the buses going through the City over and over again and that takes up a lot of space. Chief Napolitano said the children that need bus rides from some of the outer subdivisions are now not even coming into the City. Chief Napolitano said when you put a bus at the light it is taking up the space of about four or five cars, so now they are getting five or six additional cars and the traffic is getting through faster. Chief Napolitano said they worked traffic on the first day of school and they did not see hardly the amount of traffic that they had seen in the past. Chief Napolitano said they would continue to monitor the traffic and see how it runs.

Chief Napolitano said early in the month of July they had Homeland Security of Montgomery County call a meeting regarding mass casualty events and protection of the school children, so they were briefed by the Texas Rangers on the Sante Fe issue last year and how they want to work at trying to prevent that here at our schools. Chief Napolitano said following that meeting they met with MISD, all the Police Department and met with MISD with the Sheriff's Department, Precinct 1 and 2 Constables, EMS and they did walk through tours at all the schools to begin to look at planning. Chief Napolitano said what he tried to explain to the other agencies was that the planning should be about prevention and not after an event, but they also need both done, but the prevention is the biggest thing to keep an event from happening. The Chief said students that are not acting correctly and if they are having problems should be brought up quicker and brought to the attention of the parents and the School Administrator. Chief Napolitano said the information from Huntsville that Mayor Countryman had shared with him, they are developing that information for their own schools and have it on their computers in the vehicle so they don't have to have something that will get lost it will be accessible from their computers showing the layouts and photos of each the schools. Mayor Countryman said that was excellent. Chief Napolitano said the Police Administrative Assistant has left the City so they are looking for someone to fill that position. John Champagne asked if the Chief was going to be pursuing that position. Chief Napolitano said yes he would.

John Champagne asked about the traffic stop dispositions, and said he wanted to make a note that sometimes the City of Montgomery in the past has been accused of being a traffic trap, and said we are not and said the graph shows the warnings which are normally higher than the citations. John Champagne said they had a burglary of motor vehicle at Kroger, and his big concern was when that showed up they would have more incidents. The Chief said as they get more people living in the City and more people coming to the City, more people will have the ability for some bad person to have access, so they try to ask people to please not leave things in their vehicle that are visible to others because they will smash the window and be gone. The Chief said burglary of motor vehicles occur all around the City in different places, and they are getting more and more like every other City.

Mayor Countryman said that she has talked to the Chief in the past, and making sure that the children at the schools are protected is a big priority and should be for MISD, which she believes that it is, as well as the City because we have to go and help them should there

be an incident. Mayor Countryman thanked the Chief for taking that booklet and getting that information put together like other cities are doing that as well. Mayor Countryman said the relationship with MISD did not seem like they wanted to work with the City, and asked if the Chief is seeing a difference or if maybe a change in tide. Chief Napolitano said he thought there was a change in tide, and he thinks the School Board has let them know they need to have assistance, not just from Montgomery, but from the Sheriff's Department and Constables, they are all here to respond to this issue if it ever happens. The Chief said as he spoke to Chief Runnels the other day, his preventing this from happening is as important as or more important than our response because we need to make sure that it stops before it comes to us.

Mayor Countryman asked if the prevention on the City of Montgomery as well as it is one MISD, because she would imagine we both partake in that equally. Chief Napolitano said no, and said he would use the example of what occurred last year when they got a call at 10 p.m. when a Conroe Police Detective's son was looking at a snap chat and there was a young man making threats against another young man's school. Chief Napolitano said they identified who that person was, but they did not have his address, so he called Chief Runnels, who said "let's worry about it in the morning." The Chief said that Chief Runnels has learned since then that is not the time to worry about it, because that student got on a bus with other children and made it to the campus where they then asked the student to come off the bus and they took him to the administration office. Chief Napolitano said that should have happened at the student's home that night away from the campus and not anywhere near the rest of the children. The Chief said that was what he was talking about that the preventions stage is as soon as they have the information they need to get it to the parents to let them know it is time to talk to the child and find out what is bothering them and resolve the issue before it becomes a violent act. Mayor Countryman said that was great.

- D. Court Department Report – In the absence of Mrs. Kimberly Duckett, Court Administrator, Mr. Yates presented the report to City Council. Mr. Yates said they had 236 citations in July bringing in \$39,946. Mr. Yates said the amount for the year is \$308,936.42 with 1,509 citations compared to 2,402 for the entire year of 2017.
- E. Utility/Development Report – Mr. Yates advised the City collected \$154,861.66 in utilities, which was a record month for the City. Mr. Yates said there were 56 building and

mechanical types of permits resulting in \$34,367.90. Mr. Yates said the Community Building was rented three times and brought in \$300. Mr. Yates said the City account consumption was very low except for Memory Park and asked Mr. Muckleroy to speak about what is happening at the Park. Mr. Muckleroy advised he had a meeting scheduled with the TORC Committee tomorrow at 2 p.m. to talk about the pump to pump water out of the pond to be used for watering. John Champagne asked what they were digging up on the west side of the pond. Mr. Muckleroy said that was a leak in the irrigation system. Mr. Yates said they will determine the final design of the pump and when they are going to do the installation. John Champagne asked if a correlation of what it is that increases the amount of water Memory Park uses from 127,000 gallons to 180,000 gallons, other than the heat. Mr. Muckleroy said it was the controller over there that essentially has a brain and computes the humidity, temperature and amount of daylight and tells the system how long it should water. John Champagne said maybe they could put some software so it could regulate expenses too while it is at it. John Champagne said it was just incredible 60,000 gallons. Rebecca Huss said the top month for water consumption for the City and residents are making the same decision as the system in Memory Park. Mr. Yates said the problem will be helped tremendously and the amount of the water usage will decrease with the irrigation of the pond. Mr. Muckleroy said they will pump out of the pond as much as possible until the level gets to a point where they feel it is dangerous for the fish.

- F. Water Report – Mr. Michael Williams, with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams said they had one District Alert this month regarding Lift Station 2 which was most likely due to a power surge or flicker. Mr. Williams advised the following Effluent Trend was 3.417 million gallons, with the daily peak flow occurring on June 21, 2018 with 378,000 gallons at 95% permitted value. Rebecca Huss said the rain gauge does not match with the rain event. Mr. Williams said they were having issues with the rain gauge. Mr. Williams said the average daily flow was 113,900 gallons, at 28% permitted value. Mr. Williams said the City was in compliance for the effluent monitoring report for the month of July, with seven inches of rain. Mr. Williams said the City had a total amount of water sourced of 9.370 million gallons, flushing 186,000 gallons, with 98% accountability. Mr. Williams advised on the Jasper Well they still have 69.8% remaining, and the Catahoula has 44.94% remaining.

John Champagne asked Mr. Williams if he was blending the water at this time. Mr. Williams said yes they were. Mr. Williams said the City has 800 total connections. Mr.

Williams said this month the City had a 38% water return to the plant from water sold. Rebecca Huss said the return numbers, if you believe the figure from the winter, it really gets back to the whole they need to figure out what is going on. Mr. Williams said he agreed.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky advised they received and approved Pay Estimate No. 6 in the amount of \$51,768.11 to Glen Fuqua, Inc. for the Buffalo Springs Bridge Repair (FEMA) Project. Mr. Roznovsky said they have sent a letter to MagnaFlow for the FM 149 Sanitary Sewer Cleaning and Televising and they have provided the videos, which have been reviewed, and said it was about 3,800 feet of credit video and they are finalizing the numbers and they should be able to close out that contact. Rebecca Huss asked when they would get the results. Mr. Roznovsky said they watched all the videos and they have given all the results for the lines on FM 149, it is just the results for the additional 3,800 feet of line that he expects will be done this week. Rebecca Huss asked if they will know what the results in terms of what they need to be doing for maintenance. Mr. Roznovsky said a couple of months ago they presented the recommendations for everything from College Street to FM 1097 on FM 149, and the next piece is in the fall because they did a bunch of manholes out in the system and summarizing that and then what is in the proposed budget they will work with Mr. Muckleroy to start making some of the repairs and then also to do some additional cleaning and televising to get a good bank of repairs saved up and do a big project. Rebecca Huss asked if it was worth all the money they have been spending on doing this project and are they finding things that will make it worth their while. Mr. Roznovsky said if you can identify a problem early and plan for it, versus if there was a failure in the middle of the night, it is being proactive and allowing a big savings because emergency repairs can be very costly. Mr. Roznovsky said the 18-inch sewer line has their preconstruction meeting the week before last, so that contractor should be getting started in the next few weeks.

Mr. Roznovsky said they are finalizing the plans for the Baja Road CDBG Project to be bid in the next week some time so they can have the bids by the end of September depending on the time lines. John Champagne asked if the project was running behind. Mr. Roznovsky said that project is running behind.



Mr. Roznovsky said the General Land Office projects funding for these projects will not be available until September 2018 at the earliest. Mr. Roznovsky said there were several requests for information from the State that have been completed.

Mr. Roznovsky said the Feasibility Study for Louisa Lane development that they presented at the last meeting, one item that will be coming up shortly is the variance requests and making sure that everyone is on board with the private street versus a public street.

Mr. Roznovsky said the one year warranty inspections, they had the Garner Drive inspection today and McCoy's is mostly complete with their punch list with one more thing that is now done, so that will be ready to close up.

Mr. Roznovsky said the Catahoula Well Permit Amendment was submitted to Lone Star Groundwater Conservation District today and based on their schedule it will go before them at their October 2018 Meeting for approval and go into effect immediately. Mr. Roznovsky said based on the amount permitted for the Jasper and Catahoula Wells and the City would have to use around 450,000 gallons per day on average for the rest of the year to use all the permitted level. Mr. Roznovsky said the highest month usage was 400,000 gallons during the month of July, so it should be tailoring off. Mr. Roznovsky said they worked with Mr. Yates and did a relatively small 15 million increase for this year to give a little bit of a buffer, and they will re-evaluate June to see where they stand. Mr. Roznovsky said it was a \$370 fee to submit the application versus paying ten and half cents per 1,000 gallons on the permit. Mr. Roznovsky said they went through the numbers and the City will save, instead of taking in big chunks, up to \$10,000 in the next four or five years. Rebecca Huss said that makes everyone feel happier in terms of you are more certain about the numbers between Jones and Carter and the TORC number, that everyone can agree on more closely on that, which makes everyone happier. Mr. Roznovsky said the developments that are starting out now in design they will know what they can really expect for next year. Rebecca Huss said it is hard to tell what the future holds, so they tend to be more conservative. Mr. Roznovsky said they wanted to keep a reserve of 15% in the Jasper Wells, so they use up 85% of those permits each year and then then rest is the Catahoula Well and then add in a little contingency on that. Rebecca Huss asked why they hold the reserve. Mr. Roznovsky said from a budgeting standpoint, not to physically reserve the 15%, but just when they are looking at how much Catahoula Permit that they need to keep

that reserve if the Catahoula Well goes down and they have to use more Jasper, so they are not trying to use every drop.

- H. Financial Report – Mr. Yates presented the report to City Council. Mr. Yates advised the General Fund has \$564,691, which is down about \$460,000 because of the hold up on the State Department of Emergency Management Fees. Mr. Yates said they had a conference call with them last week and he expects to receive Pay Estimates 2, 3, 4 and 5 hopefully before the end of September. Rebecca Huss asked if they could cover Pay Estimate No. 6 without going over City Council's limitation. Mr. Roznovsky said Pay Estimate No. 6 is about \$50,000 and they have received Pay Estimate No. 7, which is about \$100,000. Rebecca Huss said the answer would then be no, so does that need to go back on the Agenda for City Council to increase the limit. Mr. Yates said yes, it will because the City can't borrow the funds because it is too close to the end of the fiscal year. Rebecca Huss asked if Mr. Yates has engaged out political influence to help with this matter because it seems to her that the State has been dragging their feet and going through bureaucratic whatever. Mr. Yates said they had a representative from Representative Metcalf's office and Representative Metcalf contacted the Department himself. Rebecca Huss said this has been extremely unfair of the State to drag this out as long as they have, with just switching people around. Mayor Countryman said the whole process is unbearable. Rebecca Huss asked if that would be on the first agenda of the month. Mr. Yates said yes, unless they receive payment.

Mr. Yates said the Utility Fund has \$773,922.42, which is exceptional. Mr. Yates said the total for all funds is \$5,377,242.77. Mr. Yates said the General Fund revenue over expenditures was \$22,927, which would be concerning except that they had received a pretty high sales tax rebate check for the past month in the amount of \$228,000 and the City normally brings in \$190,000 in revenue, so he expects revenue of about \$400,000 and expenses around \$225,000 for the month, so expects it to gain \$125,000 next month. Mr. Yates said in Water and Sewer there is \$198,409 revenue over expenditures for that fund for this year.

John Champagne asked when they get a bump in sales tax revenue, does the City run down the line to make sure there is not an error. Mr. Yates said what it was this time was the grocery stores pay quarterly, so this was about a \$70,000 increase. John Champagne said they won't have to send it to Austin. Mr. Yates said no. Rebecca Huss said they are below

our expectations in terms of sales tax, by almost \$50,000 under budget year to date. Mr. Yates said that does not include this month's deposit. Mr. Yates said they are running about \$30,000 per month over last year's deposits.

Rebecca Huss said another thought on covering the bridge, she thought if the City brought the item to MEDC, the MEDC could offer a bridge loan, because she thought they had more operating funds than the general account does right now. Mr. Yates said he would ask the MEDC Board if they want to do a loan. Rebecca Huss said she did not know how hard it would be for the MEDC to loan the funds, so they would need to check with the City Attorney.

Rebecca Huss said she did have a question on why they were significantly over budget by \$24,000 on the overtime budget and the full year budget is only \$20,000. Mr. Yates said that was primarily due to the Police Department since they have been understaffed all year and have had to pay more in their overtime. Rebecca Huss said in general on the insurance, both in the general account and the utility fund, the liability insurance is higher than budgeted. Mr. Yates said he is not sure why that happened because they had the precise estimate. Rebecca Huss said it is showing \$19,000 and the budget was \$14,000, which is what she was remembering since the City Secretary did such a bang up job on the insurance, and she was wondering where the extra money came in. Rebecca Huss said they can just email her the information. The City Secretary advised she would check into the information and then send it out via email.

- I. Sales Tax Report -- Ryan Fortner - Mr. Yates advised about two months ago the City hired a Sales Tax consultant, Ryan Fortner, and this is his first report. Mr. Fortner reviewed his report with City Council. Mr. Fortner said they made a large request for information from the State of Texas then then physically notate everything that is in the district. Mr. Fortner said they have put together a listing of all businesses. Mr. Fortner said they have created a master list that they can compare with the State Comptroller's reports that they produce. Mr. Fortner said they have found discrepancies that have been sent off and the master list that has been submitted to the State Comptroller for review and comment, following their noncompliant report. Mr. Fortner said once they receive the comments back from the State, that list will be included in the report for next month's meeting. Mr. Fortner said that physical report allows them to know what is physically on the ground versus what the State believes is here and also allows them to monitor when those businesses hit and pay the

City, so in real time they will be monitoring their payments and payment schedule. Mr. Fortner said the State Comptroller has 44 working business days from the time they submit their report, and their report was submitted during the first week in August, so they should have the information from the State Comptroller by the next month's meeting. Mr. Fortner said he will present the information to City Council once they have a qualified opinion from the State Comptroller. Mr. Fortner said when they performed their audit in the City they found 234 entities, which does include vacancies and retail and industrial centers. Mr. Fortner said they found 156 companies that provide goods or services that qualify for the City's local tax, with 48 entities that were non-taxable, such as medical, EMS, police, etc. Mr. Fortner said there were 16 vacancies and two miscellaneous, which were owner refusals. Mr. Fortner said when they came into the City they have documentation of who they are, a letter from the City on City letterhead providing they have been hired to make requests for public information, however, if there is a business owner that is wary of what they are doing, they have the right to refuse them, which they then turn their information over to the State. Mr. Fortner said they only had two refusals. Mr. Fortner said using the reports that the State Comptroller provides they show 4,206 active taxpayer accounts that are coded to the City of Montgomery, with most of them being e-commerce or they are coded as active but is an individual that is starting a business from the home and they have not yet gone into business, therefore they have not made a sale. Mr. Fortner said they like to prove a 13-month running tally, showing August to August with all of the months in between and the total number of filers with sales tax to the City. Mr. Fortner said in August 2018 there were 1,680 sales tax filers, and he has notated which ones are quarterly filers, such as the grocery stores. Mr. Fortner said the City was averaging 1,533 entities paying sales tax to the City, and August 2018 was a 6.5% increase in taxpayers over 2017. Mr. Fortner said February 2018 reflects the largest single month number of sales tax filers in the City of Montgomery's history. Mr. Fortner said they actually saw in Montgomery County, February and May were some of the highest months that any of their clients have seen with sales taxpayers, and said that was not an anomaly that is just people moving out and doing a lot more e-commerce than they did before and they are seeing more Montgomery County wide construction coming in and new businesses opening. Mr. Fortner said for the calendar year 2018 sales tax totaled \$1,613,341.94 for the tax year the sales tax receipts totaled \$1,172,018.86. Mr. Fortner said they take the confidential information reports provided to them by the State Comptroller and list out 12 months the top 25 filers. Mr. Fortner said the top 25 taxpayers have remitted \$1,192,415.42 over the last 12 months. Mr. Fortner said each month they like to break down the months sales tax

filers. Mr. Fortner said the top 25 tax filers paid \$211,373.65, which makes up 69% of the City's revenue stream for the month. Mr. Fortner said they also like to look at how many clients have remitted over \$1,000 and they use that to judge the health and spending patterns within a particular client. Mr. Fortner said in August the City had 44 businesses that filed local taxes in excess of \$1,000, and those 44 were 78% of the City's revenue stream. Mr. Fortner said they will continue to monitor this information and will put into a data base that they use internally and if they start to see this figure decrease then that will throw a red flag. Mr. Fortner said traditionally they have not seen that figure decrease. Mr. Fortner said they also provide monthly a previous to current month top 25 tax payers listing so the City can compare non-quarterly months to quarterly months and see the movements of individual businesses. Mr. Fortner said they find that particular clients have particular entities within the boundary that they may pay attention to or want to see. Mr. Fortner said for the past 12 months 89% of the revenue stream coming into the City via sales tax are from providers charging the local tax that are within the City boundaries and out of the City boundaries. Mr. Fortner said they noticed that 59 businesses filed sales tax from locations physically within the City and 1,621 filers with out of district goods and services, which is not uncommon with e-commerce filers.

Mr. Fortner said City Council had asked if he would confirm the sales tax receipts to confirm that there are no outliers, and they are doing that by monthly going through the reports that the State Comptroller provides and said e-commerce is difficult, but what they are looking for is high dollar outliers with physical addresses or NICS codes that are outside the City. Mr. Fortner said the State has provided those records going back to January 2017 and he said they have not found anything yet, but they are still reviewing the records because each report they receive has about 64,000 lines. Mr. Fortner said they are monitoring those reports because they do not want to see an instance where the City has, as in the past, received erroneous revenues and have to pay them back on a payment plan. Mr. Fortner said they will continue to look at the number of e-commerce filers.

Mr. Fortner said they went back to January 1991, which is the farthest that they could go back, and said the City was issued \$24,349,907 in sales tax receipts, and the August allocation reflects \$304,341.94. Mr. Yates said the August 2018 allocation is the largest single allocation received by the City of Montgomery to date. Mr. Fortner said they have extracted the top 25 filers for a year, and for July and August and then they have gone and looked at the business category by NAICS, and they have taken the top 25 categories in

the City and have listed them with the dollar amounts received. Mr. Fortner said they will use this information because each month these are the top 25 and they will be looking at them to make sure that the filing amounts for them are correct and that they are not shifting around. Mr. Fortner said this information is very useful in making sure the top performing industries in the City are doing just that.

Mr. Fortner reviewed the comparison report for August 2017-August 2018 so that they could see the increases and decreases stating that the August 2018 amount was 59.67% increase from August 2017. Mr. Fortner said for the fiscal year to date is \$2,171,123.82 and it shows budgeted \$1,810,800 with one month remaining for fiscal year 2018. Mr. Fortner said the report also shows 2017, 2016, 2015 and 2014 fiscal year allocations so that City Council can see the growth trend from 2014 through the present. Mr. Fortner said 2014 is significant because it is the farthest back they can go back and recover by State statute, which is why they use that as a benchmark. Mr. Fortner said the City is showing a mean allocation of \$201,633.38. Mr. Fortner said they can any type of graphical model that the City Council would like to see and said they have provided several examples for review. Mr. Fortner said for the tax year of 2018 the City is in their eighth month, and six of those eight months reflects the highest received for that month going all the way back to 1995. Mr. Fortner said they are reviewing the \$236,764 received in 2016 and that request is still pending at the State, with the \$151,000 that the City received in June. Mr. Fortner said they have provided a month to month variance and a year to year variance.

John Champagne said in January 2016 there is an appreciable bump and asked if that included the erroneous taxes that were paid. Mr. Fortner said that is what they are looking into now. Mr. Fortner said they are only allowed to go back to January 1, 2017, to request the information, so he is going to get with Mr. Yates to review the information he was sent. Mayor Countryman asked about the festivals they have in the City, and asked how we would know if they are collecting sales tax from the vendors that are at the festivals. Mr. Fortner said food vendors that offer a take and go product they are not subject to sales tax, now if a vendor sets up a table or offers silverware it is now subject to local tax. Mr. Fortner said individual vendors are required to file local taxes based on where they were at a particular time, but the problem they have seen historically is many times at festivals and farmers markets you have vendors that travel and they might have a master permit set up at their residence and they travel the circuit. Mr. Fortner said what they do is ask their clients to let them know in advance when there is going to be a festival and they will either

come and do a canvass or if there is a listing of the permits, they will research the information. Mayor Countryman stated that she did not know if they would be able to delineate if they came to the City and what portion monthly was from Montgomery. Mr. Fortner said if the festival was held in December and there was a number of vendors there, when they receive the February report from the State they can isolate dollars and cents that were spend by each individual vendor that are paying local taxes and if that is something that City Council would like to see they can report on that.

Mr. Fortner said lastly they showed yearly allocations and yearly variances, with tax year 2017 showing a three percent increase over 2016, and because they are not out of tax year 2018 they do not have a percentage that will not close out until February.

Rebecca Huss asked about festivals and vendors and asked if the City's interest in collecting the tax going to put a burden on those types of vendors to the point that they do not want to come to Montgomery to participate because we are so interested in their paperwork. Mr. Fortner said it would depend on the vendor and he would recommend is making a packet of information that advises the vendor that they are inside the City limits and stating the tax rate and letting them know that they are to remit their sales tax to the State. Mr. Fortner said they should provide the information so that way the vendor is given a piece of paper with contact information so the vendor will have the information. Rebecca Huss said if they are traveling vendors it is really hard to file in several different places. Mr. Fortner said they try to make the festivals as turnkey as possible and provide them the documentation and it has been very successful.

Mayor Countryman said the report was good information and thanked Mr. Fortner.

Rebecca Huss moved to accept the Departmental Reports as presented. John Champagne seconded the motion, the motion carried unanimously. (4-0)

6. Report Regarding Community Resilience Collaborative by Walter Peacock, Texas A&M University.

Mr. Walter Peacock stated he has been to a lot of City Council Meetings all over the Texas coast and this City Council's attention to detail and they type of questions that are asked really impress him.

Mr. Peacock said he is the program coordinator for Texas Sea Grants and he is also the Planning Specialist for Community Resilience Collaborative (CRC). Mr. Peacock explained the CRC is the brain child between Texas Sea Grants and Texas Target Communities. Mr. Peacock said this is a research based program that reaches out to communities along the Texas coast and tries to see how they can make the communities more sustainable; and how can they make sure the communities will grow in the future, not only for the people, but for the environment. Mr. Peacock said they need to make sure to plan for ways to keep the citizens safe, which is the point of the CRC. Mr. Peacock said their goal is to help the communities adopt high quality plans which need local refined visions of sustainable development to promote an increase resilience of our community's natural and technological hazards and be good stewards of the environment, to monitor and enhance and restore habitats, ecosystems and the services they provide. Mr. Peacock said they work with the University and do all the research, but the local communities have a wealth of information that they don't have and they know better about their own home. Mr. Peacock said they want to get that information and help them understand what these trends are so they can have better plans in the future. Mr. Peacock said they want to increase the capacity of the communities and strong so they can grow in the future.

Mr. Peacock said he will be creating a State of the Community Report for the City of Montgomery, looking through the maps and data to make a report to the community telling them what their strengths, weaknesses and opportunities are. Rebecca Huss asked if Mr. Peacock would be doing this as an outsider without their input, because she would be curious to see how he viewed the City rather than how we view ourselves. Mr. Peacock said yes, he would be doing this as an outsider while he will be in the community taking information from the area. Mr. Peacock said there will be problems with his report, which is why he wants the community to hear the information and make comments, so that they can collect better data.

Mr. Peacock said after the State of the Community Report they will start with the Comprehensive Plan. Mr. Peacock said he will not be doing 100 percent of the work, he works with seven different communities in his area and this will be a partnership between him, Texas A&M and the City. Mr. Peacock said he figured the ratio would be about 50/50. Mr. Peacock said that he will facilitate the community meetings, but it is the City's responsibility to help him reach people in the community that need to be here. Mr. Peacock said people will not trust someone that is not from the community so he will need the City's help. Mr. Peacock said he will be seeing what the community's visions and goals are, where do they see Montgomery in the next 20, 30 or 40 years, what are their wants and needs. Mr. Peacock said they will be having surveys that he will create to allow people to participate even if they can't stand up in front of people and speak to them. Mr. Peacock said he



will take all this information and this will be the vision for the future. Mr. Peacock said the comprehensive plan will be a guide that the City can use and turn to when making decisions. Mr. Peacock said the comprehensive plan is not a permanent book, it is something that needs to change as the community changes, not every year, but maybe every 10 years. Mr. Peacock said they would have to examine their goals and vision to make sure it is what the people in the City still want.

Mr. Peacock said a lot of grants that are out there will not look at an application if the City does not have a comprehensive plan, but when they see a comprehensive plan they know the City is serious about where they want to go and how they want to use the money. Mr. Peacock said the City is more likely to get more grants in the future with a comprehensive plan. John Champagne asked if this would be for State and Federal Grants. Mr. Peacock said it would be for any grants. Mr. Peacock said this is going to be a long project. Mr. Peacock said there will be other specialists that can assist with this project. Rebecca Huss asked what other kinds of specialists Mr. Peacock has used before. Mr. Peacock said that right now for the City of Hitchcock they have 11 different departments working there from forestry departments, engineering, planning, architecture and landscape architecture that are offering support for different portions of the community plan. Mayor Countryman said she thought it was encouraging that the first time that Mr. Peacock came to visit the City, they took a ride through the City and he said he had no idea and that the City had a lot to work with, which she thought was awesome and there was a lot of good stuff to capitalize on. Rebecca Huss said she thought it was a good idea to use the people, ideas and enthusiasm here and having a blueprint to have us all work together in a comprehensive and cohesive manner rather than just slapping a piece of concrete here or a bench here, but have something that you are investing in the future. Mr. Peacock said that is a key rule for the program, they want to include everyone in the process. Mr. Yates said they have applied for the Texas Target Communities and if they could use that intention and transfer it over to the CRC to get them started. Rebecca Huss said she felt this was an amazing opportunity that they have been given and we should not delay a single moment. Mr. Yates said he agreed.

7. Consideration and possible action regarding The Shoppes at Montgomery, Section 2 Final Plat.

Mr. Roznovsky said this plat went to the Planning and Zoning Commission last night and they recommended approval and this follows the details of the 380 Agreement regarding the easements, access and the land swap has been completed. Rebecca Huss asked if this was everything that was in the agreement. Mr. Roznovsky said yes, with the exception of the things that can't happen yet, because they can't release some of the easements until the next line is built, but everything that can

be done at this time is on there. Rebecca Huss said everything that the City wants is included. Mr. Roznovsky said that was correct.

Dave McCorquodale moved to approve the final plat for The Shoppes at Montgomery, Section 2. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

8. Consideration and possible action regarding scheduling a Public Hearing for rezoning of the property located at 1005 Old Plantersville Road, Montgomery from R-1 Single-family to ID-Industrial to be held on September 25, 2018 at 6 p.m. as requested by Theresa Fisher.

Mr. Yates said this is the property on Old Plantersville Road that is half Industrial and half Residential, and the applicant has had one public hearing with the Planning and Zoning Commission in May, but in the discussion following that item the applicant asked to table their request until they would consider whether or not they wanted to change their application to Commercial. Mr. Yates said they have decided to continue their application for Industrial use, which fell into the new opinion of the City Attorney to have two public hearings by the Planning and Zoning Commission. Mr. Yates said the Planning and Zoning Commission voted last night to schedule a Public Hearing for September 24, 2018 and the new notices will be sent out to the surrounding property owners and a new advertisement will be published in the paper.

Rebecca Huss confirmed that new notices would be required for the zoning, because that was one of her objections with the item being tabled, she felt that because things were not going well for the landowner she pulled it for consideration and would wait until she had less objections and fewer people around. Mr. Yates said the owner came back last Wednesday and requested for it to be back on the Agenda. Rebecca Huss asked if there should be two hearings by City Councils. Mr. Yates said City Council only needs one Public Hearing and one notice will cover both the Planning and Zoning Commission and City Council Public Hearings. Rebecca Huss said she wanted to make sure that the neighbors knew about the Public Hearings so they can voice their objections. John Champagne said in his mind it is totally irrelevant, if in fact City Council is convinced one way or the other, whether she pulls the item from the Agenda or puts it back, their decision should be made based on what exposure has been made and what they have gleaned from the citizens. John Champagne said the neighbors have spoken to a great degree. Dave McCorquodale said she is just hoping that we forget. John Champagne said that is not going to happen.

Dave McCorquodale said he had a small point on the both uses in the letter that keeps getting referenced, he did not believe that it is referring to Industrial versus Residential, it refers to the two specific uses of the classic cars the small home building business that Mr. Fisher wanted to put on the property, so it was not a question, in his mind, about the uses it was answering the use of classic cars and home building and in the past Mayor's letter said those two uses sound fine, not necessarily the specific use of Industrial. Dave McCorquodale said that his point of being accurate that nobody ever said that Industrial was okay, what somebody said was that these two specific businesses were. Mr. Yates said there has not been a full discussion by the Planning and Zoning Commission. Rebecca Huss said with the experience of the past year with Mr. Potter living next to a trash dump with trash blowing across his property and the unregulated and non-receipt of a Special Use Permit for that Industrial Use property, and a dog kennel in a residential neighborhood and the unsanitary disposal of waste, they need to be more careful about the impact that they are having on residential neighbors and their property.

Dave McCorquodale moved to schedule a Public Hearing for the rezoning of 1005 Old Plantersville Road, Montgomery from R-1 Single-family to ID-Industrial to be held on September 25, 2018 at 6 p.m. at City Hall as requested by Theresa Fisher. John Champagne seconded the motion, the motion carried unanimously. (4-0)

Mr. Yates said that last night the Planning and Zoning Commission for clarification, since all of the property includes some residential and some industrial property, they added the words "for the eastern portion of the property" to their motion, and asked if the City Council could amend their motion to include that statement so that it would be clear to the public.

Dave McCorquodale amended his motion to include "for the eastern portion of the property" to be included in the motion. John Champagne seconded the amended motion, the amended motion carried unanimously. (4-0)

The original motion as amended carried unanimously. (4-0)

9. Discussion regarding Montgomery Ridge (Signorelli) Development.

Mr. Roznovsky advised that in 2015 Signorelli approached the City about providing services to their tract of land that is south of the KOA Campgrounds and is approximately 126 acres of land. Mr. Roznovsky said that plan is to develop approximately 488 single family homes. Rebecca Huss asked

which side of the project is inside the City's ETJ. Mr. Roznovsky said about half of the property is in the City's ETJ. Mr. Roznovsky said in 2015 the developer was requesting wholesale water and sewer service to be provided outside the City, since they will not be annexed into the City. Mr. Roznovsky said at that time the development fizzled out and now it has come back again with the same request, with the intent of bringing the entire development into the City of Conroe's ETJ.

Rebecca Huss said when the Finance Director for the City of Conroe was here running for the Montgomery Board, he said that it would be a cold day in Hell before Conroe would ever give the City anything out of their ETJ, but now the letter is saying that they can annex into Conroe's ETJ anytime they want, and asked how that works. Mr. Foerster said this is MUD 150 and the Texas Water Code provides that when a MUD District is partially in one City's ETJ and partially in another City's ETJ, the MUD Board may by that statute opt into being entirely in one City's ETJ or the other, and they have from some correspondence with the City of Conroe's City Attorney, advised us and committed to the City of Conroe that they will at some point as a MUD vote to have the entire District in the City of Conroe's ETJ and we will lose that portion of the ETJ. Rebecca Huss asked why they would choose Conroe, she was just curious. Mr. Foerster said he really did not know, other than they might have gotten some considerations from the City of Conroe, which he is not privy to. Mr. Foerster said several years ago the City of Montgomery was not in a position to make a commitment to provide water and sewer to the entire District, so without that not happening they turned to Conroe to see what they could do for them because Montgomery could not provide the services. Mr. Foerster said recently the staff, Mr. Roznovsky, Mr. Yates and himself discussed this and said maybe it was time to find out whether or not City Council would be interested in finding capacity assuming there is any benefit for the City. Mr. Foerster said that Mr. Roznovsky has done a good job of running out the pros and cons. Mr. Foerster said he spoke to the Attorney for the MUD, David Oliver, with a law firm in Houston, and explored the possibility if this City Council is interested in revisiting the idea of us providing water and sewer as a wholesale customer, knowing full well that we would never be in the City of Montgomery. Mr. Foerster said Mr. Oliver said they were open to anything and to let him know how City Council feels about the matter, which is what lead up to the presentation you are hearing tonight.

Mr. Roznovsky said that it was his understanding that this same developer has done a lot of development with the City of Conroe so they have that process down and they are new to the City of Montgomery. Mr. Roznovsky said that he does not see a 25% increase in water sewer revenue is really a selling point, it would be if they would extend the water and sewer utilities down FM 2854 inside the City ETJ to provide service to their tract, opening up the potential for development on FM

2854 inside the City of Montgomery. Rebecca Huss asked what code they would be purchasing water, institutional, top tier, what rate. Mr. Roznovsky said that his assumption was that it would be based on use, so he would think that it would be residential use, because the way the code is written. Rebecca Huss said if they are buying wholesale water. Mr. Roznovsky said it would be for 488 homes, which is 125,000 gallons a day. Rebecca Huss said per month is would be 2 million gallons, so that could be \$9 per 1,000 or \$7 per 1,000 gallons, per month for water, and \$12 per 1,000 for sewer. Mr. Roznovsky said that would be worked out in the developer agreement. Rebecca Huss said they should work it out now before they go there, because there is a big difference between 1.25 times \$5.75 or \$7.25. Mr. Yates said City Council could say what classification they would want. Rebecca Huss said if they are going to put them in the wholesale rate is really institutional and changes things completely. John Champagne said it would accelerate their capital expenditure to meet that kind of demand, and in his mind it is a loser. Rebecca Huss said at \$5.25 it certainly is a loser. John Champagne said even at \$7 it is, because they are reaching out to a nonentity. John Champagne made a motion to discontinue discussions with the developer Signorelli, Montgomery Ridge Development. Mr. Yates said that this is a discussion item only. Mr. Foerster said he would report back to Mr. Oliver the opinion of the City Council. Mr. Roznovsky said they are going to scoff at the idea of putting in City utilities, because Stanley Lake shares a boundary with them and they wanted them to upgrade some other things and they said no. Rebecca Huss thanked staff for putting the time into the project. John Champagne said Mr. Roznovsky did a good job.

10. Buffalo Springs Bridge Report by the City Engineer.

Mr. Roznovsky advised that progress of the Buffalo Springs Bridge project, advising that since the last City Council Meeting, the project manager, the Vice President of the company left a letter on the owner's desk on Thursday afternoon saying he was out and has disappeared. Mr. Roznovsky said they met with the contractor, Glenn Fuqua today and his other Vice President to go over the revised plan, and they said there is no way they can meet the schedule and he does not know what that means. Mr. Roznovsky said they advised Mr. Fuqua that he needed to have a revised schedule that they can look at. Mr. Roznovsky said they are rearranging crews and bringing in additional workers next week and taking people off of other jobs to try and catch up. Mayor Countryman asked if the City was a priority to them. Mr. Roznovsky said we are and they understand the damages and once they get the revised schedule back they need to see what that looks like, and if it is not reasonable, then see what their other options are. Rebecca Huss said liquidated damages. Mr. Roznovsky said that liquidated damages are being charged, which they discussed today, and the

contractor is trying to make an argument. Mr. Roznovsky said if the City decides to go a different route he does have a performance bond, so his bonding company was notified back when the new contract time ended, so at the end of July his bonding company was sent a notification letter that he was behind schedule. Mr. Roznovsky said they started that process, so they have to default on the contract. Mr. Roznovsky said if the contractor can get this done in a relatively reasonable amount of time, the time of getting the default and getting the settlement, hiring a different contractor to do the work. Mayor Countryman asked how they found this contractor. Mr. Roznovsky said it was through public bid process, there were four contractors, with Fugua being the low bidder, their qualifications were fine, they have done this type of work before, their references were checked and no one had issues. Mr. Roznovsky said he wants to say it is a perfect storm, and the owner says that this has never happened to him before he never had these issues. Mr. Roznovsky said their bid was \$1.1 million and the next low bidder was \$1.3 or \$1.4 million and the next was \$3.1. Mayor Countryman asked if it was the same caliber and not a lot of difference in the qualifications. Mr. Roznovsky said Mr. Fuqua has owned his company for 43 years and he has done these type of projects. Mr. Roznovsky said when they came in \$200,000 - \$300,000 low, they asked him if he was sure because if they are not going to honor the contract or they are going to give the City problems the City will consider other alternatives, and they said no this was their prices and they knew what it would take to do the job. Mr. Roznovsky said they have run into a bunch of issues, with weather, supplies but for the past week they have only had four people on the site and they are moving so slow because they don't have people. Mayor Countryman said she was over there on Friday at 4:05 p.m. at the bridge and nobody was there, so when are their working hours. Mr. Roznovsky said they are required eight hours a day between 7am to 7pm to count as a working day. Mr. Roznovsky said that has been their argument because the contractor wanted a bunch of additional days, which they did not feel was justified because of that situation and he showed up Saturday and they were just showing up for work at 10:30 am and then they were gone at 3 pm. Mr. Roznovsky said it was hard to make an argument for additional days when you don't see the additional effort to make it work. Mayor Countryman said those additional rain days would be their time off, so when there is dry weather they need to be working. Mayor Countryman said if this is going to be going on into December it is ridiculous. Mr. Roznovsky said the project should be complete well before the contract is over, and here we are two months after contract time.

**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

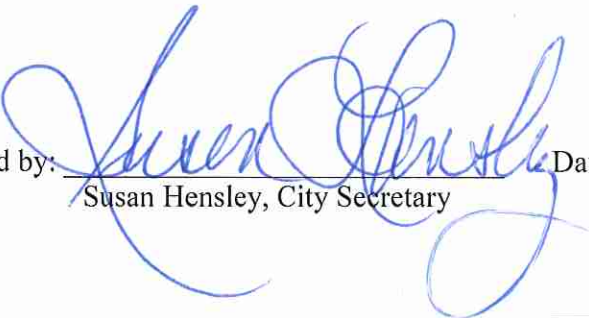
property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas. (There are no items at this time.)

**COUNCIL INQUIRY:**

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

**ADJOURNMENT**

John Champagne moved to adjourn the meeting at 8:05 p.m. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

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

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

Montgomery City Council  
**AGENDA REPORT**

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

**Subject**

This is to accept the improvements and release the maintenance bond for McCoy's Building Supply for public water, on -public sanitary sewer and off-site public sanitary sewer project.

**Description**

The City Engineer's memo is attached saying that the inspection has been sufficiently addressed and the work is in compliance with all city ordinances and standards. They recommend the release of warranty and maintenance bonds issued for the project.

**Recommendation**

Motion to approve the One-year Warranty period completion and to release warranty and maintenance bonds regarding this project.

**Approved By**

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





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

August 30, 2018

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

Re: McCoy's Building Supply One Year Warranty Completion  
City of Montgomery

Dear Mayor and Council:

We completed the one-year warranty inspection of the work completed for McCoy's Building Supply on July 25, 2018 in the presence of Mr. James McCain – JC, Mr. Jim Gregg – JC, Mike Muckleroy – City of Montgomery, Mr. Ryan Thomas – City of Montgomery, Mr. Jose Rosendo – City of Montgomery, and Beau Roan – Randy Roan Construction. All punch list items identified at the inspection have been sufficiently addressed, and the work completed is in compliance with all City ordinances and standards, unless previously authorized by variance.

Based on the completion of all punch list items identified at the one-year warranty inspection, we recommend the release of all warranty and maintenance bonds issued for the project.

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

Sincerely,

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

Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

P:\PROJECTS\W5841 - City of Montgomery\W5841-1014-00 - McCoy's Building Supply\Letters\One Year Warranty Letter.docx

Enc: Punchlist

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  
Mr. Beau Roan – Randy Roan Construction



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits: Escrow Agreement</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is the escrow agreement with Al Cade for development of the 1.758 acre tract.

**Description**

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

**Recommendation**

Motion to approve the escrow agreement between the City and Al Cade as part of the consent item agenda.

**Approved By**

City Administrator

Jack Yates

Date: September 7, 2018

**ESCROW AGREEMENT**  
**BY AND BETWEEN**  
**THE CITY OF MONTGOMERY, TEXAS,**

**AND**

**Al Cade**

**Dev. No. 1811**

THE STATE OF TEXAS            ⤵

COUNTY OF MONTGOMERY       ⤵

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

**RECITALS**

WHEREAS, the Developer desires to acquire and develop all or part of a 1.758-acre tract, being comprised of 0.22 acres in the Benjamin Riggsby Survey, A-31, and 1.538 acres in the Zack Landrum Survey, A-22, Montgomery County, Texas, sometimes referred to as the Cade Tract, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

WHEREAS, the City policy requires the Developer to establish an Escrow Fund with the City to reimburse the City for engineering costs, legal fees, consulting fees and administrative expenses incurred for feasibility study, plan reviews, developer coordination, construction management, inspection services to be provided for during the construction phase, and one-year

warranty services.

## AGREEMENT

### ARTICLE I

#### SERVICES REQUIRED

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

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

### ARTICLE II

#### FINANCING AND SERVICES

Section 2.01 All estimated costs and professional fees needed by City shall be financed by Developer. Developer agrees to advance funds to City for the purpose of funding the required Utility and Economic Feasibility Study ("Study") in the amount of \$3,000.

Section 2.02 Developer agrees to submit payment of the funds for the Utility and Economic Feasibility Study to City no later than ten (10) days after the execution of this Escrow Agreement. No work will begin on the Study until funds have been received and the Study has been authorized by City Council.

Section 2.03 As part of the Study, the estimated additional Escrow Amount will be determined for plan reviews, developer coordination, construction coordination, construction

inspection, warranty services, legal expenses, and administrative costs. Developer agrees to submit payment of the Escrow Amount to City no later than thirty (30) days after the acceptance of the Study by City Council. No work outside of the Study will be performed by or on behalf of the City until the Escrow Amount has been deposited.

Section 2.04 The total amount shown above for the Utility and Economic Feasibility Study and the Escrow Amount determined in the Study is intended to be a "Not to Exceed" amount unless extenuating, unexpected fees are needed. Examples of extenuating circumstances created by the developer that may cause additional fees include, but are not limited to, greater than three plan reviews or drainage analysis reviews; revisions to approved plans; extraordinary number of comments on plans; additional meetings at the request of the developer; variance requests; encroachment agreement requests; construction delays and/or issues; failure to coordinate construction with City; failed testing during construction; failing to address punch list items; and/or excessive warranty repair items. If extenuating circumstances arise, the Developer will be informed, in writing by the City, of the additional deposit amount and explanation of extenuating circumstance. The Developer agrees to tender additional sums within 10 days of receipt of request to cover such costs and expenses. If additional funds are not deposited within 10 days all work by or on behalf of the City will stop until funds are deposited. Any funds which may remain after the completion of the development described in this Escrow Agreement will be refunded to Developer.

ARTICLE III,  
MISCELLANEOUS

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

Section 3.02 If either party is rendered unable, wholly or in part, by *force majeure* to carry out any of its obligations under this Escrow Agreement, then the obligations of such party, to the extent affected by such *force majeure* and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided but for no longer period. As soon as reasonably possible after the occurrence of the *force majeure* relied upon, the party whose contractual obligations are affected thereby shall give notice and full particulars of such *force majeure* relied upon to the other party. Such cause, as far as possible, shall be remedied with all reasonable diligence. The term "*force majeure*," as used herein, shall include without limitation of the generality thereof, acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage, or accidents to machinery, which are not within the control of the party claiming such inability, which such party could not have avoided by the exercise of due





The parties shall have the right from time to time and at any time to change their respective addresses, and each shall have the right to specify as its address any other address by at least fifteen (15) days written notice to the other party.

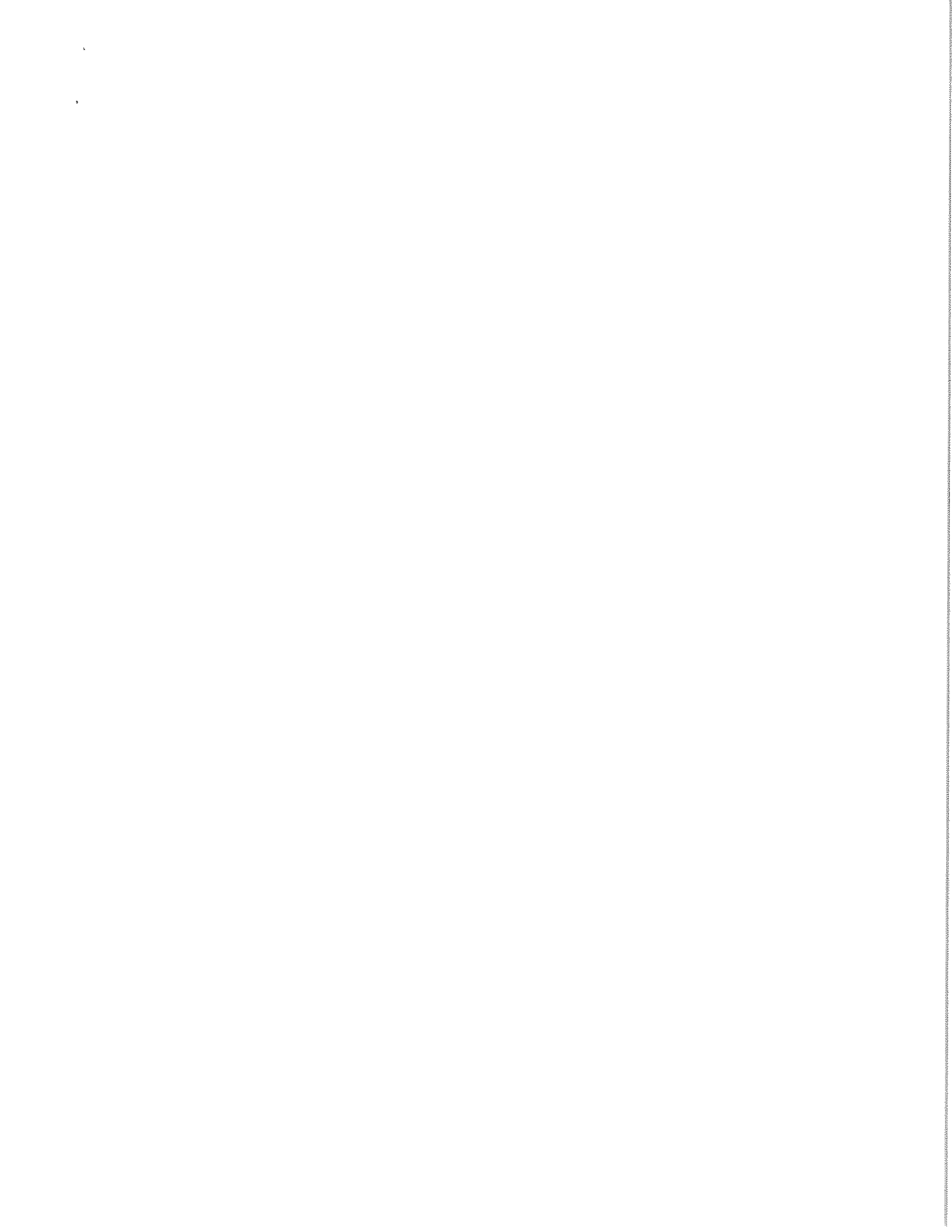
Section 3.06 This Escrow Agreement shall be subject to change or modification only in writing and with the mutual consent of the governing body of City and the management of Developer.

Section 3.07 This Escrow Agreement shall bind and benefit City and its legal successors and Developer and its legal successors but shall not otherwise be assignable, in whole or in part, by either party except as specifically provided herein between the parties or by supplemental agreement.

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

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

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



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

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


CITY OF MONTGOMERY, TEXAS

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

ATTEST:

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

Al Cade  
Developer

By:  \_\_\_\_\_  
Signature

Title: Owner

STATE OF TEXAS {

COUNTY OF MONTGOMERY {

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

THE STATE OF TEXAS {

COUNTY OF \_\_\_\_\_ {

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 5th day of September, 2018.

Susan L. Hensley  
Notary Public, State of Texas



## Prohibition on Boycotting Israel Verification

This Verification is hereby incorporated into the terms of the contract by and between AL CADE and CADE COUNTRY entered into this the 05 day of 2018, 2018.

1. CADE COUNTRY, in conjunction with the execution of the above referenced contract and in accordance with Chapter 2270 of the Texas Government Code, effective September 1, 2017, does hereby agree, confirm, and verify that it:

- A. Does not Boycott Israel; and
- B. Will not Boycott Israel during the term of the contract.

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

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

[Signatures on Following Page]

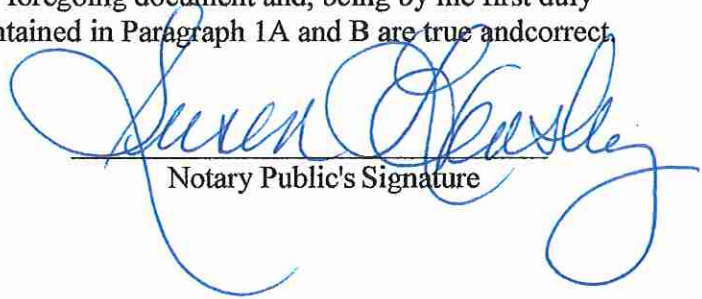
Prohibition on Boycotting Israel Verification [Continued]

  
Contractor

State of Texas  
County of MONTGOMERY

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



  
Notary Public's Signature

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

  
Owner

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

## OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2018-400085

Date Filed:  
09/05/2018

Date Acknowledged:

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

Cade Country  
Montgomery, TX United States

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

City of Montgomery

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

1811  
Portable sheds, carports,

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Debra, Cade	Montgomery, TX United States	X	
	Cade, Al	Montgomery, TX United States	X	

5 Check only if there is NO Interested Party.

### 6 UNSWORN DECLARATION

My name is Debra Cade and my date of birth is 3/20/1954

My address is 16818 RABON CHAPEL RD MONTGOMERY TX 77316 US  
(street) (city) (state) (zip code) (country)

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

Executed in Montgomery County, State of Texas, on the 5<sup>TH</sup> day of SEPTEMBER 2018  
(month) (year)

Debra Cade  
Signature of authorized agent of contracting business entity  
(Declarant)

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to give permission to Jones and Carter to perform an Economic and Utility Feasibility study on the Al Cade development of the 1.758 acre tract.

**Description**

This is to give permission to perform the usual study for each new development inside the City.

**Recommendation**

Motion to approve the performance of an Economic and Utility Feasibility study on the Al Cade development of the 1.758 acre tract

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to consider amending the annual meeting date called for in the bylaws of the MEDC.

**Description**

The current bylaws of the MEDC call for an annual meeting in September of each year. In its July meeting the MEDC board approved changing the annual meeting date to January.

The meeting date is important because it is when elections for officers of the corporation are elected from among the members.. It was discussed and felt by the MEDC board that the election of new officers should be following the appointment of new members by the City Council- which happens in December of each year.

**Recommendation**

Approve the MEDC bylaws change of their annual meeting date from September to January.

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------

Montgomery City Council  
AGENDA REPORT

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

**Subject**

This is to adopt the budget document through an ordinance.

**Description**

The Ordinance is the same as past years, only the figures have changed.

**Recommendation**

Motion to approve the Ordinance as presented.

**Approved By**

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

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS  
ADOPTING AN OPERATING BUDGET FOR THE FISCAL YEAR 2018-2019.**

WHEREAS, applicable law requires the City of Montgomery, Texas to adopt a budget for the fiscal year 2018-2019; and

WHEREAS, a budget has been prepared for the fiscal year 2018-2019 as set forth in Exhibit "A" hereto and

WHEREAS, notice having been first given in the manner provided by law, the City Council conducted a public hearing upon such proposed budget; and

WHEREAS, the City Council has considered the proposed budget and made such changes as it considers warranted by law and in the best interest of the municipal taxpayers:

THEREFORE, BE IT ORDAINED by the City Council of the City of Montgomery, Texas:

Section 1. That the budget, including estimated revenues and proposed expenditures within the General Fund and each Special Fund is hereby approved and adopted as the Municipal Budget for the Fiscal Year beginning October 1, 2018 and ending September 30, 2019.

Section 2. That the monies set out within each fund are hereby appropriated out of each such respective fund for the payment of expenses lawfully attributable to such fund, all as itemized in the budget.

Section 3. That the budget may be amended from time to time as provide by law for the purposes of authorizing emergency expenditures or for municipal purposes, provided however, no obligation shall be incurred or any expenditure made except 'in conformity with the budget.

Section 4. That the City Administrator may, at any time, transfer any unencumbered appropriate from one line item to another line item within the same department, provided however, that no unencumbered appropriation may be transferred from one department to another except upon the express approval of the City Council.

Section 5. That the Mayor of the City of Montgomery, Texas, be, and is hereby authorized to execute the Ordinance on behalf of the City of Montgomery, Texas and the City Council.

PASSED THIS THE 11th day of September, 2018.

CITY OF MONTGOMERY, TEXAS

\_\_\_\_\_  
Mayor Sara Country

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry Foerster, City Attorney

Montgomery City Council  
**AGENDA REPORT**

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

**Subject**

This is to set the Ad Valorem tax rate for Maintenance and Operation at .2058.

**Description**

This is part of the lowering of the overall tax rate from .4155 to .4000

**Recommendation**

Motion to approve the Ad Valorem tax rate for Maintenance and Operation at .2058

**Approved By**

City Administrator

Jack Yates

Date: September 6, 2018

Montgomery City Council  
**AGENDA REPORT**

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

**Subject**

This is to set the Ad Valorem tax rate for Debt Service at .1942.

**Description**

This is part of the lowering of the overall tax rate from .4155 to .4000

**Recommendation**

Motion to approve the Ad Valorem tax rate for Debt Service at .1942.

**Approved By**

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

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits: Ordinance</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to consider adopting the 2018 – 19 tax rate at .4000 per \$100 of valuation

**Description**

The reduction from .4155 to .4000 is based upon the assessed valuation of the City and the overall finances of the city.  
The rate is made up of . .2058 for the general fund operation and maintenance and .1952 for the debt service of the city

**Recommendation**

Approve the ordinance setting the tax rate at .4000, as presented.

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------

ORDINANCE NO. \_\_\_\_\_

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.

WHEREAS, the appraisal roll of the City of Montgomery, Texas (the City) for 2018 has been prepared and certified by the Central Appraisal District and submitted to the City's tax assessor/collector; and

WHEREAS, the City's tax assessor w/collector has submitted the appraisal roll for the City showing \$18,381,408 total appraised, assessed and taxable value of all property and the total taxable value of new property to the City; and

WHEREAS, following notice and hearing in accordance with applicable legal requirements and based upon said appraisal roll, the City Council has determined a tax rate to be levied for 2018 sufficient to provide the tax revenues required by the City;

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

Section 1. That an ad valorem tax rate of \$0.4000 per one hundred dollars (\$100.00) assessed valuation is hereby adopted for the 2018 calendar year, such rate consisting of the following specified components:

- a) For maintenance and operations, \$0.2058 per one hundred dollars (\$100.00) assessed valuation.
- b) For debt service \$0.1942 per one hundred dollars (\$100.00) assessed valuation.

Section 2. That an ad valorem tax for the 2018 calendar year in the amount established by the rate hereinabove provided is hereby levied and assessed on all taxable property, real, personal and mixed, situated within the corporate limits of the City of Montgomery, Texas and not otherwise exempt under the Constitution and laws of the State of Texas.



Section 3. That all taxes levied by virtue of this Ordinance shall be due and payable not later than the 31st day of January 2019, and if then not paid, shall be subject to penalties and interest in the manner provided by law.

Section 4. That the Montgomery County tax assessor-collector is hereby authorized to assess and collect the taxes of the City of Montgomery, Texas, employing the above tax rate.

Section 5. That all ordinances and parts of ordinances in conflict with this Ordinance be and the same are hereby repealed to the extent of said conflict.

Section 6. That this ordinance shall take effect immediately of and from the date of adoption.

**THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

**THE TAX RATE WILL EFFECTIVELY BE RAISED BY ONE PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$5.80.**

Those Members Present Were:

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

Those Members Voting For:

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

Those Members Voting Against:

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

Those Members Present, but Not Voting:

- |          |          |
|----------|----------|
| 1. _____ | 2. _____ |
|----------|----------|

Those Members Absent:

I. \_\_\_\_\_

PASSED AND ADOPTED this the 11th day of September, 2018.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry Foerster, City Attorney

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: Annexation Petition, Resolution calling public hearings</b>
<b>Date Prepared: September 6, 2018</b>	

**Subject**

This is to set two public hearings regarding annexation of a 1.758 tract of land to be annexed to the city with the owner being Al Cade and Debbie Cade.

**Description**

This is a request from the Cade's to annex a tract of land that is directly south of the NAPA store on State Highway 105. It is now completely surrounded by the city. Mr. Cade recently purchased the property, and after discovering that he could not get a septic tank permit from the County because of utilities being available, he has decided to apply for annexation.

**Recommendation**

Motion to approve the resolution calling for public hearings for October 9 and October 23 at 6:00 p.m. at the City Hall

**Approved By**

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



# CITY OF MONTGOMERY

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

ACCOUNT #

## New Commercial Water & Sewer Application

Name of Applicant/Company: Al Cade Cade Country  
 Contact Person: Al Cade  
 Mailing Address: 22491 Hwy 105W (16818 Arrow Chapel Rd)  
 City, State, Zip: Montgomery TX 77356 77316  
 Phone# 936-527-2930 Fax# \_\_\_\_\_  
 Driver's License: 11551708 Last 4, digits of SSN#/TAX ID 6047  
 Service Address: 22491 Hwy 105W Email: al.cades@rcol.com  
 Service Requested (circle applicable service): Water \_\_\_\_\_ Sewer \_\_\_\_\_ Both \_\_\_\_\_  
 Signature of Applicant: [Signature] Date: 8-27-18

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

411

-----  
**FOR CITY USE ONLY**

Application received/paid: \_\_\_\_\_

Date Service Connected: \_\_\_\_\_

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

Fire Line Tap: \_\_\_\_\_ CSI Fee: \$100.00

Irrigation Water Tap Fee: \_\_\_\_\_ Deposit: \$250.00

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

Other: \_\_\_\_\_

Total Fee: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

PETITION REQUESTING ANNEXTION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF MONTGOMERY, TEXAS

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

*Motes and Bounds attached as Exhibit "A".*

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

Signed: Debra Cadet

Signed: [Signature]

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared DEBRA CADET, known to me to be the person whose name is subscribed to the forgoing instrument and each acknowledged to me that he executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 5th day of September, 2018.

[Signature]  
Notary Public in and for the State of Texas

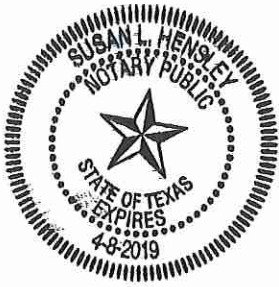


STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared AL CADE, known to me to be the person whose name is subscribed to the forgoing instrument and each acknowledged to me that he executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 9th day of September, 2018.

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



"Exhibit A"

E-Recording Number:  
09-171896 MP  
Date: \_\_\_\_\_

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

**GENERAL WARRANTY DEED**

**Date:** February 6, 2018

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

**Grantor's Mailing Address:**

19910 HIGHWAY 30  
BEDIAS, TEXAS 77876

**Grantee:** AL CADE and DEBBIE CADE, a married couple

**Grantee's Mailing Address:**

16818 RABON CHAPEL ROAD  
MONTGOMERY, TEXAS 77316

**Consideration:**

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

**Property (including any improvements):**

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

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

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

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

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

16-33865-P

NO. 16-33865-P

IN THE ESTATE OF  
BRUCE CARROLL,  
DECEASED

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

**AMENDED DECREE CONFIRMING SALE OF REAL PROPERTY**

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

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

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

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

SIGNED \_\_\_\_\_

Signed: 1/30/2018 02:41 PM

JUDGE PRESIDING

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



Mark Turnbull, County Clerk  
Montgomery County, Texas

by Sandy Knight Deputy

Issued JAN 31 2018



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

A tract of land containing 1.758 acres comprised of 0.22 acres in the Benjamin Rigby Survey, Abstract No. 31 and 1.538 acres in the Zack Landrum Survey, Abstract No. 22, both in Montgomery County, Texas. Said 1.758 acres being out of and a part of a 6.75 acre tract conveyed by deed from Mary A. Hooker to Hy. C. Furlow and recorded in Vol. 38, Page 217 of the Deed Records of Montgomery County, Texas and also being out of and part of a 0.99 acre tract conveyed by deed dated November 17, 1928 from Mrs. W.H. Bailey to H.C. Furlow and recorded in Volume 120, Page 202 of the Deed Records of Montgomery County, Texas.

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

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

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

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

Thence S 75 deg 15' along said edge of old abandoned road 225.30 feet to a 1" G.I.P.;

Thence N 6 deg 29' E 405.5 feet to the place of beginning, containing 1.758 acres of land.

"Note: The Company does not represent that the acreage or square footage calculations are correct"



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



Mark Turnbull, County Clerk  
Montgomery County, Texas

by Sandy A. Zuzick Deputy

Issued JAN 31 2018

RESOLUTION NO. \_\_\_\_\_

**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**

**WHEREAS**, the City has received a Petition Requesting Annexation of a contiguous tract of land of 1.758 acres owned by AL CADE and wife DEBBIE CADE, containing 0.22 acres in the Benjamin Rigsby Survey, Abstract No. 31 and 1.538 acres in the Zack Landrum Survey, Abstract No. 22, which tract is contiguous to the city limits and within the extraterritorial jurisdiction of the City of Montgomery, described by metes and bounds hereto in the Exhibit "A"; and

**WHEREAS**, the City Council finds that the above described tract of land is contiguous to the city limits and within its extraterritorial jurisdiction; and that it is vacant and without residents, or on which fewer than three qualified voters reside; and

**WHEREAS**, having considered the Petition and the arguments for and against the proposed annexation, the City Council believes it is appropriate and in the best interest of the City of Montgomery and its citizens that this Petition requesting annexation be granted;

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

**SECTION 1.** The City Council hereby adopts the above recitals set out in the preamble to this Resolution as a true and correct finding.

**SECTION 2.** The City Council grants and approves the Petition requesting annexation of 1.758 acres of land, more or less, as described by meters and bounds in the Exhibit "A" attached hereto.

**SECTION 3.** On the 9<sup>th</sup> day of Octobrt, 2018, at 6:00 p.m. o'clock and again on the 23<sup>rd</sup> day of October, 2018, at 6:00 p.m. o'clock, in the City Council Chamber of the

City Hall of the City of Montgomery, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Montgomery, Texas of the following described tract of land, to wit:

Being a contiguous tract of land of 1.758 acres, containing 0.22 acres in the Benjamin Rigsby Survey, Abstract No. 31 and 1.538 acres in the Zack Landrum Survey, Abstract No. 22, which tract is contiguous to the city limits and within the extraterritorial jurisdiction of the City of Montgomery, described by metes and bounds in the attached Exhibit "A"; and

**SECTION 4.** The City Secretary of the City of Montgomery is hereby authorized and directed to cause notice of each public hearing to be published once in a newspaper having general circulation in the City and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act. The City Secretary shall also make available to the public the City Annexation Service Plan.

PASSED AND APPROVED this \_\_\_\_\_ day of September 2018.

CITY OF MONTGOMERY, TEXAS

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry L. Foerster, City Attorney

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: Ordinance with accompanying map</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to approve an increase to the Centerpoint Natural Gas Franchise service area.

**Description**

This is a request from Centerpoint to expand their franchise (their allowed service area) as shown the attached map which includes an area south of Waterstone subdivision including Lone Star Pkwy. and to take in the Grandview subdivision.

Centerpoint rates are considerably lower than LDC. The franchises for Centerpoint nor for LDC are exclusive – meaning if the service areas overlap is up to the customer to decide which gas company achieves for their service. This expansion gets a Centerpoint line closer to Buffalo Springs subdivision, but the current request does not include that subdivision.

**Recommendation**

Motion to approvet he ordinance

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------

ORDINANCE NO. \_\_\_\_\_

**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.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY:**

**Section 1.** City of Montgomery Ordinance No. 2015-16 is amended as follows:

**AMENDMENT AND RESTATEMENT**

Exhibit A of Ordinance No. 2015-16 (herein stricken) is amended and restated in its entirety by replacing it with the Exhibit A attached to this Ordinance.

**(END OF AMENDMENTS)**

**Section 2.** All other provisions of Ordinance No. 2015-16 not amended hereby shall continue in force and effect.

**Section 3:** CenterPoint Energy Resources Corp. (the "Company") shall, within thirty (30) days following the final passage and approval of this Amendment, file with the City Secretary of the City this Ordinance executed in the space below or a written statement signed in its name and behalf in the following form:

To the Honorable Mayor: and City Council of the City of Houston:

CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, its successors and assigns, hereby accepts the attached Amendment to Ordinance No. 2009-05 and agrees to be bound by all of its terms and provisions."

CENTERPOINT ENERGY RESOURCES  
CORP., DBA CENTERPOINT ENERGY  
TEXAS GAS OPERATIONS

By:

\_\_\_\_\_  
Randal M. Pryor, Vice President  
Texas Gas Operations

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**Section 4: Effective Date.** This Ordinance amends the City of Montgomery Ordinance No. 2015-16 and shall take effect as of the date of Company's acceptance in Section 4 of this Ordinance.

Read in full, passed and adopted on first reading at a regular meeting of the City Council of Montgomery, Texas on the \_\_\_\_ day of August 2018, and approved by the Mayor.

APPROVED:

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

ATTEST:

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

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Larry Foerster, City Attorney

THE STATE OF TEXAS

§

COUNTY OF MONTGOMERY

§

§

I, the duly appointed, qualified and acting City Secretary of Montgomery, Texas, do hereby certify that the above and foregoing ordinance was passed and adopted on first reading at a regular meeting of the City Council of said Montgomery, Texas, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the City Hall for at least 72 hours preceding the day of said meeting; that the Mayor Sara Countryman, and City of Montgomery Council members:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

were present at said meeting and acted as the Council throughout; that the same has been signed and approved by the Mayor and is duly attested by the City Secretary; and that the same has been duly filed with the City Secretary and recorded by the City Secretary in full in the books kept for the purpose of recording the ordinances of the City of Montgomery.

EXECUTED under my hand and the official seal of the seal of the City of Montgomery, Texas at said City, this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Susan Hensley, City Secretary  
City of Montgomery, Texas

[SEAL]

## **EXHIBIT A**

### **~~TO CITY OF MONTGOMERY ORDINANCE NO. 2009-05, AS AMENDED~~**

~~This Exhibit A consists of 11 pages, including this cover page, and contains descriptions of three tracts of land within the City of Montgomery, Texas:~~

~~Tract 1. A metes and bounds description of a 155.2494 acre tract situated in the John Corner Survey, Abstract 8, and the Owen Shannon Survey, Abstract 366 (6 pages);~~

~~Tract 2. A metes and bounds description of a 78.860 acre tract situated in the Owen Shannon Survey, Abstract Number 36 (2 pages); and~~

~~Tract 3. A metes and bounds description of a 21.227 acre tract situated in the Owen Shannon Survey, Abstract Number 36 (2 pages).~~



## **EXHIBIT A**

### **TO CITY OF MONTGOMERY ORDINANCE NO. 2015-16, AS AMENDED AND RESTATED**

This Exhibit A consists of 11 pages, including this cover page, and contains metes and bounds descriptions of Tracts 1-3 within the City of Montgomery, Texas:

- Tract 1. A metes and bounds description of a 155.2494 acre tract situated in the John Corner Survey, Abstract 8, and the Owen Shannon Survey, Abstract 366 (6 pages);
- Tract 2. A metes and bounds description of a 78.860 acre tract situated in the Owen Shannon Survey, Abstract Number 36 (2 pages); and
- Tract 3. A metes and bounds description of a 21.227 acre tract situated in the Owen Shannon Survey, Abstract Number 36 (2 pages).

This Exhibit A also includes Tracts 4-6 in the City of Montgomery, Texas, which do not contain metes and bounds descriptions per agreement by the Parties:

- Tract 4. A 23.1785 tract or parcel of land as described in a DONATION DEED from Philip Lefevre and wife, Holly Lefevre to Montgomery County, Texas filed of record under Montgomery County Clerks file number 2004-134115, Film Code 722-10-1348;
- Tract 5. All of the FINAL PLAT OF GRANDVIEW SECTION TWO, filed of record under File No. 2006-029446, CABINET Z, SHEET 280 through SHEET 283, MONTGOMERY COUNTY, TEXAS Map Records; and
- Tract 6. All of the FINAL PLAT OF BUFFALO CROSSING, filed of record under File No. 2009-058569, CABINET Z, SHEET 1642 through SHEET 1644, MONTGOMERY COUNTY, TEXAS Map Records.



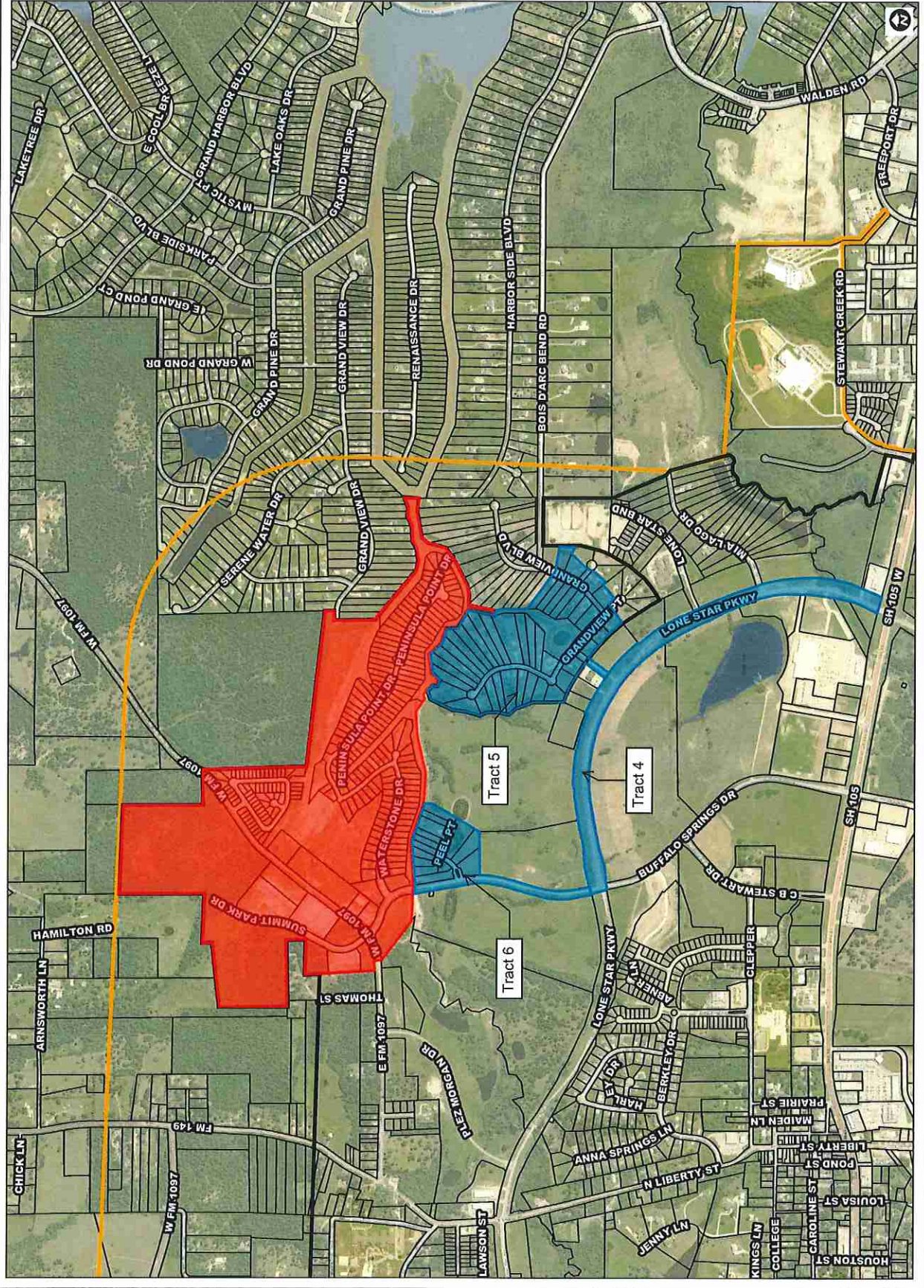
- LEGEND**
- City ETJ
  - MCAD Property Info
  - City Limits
  - Existing Property within CenterPoint Franchise Agreement Area
  - Proposed Additional Property for CenterPoint Franchise Agreement Area

1 inch equals 1250 Feet



**CenterPoint  
Franchise Agreement  
Area**

**Disclaimer**  
This product is offered for informational purposes, and may not have been prepared for, or be suitable for, legal, tax, or investment advice. It is not intended to be relied upon for any purpose. It is not a contract, and it does not constitute an offer of insurance or any other financial product. The information contained herein is not intended to be used as a substitute for professional advice. No express or implied warranties are made by Jones & Carter, Inc. concerning the accuracy, completeness, or timeliness of the information contained herein. This map was automatically generated using Geospatial Information.



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b> Basic information about request
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to approve a public hearing regarding zoning requested for 2580 and 2560 Lone Star Pkwy. as requested by Larry Jacobs

**Description**

This is to call public hearing regarding the zoning request. The recommended date is October 23 at 6:00

**Recommendation**

Motion to approve setting a public hearing for October 23 at 6 p.m. for the rezoning of property located at 2580 Lone Star Pkwy. from ID (Industrial) to R-2 (multifamily) and 2560 Lone Star Pkwy. from ID (Industrial) to B (Commercial)

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------




City of Montgomery  
Jack Yates  
Montgomery, TX 77356  
August 20, 2018

Dear Mr. Yates,

I am the owner of the attached described property. I request that the approximate 5 acres to the north, marked on the map as "R-2", be re-zoned from "I-D-Industrial" to R-2 Multi-family. I also request that the approximate 2 acres on the southern portion, marked "B" be re-zoned from "I-D" Industrial" to "B-Commercial".

I look forward to discussing my property with Planning and Zoning members at the next meeting. In the meantime, if you have any questions, please feel free to contact me.

Sincerely,

  
Larry Jacobs  
Owner

Attached:

Check  
Property maps - 2

RECEIVED BY:  
AUG 20 2018  
AUTUMN REDMAN  
City of Montgomery

936.597.3301

[txland.com](http://txland.com)

[larrytxland@gmail.com](mailto:larrytxland@gmail.com)



Farms \* Ranches \* Homesites \* Investment \* Commercial Services  
P.O. Box 1370 14372 Liberty Street Montgomery, TX 77356

**SURVEY OF  
5.00 ACRES**

LOCATED IN THE            SURVEY, ABSTRACT NO. 31  
 BASED ON THE DEED THEREOF RECORDED IN  
 COUNTY CLERK'S FILE 2013-11521  
 THE DEED RECORDS MONTEGOMERY COUNTY, TEXAS  
 REP: CLOCKSTON O.P. 160281 DATE: FEB 11, 2017

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, AND TO THE  
 BEST OF MY KNOWLEDGE, THIS PLAT CORRECTLY REPRESENTS THE FACTS AT  
 THE TIME OF THE SURVEY AND THAT THERE ARE NO UNDISCOVERED ENCUMBRANCES,  
 UNPAID TAX LIABILITIES, OR CONTRACTS EXCEPT AS SHOWN HEREON.

*Steven Laughlin*  
 STEVEN LAUGHLIN RFLS 83374



BENJAMIN RICESEY SURVEY  
 A-31

EVANS HEIRS  
 Vol 1059, Pg 35  
 D.P.M.C.TX

N 88°44'24" E

ROLL DAB

**R-2**

6.00 Acres  
 007' 01"  
 49.88 ACRES  
 CF#2007-116280  
 R.P.M.C.TX

REMAINDER OF  
 43.88 ACRES  
 CF#2007-116280  
 R.P.M.C.TX

4.00 ACRE  
 Vol 1080, Pg 136  
 D.P.M.C.TX

LONESTAR COMMUNITY  
 CENTER  
 DAB 2, BHT 1970  
 H.M.C.TX

RESTRICTED  
 RESERVE "B"  
 2.00 ACRES

RESTRICTED  
 RESERVE "A"

REMAINDER OF  
 43.88 ACRES  
 CF#2007-116280  
 R.P.M.C.TX

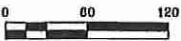
**R-2**

AREAS WITHIN ZONE "A"  
 AS SHOWN ON PLOT PLAN

AREAS WITHIN ZONE "A"  
 AS SHOWN ON PLOT PLAN

AREAS WITHIN ZONE "A"  
 AS SHOWN ON PLOT PLAN

ACCESS DRIVE  
 BLIND



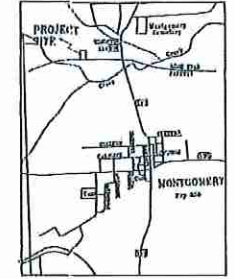
**SURVTECH**

SURVEYORS  
 PLANNERS

"A Land Surveying Company"

P.O. BOX 1030 COVINGE, TEXAS 77305-1030  
 936-539-5144 FAX 936-539-5142  
 EMAIL: survtech@survcorp.com

LONESTAR PARKWAY  
 CF# 2008-071876, 2008-114110  
 (VARIABLE WIDTH R.O.W.)



**SURVEYOR'S NOTES**

- 1) THE DEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT.
- 2) THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY.
- 3) THIS SURVEY RELIES ON THE TITLE DOCUMENT FROM CADREPUBLIC TITLE COMPANY D.P.M.C. 115110 DATED FEB 21, 2017, FOR ALL TYPINGS OF RECORDS.
- 4) SURVEYOR HAS MADE NO INVESTIGATION OR PREPAREMENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, UNPAID TAX, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH WOULD REVEAL.
- 5) ALL ADJACENT DEED INFORMATION MAY NOT REPRESENT CURRENT OWNER OR OWNERS.
- 6) EASEMENTS RECORDED IN CF# 2011-073311 & 2016-114110 DOES NOT EFFECT SUBJECT TRACT.

**ZONING DATA**

SUBJECT PROPERTY LIES WITHIN THE CITY OF MONTGOMERY, TEXAS

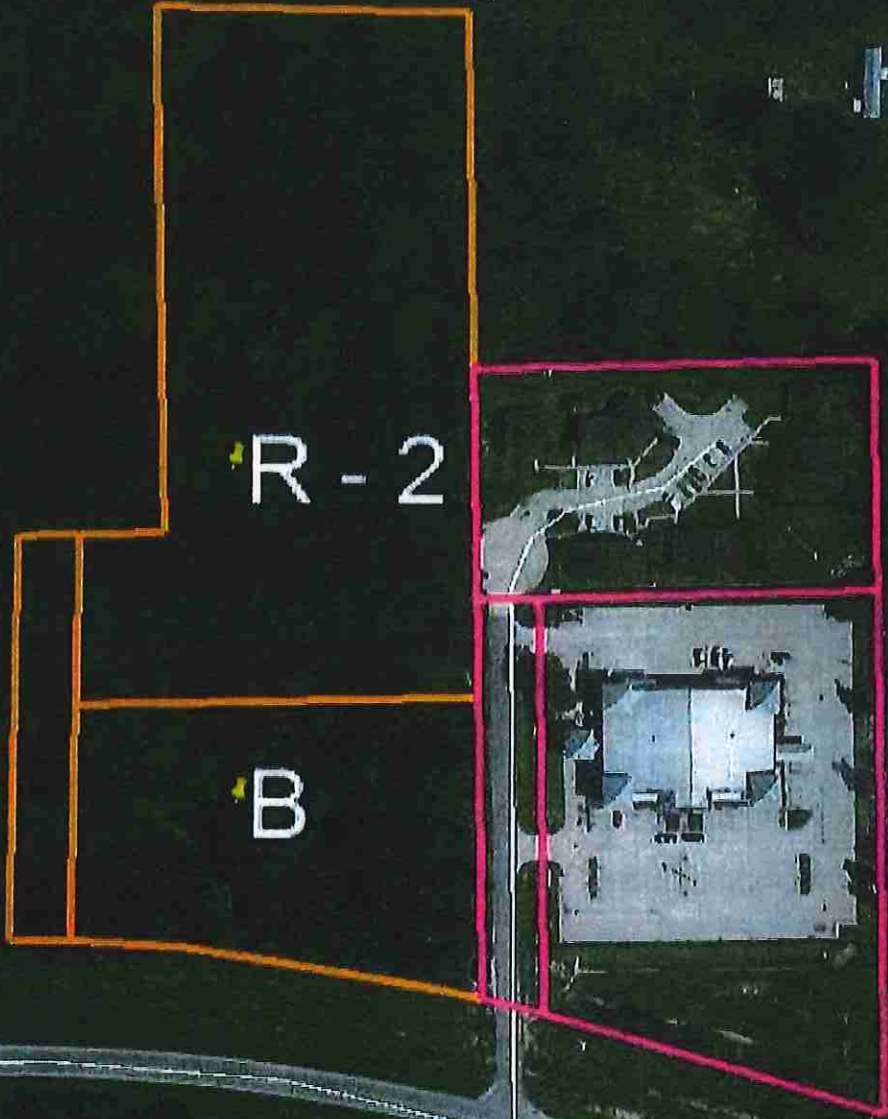
**ACCESS NOTE**

UPON RECORDING, SURVEY 587 SHALL HAVE ACCESS TO THE LONESTAR PARKWAY VIA THE EB ACCESS AGREEMENT ALONG THE WESTERLY LINE OF THE 3.63 ACRE TRACT AS SHOWN HEREON!

- SANITARY CLEANOUT
- ROAD SIGN
- IRRIGATION CONTROL
- GRATE INLET
- GAS VALVE
- WATER VALVE
- LIGHT POLE
- ⌘ POWER POLE
- ⌘ ELECTRIC TRANS. BOX
- FIRE HYDRANT
- SANITARY SEWER
- STORM SEWER
- TELEPHONE PFD
- LIGHT POLE
- ⌘ FLAG POLE
- FIBER OPTIC MANHOLE
- ⌘ TRAFFIC SIGNAL
- FUEL LINE MANHOLE
- WATER METER
- HANDLE
- METER POLE

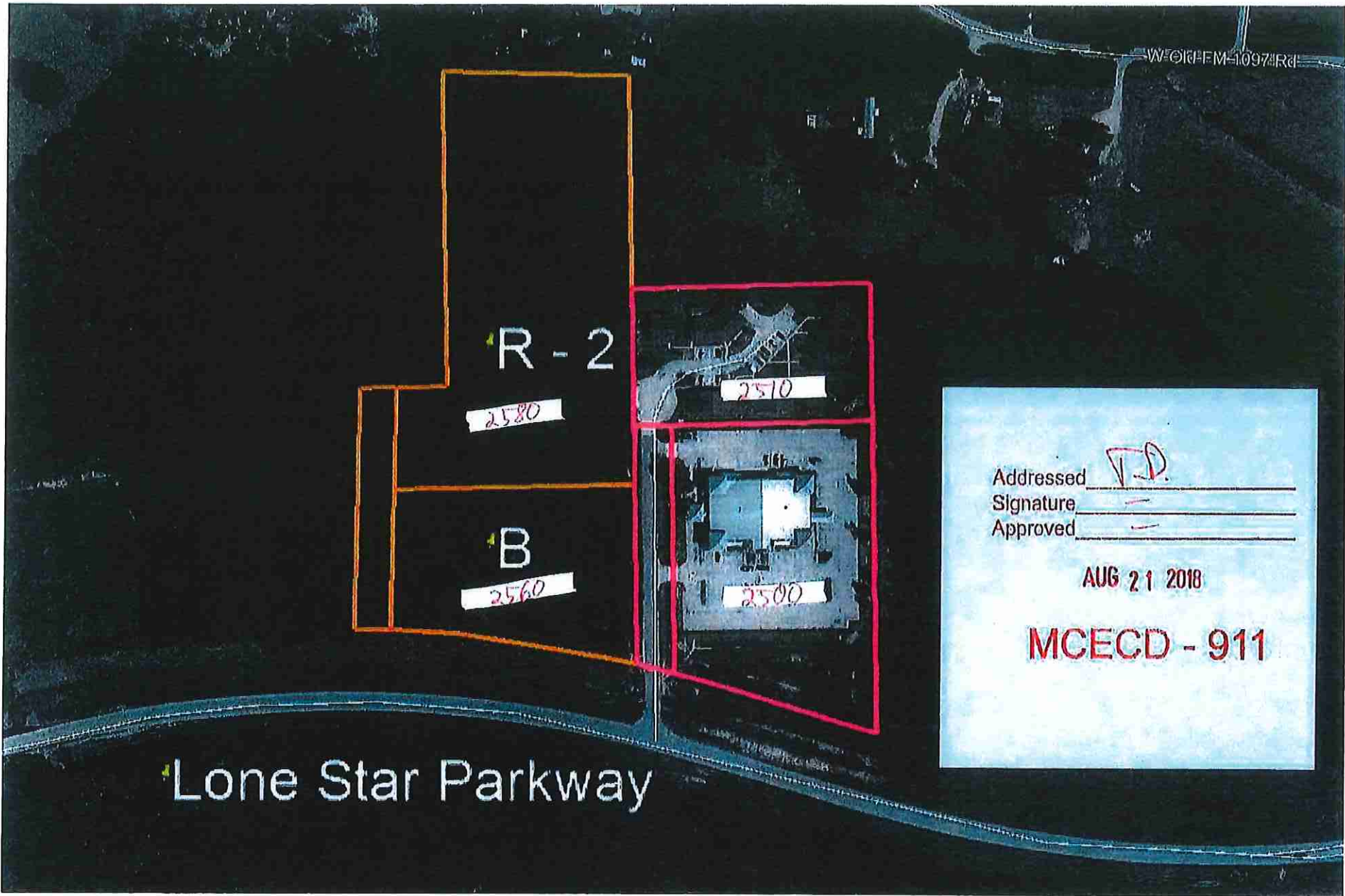
**NOTES**

- 1) L.L. = BUILDING LINE
- 2) U.C. = UTILITY EASEMENT
- 3) P.R.C.TX. = REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS.
- 4) M.H.C.TX. = MAP RECORDS OF MONTGOMERY COUNTY, TEXAS
- 5) ALL PROPERTY CORNERS ARE 5/8" IRLS, UNLESS OTHERWISE NOTED.
- 6) BY GRAPHIC SCALING ONLY THIS PROPERTY IS WITHIN A DESIGNATED FLOOD HAZARD AREA ACCORDING TO FEMA FIRM MAP NO. 1403314A(0) B, DATED AUG 18 2014.



Lone Star Parkway

2560 & 2580 Lone Star Pkwy, Montgomery, Tx. 77356



Addressed V.D.  
Signature \_\_\_\_\_  
Approved \_\_\_\_\_

AUG 21 2018

**MCECD - 911**

Lone Star Parkway

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits: City Engineer memo</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to approve a Vacating Plat of Lone Star Parkway North, Section 1, as requested by the Carwile Family Partners, LP and partially by CWS Propane.

**Description**

This is to act on a vacating of the plat and submission of a new plat as explained by the city engineer in his memo. The plat is in the ETJ area of the city, but subdivision in the ETJ falls upon the city—City Attorney can explain.

**Recommendation**

Motion to approve the vacating plat of Lone Star Parkway North, Section 1 submission including the preservation of the existing 16 foot utility easement along the southern boundary of the Reserve.

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------





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

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'.

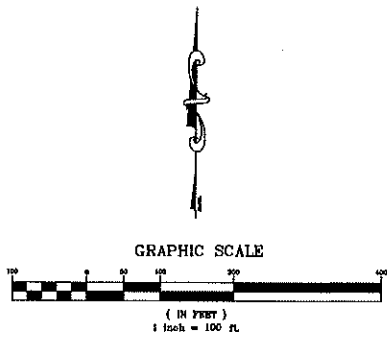
Chris Roznovsky, PE  
Engineer for the City

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**

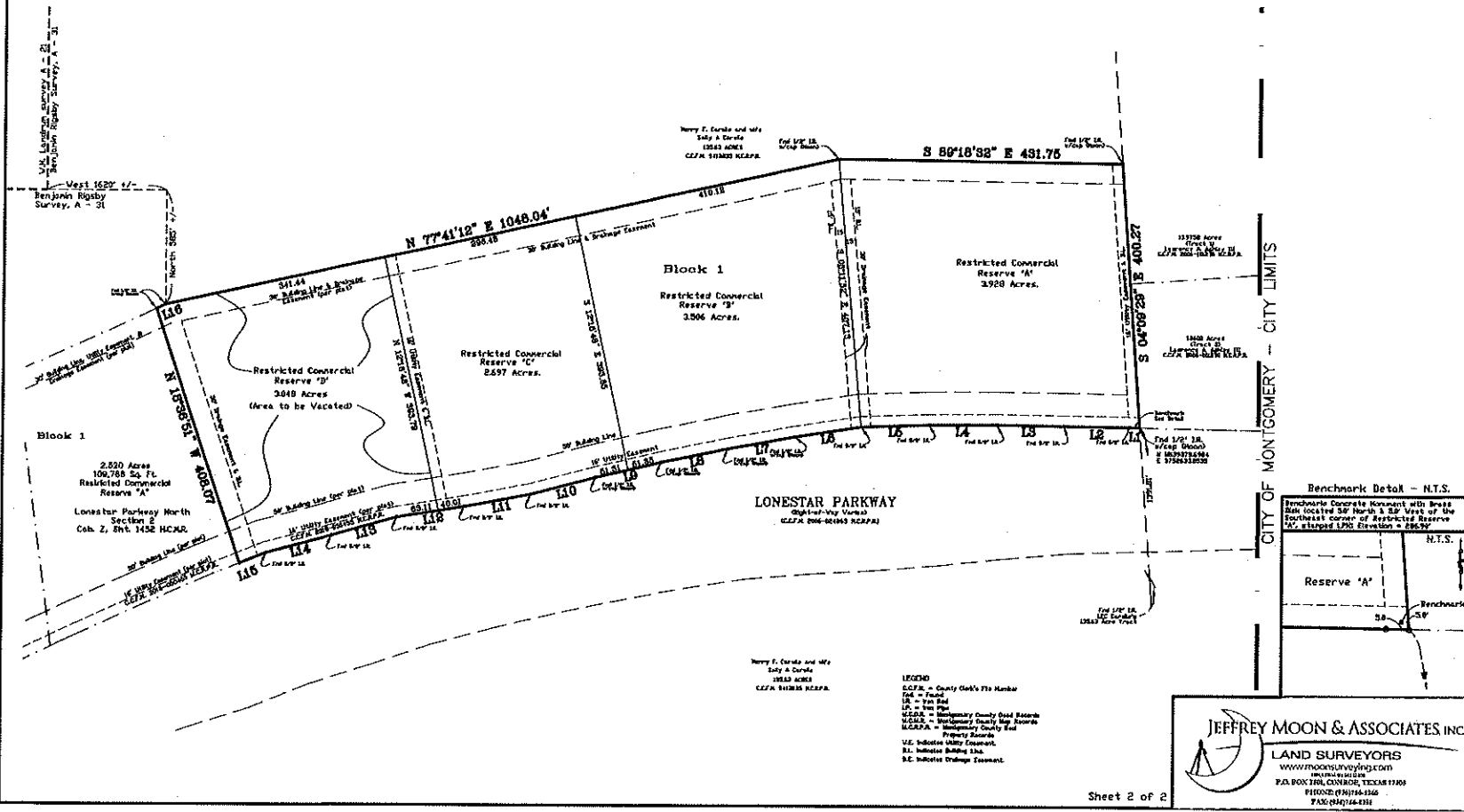
SECTION ONE  
 A SUBDIVISION OF 13.179 ACRES  
 OF LAND IN THE  
 BENJAMIN RIGSBY SURVEY, A - 31  
 MONTGOMERY COUNTY, TEXAS  
 CONTAINING 4 RESTRICTED COMMERCIAL RESERVES  
 IN 1 BLOCK

April, 2018  
 Reason for plat is to vacate Restricted Commercial Reserve "D"  
 OWNER/DEVELOPER

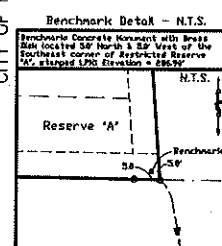
Carroll Family Partners, L.P.  
 P.O. Box 180 Montgomery, Texas 77396  
 (940) 397-8111  
 FAX (940) 397-4305  
 hcarroll@carroll.com  
 as to Reserve "D"

CVS8 Property, LLC  
 415 A. Foster, Conroe, Texas 77385  
 (936) 339-3104  
 FAX (936) 339-1167  
 rick@cv8property.com  
 as to Reserves "A", "B", "C", & "E"

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°33'38"W	102.88
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	S73°16'01"W	102.80
L12	S88°52'38"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	15.06



CITY OF MONTGOMERY - CITY LIMITS



LEGEND  
 E.C.F.N. = County Clerk's File Number  
 F.M. = Foot  
 I.R. = Iron Rod  
 M.C.A. = Montgomery County Deed Record  
 M.C.R.S. = Montgomery County Map Records  
 M.C.A.P.A. = Montgomery County Plat  
 Property Record  
 V.E. = Indicate Utility Easement  
 R.I. = Indicate Right of Way  
 S.E. = Indicate Drainage Easement

**JEFFREY MOON & ASSOCIATES, INC.**  
 LAND SURVEYORS  
 www.moonandsurveyors.com  
 moon@moonandsurveyors.com  
 P.O. BOX 1794, CONROE, TEXAS 77385  
 PHONE: (936) 339-1166  
 FAX: (936) 339-1138

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits: City Engineer memo</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to approve a Vacating Plat of Lone Star Parkway North, Section 2, as requested by the Carwile Family Partners, LP and partially by CWS Propane.

**Description**

This is to act on a vacating of the plat and submission of a new plat as explained by the city engineer in his memo. The plat is in the ETJ area of the city, but subdivision in the ETJ falls upon the city—City Attorney can explain.

**Recommendation**

Motion to approve the vacating plat of Lone Star Parkway North, Section 2 submission including the preservation of the existing 16 foot utility easement along the southern boundary of the Reserve.

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------



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

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

K:\W5841\W5841-0900-00 General Consultation\Plan Reviews\Plan Review Letters\Lonestar Parkway North Plats\VACATING PLAT APPROVAL  
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 RIGSBY SURVEY, A-31  
 MONTGOMERY COUNTY, TEXAS  
 CONTAINING 2 RESTRICTED COMMERCIAL RESERVES  
 IN BLOCK 1  
 Reason for plat is to vacate this subdivision in its entirety.

**OWNER/DEVELOPER**

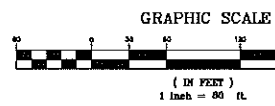
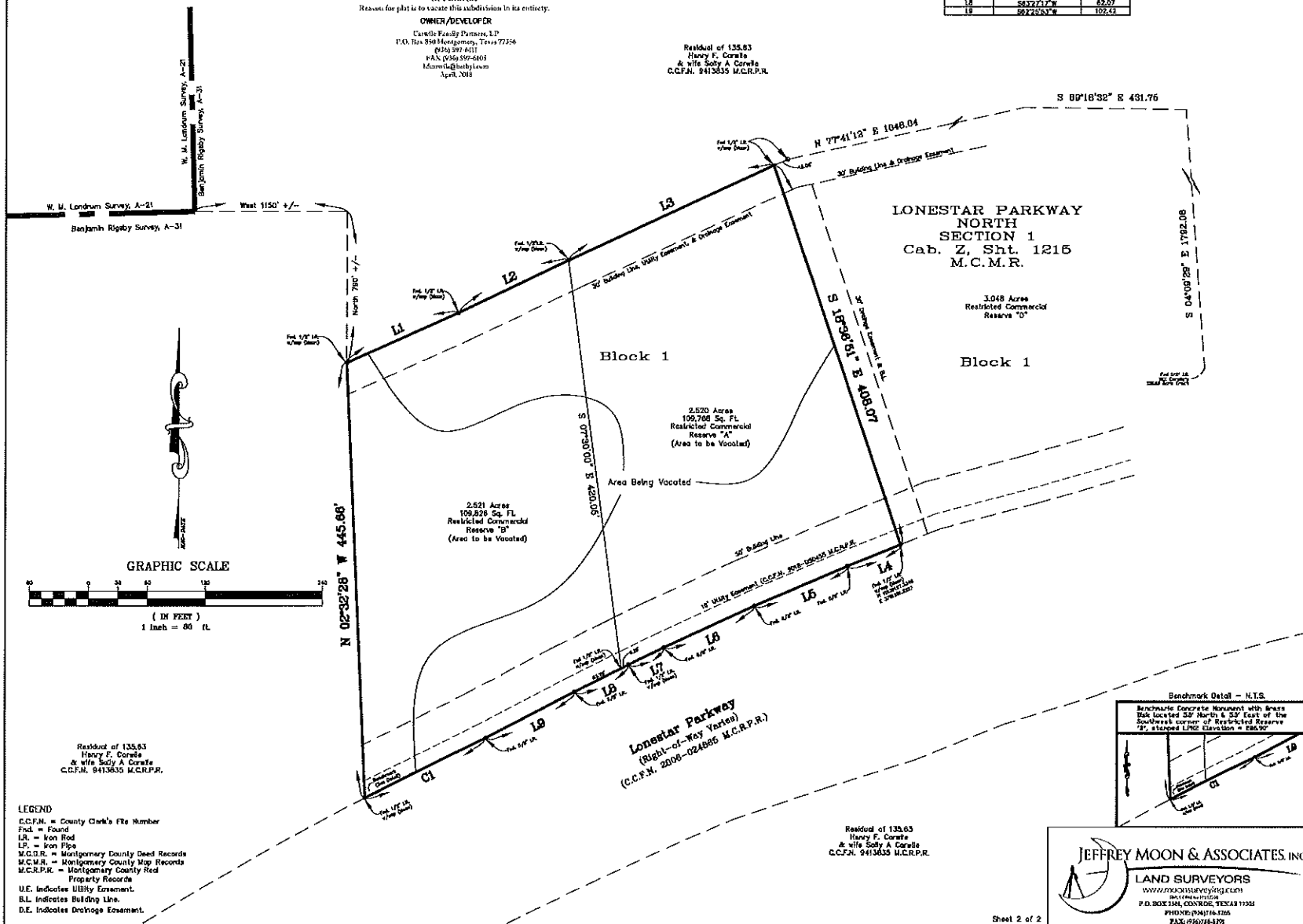
Carroll Family Partners, L.P.  
 P.O. Box 890 Montgomery, Texas 77135  
 P:505.397.6111  
 F:505.397.6103  
 M:carroll@carrollfamily.com  
 April 2008

Residual of 135.63  
 Henry F. Corale  
 & wife Sally A. Corale  
 C.C.F.N. 9413635 M.C.R.P.R.

CURVE TABLE			
CURVE	Radius	Length	Chord Bearing & Distance
C1	4962.80	137.90	S 80°18'32" E 431.76

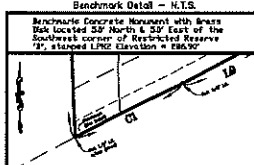
  

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 82°32'28" W	445.66
L2	N 77°41'12" E	1048.04
L3	S 80°18'32" E	431.76
L4	S 84°30'31" W	40.54
L5	S 84°30'31" W	40.54
L6	S 84°30'31" W	40.54
L7	S 84°30'31" W	40.54
L8	S 84°30'31" W	40.54
L9	S 84°30'31" W	40.54



Residual of 135.63  
 Henry F. Corale  
 & wife Sally A. Corale  
 C.C.F.N. 9413635 M.C.R.P.R.

**LEGEND**  
 C.C.F.N. = County Clerk's File Number  
 Fed. = Found  
 I.R. = Iron Rod  
 I.P. = 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 Record Property Records  
 U.E. Indicates Utility Easement.  
 B.L. Indicates Building Line.  
 D.E. Indicates Drainage Easement.



Residual of 135.63  
 Henry F. Corale  
 & wife Sally A. Corale  
 C.C.F.N. 9413635 M.C.R.P.R.

**JEFFREY MOON & ASSOCIATES, INC.**  
 LAND SURVEYORS  
 www.moonandassociates.com  
 281.466.9700  
 P.O. BOX 1348, CONROE, TEXAS 77384  
 PHONE: (281) 466-9700  
 FAX: (281) 466-9700

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits: City Engineer memo</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to approval or denial for 4 variances regarding the Louisa Street development.

**Description**

This is to consider the four variances requested. As explained in the City Engineer memo. The Planning Commission will consider these variances requests at a Special September 10<sup>th</sup> meeting – I will report on the recommendation at the City Council meeting.

**Recommendation**

Motion to approve the variances that you choose to approve.

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------





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

August 23, 2018

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

Re: Variance Request  
Louisa Street Single-Family Development (Dev. No. 1809)  
City of Montgomery

Commission Members:

The Developer of the proposed single-family development on Louisa Street plans to proceed with the development as a gated community with private streets and private drainage facilities. Per Section 38-76 of the City of Montgomery Code of Ordinances specifies that all the general provisions of Chapter 78 apply to both public and private streets. The Developer is requesting the following variances from the City's Code of Ordinances and Design Manual:

- Section 1.06 (1) of the City's Design Criteria Manual states the use of Hot Mix Asphalt Concrete ("HMAC") must be approved the City Engineer and receive a variance from City Council. The Developer is requesting a variance to allow the use of HMAC instead of concrete.
- Section 78-125 (2) of the City's Code of Ordinances require the use of curb and gutter where lots widths or less than 100 feet and allows for open ditch drainage where the lot width is 100 feet or greater. Most, but not all, of the lots within the development are greater than 100 feet in width per the preliminary land plan. The Developer is requesting a variance to allow the use open ditch drainage throughout the development.
- Section 78-87(i) specifies that the minimum radius allowed for residential streets is 300'. The Developer is requesting a variance from a 300' radius to a 205' radius where the proposed private street connects with existing Louisa Street.
- Section 78-87(j) sets the maximum length for a dead-end (cul de sac) street with a permanent turn around to be 800 feet. The Developer is requesting a variance to have an approximate 1,000 foot long dead end street behind the gate with another 600 feet in front of the gate.

Enclosed you will find a request for variance as submitted by the engineer for the development and a preliminary site plan.

It is important to note, the commission and council need to decide if they are going to allow the private, permanent dead end street or instead require the street to be public with a temporary turn around until such time that development to the south occurs to allow the street to be extended as shown on the enclosed excerpt from the Utility and Economic Feasibility Study for this development.



Assuming the City is in agreement with proceeding with private, gated street, we offer no objection to the requested variance on the grounds that implementation of the standard requirements would be inconsistent with the surrounding area and inconsistent with a large lot development. Approval of the requested variance does not constitute plat approval and only allows the Developer to further refine the proposed site plan and plat, which will require the full review and approval of the City.

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\Correspondence\Letters\2018\MEMO to P&Z RE Louisa Sreet Single-Family Development, Variance Request.doc

Enclosures:            Louisa Street Single-Family Development – Variance Request  
                              Louisa Street Single-Family Development – Preliminary Site Plan  
                              Feasibility Study Excerpt

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, City Attorney



August 19, 2018

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

RE: Variance request regarding requirement for curb and gutter streets and minimum 300' radius on residential streets.

According to Section 38-76 of the City of Montgomery Code of Ordinances, the general provisions of Chapter 78 will apply for private streets and gated communities, which requires the streets to be curb and gutter. The development will consist of estate lot homes with lots ranging from 0.4 acres to 1.0 acres and expected estimated home values averaging \$500,000. We are proposing an asphalt open ditch road in a gated community that will have privately maintained streets and storm sewer. We feel the variance request is warranted for the following reasons:

- The requirement for a curb and gutter road creates a hardship when attempting to preserve the integrity of the surrounding residential development and existing Louisa Street which is an asphalt open ditch roadway.
- The streets will be privately maintained, so the responsibility for any maintenance will fall on the HOA/POA, not on the City.
- The development will consist of high value estate lot homes, which typically are within asphalt open ditch road subdivisions.

According to Section 78-87(i) of the City of Montgomery Code of Ordinances, there is a minimum radius requirement of 300' for residential streets. The proposed development has a 205' radius at the initial tie into Louisa Lane. We feel the variance request is warranted for the following reasons:

- The shape of the overall tract of land for this development creates an abnormal hardship to accommodate the 300' minimum and be able to have lots on both sides of the street. The requested radius variance is required to tie into the existing Louisa Lane ROW and turn to create the dual frontage lots.
- Louisa Lane will be gated and privately maintained, so only 18 single family homes will have access to this section of roadway. The proposed radii should not have any negative affect based on the expected traffic projections.

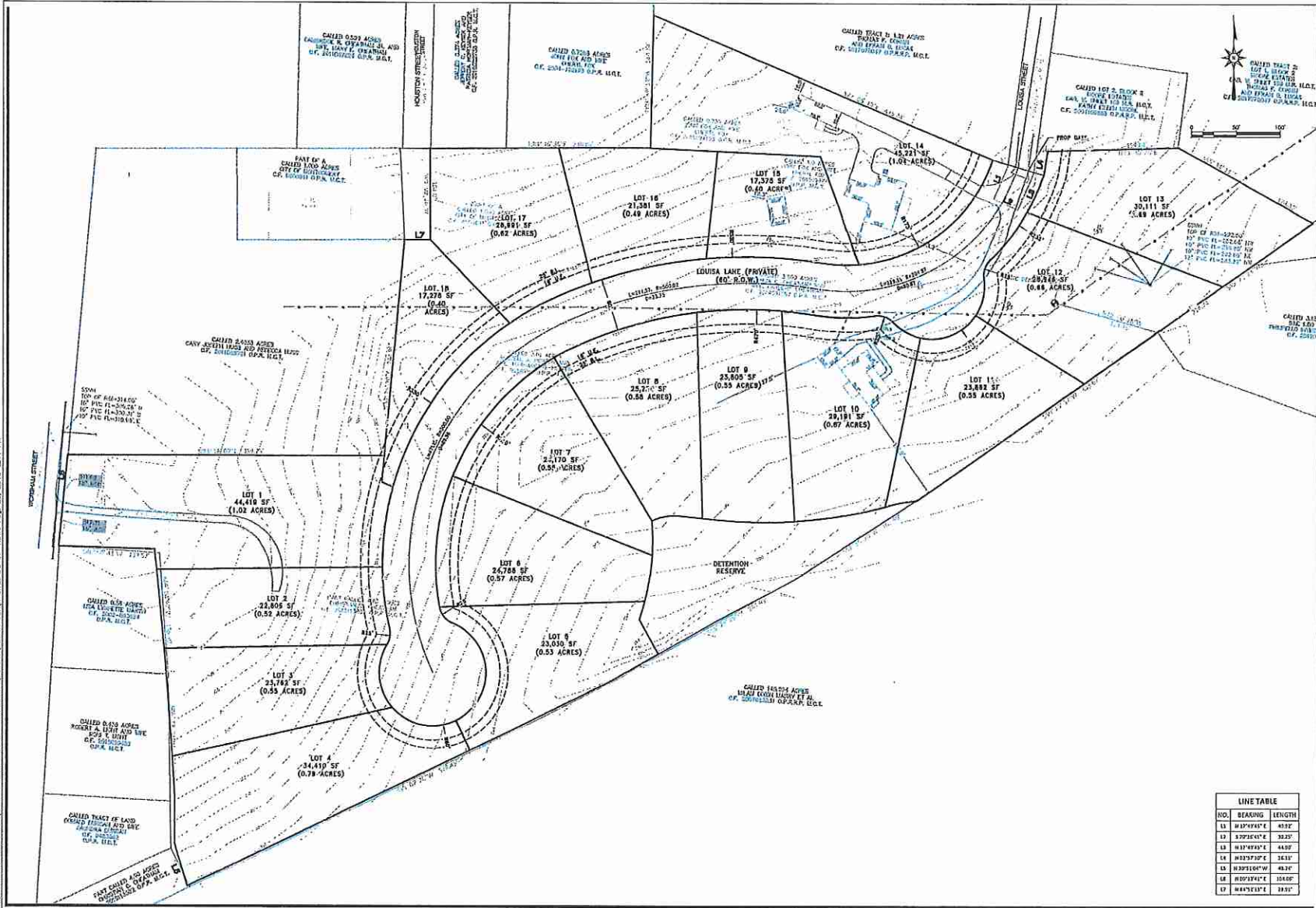
It is for the above-mentioned reasons that we feel the variance requests should be considered and approved. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,

Jonathan White, PE



ENGINEERING PROJECTS 10442 - LOUISA LANE - CHESTNUT HILL SUBDIVISION SET V-SITEBASE-0P 1.DWG Aug. 30, 2018-2:44 PM



**L SQUARED ENGINEERING**  
RESIDENTIAL COMMERCIAL INDUSTRIAL  
www.lsqared.com  
1000 W. 100th St., Suite 100, Overland Park, KS 66204  
913.241.1100

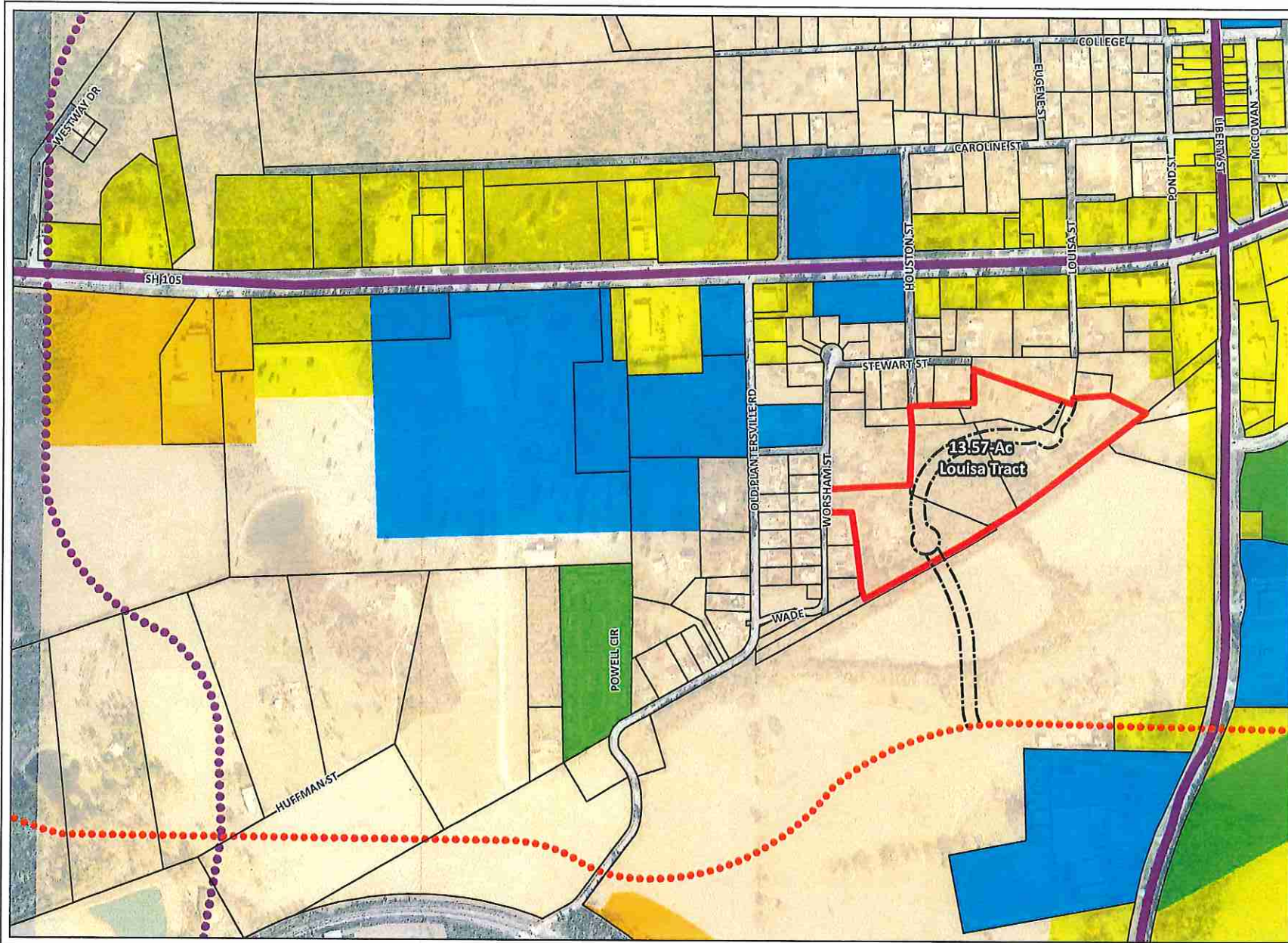
# LOUISA LANE SITE PLAN

DRAWING INFORMATION	
DATE	PROJECT
08/30/18	10442
SCALE	REVISION
1" = 40' (1:1600)	01
1" = 80' (1:3200)	

LINE TABLE		
NO.	BEARING	LENGTH
11	S81°07'00"E	40.00'
12	S72°34'00"E	32.25'
13	N07°00'00"E	44.00'
14	N03°37'30"E	36.11'
15	N03°15'00"W	48.24'
16	N02°28'42"E	18.60'
17	N04°57'00"E	39.91'

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF OBTAINING REVIEW UNDER THE PROVISIONS OF:  
K.S.A. 16A-1104  
JONATHAN WATKINS, P.E. 000000  
FOR REVIEW PURPOSES ONLY  
NOT FOR CONSTRUCTION

06/13/2018



**VICINITY MAP**  
Scale: 1 inch equals 2 miles

**LEGEND**

- 13.57-Ac Tract Boundary
- MCAD Parcel
- Existing Thoroughfare
- Proposed Thoroughfare\*
- Existing Collector
- Proposed Collector\*
- ZONING CLASSIFICATION**
- COMMERCIAL
- INDUSTRIAL
- INSTITUTIONAL
- MULTI-FAMILY
- MULTI-USE
- RESIDENTIAL
- UNKNOWN

**13.57-AC LOUISA TRACT**

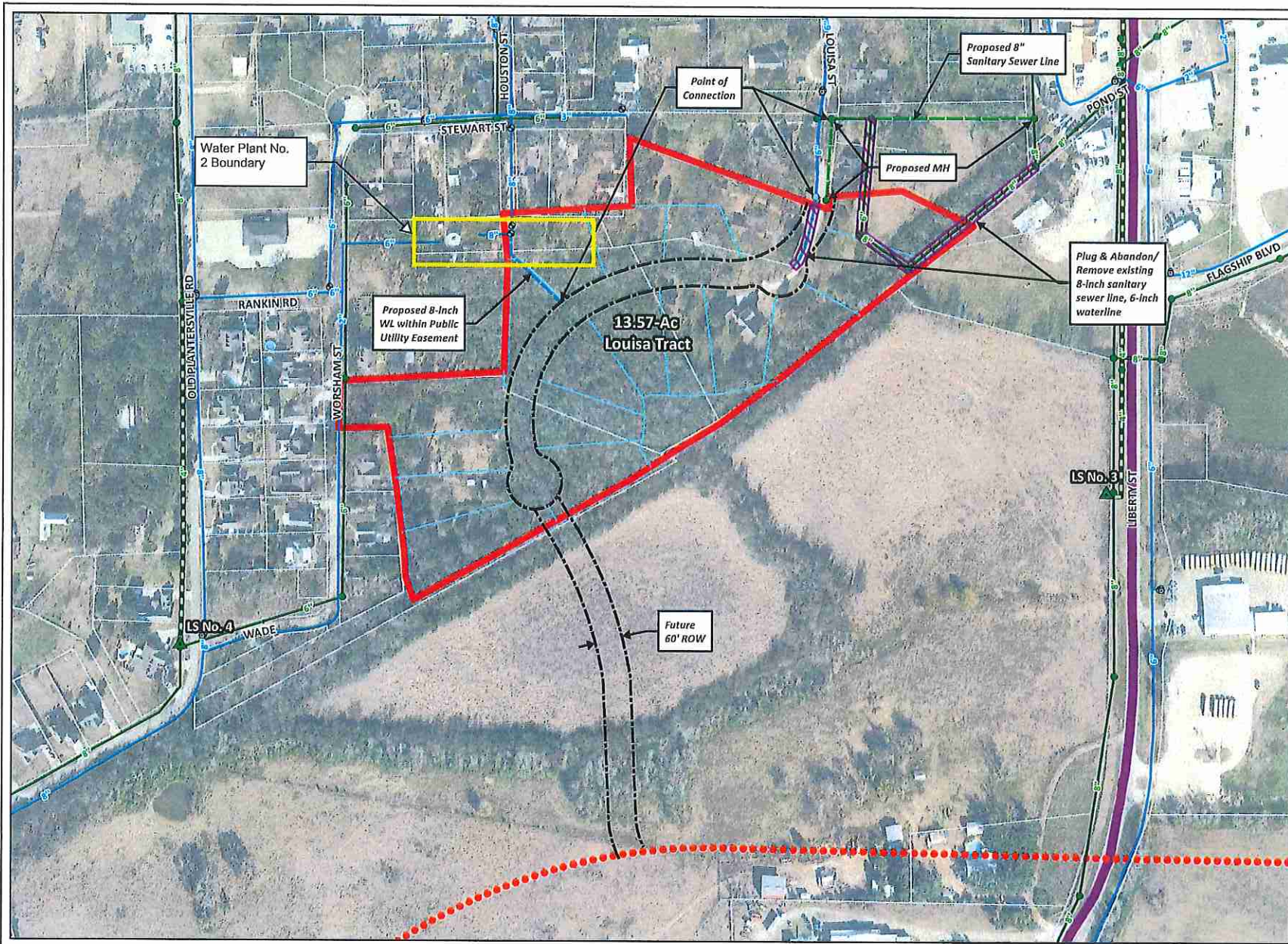
**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS



**1 inch equals 400 feet**

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





**VICINITY MAP**

Scale: 1 inch equals 2 miles

**LEGEND**

- Flush Valve
- Main Valve
- Waterline
- Cleanout
- Manhole
- Lift Station
- Force Main
- Gravity Main
- Proposed ROW
- Proposed Lot Line
- Proposed Water
- Proposed Sanitary
- Proposed Roadway
- 13.57-Ac Tract Boundary
- MCAD Parcel
- Existing Thoroughfare
- Proposed Thoroughfare\*
- Existing Collector
- Proposed Collector\*

**13.57-AC LOUISA TRACT**

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS



1 inch equals 200 feet

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or building 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 validity of the information included within this exhibit.



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



Jonathan White &lt;jwhite@l2engineering.com&gt;

---

**Louisa Lane Private Subdivision Development**

5 messages

---

**Jonathan White** <jwhite@l2engineering.com>  
To: "Brian A. Cross" <Brian.Cross@mctx.org>

Thu, Aug 30, 2018 at 4:36 PM

Brian,

We are working on a small private subdivision in the City of Montgomery on the end of Louisa Lane. The subdivision will consist of 18 estate lot that will be gated with a Knox box and have private streets. The roadway extension is just over 800' long with a cul de sac at the end, and another shortly after the entrance. According to City of Montgomery Code of Ordinances, the City does not allow dead end streets over 800' in length. The total length of Louisa from 105 to the end of the new extension will be approximately 1600 LF.

We are currently seeking a variance for this, but the City has asked if the Fire Marshall's Office would have any objections to this. The first cul de sac is approximately 800' (+/- 30') from highway 105. The intention is to split the entire length of the new Louisa Lane to 800' to the first cul de sac, and 800' to the cul de sac at the end.

Do you mind reviewing this and letting me know if you have any issues? I have attached a site plan and aerial markup showing its location.

---

**2 attachments** **X-SITEBASE-OP 1-Layout1.pdf**  
1142K **18-08-30\_10442\_Aerial.pdf**  
11755K

---

**Jonathan White** <jwhite@l2engineering.com>  
To: "Brian A. Cross" <Brian.Cross@mctx.org>

Wed, Sep 5, 2018 at 10:30 AM

Brian,

Have you gotten the chance to review this yet? We are hoping to get on the agenda for City Council next week and will have to provide them with some type of approval or no objection from the Fire Marshall Office by tomorrow morning. Please feel free to give me a call if you have any questions.

[Quoted text hidden]

---

**Cross, Brian** <brian.cross@mctx.org>  
To: Jonathan White <jwhite@l2engineering.com>

Wed, Sep 5, 2018 at 11:07 AM

Do you have an overall land plan of the neighborhood will be development have to ingress points if over 30 lots.

Brian Cross  
Assistant Fire Marshal  
Montgomery County FMO

Sent from Brian's Mobile Device...  
Please pardon any spelling errors.

On Sep 5, 2018, at 10:30 AM, Jonathan White <jwhite@l2engineering.com> wrote:

Brian,

Have you gotten the chance to review this yet? We are hoping to get on the agenda for City Council next week and will have to provide them with some type of approval or no objection from the Fire Marshall Office by tomorrow morning. Please feel free to give me a call if you have any questions.

**Jonathan White, P.E.**  
Senior Project Manager  
O: 936.647.0420  
C: 713.444.6819

**L Squared Engineering**  
21123 Eva Street, Suite 200  
Montgomery, TX 77356  
--  
l2engineering.com



CONFIDENTIALITY: This message and accompanying documents are covered by the Federal Electronic Communications Privacy Act, 18 U.S.C., Sections 2510 - 2521, and contains information intended for the specified individual(s) only. This information is confidential. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited and may subject you to prosecution. If you have received this communication in error, please notify by e-mail, and delete this message.

On Thu, Aug 30, 2018 at 4:36 PM, Jonathan White <jwhite@l2engineering.com> wrote:  
Brian,

We are working on a small private subdivision in the City of Montgomery on the end of Louisa Lane. The subdivision will consist of 18 estate lot that will be gated with a knox box and have private streets. The roadway extension is just over 800' long with a cul de sac at the end, and another shortly after the entrance. According to City of Montgomery Code of Ordinances, the City does not allow dead end streets over 800' in length. The total length of Louisa from 105 to the end of the new extension will be approximately 1600 LF.

We are currently seeking a variance for this, but the City has asked if the Fire Marshall's Office would have any objections to this. The first cul de sac is approximately 800' (+/- 30') from highway 105. The intention is to split the entire length of the new Louisa Lane to 800' to the first cul de sac, and 800' to the cul de sac at the end.

Do you mind reviewing this and letting me know if you have any issues? I have attached a site plan and aerial markup showing its location.

**Jonathan White** <jwhite@l2engineering.com>  
To: "Cross, Brian" <brian.cross@mctx.org>

Wed, Sep 5, 2018 at 11:13 AM

Brian,

The provided site plan was the overall land plan for the proposed neighborhood. Existing Louisa Street currently has individual subdivided lots, not within an actual neighborhood. We are proposing a total of 18 lots (which includes 2 existing homes that will stay) and there are currently 4 homes on the existing Louisa that only has access onto Louisa. This will ultimately total 22 homes on this street (existing plus proposed extension).

[Quoted text hidden]

**Cross, Brian** <brian.cross@mctx.org>  
To: Jonathan White <jwhite@l2engineering.com>

Wed, Sep 5, 2018 at 3:29 PM

That make since. I do not see a problem with the design.

Brian Cross



9/5/2018

L2 Engineering Mail - Louisa Lane Private Subdivision Development

Assistant Fire Marshal  
Montgomery County FMO

Sent from Brian's Mobile Device...  
Please pardon any spelling errors.

On Sep 5, 2018, at 11:13 AM, Jonathan White <[jwhite@l2engineering.com](mailto:jwhite@l2engineering.com)> wrote:

Brian,

The provided site plan was the overall land plan for the proposed neighborhood. Existing Louisa Street currently has individual subdivided lots, not within an actual neighborhood. We are proposing a total of 18 lots (which includes 2 existing homes that will stay) and there are currently 4 homes on the existing Louisa that only has access onto Louisa. This will ultimately total 22 homes on this street (existing plus proposed extension).

[Quoted text hidden]

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: City Engineer memo</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to consider Change Order #1 to the 18 inch gravity sanitary sewer extension project.

**Description**

The for the change order is to relocate the existing public six and sanitary sewer force main for the duration of the construction and to reconnect the same force main have after the crafty line is installed. The City Engineer memo explains more. The cost of the change orders \$4,360. This cost will be paid by the developer.

**Recommendation**

Motion to approve Change Order #1 as submitted.

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------



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

September 5, 2018

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

Re: Change Order No. 1  
18-Inch Gravity Sanitary Sewer Extension

Dear Mayor and Council:

We received and recommend approval of Change Order No. 1 to the 18-Inch Gravity Sanitary Sewer Extension contract. The contractor will be required to temporarily relocate the existing public 6" sanitary sewer force main for the duration of construction and reconnect the same force main after the gravity sanitary sewer line is installed. The contractor is requesting an additional \$4,360.00 for these services, to be paid as a lump sum. We have reviewed this cost and find it to be in accordance with standard costs for this type of work. Therefore, we recommend granting the contractor \$4,360.00 to the contract amount to complete the work.

The change order will result in a \$4,360.00 increase to the contract amount and the addition of 0 days to the contract period of performance. The new contract amount is \$339,507.00 and the contract end date will remain November 30, 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 18-Inch Gravity Sanitary Sewer Line Change Order No. 1.doc

Enc: Change Order No. 1

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

CONSTRUCTION OF 18-INCH GRAVITY SANITARY SEWER LINE EXTENSION (PHASE I)

The Contractor is directed to furnish all materials, labor and equipment to temporarily relocate the existing 6" public force main, including removal of temporary relocation and reconnecting to the existing 6" force main after the gravity sanitary sewer is installed.

To implement payment for this work, the following revision is made to the Item/Quantity Sheets:

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Revised Unit Price</u>	<u>Bid Quantity</u>	<u>Revised Quantity</u>	<u>Previous Amount</u>	<u>Revised Amount</u>	<u>Net Change</u>
20	Temporary relocation of the existing 6" public force main.	L.S.	\$0.00	\$4,360.00	0	1	\$0.00	\$4,360.00	\$4,360.00

NET INCREASE IN CONTRACT PRICE \$4,360.00

There are zero (0) days added to the Contract Period of Performance.



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: September 7, 2018</b>	

**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.

**Recommendation**

Comment as you think appropriate

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits: City Engineer memo</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is to consider Change Order #2 to the Buffalo Springs Drive Bridge Embankment Repair project.

**Description**

The need for the change order, as the City Engineer memo explains, is that additional cement-stabilized sand was needed to mitigate the impact of the large amount of water entering the excavation area.

The cost of the change order is \$84,500- which will be paid for by the FEMA funds from the CDBG grant and \$6,239.47 of city funds ( coming from the public works department budget). The reason the city funds are needed is the local match to FEMA by CDBG funds has exhausted the CDBG grant funds. This will mean that the total cost of the project to the city will be the \$6,239.47.

**Recommendation**

Motion to approve Change Order #2 as submitted for the Buffalo Springs Drive Bridge project.

**Approved By**

City Administrator	Jack Yates	Date: September 7, 2018
--------------------	------------	-------------------------



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

September 5, 2018

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

Re: Change Order No. 2  
 Buffalo Springs Drive Bridge Embankment Repair

Dear Mayor and Council:

We received and recommend approval of Change Order No. 2 to the Buffalo Springs Drive Bridge Embankment Repair contract. The contractor has required additional cement-stabilized sand to be used to backfill additional areas behind the concrete walls due to unsuitable materials that were found in-place and to mitigate the impact of the large amount of groundwater entering the excavation area. The contractor is requesting an additional 1,300 tons of cement-stabilized sand to be included in the scope of work to accommodate for the additional backfill that was required. We have reviewed this quantity and have no objections with the amount that is requested. Therefore, we recommend granting the contractor \$84,500.00 to complete the work.

The change order will result in a \$84,500.00 increase to the contract amount and the addition of 0 additional days to the contract period of performance. The new contract amount is \$1,122,677.90 and the contract end date will remain July 24, 2018. Based on the revised contract amount, the contribution from each funding entity will be as follows:

FEMA:	\$ 842,008.43
CDBG:	\$ 274,430.00
Local Funds:	\$ 6,239.47
<b>Total:</b>	<b>\$ 1,122,677.90</b>

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

Sincerely,

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 2.doc

Enc: A505 Form

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



## Construction Contract Change Order

A505

Grant Recipient: City of Montgomery      Select:  City     County  
 Contract No.: 7217037      Change Order No.: 2      Region: HGAC

**Contractor:**

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

**Engineer:**

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

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

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

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

Bid Item #	Item Description	Original Qty.	Proposed Qty.	UOM	Unit Price	Δ Qty.	Change in Contract Price	+
16	C-Sand Backfill	2,200	3,500	Ton	\$65.00	1,300	\$84,500.00	-
<b>Contract Change Sub-Total:</b>							<b>\$84,500.00</b>	

**Justification for Change**

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



## Change Order Summary

Original Contract Price:	\$1,023,747.90	Original Contract End Date:	7/2/2018
Net Previous Change Order(s):	\$14,430.00	Net change of previous Change Orders (days):	22
This Net Change Order:	\$84,500.00	Increase/Decrease of this Change Order (days):	0
New Contract Price:	\$1,122,677.90	Change Order Contract End Date:	7/24/2018
Cumulative % Change:	9.664%		

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

### Grant Recipient Approval (REQUIRED)

This change order is greater than \$50,000, by signing, the above signature represents evidence that approval from the governing body has been obtained by the City. See Local Govt. C., §252.048 [city] or §262.031 [county].

Authorized Signature	Date

Authorized Signatory's Name and Title

### Engineer's Recommendation

<i>Rebekah L. Campbell</i> Engineer's Signature	9-5-18 Date
--	----------------

<i>Rebekah L. Campbell</i> Engineer's Name
---

### Contractor's Authorization

Contractor's Signature	Date

Contractor's Name and Title

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

Name	Email	+
James Ian McCain	jmccain@jonescarter.com	-
Daphne Day	daphne@glennfuquainc.com	-

### For TDA office use only

This Net Change Order:	\$84,500.00	Increase/decrease of this Change Order (days):	0
Net Change Order Approved:		Increase/decrease of this Change Order Approved:	
Approved Contract Amount:		Approved Contract Time:	

Notes:
--------

  <b>Contract Specialist Signature</b>	  <b>Date</b>
  <b>Director Signature (optional)</b>	  <b>Date</b>

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is a discussion regarding transfer of General Fund monies to the Capital Projects Fund in order to pay the Buffalo Springs bridge contractor while awaiting state payments.

**Description**

The Pay Request #6, submitted to the state on August 21, places the FEMA share at \$397,386.55 of which the city has received approximately \$70,000. To date the general fund has loaned approximately \$395,000 to the Capital Projects Fund to make the payments to the contractor. Pay Request #7 is expected shortly-- therefore \$200,000 in additional loans are necessary.

The payments from FEMA are actually from the State Department of Emergency Management and pay request #2,3,4 and 5 totaling approximately \$320,386 are being processed now and are expected before the end of September.

Remember, you agreed to an interim loan if the amount were to exceed \$400,000, however those funds have to be paid back before the end of the fiscal year – and the source of the payback funds are the FEMA funds. With the end of the fiscal year just a few weeks away, I could borrow the funds in October with the start of the new fiscal year—however I really do expect to receive the funds within the next month.

**Recommendation**

Give permission to the city administrator to use up to \$200,000 more of general funds for transfer to the capital 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.

Montgomery City Council  
**AGENDA REPORT**

<b>Approved By</b>		
City Administrator	Jack Yates	Date: September 7, 2018

<b>Meeting Date: September 11, 2018</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: September 7, 2018</b>	

**Subject**

This is a discussion regarding dog control in the city.

**Description**

The ordinances of the city covers all of the complaints of the neighbors except for the number of dogs allowed on a piece of property (there is no ordinance limiting a maximum number).

The odor (feces on the property) issue, the barking (noise) issue, animal cruelty (as investigated by the County Animal Control), the sanitation issue of washing the feces down to the city drainage ditch all are covered by existing nuisance ordinances. However, a citizen must make a formal complaint. Chief Napolitano, Larry Foerster and I agree on this point. According to Chief Napolitano, 4 to 5 investigative trips have been made to the property in question (607 Worsham) and officers have investigated the issues and have found no issues in violation.

The property owner at 607 Worsham, understandably, complained about harassment because of the multiple visits to their property investigating the same issues over and again.

A police officer, according to law that the City Attorney can explain, cannot be “nuisanced” driving down the street – even if he were to detect and odor, or hear a dog barking. He could, however, through investigative means determine whether or not the feces in the city drainage ditch came from the property and could act upon that by writing a citation to the property owner. That has not yet been determined that it actually happened.

However the number of dogs on certain size of property, such as within a subdivision lot, is an easy ordinance to prepare and to enforce. If the Council wants to decide the number of dogs the preparation of it ordinances fairly easy.

Montgomery City Council  
**AGENDA REPORT**

Most cities, to my knowledge, use six dogs as a maximum number will on any particular property and allow for a waiting period after litter is borne.

Presently the city uses the Montgomery County Animal Control for enforcement of dog at large (is very rare), animal cruelty, vicious dogs in the myriad of other animal control issues—all at no cost to the city.

**Recommendation**

Direct the City Administrator to prepare an ordinance regarding the maximum number of dogs that are allowed on a property inside the city.

**Approved By**

City Administrator

Jack Yates

Date: September 7, 2018