

NOTICE OF PUBLIC HEARINGS and REGULAR MEETING

January 9, 2018

MONTGOMERY CITY COUNCIL

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that a Public Hearings and Regular Meeting of the Montgomery City Council will be held on Tuesday, January 9, 2018 at 6:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARINGS:

Convene into Public Hearings:

1. **Public Hearing - regarding Annexation of a 3.22-acre tract of land** in the John Corner Survey, Abstract 8, Montgomery County, Texas, being out of a 5.71 acre tract as recorded under Clerk's File No. 2016-086083, also being out of a called 111.857 acre tract of land as recorded under Clerk's File No. 9512940 Deed Records Montgomery County, Texas. (*Second of two Public Hearings*).

Adjourn Public Hearing

2. **Public Hearing - regarding Amendment of Impact Fees** for the City of Montgomery.

Adjourn Public Hearing

3. **Public Hearing – City of Montgomery Community Development Block Grant (CDBG) 2016 Disaster Recovery – regarding the General Land Office (GLO) CDBG-DR 2016 Floods Program.**

Adjourn Public Hearing

Reconvene into Regular Session:

VISITOR/CITIZENS FORUM:

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

CONSENT AGENDA:

4. Matters related to the approval of minutes for the Public Hearing and Regular Meeting held on December 12, 2017.
5. Consideration and possible action approving a leave of absence for Council Member Jon Bickford.
6. Consideration and possible action regarding DeWitt Lawson application for renewal of a Special Use Permit for 14611 Liberty Street to sell firewood.
7. Consideration and possible action regarding adoption of the Election Services Agreement by and between the City of Montgomery and Montgomery County, Texas for the May 5, 2018 Election.
8. Consideration and possible action regarding adoption of the Joint Election Agreement with Montgomery County and the participating entities for the purpose of jointly conducting elections to be held on May 5, 2018.

CONSIDERATION AND POSSIBLE ACTION:

9. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CITY ORDINANCE NO. 1989-2, DATED FEBRUARY 14, 1989, BY AMENDING ARTICLE II, "LICENSES," SECTIONS 6-25, 6-33 AND 6-34 OF CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CITY CODE OF ORDINANCES RELATING TO THE APPLICATION AND RE-APPLICATION REQUIREMENTS FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES IN THE CITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.
10. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION OF THE CITY COUNCIL OF MONTGOMERY, TEXAS, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) APPLICATION TO THE TEXAS GENERAL LAND OFFICE; AND AUTHORIZING THE CITY ADMINISTRATOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CDBG-DR PROGRAM.
11. Consideration and possible action regarding appointment or reappointment of MEDC Board Members to fill the positions currently filled by Cheryl Fox and Bill Hanover.
12. Consideration and possible action regarding a Beverage Permit Application for Cork This! Winery located at 21123 Eva Street, Suite 100, Montgomery, Texas, and if necessary schedule a Public Hearing to be held on February 13, 2018 at 6 p.m. at City Hall.
13. Consideration and possible action regarding Longview Greens Miniature Golfing variance request to allow gravel to be used as a parking surface.
14. Consideration and possible action regarding a Utility and Economic Feasibility Study for the 1.574 acre Walker Montgomery Community Development Corporation Baja Road Single Family Development.

15. Consideration and possible action regarding a proposal from Jones and Carter for the preparation of a City Geographic Information System (GIS).

16. Buffalo Spring Bridge Report by the City Engineer.

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.

17. Convene 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) 551.071 (confidential consultation with the City Attorney); and
- b) 551.072 (deliberation regarding real property).

18. Convene into Open Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

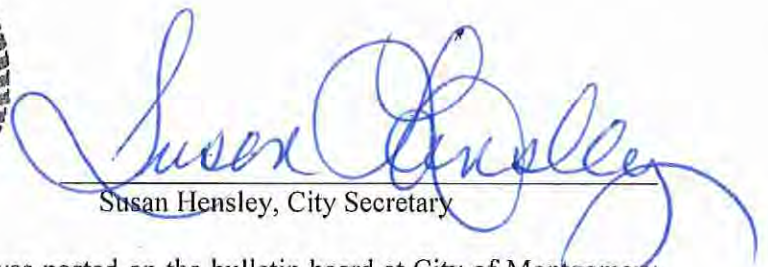
19. Consideration and possible action, if necessary, on matters deliberated on during Closed Executive Session with the City Attorney.

COUNCIL INQUIRY:

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

ADJOURNMENT




Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 5th day of January 2018 at 3:30 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

ITEM #1
Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: January 4, 2017	

Subject

This is the public hearing regarding the annexation. It is an opportunity for the public to speak to the annexation.

Description

This is the property immediately across, south, of the new Pizza Shack location.

Recommendation

Listen and consider the public comments.

Approved By

City Administrator

Jack Yates

Date: January 4, 2018

ITEM #2
Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: <i>Impact Fee Report</i>
Date Prepared: <i>January 4, 2017</i>	

Subject

This is the public hearing regarding the Impact Fees. The ordinance adopting the fees will be on the January 23 meeting.

Description

This is to hear that any public comment regarding the proposed fees.

Recommendation

Listen and consider the public comments.

Approved By

City Administrator	Jack Yates	Date: January 4, 2018
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CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

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

October 25, 2017

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

Re: Report of September 20, 2017 Meeting
Proposed Land Use Assumptions and Updated Impact Fees

Dear Mayor and Council:

Pursuant to Chapter 395 of the Texas Local Government Code, and the requirement for semi-annual review by the Capital Improvements Advisory Committee ("CIAC"), the CIAC held a meeting with City Staff and the City Engineer on September 20, 2017. Since the approval and adoption of the impact fee in December 2016, the City annexed an additional 14.7 acres into the City Limits, which contains an additional 92 service connections. This increases the number of service connections in the City, and therefore decreases the current impact fees by approximately 5%. Enclosed is a copy of the revised Land Use Assumptions and the revised impact fee schedule. Following the Committee's review of said items, and pursuant to Sec. 395.050 of the Texas Local Government Code, our recommendations to City Council are as follows:

- Adopt a Resolution calling for a public hearing on the amendment of impact fees.
- Approve an Ordinance amending the impact fees once the required public hearing is completed.

Should additional questions arise, please do not hesitate to contact your City Attorney or City Engineer.

Sincerely,

A handwritten signature in black ink that reads "Nelson Cox".

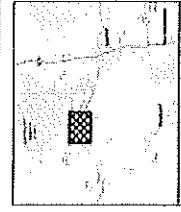
Mr. Nelson Cox
Chairman, Capital Improvement Advisory Committee

NC/cvr:sh

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2017\CIAC Letter to Council.doc

Enc: Revised Land Use Assumptions
Revised Impact Fee Schedule
Impact Fee Checklist

cc: The Planning and Zoning Commission – The 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. Ed Shackelford – Jones & Carter, Inc., City Engineer



VICINITY MAP
Scale: 1 inch = 1/4 mile

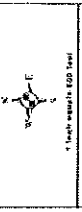
LEGEND

- Base Layers**
- City Limits
 - P.O.D. No. 1 (Referal - 2014)
 - Bayview Development Agreement - 2016
 - Cheatham Development Agreement - 2011
 - P.L.D. No. 1 (Opportunity - 2014)
 - Multiple District
 - City PD
 - City of Connetquot
 - Double-Subdivisible WSC
- Zone Classification**
- WCOB Parcels
 - Unincorporated
 - Commercial
 - Industrial
 - Institutional
 - Medium-Density Residential
 - Residential

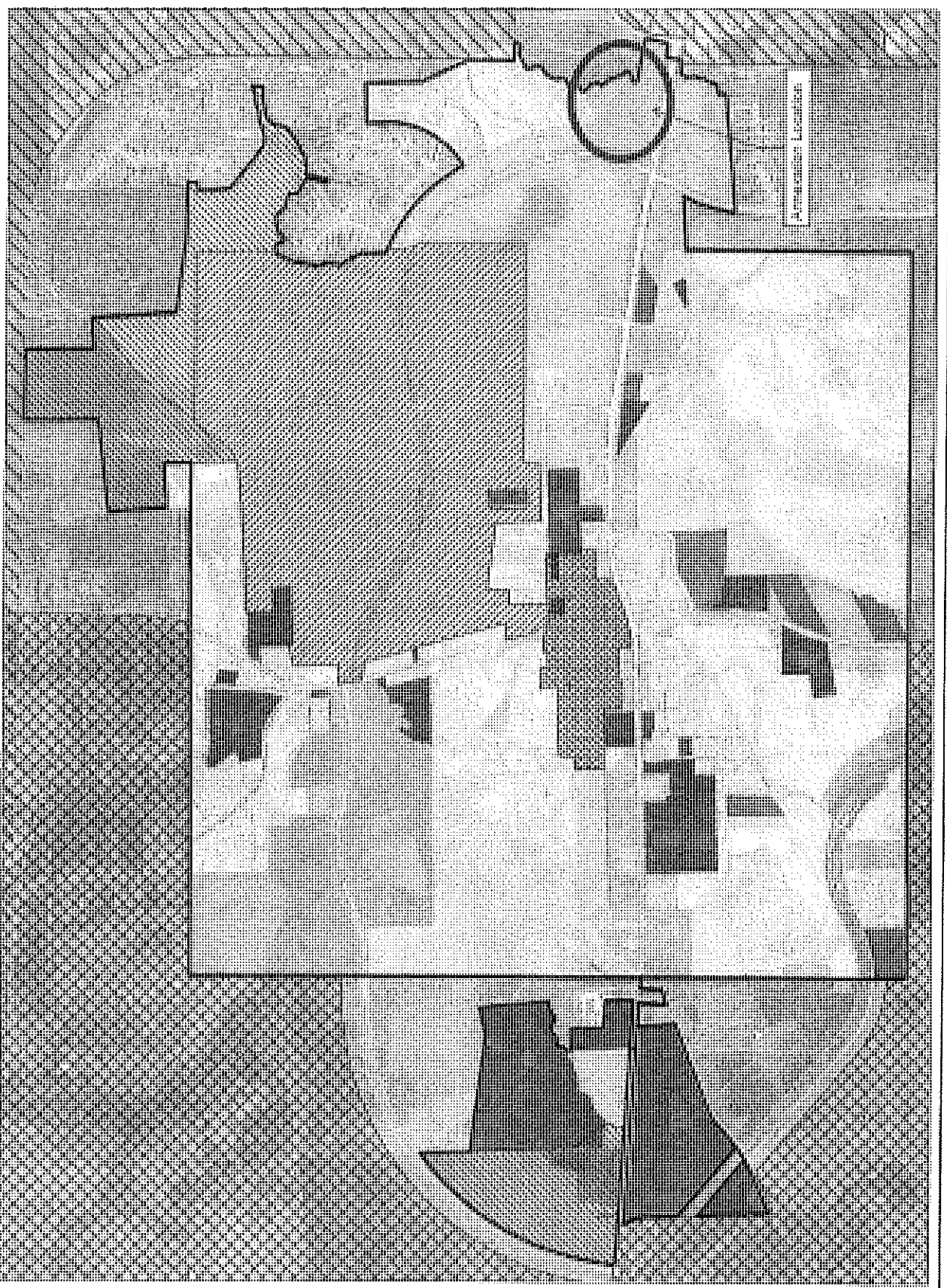
LAST APPROVED 11 APRIL 2017
VIA ORDINANCE NO. 2017-10



ZONING LAYOUT
(SEPTEMBER 2017)



Disclaimer:
This map is intended to provide a general overview of the zoning layout for the project area. It is not intended to be used as a legal document. The zoning layout is subject to change without notice. The City of Jones Carter is not responsible for any errors or omissions in this map. The City of Jones Carter is not responsible for any damages, including consequential damages, arising from the use of this map. The City of Jones Carter is not responsible for any claims, including claims for damages, arising from the use of this map. The City of Jones Carter is not responsible for any claims, including claims for damages, arising from the use of this map.



WATER IMPACT FEE CALCULATIONS (Change from Original Amount)

Additional Service Units and Water Impact Fee Calculation

Based on the City's 10-year growth projections and the resulting water demand projections, water service will be required for an additional 1,829 service units. The calculation is as follows:

(+92)

- A service unit, which is a unit of development that consumes approximately 472 gallons per day (GPD), is an equivalent single family connection that uses a 5/8" meter. Table 1.4 outlines the future water demand projections and its relationship to the additional service units projected for the next 10-years.

Table 1.4 10-year Additional Service Units Calculation

Year	Average Day Demand (Gallons)	Service Unit Demand (GPD)	Equivalent Single Family Connections (ESFC)	
2015	210,000	301	698	
2020	655,000	472	1,387	
2025	1,149,910	472	2,527	(+92)
10-year Additional ESFC's			1,829	(+92)

Impact fee law allows for a credit calculation to credit back to the development community based on the utility revenues or ad valorem taxes that are allocated for paying a portion of future capital improvements. The intent of this credit is to prevent the City from double charging development for future capital improvements via impact fees and utility rates. If the City chooses not to undertake a financial analysis to determine the credit value, they are required by law to reduce the recoverable cost by 50 percent. The City has chosen not to perform a financial analysis. The maximum recoverable cost for impact fee is shown below.

Table 1.5 Maximum Recoverable Cost

Projects	Project Cost (\$)	Allowed Recoverable	Allowed Recoverable (\$)
WP No. 2 GST Backfill	136,000	100%	136,000
Buffalo Springs Bridge Crossing	90,000	100%	90,000
Downtown & SH 105 Improvements	722,000	73%	528,130
Lone Star Parkway to Town Creek Village Apartments Improvements	834,000	100%	834,000
Lone Star Parkway from FM 149 to SH 105 Waterline	712,000	100%	712,000
Elevated Storage Tank	2,726,000	35%	947,012
Old Plantersville Road Waterline	695,000	100%	695,000
Water Plant No. 3 Improvements	884,000	46%	408,000
Summation	6,844,000		4,350,142

Table 1.7 10-year Additional Service Units Calculation

Year	Average Day Demand (Gallons)	Service Unit Demand (GPD)	Equivalent Single Family Connections (ESFC)
2015	100,945	145	698
2020	346,750	250	1,387
2025	608,750	250	2,527
10-year Additional ESFC's			1,829

(+92)
(+92)

Impact fee law allows for a credit calculation to credit back to the development community based on the utility revenues or ad valorem taxes that are allocated for paying a portion of future capital improvements. The intent of this credit is to prevent the City from double charging development for future capital improvements via impact fees and utility rates. If the City chooses not to do a financial analysis to determine the credit value they are required by law to reduce the recoverable cost by 50 percent. The City has chosen not to perform a financial analysis. The maximum recoverable cost for impact fee is shown below.

Table 1.8 Maximum Recoverable Cost

Project	Project Cost (\$)	Allowed Recoverable	Allowed Recoverable
Lift Station No. 3 Expansion	\$860,000	30%	\$254,820
Lift Station No. 4 Expansion	\$650,000	71%	\$462,010
Town Creek WWTP Replacement Ph 1 (0.18 MGD)	\$4,750,000	97%	\$4,614,757
Town Creek WWTP Replacement Ph 2 (0.18 MGD)	\$2,375,000	97%	\$2,307,378
Lift Station No. 3 Force Main Re-route	\$200,000	30%	\$59,261
GSA 2C Gravity System Improvements	\$600,000	72%	\$432,000
GSA 2S Gravity System Improvements	\$650,000	72%	\$468,000
Lift Station No. 1 Expansion to 0.40 MGD	\$860,000	17%	\$142,389
GSA 1 Gravity System Improvements	\$1,250,000	77%	\$962,500
Total	\$19,580,000		\$9,703,115

A breakdown of the 10-year recoverable costs and the associated impact fee per service unit is as follows:

$$\begin{aligned}
 \text{Impact fee per service unit} &= \frac{\text{10-year recoverable costs}}{\text{10-year additional service units}} = \frac{\$9,703,115}{1,829} \quad (+92) \\
 \text{50\% Reduction} &= 50\% \times \$5,425 = \$2,653.00 \quad (-140)
 \end{aligned}$$

Therefore, the maximum assessable impact fee per service unit is \$2,653.00. (-140)

As stated above, the wastewater demand is compared to meter sizes. For a development that requires a different size meter, an ESFC is established at a multiplier based on its capacity with respect to the 5/8" meter. The maximum impact fee that could be assessed for other meter sizes is based on the value shown on **Table 1.6**, ESFC Table for Commonly Used Meters.

Table 1.6 ESFC Table for Commonly Used Meters

Meter Size	Maximum Continuous Operating Capacity (GPM)	ESFC	Maximum Assessable Wastewater Fee (\$)	
5/8"	15	1.00	2,653	(-140)
3/4"	25	1.67	4,431	(-233)
1"	40	2.67	7,084	(-373)
1 1/2"	120	8.00	21,224	(-1,121)
2"	170	11.33	30,058	(-1,587)
3"	350	23.33	61,894	(-3,268)
4"	600	40.00	106,120	(-5,603)
6"	1,200	80.00	212,240	(-11,205)
8"	1,800	120.00	318,360	(-16,808)

Table 1.1 Proposed Maximum Assessable Impact Fee for Commonly Used Meters

Meter Size	Maximum Flow (GPM)	Equivalent Single Family Connection (ESFC)	Maximum Assessable Water Fee (\$/ESFC)	Maximum Assessable Wastewater Fee (\$/ESFC)	Maximum Assessable Fee (\$/ESFC)
5/8"	15	1.00	1,189	2,653	3,842
3/4"	25	1.67	1,986	4,431	6,417
1"	40	2.67	3,172	7,084	10,256
1 1/2"	120	8.00	9,512	21,224	30,736
2"	170	11.33	13,471	30,058	43,529
3"	350	23.33	27,739	61,894	89,633
4"	600	40.00	47,500	106,120	153,620
6"	1,200	80.00	95,120	212,240	307,360
8"	1,800	120.00	142,680	318,360	461,040

Table 1.1 Proposed Change in Maximum Assessable Impact Fee for Commonly Used Meters

Meter Size	Maximum Flow (GPM)	Equivalent Single Family Connection (ESFC)	Change in Maximum Assessable Water Fee (\$/ESFC)	Change in Maximum Assessable Wastewater Fee (\$/ESFC)	Change in Maximum Assessable Fee (\$/ESFC)
5/8"	15	1.00	-63	-140	-203
3/4"	25	1.67	-105	-233	-338
1"	40	2.67	-171	-373	-544
1 1/2"	120	8.00	-506	-1,121	-1,627
2"	170	11.33	-716	-1,587	-2,303
3"	350	23.33	-1,475	-3,268	-4,743
4"	600	40.00	-2,588	-5,603	-8,191
6"	1,200	80.00	-5,056	-11,205	-16,261
8"	1,800	120.00	-7,584	-16,808	-24,392

Ch. 395 Impact Fee Checklist

	Date	Event	Timing	Section of LGC	Notes
A.	9/2/2016	Land use assumptions (LUA) developed	Before F	§ 395.014	1
B.	9/2/2016	Capital improvements plan (CIP) developed; impact fee (IF) calculated	Before F	§ 395.0411	2; 3
C.	6/14/2016	Capital improvements advisory committee (Committee) appointed; procedural rules adopted	On or before D	§ 395.058	4; 5
D.	9/13/2016	Resolution setting hearing on LUA & CIP adopted	On or after C	§ 395.042	6
E.	9/22/2016	Notice of hearing on LUA & CIP published and mailed to certain persons	Before the 30 th day before G	§ 395.044	7
F.	9/22/2016	LUA & CIP made public	On or before E	§ 395.043	
G.	10/25/2016	Hearing on LUA & CIP held	See D, E	§ 395.042	8
H.	10/25/2016	Ordinance approving LUA & CIP adopted	Within 30 days of G	§ 395.045	
I.	10/25/2016	Resolution setting hearing on IF adopted	On H	§ 395.047	6
J.	11/4/2016	Notice of hearing on IF published, mailed to certain persons if necessary	Before the 30 th day before L	§ 395.049	9
K.	12/6/2016	Committee files written comments on IF	Before the 5 th business day before L	§ 395.050	
L.	12/13/2016	Hearing on IF held	See I, J, K	§ 395.047	8
M.	12/13/2016	Ordinance imposing IF adopted	Within 30 days of L	§ 395.051	10

Periodic Update of Land Use Assumptions and Capital Improvements Plan

N.		Updated LUA developed	At least every five years after H	§ 395.052	
O.		Updated CIP developed	At least every five years after H	§ 395.052	
P.	10/24/17	Order setting hearing on updated LUA & CIP	Within 60 days of the later of N or O	§ 395.053	
Q.		Notice of hearing on updated LUA & CIP published, mailed to certain persons if necessary	Before the 30 th day before T	§ 395.055	11
R.		Updated LUA & CIP made public	On or before Q	§ 395.054	12
S.		Committee files written comments on updated LUA & CIP	Before the 5 th business day before T	§ 395.056	
T.		Hearing on updated LUA & CIP	See P, Q, R	§ 395.056	
U.		Ordinance approving amendments to LUA, CIP & IF adopted	Within 30 days of T	§ 395.057	

Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: January 4, 2017	

Subject

This is the public hearing regarding the city of Montgomery's Gen. land office application for flood damage after the May 2016 flood.

Description

This is to hear that any public comment regarding the proposed grant application.

Recommendation

Listen and consider the public comments.

Approved By

City Administrator

Jack Yates

Date: January 4, 2018

MINUTES OF PUBLIC HEARING and REGULAR MEETING

December 12, 2017

MONTGOMERY CITY COUNCIL

CALL TO ORDER

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

Present: Kirk Jones Mayor
 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
 John Champagne, Jr. City Council Place # 2

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney
 Susan Hensley City Secretary
 Chris Roznovsky City Engineer
 James Napolitano Chief of Police

INVOCATION

T.J. Wilkerson gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARINGS:

Convene into Public Hearings:

Mayor Jones convened the Public Hearing at 6:01 p.m.

1. **Regarding Annexation of a 3.22-acre tract of land** in the John Corner Survey, Abstract 8, Montgomery County, Texas, being out of a 5.71 acre tract as recorded under Clerk's File No.

2016-086083, also being out of a called 111.857 acre tract of land as recorded under Clerk's File No. 9512940 Deed Records Montgomery County, Texas. *(First of two Public Hearings)*

Mr. Yates presented an overview of the property being annexed, stating that the second public hearing would be held in January with the final action being taken on the February 13, 2018 Meeting. Mayor Jones said that the property was located on the east side of the City. Mr. Yates said that was correct, and said that it was adjacent to the KOA entrance driveway. Mr. Yates said that half of the property is located in the City's Extra Territorial Jurisdiction (ETJ) and the other portion is located in the City of Conroe ETJ.

Mayor Jones asked if anyone from the public would like to speak on this item.

Mr. Burleigh asked if there would be any problems down the road for the developer, with the property being split in half between the City of Conroe and City of Montgomery. Mr. Yates said that they are trying to set something up with the City of Conroe so that the City of Montgomery can serve the property, because there are two MUD's between the ETJ lines. Mr. Burleigh asked if there would be any burdens related to taxes for the future property owner. Mr. Yates said that would not be a problem. Rebecca Huss said that was assuming that they are interested at all in going through all this trouble to get \$7,000 per year in ad valorem taxes and no sales tax.

Rebecca Huss said that one of her concerns about having the public hearing was that they would not have any information to talk about because they did not know anything, and here they are having a public hearing with nothing to say, because we don't know anything. Rebecca Huss said that she did not know how they could make any decisions about whether this is good or bad for the City without any information about the costs, benefits, what taxation the City would get other than ad valorem, which is hardly enough to get a police vehicle out. Mayor Jones said that they could save that discussion for later between Council members, and right now he was asking for comments from the public. Rebecca Huss said that fortunately she was part of the public, so she had a right to talk during this session. Mayor Jones asked if Rebecca Huss had any other comments, and she did not.

Adjourn Public Hearing(s)

Mayor Jones adjourned the public hearing at 6:05 p.m.

Convene into Regular Meeting

Mayor Jones then convened the regular session at 6:05 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. Burleigh stated that he would like to wait to speak during the Utility Report item.

CONSENT AGENDA:

2. Matters related to the approval of minutes for the Public Hearing and Regular Meeting held on November 14, 2017.
3. Consider adoption of the Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Disaster Recovery (CDBG-DR) Program.
4. Consideration and possible action regarding adoption of the following Ordinance:
A ORDINANCE OF THE CITY COUNCIL OF MONTGOMERY TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2018; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AND AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS
5. Consideration and possible action regarding adoption of the following Resolution:
AN AMENDMENT TO RESOLUTION NO. 2017-25, DATED NOVEMBER 14, 2017, CHANGING THE DATE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS TO JANUARY 9, 2018, AT CITY HALL, 101 OLD PLANTERSVILLE ROAD, MONTGOMERY, TEXAS, TO HEAR ANY AND ALL PERSONS DESIRING TO BE HEARD ON OR IN CONNECTION WITH ANY MATTER OR QUESTION INVOLVING THE UPDATING OF IMPACT FEES FOR WATER AND WASTEWATER, AND RATIFYING NOTICE AS PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY OF MONTGOMERY, TEXAS AND POSTING ON THE CITY'S WEBSITE.

Rebecca Huss moved to approve the Consent Agenda as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

CONSIDERATION AND POSSIBLE ACTION:

6. Consideration and possible action on Department Reports.

A. Administrator's Report - Mr. Yates presented his report to City Council. Mr. Yates said that he had also provided the City Council with a City Administrator Goals and Objectives, which is a general description of his duties. Mr. Yates said that he thought that almost everything that he does is encapsulated in one of the notations in the list.

Mr. Yates said that he also attached a Development Review Process that was a result of meeting with several developers in November. Mr. Yates said the end result was that they are going to work on a Development Packet that will have a checklist for every developer. Mr. Yates said that they will also try to have a meeting with the developer prior to the development getting started so they can go over the checklist. Mr. Yates said that they also discussed the timeliness and thoroughness of the Engineer's reviews. Mr. Yates said that they are trying to determine how to have the information online so that anyone can see where the development stands in the process. Mr. Yates said that all these items will be happening in the next 30-45 days.

Rebecca Huss asked Mr. Yates if he had any recent information about the Home Grant. Mr. Yates said that he did not have anything officially, but he has been told that the City is on line for getting the Grant, but the offers were not being sent out until the Home Grant Contract has been updated. Rebecca Huss asked if there was any estimated timeline for people to be able to apply. Mr. Yates said that at this point there is not an estimate, but said if he had to guess it would be next month.

Rebecca Huss asked about the LDC billing and what their response was to them saying that the City did not properly deny their rate increase or request for a rate to cover their risk taking that did not pan out. Mr. Yates said that he needed to speak to the Railroad Commission, but said that he had called them several times and every time he gets a recording, and he has left his number several times. Mr. Yates said that he might need to work with Representative Metcalf or Senator Nichols, but said that he did not have

the answer at this time. Rebecca Huss said that she did not think that it was unacceptable for the party who is requesting the rate increase to be the conveyor of information to the Railroad Commission that gets the increase that the City denied. Mayor Jones said that the rate increase has gone into effect. Mr. Yates said that was correct, the surcharge has gone into effect. Mayor Jones said that the surcharge was for the purpose of paying for the Bois D'Arc Bend Extension that had to be redone. Rebecca Huss said that the City denied the rate increase because they had done the road on a speculative basis to get the job done, and it was not the City's responsibility to cover them in case it did not pan out. Rebecca Huss said that the rate increase was specifically denied for that reason.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works, presented his report to City Council. Mr. Muckleroy advised that his report included the October Report, which was not given last month. Mr. Muckleroy advised that he had started on the Public Works side of the City web site, adding a Public Works page. Mr. Muckleroy advised that they had completed the remodeling of the kitchen at the Community Center.

Mr. Muckleroy reviewed highlights of his Annual Report, stating that the Flagship Blvd. repairs had been completed; added a Maintenance Technician position; one employee had attended an irrigation training course; they planted 11 new trees at Cedar Brake Park; they completed the street sign replacement program converting to the 9 inch blades on all City signs, except for the ones located in the Historic District that are on special brackets. Mr. Muckleroy said that the Historical Marker was set at the Nat Hart Davis Museum; they completed commercial property backflow preventer surveyor survey; painted the Simonton Building at Fernland Park, and they painted all the speed humps and stop bars in the City. Mr. Muckleroy said that one of his employees obtained their level one sewer license. Mr. Muckleroy stated that they had security cameras installed at Fernland, along with new rain gutters. Mr. Muckleroy said that they purchased a line stripping machine and completed several parking lot striping jobs. Mr. Muckleroy advised that they had rented a crack sealing machine for a week and completed several thousand feet of crack sealing. Mr. Muckleroy said that for the year they had 70 water taps and 42 sewer taps, 40 water leaks, 6 sewer stop ups,

and 15 sewer inspections. Mr. Muckleroy stated that they no longer do the sewer inspections; they have turned that over to Rick Hanna, Building Inspector, early in the year.

Mr. Muckleroy said that Fernland reported for the year that they had 8,754 visitors and they provided 529 tours.

Mayor Jones said that he knows they are busy because he sees them out there working all the time. Rebecca Huss said that she ran into Mr. Standifer doing part of the manhole survey as well, so with the striping and crack sealing, they are doing things that are saving the City money because they are not hiring a third party to perform those jobs, and she definitely appreciated Mr. Muckleroy leveraging the extra people to do things that the City needs to do.

- C. Police Department Report – Chief James Napolitano presented his October Report to City Council, and advised that he would submit the November and December Reports at next month's meeting.

Mayor Jones asked if the Chief could give an overview of how he thought the Christmas Parade went. Chief Napolitano said that he felt the parade went very well, until the very end where they all ended up in one intersection. Chief Napolitano said that the parade was so long that the people that they had been working at the end of the parade had to move the parade around a little bit before they could break off and go help at the intersection at CB Stewart and SH 105. Chief Napolitano said that once they got the traffic control moved, it allowed the people to finish the parade. Chief Napolitano said that they had never had this problem before because they never had a parade that large, with that many people attending the parade. Chief Napolitano said that no one got hurt during the parade and everyone had a good time, with the candy being delivered to the kids. Chief Napolitano said that he saw some things that they can do next year for both the 4th of July and Christmas Parades. Rebecca Huss said she thought it would be easier as Mr. LeFevre keeps developing and they get more roads, they might be able to swing the parade route through Buffalo Springs into Lake Creek

Village and out that way. Chief Napolitano said that this was the first time that they had those roads through.

- D. Court Department Report – Mr. Yates presented the October Court Report, and said that they had a change in Municipal Court Administrators. Mr. Yates said that the Warrant Officer is working out very well, and with only October they have \$10,381 in warrants for his first month. Mr. Yates said that collections are otherwise down because of the number of citations, but said that the figures were still appropriate enough for meeting the budget.

Mayor Jones said that they had a change in the personnel in the Court, and said that Ms. Kimberly Duckett, Interim Court Administrator was present.

- E. Utility/Development Report – Mr. Yates presented the report to City Council. Mr. Yates said that for the month of November they collected \$124,425 for utilities, which is up considerably from last year. Mr. Yates said that during November they collected \$14,345 in permits, and \$1,075 for rental of the Community Building. Mr. Yates said they had 620 active accounts.

Mr. Yates said that water consumption of City accounts continues to be low, except for Memory Park. Mr. Yates said that he understands the logic of the usage of Memory Park, and with the drainage partially coming in from Lake Creek Village, Section 2, to Memory Park. Rebecca Huss said that she thought there was a lock on filling the pond and the drainage from Lake Creek Village should not affect the irrigation; the irrigation goes directly to the plant. Mr. Yates said that it should not affect it, unless it is so far down that they have to put water in the pond to fill it. Rebecca Huss said that if they had to do that it would be a big deal, because Mr. Muckleroy would have to go over and unlock it. Mayor Jones said that he did not think that weather wise they have had that kind of drought. Rebecca Huss said that November was very dry. Mayor Jones said that he did not think it cause the pond to go down. Mr. Yates said that they used 116,000 gallons of water this past month. Rebecca Huss said that they have discussed this matter before, and said that every time City Council approves an additional amenity at Memory Park, it is a permanent increase in the water usage at the Park.

Rebecca Huss said that there is no way they are ever going to go back to 20,000-30,000 gallons, it just will not happen, because of decisions that City Council has made, which they have effectively accepted the high water usage there.

Dave McCorquodale asked about the firearm discharge permit. Mr. Yates said that was for the Texian Heritage Festival.

Mr. Burleigh stated that he really came to address a couple Council Members that are not here. Mr. Burleigh said that he would like to set the record straight; in October City Council complained about the water usage at Memory Park because he saw the minutes again. Mr. Burleigh said that if you look at the weather, after the hurricane, it has only rained twice in November and they could use some water. Mr. Burleigh said that if you look at the yearly average, every month it averages about 150,000 gallons, 1.6 million gallons per year. Mr. Burleigh said that last year they used 1.7 million gallons, and they have more projects that have been put out there that the City approved. Mr. Burleigh said that they needed to look at the whole picture. Mr. Burleigh said that when he took over four years ago it was 5 million gallons. Mr. Burleigh said that the City controlled it for a whole year and did nothing to it. Mr. Burleigh said that he learned about the system, optimized it and Mr. Champagne mentioned in the minutes that Mr. Burleigh was the only one that knows about the system, and Mr. Burleigh said that was probably so. Mr. Burleigh said that every contactor that was allowed to build Memory Park came in and messed with the system and messed it up. Mr. Burleigh said the County refused to pay the high water bill when they had it, and he did not blame them, so they gave it to the City and the City accepted Memory Park, as is. Mr. Burleigh said that Mr. Kotlan said, at that time, in one year he would have that water system straightened out. Mr. Burleigh said that as a citizen paying taxes and the water bill of this town, he watched the water run out of that Park for over a year and the City did nothing. Mr. Burleigh said that he volunteered, and learned everything that he could learn about the system, talked to people in California, upgraded the system, put flow meters on the system, did everything that he could do to it, found all the zones, because nobody knew about the system. Mr. Burleigh said that he documented everything about the system, which the City has because he gave it to the City and now it is their baby. Mr. Burleigh said that he gave Mr. Muckleroy a

checklist this afternoon of things to check and follow up on. Mr. Burleigh said that they are going to use water, 1.6 million every year, depending on the rainfall. Mr. Burleigh said the system has a sensitive control on it where it looks at the temperature, humidity and the sunlight. Mr. Burleigh said that they could go out there and turn the system off, but everything out there will die. Mr. Burleigh said that there are a few options that he would like to work with the City, as far as getting a water well in the pond and pull irrigation material out of the pond in a joint venture for the County Library and the City. Mr. Burleigh said that the City did not even account for that water at all until at least two years ago, and then they put a price tag on all the City water, and now it is sticking out in front of your face just like the water at the sewer plant. Mr. Burleigh said that you have to look at the different alternatives regarding the water. Mr. Burleigh said that if you cut off the water to Memory Park, the asset will die, but that is the City's choice. Mr. Burleigh said that he will be around to help Mr. Muckleroy in managing Memory Park, but the City needs to maintain the Park. Mr. Burleigh said that if the City is not going to maintain the Park, then when applications come in to make improvements, Council needs to reject them. Mr. Burleigh said that last year he did not know how many projects they put in the Park.

Mayor Jones said that Mr. Burleigh seemed to be expressing some frustration, but he wanted to say that the City appreciates all that Mr. Burleigh has done with the water system at Memory Park. Mr. Burleigh said that all he hears from City Council is negativity about the amount of water used at Memory Park, and he usually hears it third party, so somebody is saying some stuff, which he saw in the minutes. Mayor Jones said that he could not speak for folks that might not be present, but he thought in general everybody just wants to look at water usage in general and that Park sticks out. Mayor Jones said that they recognize that Park is an asset, and they recognize Mr. Burleigh's efforts in keeping it that way and getting the water usage to where it is today. Rebecca Huss said that she did not realize that the usage used to be 5 million gallons before she was on City Council.

Rebecca Huss said that it does not hurt until you are actually paying for the water, and before the City paid for it, it came out of the tax payers pockets because it was subsidized by users. Rebecca Huss said that Mr. Burleigh does a lot more with water

and sewer; he has helped the City a lot and said that she really appreciated all the work that he donates to the City and the time he puts into it. Mr. Burleigh said that the City needed to put the same emphasis on the entire water and sewer fund as they do on just the water usage of the parks. Mayor Jones said that, thanks to Mr. Burleigh, the City has started doing that.

- F. Water Report – Mr. Michael Williams with Gulf Utilities, presented his report to City Council. Rebecca Huss asked about the 1.2 million gallons of lost water. Mr. Williams said that he had two reports for City Council, October and November.

Mr. Williams said that during October they had a total flow of 5.2 million gallons and a daily peak flow of 269,000 gallons, and daily average flow of 173,000 gallons, in November they had a total flow of 5.47 million gallons and a daily peak flow of 401,000 gallons, and daily average flow of 182,000 gallons. Mr. Williams said that they had no excursions for October or November and all samples were within compliance. Mr. Williams said that during October for water accountability, they sourced 11.37 million gallons and sold 9.368 million gallons, with 89% accountability; in November they sourced 9.68 million gallons and sold 7.76 million gallons, with 83% accountability.

Rebecca Huss said that what they were talking about earlier, with the leak in the sewer system that would not be the accountability number that would be the return numbers, so the accountability is that they are losing water somewhere in the system. Rebecca Huss asked if Mr. Williams thought that somewhere the water was going directly from the water pipe to the sewer pipe. Mr. Williams said that the water sold vs water treated chart shows a history and all the way from March to July, right before the million gallon range, they had a bunch of rain infiltration. Mr. Williams said that he went back and looked at the Lift Station run times, and they did have elevated run times at Lift Stations 1, 2 and 3, for four hours per day, which signifies that they do have a leak that is making its way to the sanitary sewer system. Rebecca Huss said that it is going directly from clean water to sewer water. Mr. Williams said that the reason he thinks that is that Public Works and Gulf Utility have gone over the City multiple times, and there is no evidence of a leak; this leak is about 50 gallons per minute. Mr. Williams said that a leak that size would surface in no time at all and would be visible running in a ditch.

Mr. Williams said that they have not seen any leaks in the City of that magnitude. Mr. Williams said that the City has fixed a couple of small leaks, which were a couple of gallons per minute but nothing that large of a magnitude. Mr. Williams said that the City is looking at manholes trying to find where this leak is and they will continue efforts to locate the leak. Rebecca Huss asked if they could determine a leak, similar to a residential leak where they determine that there is too much water being used. Mr. Williams said that, generally, the lift stations serve an area, and if they have an elevated run time they will go to that area and look in the manholes and check the flow in the sewer system. Mr. Williams said that 50 gallons per minute will show a lot higher water level in the sewer pipe. Rebecca Huss said that if they are losing that much water per month plus treating, it is equivalent to approximately \$10,000 per month that they are losing. Mr. Williams said that they went through and verified the well meters when they started having accountability issues, and they are all in working order. Mr. Williams said that the water the City is sourcing is fine; the water they are selling and the water they are seeing at the sewer plant are off. Rebecca Huss asked if there was any chance that the meters were off, so they are not selling enough water. Mr. Williams said that would be too much, too quick to be a widespread problem across the City. Rebecca Huss said that she thought they could not have the water pipes so close to the sewer pipes. Mr. Williams said they are required to have a 9 foot separation. Rebecca Huss asked if someone that would have been drilling in July and shut down all the water in the City could have been related. Mr. Williams said that was a possibility. Rebecca Huss said that the answer might be who has been drilling in the City. Mayor Jones said that would be easy to study. Mr. Muckleroy said that line is dead now. Mr. Williams said that he based his facts on what he sees in front of him. Rebecca Huss said that they might look at the permits and what people have been doing. Mr. Williams said that a contractor hit a sewer line a couple of years back on SH 105. Mr. Yates said that they could sound out the system, because you can place a sensor on one hydrant and a sensor on another hydrant and you can spot a leak in between them. Rebecca Huss said that \$10,000 per month is cash, plus depreciation, plus maintenance, so that is \$120,000 per year and that is real money.

Mr. Williams said that they saw the accountability drop in August; they were at 89%, and then they jumped up to 98%, which he reported at Well 3 the meter had gone out,

so that was the reason for the high accountability numbers, but they were still searching for the leak. Mr. Williams said that they can look at the sounding option that Mr. Yates mentioned, to see if they can pinpoint the leak location. Rebecca Huss said that seemed to be more effective than trying to just wing it. Mr. Williams said that they will start working on that tomorrow and getting some contractors. Rebecca Huss asked if that was going to be expensive. Mr. Yates said that they were able to do about a third of a City that was larger than Montgomery for about \$4,000-\$5,000. Rebecca Huss said that was great. Mr. Yates said that it will spot every leak and tell you exactly where the leak is located.

Rebecca Huss congratulated Mr. Williams for keeping the well run times within the permitted levels. Mr. Williams said that as long as the electricity holds out for the year, they should be well within the permitted levels for the City. Mr. Williams said that during the last freeze they did not have any power issues at Water Plant #2, so they are going in the right direction. Mayor Jones said that was a short period of time, not a 4-5 day stretch. Mr. Williams said that if they get a cold snap, everyone turns their heaters on and when the well kicks on, if there is an issue it will trip the power. Mayor Jones asked if Mr. Williams thinks the power issue is fixed because the cold snap did not trigger the power. Mr. Williams said that was correct, and there is a display at the plant that shows they are within the range and the power is even now. Mr. Williams said that they will continue to monitor the power issue.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky presented City Council with a final copy of the Mobility Study that will be discussed with the Planning and Zoning Commission in January and with City Council following that meeting. Mr. Roznovsky said that he will put together a quick summary of the changes to the Mobility Study and send it out to City Council. Mr. Roznovsky said that they have met with both Precincts, got their comments addressed, and the main thing that was done was they did an additional traffic count during the school rush hours at the main intersections, and turns out that those peaks were not any different than the peaks that they were seeing in the morning and at night. Mr. Roznovsky said that one thing that they note in the report was the time that Lone Star Parkway was closed.

Mr. Roznovsky said that regarding the Buffalo Springs Bridge, they did finally receive the signed Project Worksheet from FEMA, which was the final document that they were needing. Mr. Roznovsky spoke to the contractor this afternoon and all of their paperwork is done, and they will have them overnighted to the City, and then to the City Attorney for his review, and then signatures by the end of the week. Mr. Roznovsky said that they were still looking at a start date for the first of the year. Mr. Roznovsky said that they have a 10-day notice to proceed after they have a pre-construction meeting that is between Christmas and the New Year. Mr. Roznovsky said that based on his discussion with the contractor, he is ready to start at the beginning of the year.

Mr. Roznovsky said that, regarding the Houston Street rehab, they had a pre-construction meeting today with the contractor and he plans to be onsite on Monday to begin work. Mr. Roznovsky said that the project will be about three weeks long, so he should be done with his part after the first two weeks in January and then they will reach out with the County to come and do their part with the asphalt following the contractor's completion. Mayor Jones asked if they would have to wait on Precinct 1. Mr. Roznovsky said that as soon as they got the schedule this afternoon, they sent the County the preliminary finish date so they will be ready to move forward, and they will keep Precinct 1 updated on the progress after the holidays.

Mr. Roznovsky said that regarding the GLO projects, he has been working with the City's grant administrator to get the information submitted. Mr. Roznovsky said that the projects that are on the list are any remaining share of the Buffalo Springs Drive Bridge, water/sewer drainage and paving improvements on Martin Luther King and Baja, and improvements to a tributary at the Town Creek and Baja area, and an additional generator at Water Plant #3, and improvements to Lift Station #3. Mr. Roznovsky said that they will see where the money falls and what all they will get from the items on the list.

Mr. Roznovsky stated that Lone Star Bend is underway, and the connection between Bois D'Arc and Lone Star Parkway is finally underway.

Mr. Roznovsky said that they met with FEMA regarding the Terra Vista waterline and sewer line issue, and they are working on that issue to get it funded. Rebecca Huss asked about the missing 1.25 million gallons of water. Mr. Roznovsky said that was during Harvey when the 8-inch waterline was taken out and was wide open; it can be included on the list, but he did not know if FEMA would pay for that water loss.

H. Financial Report - Mr. Yates presented the report to City Council. Mr. Yates advised that summary report balances are as follows: General Fund - \$839,514, Construction Fund - \$2,675,132, which includes the Texas Water Development Board funds. Mr. Yates said that the City, overall, has total funds of \$4,762,658. Mr. Yates said that the only expenditures that they have had so far are the Public Works purchase of the Bob Cat for \$50,000, and the Police Vehicle, which has not been paid. Mr. Yates said that sales tax has been coming in very well and they are doing very well as far as the budget. Mr. Yates said that next month they would have a full financial report.

Rebecca Huss moved to approve the Departmental Reports as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

7. Consideration and possible action regarding a revolving Line of Credit Promissory Note for \$600,000.00, dated as of December 12, 2017, by and between City of Montgomery, Texas ("Maker") and First Financial Bank, N. A., a national banking institution ("Lender").

Mr. Yates advised that this action is to complete the process of the documents needed for an interim loan that was started at the September 12, 2017 Council Meeting. Mr. Yates stated that at that meeting, he was directed to go out for quotes on the interest rate and the terms of the borrowing. Mr. Yates stated that this funding would be used for interim financing of the Buffalo Springs Bridge. Mr. Yates said that the discussion at the time was that by borrowing funds the City could assure the contractor that he would get paid in 30 days. Mr. Yates said the basic intent was to borrow funds for 30-45 days while waiting for State funds. Mr. Yates stated that an RFP for rates were sent out following the September 12, 2017 City Council Meeting. Mr. Yates advised that the winning quote was submitted by Amegy Bank at a 3.0% interest rate, but later they pulled back their quote because their attorneys in Salt Lake City did not think the loan was proper. Mr. Yates said that he spoke with the City Attorney and he reviewed the information and felt that the loan was proper, so they went to the next best quote,

which was First Financial Bank at 3.26% percent per day, with \$6,000 in closing fees. Mr. Yates said that the City Attorney has reviewed the documents and the November dates shown on the documents will be changed to December.

Mr. Yates said that there was no way of asking the contractor how much less they bid with the interim funds, but said that they did get a very good bid, so perhaps part of it was due to the assurance of getting paid in 30 days of the invoice being submitted.

Rebecca Huss asked to confirm that they are going to have to pay \$2,000 in interest and \$6,000 in fees. Mr. Yates said that was correct. Mr. Foerster said that it would actually depend on how much they would have to draw on the line of credit. Mr. Foerster said that they would be paying origination fees, which is standard. Rebecca Huss said that she thought that they did not have to pay an origination fee on the first loan. Mr. Yates said that was correct on the Amegy quote.

Rebecca Huss said that the City of Montgomery has \$300,000 in operating funds, \$300,000 in the general fund investment, \$200,000 in TexPool, both of which are earning 1%, and the utility fund has \$400,000. Rebecca Huss said that if they are sure that they are going to get the money from the government and they are borrowing for 30-45 days, for \$6,000, and asked if this was something that would be impossible for the City to do themselves. Mr. Yates said no, he did think that it would be possible for the City to do it themselves, but said that they did not know what the draws were going to be, so if it is \$100,000 or \$200,000 they could easily do it from the utility fund. Mr. Yates said that City Council might direct him, if the amount is \$200,000 or less, state that he could use the utility or general fund. Rebecca Huss said that the City probably has \$600,000 without seriously getting nervous. Rebecca Huss said that it seemed crazy to her to spend that kind of money for 45 days. Rebecca Huss said that she did not mind spending the interest charges because they are borrowing the bank's money, but the origination charges being so high seems hard to swallow. Mayor Jones said that they are 1%, which is pretty standard origination fees. Mayor Jones asked if part of the rationale for the interim loan was that the City did not want to be too committed with the City's funds in case of an emergency. Mr. Yates said that was correct, but said that there really was not anything that our insurance would not cover. Rebecca Huss said that the question being, now that they are here, if they felt confident enough about the process and paperwork, Jones and Carter,

Grantworks and everyone's ability to manage things where they really are looking at a 30-45 day window between the payment to the contractor and receipt of funds from the government. Mr. Roznovsky said that, just based on the timing of the previous grants, he would say no, because they were 6-8 weeks for funding of smaller amounts, and this grant has FEMA having a share, TXCDBG has a share and the General Land Office has a share, and said that he would put a big question mark just because of the timing that they experienced with the other projects. Mr. Yates said that it could turn into 60-90 days for receipt of the funds. Mr. Roznovsky said that was correct and said the last draw for Kroger was submitted the beginning of October and the funds were just received last week for approximately \$30,000 not a \$200,000. Mr. Roznovsky said that if the City does not pay the contractor and they have to wait, they could see the contractor get upset because the wording in the contract says that he will get paid. Rebecca Huss said that really the \$600,000 is not to cover the actual cost of the draw, that is actually the cost of the \$1.8 million dollars of the whole bridge plus what the City has in their reserves, so what they have in reserves plus the \$600,000 equals the cost of the bridge. Mr. Yates said the cost of the bridge is \$1.1 million dollars. Mayor Jones asked if there was a chance that the City could get into two overlapping draws. Mr. Roznovsky said yes, that could happen. Mayor Jones said they told the contractor that they would pay within 30 days, but now they would have \$700,000 that they are waiting to get in from FEMA.

Mayor Jones asked Mr. Yates what he really felt the City should do. Mr. Yates said that nothing says that they have to close right now, they could approve the action, but ask him not to close until it is absolutely necessary. Mr. Yates said that if the City Council will give him permission to use up to \$400,000 of the general fund and utility fund balance for the payments, he thought that would be the best of both worlds and would probably keep the City from having to borrow any funds. Mr. Yates said that as long the funds are approved, they could trigger the borrowing anytime they double up or go beyond the \$400,000 limit allowed.

Rebecca Huss asked Mr. Foerster if that would allow him enough time to get all the paperwork done, if necessary, if the Mr. Yates says that they need more funds. Mr. Foerster said that he thought what they might want to do is just table the action tonight, since they do not start construction until the first of January 2018, and just advise the bank that the City is reviewing their options, and they will bring the matter back to City Council for consideration. Mr. Foerster said that the City will also have some additional revenue coming in, ad valorem taxes

at the end of the year that could make it a little easier. Mr. Yates said that they would never be more than two weeks away from approval, because they could put the item on every agenda and table until it was needed. Mr. Foerster said that he thought the bank would be fine with that action, because they have been very good to work with, in his experience, both in this situation and a previous City. Mr. Foerster said that the bank will be accommodating and he appreciates what they have done. Rebecca Huss said that the bank's willingness to lend is really based on the City's credit rating rather than the City's desperation or need. Mayor Jones said that the City runs a lot of funds through their bank. Mr. Yates said that it is the full faith and credit of the City. Rebecca Huss said that it is really the timing and whether the City can do the process without having to borrow funds, and the City's credit rating will remain the same.

Mr. Yates said that he was recommending tabling action on the loan, and to authorize him to use general and utility funds up to \$400,000.

Dave McCorquodale moved to table Agenda Item 7 with the inclusion of allowing the City Administrator to use up to \$400,000, from the general and utility funds, to cover contactor draw requests. Rebecca Huss seconded the motion.

Discussion: Rebecca Huss stated, to be specific, the amount of \$400,000 was a combined total from the utility and general funds, not \$400,000 from each of those funds. Mr. Yates said that was correct.

The motion carried unanimously. (3-0)

Rebecca Huss thanked Mr. Yates for bringing this thought of financing.

8. Consideration and possible action regarding a request for authorization to proceed with the process regarding Lone Star Parkway Inclusion in Houston Galveston Area Council Transportation Improvement Program.

Mr. Roznovsky presented the information to City Council, stating that this is a way for the City to receive federal funding to upgrade Lone Star Parkway to a Farm Market Road, from SH 105

to SH 105, and making a bypass for large trucks and other congestion to go around the City versus through the center of the City. Rebecca Huss said that she thought that was what the City was getting as part of the County's money, and that was why the City would accept it because it would be a good enough quality road that the City would not immediately have to put money into it. Mr. Roznovsky said that the County has raised the road to TxDOT's standards, but it is not TxDOT Farm to Market Road standards or bypass for large truck traffic.

Mr. Roznovsky said that they don't have the cost estimates or anything on the road, but they think that the effort from start to finish will be around \$10,000 for the meetings and maps, exhibits and data that they will need to support it. Mr. Roznovsky said the one thing that is kind of working in the City's favor is Mr. Holzworth, a consultant for the County and other entities, has recollections of other meetings and plans by TxDOT previously that this was already included or at least included on the plan to make an FM road, so that could make the process a lot easier if it is already on their plans.

Mayor Jones asked if the City gets into this, is this only applied to Lone Star Parkway. Mr. Roznovsky said that what they are considering now is just Lone Star Parkway, north of SH 105.

Mr. Roznovsky said that this funding would go up to 90% of the cost for a major project to upgrade the road, and the 10% would have to come from somewhere locally, which is where the partnership with the County and the City might be possible. Rebecca Huss said that if Mr. Holzworth is involved, that is the County. Mr. Yates said that the percentage of the grant on these projects is usually 90%, which is the reason why the City would go through this process. Rebecca Huss said that one of the discussions that they have had about what is happening with FM 149 and upgrading that road, and moving some of the heavy traffic out of downtown and doing any diversion can't happen because TxDOT won't divert off of FM 149 onto Lone Star Parkway if it is not a Farm to Market Road. Rebecca Huss said that if this were to happen first, then it would be good timing on a number of respects, and if they could make it mandatory for heavy truck traffic to divert around downtown that would also solve some other problems.

Mayor Jones asked about the process of making Lone Star Parkway truck ready, and asked if they have to tear up the road and start all over. Mr. Roznovsky said that he did not have that answer right now, he would have to look at what it exactly there today, what are the requirements for a Farm to Market Road. Mr. Roznovsky said that he would think that it would be a stronger heavier road that would support the larger truck bypass traffic versus what is there today.

Rebecca Huss said that Mr. Shackelford had advised her before that he had never heard of a City being able to proactively create an FM Bypass. Mr. Roznovsky said that he thought that was the push to get the County in for funding. Mayor Jones said that TxDOT in general does not like dealing with municipalities, but they will deal with the County.

Mr. Yates said that primarily to his mind, what they are paying for is about a year and a half worth of contact that will get them on the TIP list, and then when they are on the TIP list they will just need to watch over the project. Mr. Yates said that he would like to get a citizen interested in this project, because HGAC is starting a general transportation study. Mr. Yates said that you have to get on the TIP list, and you have to watch over the project, because they stage the projects 5, 10 to 15 years ahead.

Mayor Jones asked if they choose to do this project, do they need to come up with funds at this time or will it come out of normal engineering. Mr. Yates said that it would come out of normal engineering.

Rebecca Huss moved to direct City Staff and Jones and Carter to pursue adding Lone Star Parkway to the Houston Galveston Area Council Transportation Improvement Program. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

9. Consideration and possible action regarding authorization to proceed with preparation of construction plans and technical specifications for the FM 149 Pedestrian Lighting Plan, to be included in the TxDOT FM 149 Improvements Project.

Mr. Yates advised that this would be to hire Jones and Carter to perform the pedestrian lighting plan design in conjunction with the FM 149 paving project. Mr. Yates said that the Montgomery EDC is willing to pay for the fee. Mr. Yates said that the Montgomery EDC has,

in the past, supported downtown development, including budgetary items for downtown development improvements this year for \$55,000.

Mr. Yates said that the work described in the engineer's proposal is to create a plan set that will be delivered to TxDOT that includes the full design of the ornamental lights. Mr. Yates said the reason this is before City Council is that TxDOT needs this design before they can finish their design.

Mr. Yates said that the concern that he has, that he will tightly manage, is the amount of time spent in design considering that TxDOT has not yet finalized their plans for the roadway. Mr. Yates said that he would not want the City Engineers to be designing for a certain corridor of alignment and then have TxDOT change their layout requiring a new corridor and design. Mr. Yates said that he would not let that happen.

Mayor Jones said that TxDOT will expend their own dollars to build the pedestals and to bury the conduit, although the City would have to pay for the conduit when the time comes, but TxDOT will install the concrete that the light will set on. Mr. Yates said that TxDOT will also place the conduit. Mr. Roznovsky said that the City will be responsible for the electrical work, so pulling the wires and setting the controls, transformers and setting the lights. Mr. Yates said that the cost is \$18,000, which is a not to exceed figure.

Dave McCorquodale asked if there were any numbers on what the installation costs, or the ultimate cost to the City, not for the design of the project, but for the implementation of the project. Mr. Roznovsky said the number of lights drives the cost, so the quote that was received a while back for the lights themselves was between \$3,000 - \$3,500 per light, so including connection of the light it would be roughly \$4,000 per light, which would be phased in over time. Mr. Roznovsky said that the conduit might be laid out and in the first year they might install two or three lights. Mr. Roznovsky said that the things that would have to be done, would be the electrical, which is close to \$75,000 between the pedestal, including running the wires through the conduit, and making all the connections ready for the lights.

Dave McCorquodale said that one of the thoughts that he had on this is, with respect to the last TxDOT Project on FM 149, he does not feel that he saw really anything until they were ready to move forward and then everybody pulled back. Dave McCorquodale said that if he were to support this project, he would want to see some very, very early designs to let them know where the project is going initially, because he does not feel like City Council was really in the

loop, at all, on anything. Mr. Yates said that he would agree with that statement, and he thought that they would probably look at that in mid to late January. Mayor Jones said that they have some older versions that might give you an idea of the project, and said that mostly what is missing right now is where exactly the curb cuts will be.

Rebecca Huss said that she thought what was missing right now is still the things that were missing before, because there has been no consultation with landowners, there is the issue that came up with the whole nonsense about pavers and landscaping and planters, and if the TxDOT superiors had known about it, it would have pushed the funding to 2022, so they would have never had it anyway. Rebecca Huss said that the City is still in the same spot that they were before, they have a TxDOT representative saying that the City is going to get exactly what they give them, so the City will not be any further ahead than they were two months ago when people were very upset about the lack of consultation, willingness to adjust TxDOT's steamroller format for Montgomery. Rebecca Huss said that she has a serious issue, in general, with the way Montgomery has spent money before, which is throw money at one particular project without any cohesive plan for downtown. Rebecca Huss said that she thought that they had talked before about the idea of having a true design plan that included all of downtown, that was an actual thing that people could work towards and how this lighting plan would fit into that plan. Rebecca Huss said that now they are talking about \$18,000, plus \$75,000 and \$4,000 per light, and no idea of how it actually fits in to any plan, and it is going back to the piece meal junk that goes along with letting things happen rather than planning it out, and determining our own future.

Mayor Jones said that granted, they are somewhat at the mercy of TxDOT, but they are working with the City to try and do some things in that section of downtown that would benefit us, with things that we think we would like, such as decorative lighting. Rebecca Huss said that they will have decorative lighting to go with the narrow streets and no parking. Mayor Jones said there is not an issue with parking. Mayor Jones said that Mr. Yates is working with TxDOT, and Mr. Yates is going to walk around to every single business owner downtown and ask what they want. Mayor Jones asked that City Council give Mr. Yates time to do that with Mrs. Vu, and once that is done, they will present City Council with a drawing of the project showing what is wanted.

Mayor Jones said that TxDOT was horrible with their communication; now the City is trying to resolve that matter. Mayor Jones asked to let Mr. Yates and Mrs. Vu get through the process,

and everyone will be communicated with about the project. Mayor Jones said that TxDOT will include the pedestals for future lights if the City wants them, so they have to get the information to be included in the drawings.

Dave McCorquodale said that some of his apprehension he has is that a lighting plan certainly feels subordinate to an overall plan, a lighting plan feels like the layers after the plan is put together. Dave McCorquodale said that if the lighting plan that they come up with does not match the plan that TxDOT comes up with then they have to go through revisions. Dave McCorquodale said that typically lighting plans are not done, at least from a site development standpoint, if you don't have an idea of how the site is laid out. Rebecca Huss said that if you read the minutes, it looks like TxDOT is not going to give them any crosswalks or anything like that, so there is no need to worry about that. Dave McCorquodale said that he feels like this is a very, very narrowly focused goal, and he would not be able to make an argument that they would not need a lighting plan, but in the context of what he has in front of him right now that says "here is the goal for the downtown area," it certainly feels like the cart is way out in front of the horse. Mayor Jones said that it was not the whole downtown, it is just FM 149, and as he sees it, their future vision has to play off of that. Dave McCorquodale said that in the absence of any downtown plan, he does not see the logic of this. Mayor Jones said that he guessed they could say don't do anything, although they have been asking for it for ten years, and leave the muddy ditches because we can't decide if we want a sidewalk there. Dave McCorquodale said that the lights are not going to fix the mud. Mayor Jones said that the sidewalks will fix the mud, and the lights have to be included in the TxDOT plan because they are going to install the pedestals. Dave McCorquodale asked if TxDOT has a percentage on where they are at with that plan right now, because that is some of the unknown. Mayor Jones said that they are at 80%. Mr. Yates said that they are waiting on the first revision since the first meeting. Rebecca Huss said that they are 80% of the way done, per your estimate, without doing any consultation, and we are going to end up right back in the same spot with Metcalf and Nichols not being willing to rescind their letters asking for consultation, flexibility, and for TxDOT to respect Montgomery's downtown historical nature and not steamroll it. Mayor Jones said that Mr. Yates, Mrs. Vu and the TxDOT representative are going to walk around to every property and speak to all the property owners. Rebecca Huss said that if TxDOT is 80% done there is really nothing to talk about. Mayor Jones said that is not the case; TxDOT knows that they want to put sidewalks in certain places, and now really what they are down to is can they still allow the head in parking here or not, and is there enough room, and parallel parking,

so they are going to ask all these questions of the property owners. Dave McCorquodale said that he thought, in the absence of seeing any type of plan, he needs to see something, he can't support a lighting plan in the context of all this other stuff being assured is happening, but not seeing any of it, because he has not seen one plan, and said that he likes to look at drawings and plans. Mayor Jones said that he could understand how Dave McCorquodale feels. Dave McCorquodale said that in the absence of any plans or drawings, he does not see the wisdom in a lighting plan at this point. Dave McCorquodale said that it sounds like there is a whole lot of stuff that is being done; it is just that he does not have any access to that information, but he is being asked for the lighting approval with the promise of the other stuff.

Dave McCorquodale said that he would ask to see, at the next meeting, where the project is now because he does not feel like he has gotten a really good explanation of it. Mayor Jones said that Dave McCorquodale was right and he felt that he deserved that information, and they should have done that, but since it was a work in progress, it did not happen.

Mr. Yates said that he thought, by the next City Council Meeting, he could have a rough sketch of what would happen at the corners, where there will be lights and where there will be enclaves and landscape areas in the downtown area, something that he has already shown the HMBA, which they liked. Dave McCorquodale said that information and whatever we have from TxDOT would be what he wants to see. Mayor Jones said that they have some of the older TxDOT drawings, which will be similar. Dave McCorquodale said that he would admit that lighting is an integral part to any type of urban space. Mayor Jones said that Mr. Yates' walk around probably won't occur until January. Mr. Yates said that it will probably be the second week in January. Mayor Jones asked if there are some of the old drawings that they could pass around to City Council. Mr. Yates said that they did not really have any old drawings. Rebecca Huss asked what the purpose of the old drawings were, unless they were making no change to the project. Mayor Jones said that was not the case; the drawings were to give City Council a feel of what the project is looking like. Dave McCorquodale said that to be fair, he did not think that there is a lot that is going to change, but then he did not see the old drawings. Rebecca Huss said that if TxDOT is not going to let the contract until the end of 2018, then it is not a big emergency. Mr. Yates said that was correct, they are hoping to have City Council's approval by the end of February. Rebecca Huss said that even then she has concerns about the focus; she prefers to focus on the big priority that is mobility, which is the SH 105 and FM 149 intersection, and getting everyone's attention focused on getting that fixed because that should be the priority, not wasting money on TxDOT doing planters, pavers and sidewalks downtown,

which they have not had a safety issue that would mean they have to completely change the way we currently park and how people walk on the sidewalks, or lack thereof. Rebecca Huss said that they do have a problem that is discussed around town that is unanimously discussed among business people that the FM 149 and SH 105 intersection needs to be addressed and she worries that spending so much effort on this fluffy stuff they are missing the real fundamentals of the engineering that needs to happen and the money that needs to go into fixing the problem at the intersection. Rebecca Huss said if there is only a certain amount of money, she does not want to spend it on fluffy stuff.

Dave McCorquodale moved to table the authorization to proceed with preparation of construction plans and technical specifications for the FM 149 Pedestrian Lighting Plan, pending additional information submitted to City Council, i.e., the status of the plans now, and any other relevant information that staff might have for City Council. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

10. Presentation of Utility and Economic Feasibility Study for the 80-Acre First Hartford (Mabry) Single - Family Development.

Mr. Roznovsky presented the study to City Council regarding the 80-acre tract of land on FM 1097, next to Terra Vista, which is currently outside the City limits and would require annexation. Mr. Roznovsky said that the current plan includes 345 single family homes, and 2-3 acres of commercial property.

Mr. Roznovsky said that, based on the number of lots in the development, it would require a variance for the minimum lot size and width. Mr. Roznovsky said that regarding water capacity, they are requesting 100,000 gallons a day water capacity, which they have verified with the current average per single family home. Mr. Roznovsky said that the City is at 140% capacity, based on the projected buildouts, which is not expected to occur until 2023, the City would expect to hit capacity in 2020-2021 time frame.

Mr. Roznovsky said that the 12-inch waterline would need to be extended along FM 1097 and would be required to loop back in somewhere, either Waterstone or Terra Vista to close the

loop. Sanitary Sewer is the same as water, which would be 140%, and in 2019 the City would need to be in design planning, and in 2020 start construction. Mr. Roznovsky advised that they have a detention pond in the proposed land plan, and they would have to get an easement from the property owner to the south to get the outfall to the lake. Mr. Roznovsky advised that the property has a single point of access, so that would be something that would have to be discussed for the different options.

Mr. Roznovsky advised that the property will be subject to Impact Fees, which become effective tomorrow on December 13, 2017, and would be assessed approximately \$1.5 million to be due when they connect to the system. Mr. Roznovsky said that they are looking at a total in development costs of \$2.6 million dollars, not related to anything internal.

Dave McCorquodale asked for clarification between the site map and the preliminary land plan, which looks like there is a whole lot more frontage. Mr. Roznovsky said that the preliminary land plan north is to the right side of the page, and when you are looking at the aerial exhibit, north is at the top of the page. Dave McCorquodale said that when he is looking at the aerial map, he is looking at the pointed lot, on FM 1097. Mr. Roznovsky advised that the FM 1097 location is next to Terra Vista. Mr. Roznovsky advised that the commercial reserve is adjacent to Terra Vista that is approximately 2.8 acres of land.

Mr. Roznovsky said that based on the projected value, the ad valorem tax would be \$347,000 per year when they are at full development. Rebecca Huss said that they are having to expand their sewage treatment plant before their assessed value. Mr. Roznovsky said that was correct.

Rebecca Huss asked about when they reduced the Impact Fee, it was specifically related to the number of homes that was in this development, because the denominator got bigger. Mr. Roznovsky said that was based on a development, not this development. Rebecca Huss said that if this happens again, and these are only half way built out, would their impact fee drop as they do online. Mr. Roznovsky advised that the fee is assessed when they plat the property and it is approved and recorded; the fee is set.

Mr. Roznovsky said that the developers are looking at different options and in the future they will be approaching City Council. Mayor Jones asked if the land had been closed on. Mr. Roznovsky said that the land is under contract.

Dave McCorquodale moved to accept the Utility and Economic Feasibility Study for the 80-Acre First Hartford (Mabry) Single - Family Development. T. J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

11. Buffalo Springs Bridge Report by City Engineer.

Mr. Roznovsky advised that he had covered the information in his monthly report, but stated again that they had received the final signed project worksheet this morning from FEMA, with all the information included. Mr. Roznovsky advised that the amount that FEMA approved was \$1.92 million. Mr. Roznovsky said that they should have the contacts in hand tomorrow to send to Mr. Foerster for him to review, and then they will go to the City for execution. Mayor Jones said that dirt will be turned on January 2, 2018. Mr. Roznovsky said that was the plan, and said that the contractor had called to make sure that everything was ready to go.

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.

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

- a) Section 551.071 - Confidential consultation with the City Attorney about possible contractual negotiations.

Mayor Jones convened into Executive Session at 7:51 p.m.

Reconvene into Open Session to act if necessary on matters discussed in Executive Session.

Mayor Jones reconvened the Open Session at 9:08 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

13. Consideration and possible action, if necessary, on matters deliberated upon during Closed Executive Session with the City Attorney.

Dave McCorquodale moved to authorize the City Attorney and City Administrator to proceed with negotiations to enter into an Interlocal Agreement with ESD 2 for sharing sales tax; 50% to the City of Montgomery and 50% to ESD 2. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

COUNCIL INQUIRY:

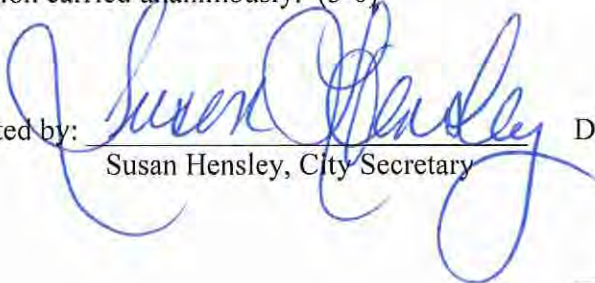
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or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

No comments were made.

ADJOURNMENT

Dave McCorquodale moved to adjourn the meeting at 9:10 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

Submitted by:


Susan Hensley, City Secretary

Date Approved: _____

Mayor Kirk Jones

Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: January 5, 2017	

Subject

This is in case Councilmember Jon Bickford is absent from this meeting. It would be his third meeting in a row which he would be absent.

Description

This is just in case Mr. Bickford is absent from this meeting. It would be his third meeting. However I understand from the City Attorney that the Council can approve a "leave of absence" for one meeting.

Recommendation

Motion to authorize Jon Bickford a leave of absence for the meeting of January 9, 2018.

Approved By

City Administrator	Jack Yates	Date: January 5, 2018
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ITEM #6
Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
	Exhibits: - Letter of Renewal to Roderick Lawson, November 16, 2016, <ul style="list-style-type: none">- Receipt of renewal Vendor permit.- Application for Vendors completed by Mr. DeWitt Lawson,- Certificate of Insurance
Prepared By: Jack Yates City Administrator	
Date Prepared: <i>January 4</i>, 2017	

Subject

This is a request from DeWitt Lawson to renew an existing Special Use Permit granted for this address to Rodrick Lawson in November 2016.

Description

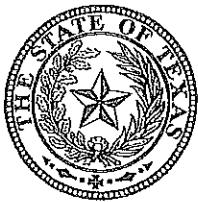
This is to consider a renewal of firewood sales at the 14611 address to DeWitt Lawson.
The reason I gave the Council a copy of the November 16, 2016 letter to Roderick Lawson is the problem in the past of keeping a clean lot from which to sell the firewood.
While the property is much cleaner right now I think a term of the permit should be just as last year--- that the property must be maintained in a safe and sanitary condition according to the Code Enforcement Officer.

Recommendation

Motion to approve the renewal contingent upon at the property must be maintained in a safe and sanitary condition according to standards determined by the Code Enforcement Officer and if not accomplished, the Permit is immediately revoked and can be reapplied for to the City Council

Montgomery City Council
AGENDA REPORT

Approved By		
City Administrator	Jack Yates 	Date: January 4, 2018



CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

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

November 16, 2016

Mr. Roderick L. Lawson
14611 Liberty St.
Montgomery, Tx. 77356

Dear Mr. Lawson,

Please be advised that the City of Montgomery City Council, during their regular meeting held on November 15, 2016, approved the renewal of your Special Use Permit for selling firewood at 14611 Liberty St., Montgomery. The renewal will expire November 15, 2017.

A term of this permit is: The property must be maintained in a safe and sanitary condition according to standards determined by the Code Enforcement Officer and if not accomplished, the Permit is immediately revoked and can be reapplied for to the City Council.

Sincerely,

A handwritten signature in cursive script that reads "Jack Yates".

Jack Yates
City Administrator

Received by:

Roderick L. Lawson
Roderick Lawson

CITY OF MONTGOMERY
P.O. BOX 708
MONTGOMERY, TX 77356
PHONE: 936-597-6434 FAX: 936-597-6437

APPLICATION FOR VENDORS

Name: Dewitt Lawson

Address: 14611 Liberty St., Montgomery, TX. 77356

Phone #: 713 894 3136

Class of permit: (check one)

Peddler _____

Hawker _____

Solicitor _____

Transient dealer _____

Mobile food unit _____

Roadside food vendor Firewood

I have had no permit issued pursuant to this division revoked in the previous one-year period

No

Full description of merchandise to be sold or for which the purchase is to be solicited:

Firewood

Signature of Applicant Dewitt Lawson

Date of Application 12/29/17

Approved/City Employee [Signature]

Spec Use Permit.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/29/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Insurance Office Of Montgomery 19700 Hwy 105 W Montgomery TX 77356	CONTACT NAME: Harvey LeMaster	FAX (A/C, No): 936-582-2331
	PHONE (A/C, No, Ext): 936-582-2330	E-MAIL ADDRESS: lemasterharvey@yahoo.com
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED Lawson Firewood BDA Dewitt Lawson 14611 Liberty St Montgomery Tx 77356	INSURER A: Scottsdale Insurance ICo	
	INSURER B: RLI Bonding Co	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			CPS003247	12/29/2017	12/29/2018	EACH OCCURRENCE \$ 300,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 300,000 GENERAL AGGREGATE \$ 300,000 PRODUCTS - COMP/OP AGG \$ 300,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below:	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	RLI Bonding Co			1003458	12/29/2017	12/29/2018	\$10,000 Vendors Bond

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Fire Wood Vendor

CERTIFICATE HOLDER City of Montgomery P O Box 708 Montgomery, Tx. 77356	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Harvey LeMaster <i>Harvey LeMaster</i>

ITEM #7
Montgomery City Council
AGENDA REPORT

Meeting Date:	January 9, 2018	Budgeted Amount:	\$16,000
Department:			
		Exhibits:	Election Services Agreement
Date Prepared:	January 4, 2018		

Subject
 Adoption of an Election Services Agreement with Montgomery County Elections regarding the May 5, 2018 City General Election.

Recommendation
 Adoption of the Election Services with Montgomery County Elections.

Discussion
 This agreement covers all the services for Early Voting and Election Day, including the Election equipment, election officials and training of election officials.
 Due to the length of Exhibit B, only the portion that addresses the City's Election has been attached. If anyone is interested in seeing the entire exhibit, I will have it in my office.
 If the Election is uncontested, and the City could cancel the Election, there would not be any cost to the City

Approved By		
City Secretary		Date: January 4, 2018
City Administrator		Date: 1-5-2018

ELECTION SERVICES AGREEMENT

STATE OF TEXAS ()
COUNTY OF MONTGOMERY ()

THIS CONTRACT is made this 20th day of December, 2017, by and between the Political Subdivision of City of Montgomery, hereinafter called "Political Subdivision," and Montgomery County, Texas, by its County Election Officer, Suzie Harvey, hereinafter called "Contracting Officer," pursuant to Texas Election Code Section 31.092. The parties agree to hold a May 5, 2018 Joint Election with all participating Political Subdivisions in accordance with Chapter 271 of the Texas Election Code and this Agreement. This Agreement is entered into in consideration of the mutual covenants and promises hereinafter set out:

1. **RECITALS.** Contracting Officer is the Elections Administrator of Montgomery County, Texas, and is the County Officer in charge of election duties. Political Subdivision is a political entity situated wholly or partially within Montgomery County, Texas. Political Subdivision and Contracting Officer have determined that it is in the public interest of Montgomery County voters that the following contract be made and entered into for the purpose of having Contracting Officer furnish to Political Subdivision certain election services and equipment needed by Political Subdivision in connection with holding its May 5, 2018 Election. Montgomery County's certified Hart InterCivic eSlate Voting System Version 6.2.1 electronic voting equipment is to be used in the May 5, 2018 Joint Election, hereinafter called "Joint Election."
2. **DUTIES AND SERVICES OF CONTRACTING OFFICER.** Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:
 - (a) Determine the number of election officials and voting equipment units needed for each polling location. Notify and coordinate presiding election judges, alternate judges, and all other election officials appointed by Montgomery County Commissioners' Court and the County Election Board or recommended by Contracting Officer, as applicable. Montgomery County or Contracting Officer, as applicable, will make emergency appointments of election officials if necessary.
 - (b) Conduct necessary training of election officials or arrange for training through a third party. Notify all early voting and election day officials of the date, time, and place thereof.
 - (c) Arrange for the use of early voting locations per the attached Exhibit A and election day polling locations per the attached Exhibit B. If the need arises for emergency replacement polling location(s), make necessary alternate arrangements and notify Political Subdivision as soon as possible.
 - (d) Procure election kits and supplies and distribute to the election judges and early voting deputies. Assemble and edit lists of registered voters to be used in conducting the election in conformity with the boundaries of Political Subdivision and the election precincts established for the election. The election day list of registered voters shall be arranged in alphabetical order, as applicable to the election, in lieu of alphabetical order by political entity.

- (e) Prepare and test all electronic voting equipment, format ballot styles, record audio, oversee all equipment and voter registration database programming, assure compliance with equipment security requirements, and arrange for transport of equipment to and from polling locations.
- (f) Serve as Early Voting Clerk for the Joint Election. Process, print, mail, email, or deliver in person, as applicable, and tabulate ballots for any eligible voter who applies for a mail ballot including all eligible Federal Post Card Application voters. Supervise the conduct of early voting in person and appoint sufficient personnel to serve as deputy early voting clerks. Provide lists of early voters as provided by law through the Montgomery County Elections Public Information web access program.
- (g) Publish legal notice of the date, time, and place of the public logic and accuracy test and first test of automatic tabulating equipment. Prepare test materials and conduct internal election testing, public logic and accuracy test, and tests of tabulation equipment. Publish a notice of joint election one time in English and Spanish in Montgomery County newspaper(s).
- (h) Arrange for the early voting ballot board, signature verification committee if applicable, tabulation personnel, and all personnel, equipment, and supplies needed at central counting station. Tabulate early voting and election day results, including paper ballots and provisional ballots. Tabulate unofficial returns and assist in preparing the tabulation for the official canvass. Provide Political Subdivision its voter history report following the election through the Montgomery County Elections Public Information web access program.
- (i) Serve as Custodian of Records for election records in Contracting Officer's custody and provide the required temporary storage and permanent storage of said election records as provided by law.
- (j) Provide information services for voters and election officers.
- (k) Maintain accurate records of all expenses incurred in connection with the responsibilities under this Agreement and provide Political Subdivision a final invoice after the conduct of the election. Provide any detailed backup to such invoice, if requested, reflecting the charges or components of the costs set forth on the invoice submitted to Political Subdivision.
- (l) Pursuant to Section 127.201(g) of the Texas Election Code, the requirement to conduct the partial manual count of electronic voting system ballots does not apply to a voting system that uses direct recording electronic machines (DREs). Montgomery County uses only DREs and qualifies for the exemption under this section, thereby also qualifying the participating Political Subdivisions for the exemption. This exemption must be recorded with the Office of the Secretary of State in accordance with instructions provided by that agency.

If the exemption is revoked for any reason, Contracting Officer shall conduct a partial manual count as provided by Section 127.201 of the Texas Election Code if required for the County election or if Political Subdivision provides Contracting Officer precincts and races ordered by the Secretary of State to be manually counted. Contracting Officer shall deliver a written report of the results of any such count to the Office of the Secretary of State in accordance with Section 127.201(e) of the Texas Election Code and to Political Subdivision in a timely manner.

(m) Place the funds paid by Political Subdivision hereunder in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code.

3. DUTIES AND SERVICES OF POLITICAL SUBDIVISION. Political Subdivision shall be responsible for performing the following duties:

- (a) Prepare all election orders, resolutions, notices, and other pertinent documents for adoption and execution by the appropriate Political Subdivision officer or body. Take all actions necessary for calling Political Subdivision's election which are required by the Texas Election Code and/or the Political Subdivision's governing body, charter, ordinances, or other applicable laws. Execute a Joint Election Agreement with all participating Political Subdivisions for the purpose of sharing election equipment, election officials, polling places, and costs. Serve as Custodian of Records for all election records in its possession as provided by law.
- (b) Political Subdivision shall be responsible for the legal sufficiency of any order calling its election. Political Subdivision shall be responsible for all substantive and procedural legal issues governing the conduct of its election. Political Subdivision understands and agrees that Contracting Officer provides no legal advice to Political Subdivision.
- (c) Adopt the county voting precincts for this election. Adopt all early voting dates, times, and locations on the attached Exhibit A. Adopt the election day polling locations on the attached Exhibit B at which Political Subdivision's election will be held.
- (d) If required, prepare any necessary preclearance submission on all voting changes made by Political Subdivision and timely submit to the U. S. Department of Justice under the Federal Voting Rights Act of 1965, as amended.
- (e) Prepare, post and publish all required election notices for Political Subdivision with the exception of the joint election notice and the notice of the public test which Contracting Officer shall publish. In addition, if polling locations for Joint Election are different than those for Political Subdivision's previous election, Political Subdivision shall post notice at the entrance to any previous polling places in its jurisdiction stating that the polling location has changed and shall provide the polling location and address for those voters for this election, pursuant to Texas Election Code Section 43.062, unless Contracting Officer has posted notice of the change at that location for Joint Election. Educate the voters in Political Subdivision as much as possible about early voting dates, times, and locations and election day polling locations.
- (f) Timely confirm with Contracting Officer Political Subdivision's boundaries, county voting precincts, and street details within those boundaries. If boundaries are not defined properly within Montgomery County Elections voter registration database, maps and street lists with block ranges and odd/even/both indicators must be provided to Contracting Officer. Proof and approve all programming work done for the jurisdiction according to the Exhibit C Timetable.
- (g) Deliver to Contracting Officer, according to the attached Exhibit C Timetable, an Entity Fact Sheet, Ballot Template with Spanish translations, candidate names or measures, and the order in which all items are to be printed on the ballot with the exact form and spelling. Provide pronunciation for difficult names or words for use on the audio recording. Review ballot proofs and approve by signature within deadlines provided.

(h) Appoint Contracting Officer as Early Voting Clerk to receive applications for ballot by mail at

Mail
Suzie Harvey
Elections Administrator
P. O. Box 2646
Conroe, TX 77305-2646

Email*
election.ballot@mctx.org
*For an application for Ballot by mail submitted by fax or email to be effective, the application also must be submitted by mail and be received not later than the fourth business day after it is received by fax or email.

Fax*
(936) 788-8340

All requests for early voting ballots to be voted by mail that are received by Political Subdivision must be forwarded in person or by email or fax to Contracting Officer on the day of receipt. Original applications that are received by mail and forwarded by email or fax must also be mailed to Contracting Officer for all processing.

- (i) Appoint election officials as appointed by Montgomery County Commissioners' Court and the County Election Board or recommended by Contracting Officer, as applicable.
- (j) If requested, assist Contracting Officer with recruiting bilingual poll workers and provide documentation of Political Subdivision's efforts if requested by the U. S. Department of Justice.
- (k) If candidate information packet is provided to Political Subdivision by Contracting Officer, distribute to all candidates at time of candidate filing or in another appropriate manner.
- (l) Pay additional costs incurred by Contracting Officer for a recount, election contest, newly ordered election, or a runoff election, if required, unless prohibited by law.
- (m) Record the exemption from the partial manual count pursuant to Section 127.201(g) of the Texas Election Code with the Secretary of State in accordance with the instructions provided by that agency, unless the exemption for voting systems that use only DREs is revoked. If the exemption is revoked, immediately forward to Contracting Officer any information received from the Secretary of State regarding a manual count of precincts and races or a waiver of the manual count. Contracting Officer must receive this information on the same day received by Political Subdivision because of the short deadline for Contracting Officer to begin the process.
- (n) Canvass the returns and declare the election results for Political Subdivision. Political Subdivision is responsible for filing any precinct reports required by the Secretary of State unless both parties agree that Contracting Officer will submit precinct reports to the Secretary of State.
- (o) Pay a deposit of 60% of its estimated cost per the Exhibit D Cost Estimate to
Montgomery County Elections Administrator
P O Box 2646, Conroe, Texas 77305-2646.

Checks shall be received by Contracting Officer on or before the deadline in Exhibit C Timetable. Pay the balance for conducting said election within thirty days from the date of final invoice. All payments shall be made from current revenues available to Political Subdivision. If the amount owed for conducting the election is less than the deposit paid by Political Subdivision, Contracting Officer shall refund the overpayment in a prompt manner.

4. **COST OF SERVICES.** Political Subdivision shall share some expenses for the above services, supplies, and equipment in accordance with the attached Exhibit D Cost Estimate. This cost estimate may be amended, if necessary, after filing deadlines and election cancellations. Additional elections may reduce costs for each entity, and election cancellations may increase costs for each remaining entity. It is understood that other political entities may wish to participate in the use of the County's electronic voting equipment and polling locations, and it is agreed that Contracting Officer may enter into other contracts with entities for those purposes on terms and conditions generally similar to those set forth in this Agreement. Only the actual expenses directly attributable to this Agreement and any prorated shared expenses plus a 10% administrative fee may be charged to Political Subdivision.

5. **GENERAL CONDITIONS.**

- (a) The parties agree that the timing is critical for all duties in this Agreement. Failure to adhere to any deadline in the Exhibit C Timetable without prior agreement of Contracting Officer may result in cancellation of Contracting Officer's duties and obligations to conduct Political Subdivision's election under this Agreement or, at the discretion of Contracting Officer, a late penalty surcharge in an amount not to exceed 10% of the final election cost. Adherence to the Timetable is critical because of Montgomery County's obligation to complete all programming and testing, process, print, and mail or email, as applicable, any military and overseas ballots by state and federal deadlines, and conduct federal, state, county, and/or other contracted elections, as applicable.
- (b) In accordance with Section 31.098 of the Texas Election Code, Contracting Officer is authorized to contract with third persons for election services and supplies and hire necessary temporary personnel to perform contracted duties. Part-time and seasonal personnel will be compensated at the hourly rate set by Montgomery County.
- (c) Pursuant to Section 31.100(d) of the Texas Election Code, Contracting Officer may not be personally compensated for election services performed under this Agreement. In accordance with Section 31.100(e) of the Texas Election Code, only costs for contractual duties performed by full-time county employees outside of normal business hours will be allocated to Political Subdivision under this Agreement.
- (d) Political Subdivision acknowledges that electronic voting equipment is highly technical and it is conceivable that, despite the best effort of the parties and technical assistance, it might fail during the election. Contracting Officer will take every possible action to remedy the situation, but Political Subdivision agrees that should such equipment fail, it will not make any claim for damages of any kind.
- (e) The county early voting sites as per the attached Exhibit A will be used for the Joint Election. Any eligible Montgomery County voter in the Joint Election may vote early by personal appearance at any one of the joint early voting locations in Exhibit A.
- (f) Montgomery County Elections Department is contracting with numerous political entities for the Joint Election, and the parties agree that all ballot styles will be programmed into one electronic voting system. Each voter will receive one ballot that contains all races and measures in the Joint


Election for which the voter is eligible at the address and in the precinct of the voter's current registration in Montgomery County. One joint voter sign-in process consisting of a common list of Montgomery County registered voters and common signature rosters shall be used.

- (g) In accordance with Section 31.099 of the Texas Election Code, Contracting Officer shall file copies of this Agreement with the Auditor and Treasurer of Montgomery County not later than the 10th day from receipt of the fully executed Agreement by Contracting Officer.
- (h) Montgomery County is self-insured for personal liability issues. Should Political Subdivision desire insurance for injuries during this election or other liabilities, it shall make such arrangements separate from this Agreement.
- (i) In the event that the performance by Contracting Officer of any of its obligations hereunder shall be interrupted or delayed by any occurrence not occasioned by its own conduct, whether such occurrence be an act of God or the result of war, riot, civil commotion, sovereign conduct, or the act or condition of any persons not a party thereof, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.
- (j) The parties to this Agreement agree that Political Subdivision may cancel this Agreement in the event that it has no need to participate in Joint Election. If Political Subdivision cancels its participation after the deadline in Exhibit C Timetable, a \$200 contract preparation and processing fee will be assessed to Political Subdivision in addition to any costs incurred by Contracting Officer on behalf of Political Subdivision prior to said cancellation. A 10% administrative fee will be added to all charges for services provided under this agreement, including services related to a canceled election or canceled participation.
- (k) Political Subdivision has the option of extending the applicable terms of this Agreement through its runoff election, if required. Political Subdivision shall be responsible for locating acceptable runoff polling locations, although Contracting Officer may assist. Political Subdivision may reduce the number of early voting locations and/or election day polling locations in a runoff election. If Political Subdivision elects to have Contracting Officer conduct a runoff election, the date must be acceptable to Contracting Officer and shall be coordinated with other participating entities. Costs will be allocated to the participating entities, plus a 10% administrative fee shall be charged. Political Subdivision shall be responsible for all orders, notices, and notice of election postings and publications required for its runoff, except the publication of the notice of public logic and accuracy test which Contracting Officer will publish.

The foregoing Election Services Agreement is made in Montgomery County, Texas, and is signed on the dates below.

MONTGOMERY COUNTY, TEXAS

December 20, 2017
Date Signed

By: 
Suzie Harvey, Elections Administrator
"Contracting Officer"
9159 Airport Road
Conroe, Texas 77303
Phone: (936) 539-7843 Fax: (936) 788-8340
suzie.harvey@mctx.org

City of Montgomery
"Political Subdivision"

Date Signed

By: _____
Name: Kirk Jones
Title: Mayor
Address: P.O. Box 708
City, State, Zip: Montgomery, TX 77356
Phone: (936) 597-3288 Fax: (936) 597-6437
Email: kjones@ci.montgomery.tx.us

EXHIBIT A
MAY 5, 2018 JOINT ELECTION
EARLY VOTING POLLING LOCATIONS AND TIMES

April 23 – 28	Monday – Saturday	8:00 am – 5:00 pm
April 30 – May 1	Monday – Tuesday	7:00 am – 7:00 pm

Lee G. Alworth Building
(Main Early Voting Polling Place)
207 West Phillips Street - Conroe, Texas 77301

Magnolia Community Building
422 Melton Street - Magnolia, Texas 77354

South County Community Building
2235 Lake Robbins Drive - The Woodlands, Texas 77380

North Montgomery County Community Center
600 Gerald Street - Willis, Texas 77378

East County Courthouse Annex
21130 U. S. Highway 59 South - New Caney, Texas 77357

Lone Star Community Center
2500 Lone Star Parkway - Montgomery, Texas 77356

Election Central
(Limited Ballots, Special Forms of Early Voting and Ballot by Mail only)
9159 Airport Road - Conroe, Texas 77303

Montgomery County Elections
EXHIBIT B - Polling Location Information
May 5, 2018 Joint Election
For Election Day

Pct	Name of Facility	Physical Address	City	Zip
1	Willis Community Building	109 West Mink Street	Willis, TX	77378
2	Conroe Seventh-Day Adventist Church	3601 South Loop 336 East	Conroe, TX	77301
3	The Woodlands High School 9th Grade Campus	10010 Branch Crossing Drive	The Woodlands, TX	77382
4	Copperwood Apartment Building	4407 South Panther Creek Drive	The Woodlands, TX	77381
5	Longstreet Community Building	20240 Bays Chapel Road	Richards, TX	77873
6	Deretchin Elementary School	11000 Merit Oaks Drive	The Woodlands, TX	77382
7	New Caney Elementary School	20501 FM 1485	New Caney, TX	77357
8	Browder Community Center	14865 County Line Road	Willis, TX	77378
9	Dobbin Community Center	695 South FM 1486	Montgomery, TX	77316
10	Washington Junior High School	507 Dr. Martin L. King, Jr. Place North	Conroe, TX	77301
11	Woodforest Church	15917 Highway 105 West	Montgomery, TX	77356
12	Security Community Building	18760 Highway 105 East	Cleveland, TX	77328
13	Decker Prairie Community Building	32434 Decker Prairie Road	Magnolia, TX	77355
14	Crippen Elementary School	18690 Cumberland Boulevard	Porter, TX	77365
15	Cornerstone Church	100 Mosswood Drive	Conroe, TX	77302
16	Splendora ISD Instructional Services	26175 FM 2090	Splendora, TX	77372
17	First Baptist Church of Groceville	19256 FM 1484	Conroe, TX	77303
18	Magnolia Community Building	422 Melton Street	Magnolia, TX	77354
19	Montgomery City Hall	101 Old Plantersville Road	Montgomery, TX	77316
20	Travis Intermediate School	1100 North Thompson Street	Conroe, TX	77301
21	Conroe High School	3200 West Davis Street	Conroe, TX	77304
22	Lake Conroe Hills Community Building	13621 Lake Breeze Lane	Willis, TX	77318
23	North Montgomery County Community Center	600 Gerald Street	Willis, TX	77378
24	Oak Ridge Sr. High School	27330 Oak Ridge School Road	Oak Ridge North, TX	77385
25	Grangerland Community Center	15636 FM 3083	Grangerland, TX	77302
26	East County Courthouse Annex	21130 Highway 59 South	New Caney, TX	77357
27	Rivershire Club House	206 Scarborough Drive	Conroe, TX	77304
28	Decker Prairie Elementary School	27427 Decker Prairie Rosehill Road	Magnolia, TX	77355
29	W Montgomery County Community Development Center	31355 Friendship Drive	Magnolia, TX	77355
30	Magnolia High School	14350 FM 1488	Magnolia, TX	77354
31	Shenandoah Municipal Complex	29955 I-45 North	Shenandoah, TX	77381
32	Wilkerson Intermediate School	12312 Sawmill Road	The Woodlands, TX	77380
33	South County Community Building	2235 Lake Robbins Drive	The Woodlands, TX	77380
34	Needham Fire Department Station 64	15341 Lake Lamond Road	Conroe, TX	77384
35	Robinson Road Community Building	27434 Robinson Road	Oak Ridge North, TX	77385
36	Allendale Baptist Church	14535 Allendale Lane	Conroe, TX	77302
37	Friendship United Methodist Church	22388 Ford Road	Porter, TX	77365
38	West Montgomery County Annex	19380 Highway 105 W., Suite 507	Montgomery, TX	77356

39	Lone Star Elementary School	16600 FM 2854	Montgomery, TX	77316
40	Cryar Intermediate School	2375 Montgomery Park Boulevard	Conroe, TX	77304
41	Splendora Junior High School	23411 FM 2090	Splendora, TX	77372
42	Moorhead Junior High School	13475 FM 1485	Conroe, TX	77306
43	Panorama Village City Hall	99 Hiwon Drive	Panorama Village, TX	77304
44	Lone Star Convention Center	9055 Airport Road	Conroe, TX	77303
45	Timber Lakes/Timber Ridge Fire Station	3434 Royal Oaks Drive	Spring, TX	77380
46	Sue Broadway Elementary School	2855 Spring Trails Bend	Spring, TX	77386
47	South Montgomery County Fire Station #4	28830 Birnham Woods Drive	Spring, TX	77386
48	Sally K. Ride Elementary School	4920 West Panther Creek Drive	The Woodlands, TX	77381
49	David Elementary School	5301 Shadowbend Place	The Woodlands, TX	77381
50	Far Hills Utility District Building	10320 Cude Cemetery Road	Willis, TX	77318
51	Central Library	104 I-45 North	Conroe, TX	77301
52	New Caney ISD Annex	22500 Eagle Drive	New Caney, TX	77357
53	Woodbranch City Hall	58 A Woodbranch Drive	New Caney, TX	77357
54	Peach Creek Baptist Church	25963 FM 1485 East	New Caney, TX	77357
55	Austin Elementary School	14796 Highway 105 East	Conroe, TX	77306
56	The Woodlands Emergency Training Center	16135 IH-45 South	The Woodlands, TX	77385
57	Calvary Road Baptist Church	12621 Calvary Road	Willis, TX	77318
58	Lone Star College System	5000 Research Forest Drive	The Woodlands, TX	77381
59	Powell Elementary School	7332 Cochrans Crossing Drive	The Woodlands, TX	77381
60	Montgomery County Juvenile Facility	200 Academy Drive	Conroe, TX	77301
61	George and Cynthia Woods Mitchell Library	8125 Ashlane Way	The Woodlands, TX	77382
62	Collins Intermediate School	6020 Shadowbend Place	The Woodlands, TX	77381
63	Montgomery ISD District Office	13159 Walden Road	Montgomery, TX	77356
64	Whispering Pines Baptist Church	15200 FM 1485	Conroe, TX	77306
65	J. L. Lyon Elementary School	27035 Nichols Sawmill Road	Magnolia, TX	77355
66	Outback Western Wear Event Hall	30405 Dobbin Huffsmith Road	Magnolia, TX	77354
67	Lamar Elementary School	1300 Many Pines Road	The Woodlands, TX	77380
68	Knights of Columbus Hall	29327 South Plum Creek Drive	Spring, TX	77386
69	Barbara Bush Elementary School	7420 Crownridge Drive	The Woodlands, TX	77382
70	The Woodlands Recreation Center	5310 Research Forest Drive	The Woodlands, TX	77381
71	Buckalew Elementary School	4909 West Alden Bridge Drive	The Woodlands, TX	77382
72	Bentwater Yacht Club	200 Bentwater Harbor Drive	Montgomery, TX	77356
73	City of Conroe, Dean Towery Service Center	401 Sgt. Ed Holcomb Boulevard South	Conroe, TX	77304
74	Smith Elementary School	28747 Hardin Store Road	Magnolia, TX	77354
75	Windsor Hills Homeowners' Association Club House	1 East Windsor Hills Circle	The Woodlands, TX	77384
76	Westwood Landowners' Association Building	406 Mackintosh Drive	Magnolia, TX	77354
77	April Sound Church	67 1/2 April Wind Drive South	Montgomery, TX	77356
78	Galatas Elementary School	9001 Cochrans Crossing Drive	The Woodlands, TX	77381
79	Glen Loch Elementary School	27505 Glen Loch Drive	The Woodlands, TX	77381
80	Imperial Oaks Neighborhood Center	31120 Imperial Oaks Boulevard	Spring, TX	77386
81	Mitchell Intermediate School	6800 Alden Bridge Drive	The Woodlands, TX	77382
82	White Oak Middle School	24161 Briar Berry Lane	Porter, TX	77365
83	Security Community Building	18760 Highway 105 East	Cleveland, TX	77328
84	South Montgomery County Fire Station #1	335 Volunteer Lane	Spring, TX	77380

85	Northridge Baptist Church	10681 FM 1484	Conroe, TX	77303
86	Living Branch Church	13229 Highway 105 West	Conroe, TX	77304
87	Birnam Woods Elementary School	31150 Birnam Woods Drive	Spring, TX	77386
88	York Junior High School	3515 Waterbend Cove	Spring, TX	77386
89	Bear Branch Elementary School	8909 FM 1488	Magnolia, TX	77354
90	Woodforest Homefinder Lodge	101 Elk Trace Parkway	Montgomery, TX	77316
91	Magnolia West High School	42202 FM 1774	Magnolia, TX	77355
92	Kaufman Elementary School	2760 Northridge Forest	Spring, TX	77386
93	New Caney Middle School	22784 Highway 59 South	Porter, TX	77365
94	Faith Family Baptist Church	23915 Highway 59 North	Kingwood, TX	77339
95	Kings Manor Elementary School	21111 Royal Crossing Drive	Kingwood, TX	77339
96	Irons Junior High School	16780 Needham Road	Conroe, TX	77385
96				

Montgomery County Elections

Exhibit B

Report Time:12/18/2017 3:21:34 PM

City of Houston					
PCT	Polling Location	Suspense	Active	Total	PCT
*32	Wilkerson Intermediate School			0	*32
*35	Robinson Road Community Building	35	230	265	*35
*37	Friendship United Methodist Church			0	*37
*46	Sue Broadway Elementary School			0	*46
*47	South Montgomery County Fire Station #4		4	4	*47
*67	Lamar Elementary School		3	3	*67
*68	Knights of Columbus Hall		4	4	*68
*82	White Oak Middle School			0	*82
*84	South Montgomery County Fire Station #1	16	151	167	*84
*88	York Junior High School			0	*88
*94	Faith Family Baptist Church	195	725	920	*94
*95	Kings Manor Elementary School	377	897	1,274	*95
		623	2,014	2,637	12

City of Magnolia					
PCT	Polling Location	Suspense	Active	Total	PCT
*18	Magnolia Community Building	125	1,113	1,238	*18
*29	W Montgomery County Community Development Center	5	71	76	*29
*30	Magnolia High School			0	*30
*91	Magnolia West High School	1	8	9	*91
		131	1,192	1,323	4

City of Montgomery					
PCT	Polling Location	Suspense	Active	Total	PCT
*09	Dobbin Community Center			0	*09
*19	Montgomery City Hall	59	479	538	*19
*38	West Montgomery County Annex	18	298	316	*38
*39	Lone Star Elementary School	1	49	50	*39
		78	826	904	4

* Jurisdiction Occupies only a part of the Precinct

May 5, 2018
Montgomery County Joint Election
Exhibit C – Timetable

The Participating Entities agree that timing is critical, and failure to adhere to this Timetable without prior agreement of Contracting Officer may result in additional charges or cancellation of Contracting Officer's duties and obligations to conduct Political Subdivision's election under this Agreement.

The dates in this Exhibit C - Timetable that pertain to deadlines provided by statute are for convenience only and are not to be considered legal advice. Refer to the website of the Texas Secretary of State <http://www.sos.texas.gov/elections/index.shtml> for a complete calendar of events including citations to the Texas Election Code and for information specific to entity type. Confer with your attorney on any statutes that govern your entity and election. Comply with all requirements for orders, postings and notices for your Political Subdivision and election.

Notices

Contracting Officer will provide the publication in English and Spanish of:

- one notice of the date, time, and place of the logic and accuracy test and first test of automatic tabulating equipment in *The Courier* and
- one notice of joint election in Montgomery County newspaper(s).

Immediately

If your entity is not listed on Exhibit B, has "Need to Confirm Streets" indicated on Exhibit B, has annexed territory, or has made any boundary changes, you must contact Contracting Officer at Suzie.Harvey@mctx.org and Matt.Murray@mctx.org immediately. Streets and block ranges in your jurisdictional boundaries must be defined, and this process can be lengthy. An Approval Form for streets must be signed by **January 30, 2018**, in order for you to participate in the Joint Election.

January 30, 2018

Deadline to email Suzie.Harvey@mctx.org **notification of participation** in Joint Election, even if your election has not been ordered or if the election might be canceled if it is uncontested. Contracting Officer is unable to accommodate anyone who responds late. If notice is not received by this date, Political Subdivision will not be included in future correspondence regarding the Joint Election or in the Exhibit D - Cost Estimate.

Entity Fact Sheet due.

Electronic Ballot Template (without candidate names) due. This must be emailed in a **Word Document** on our Ballot Template Form to Suzie.Harvey@mctx.org and Jason.Lay@mctx.org. Email candidate names separately, immediately following the Candidate Filing deadline. Email the order of candidates on the ballot immediately following your ballot position drawing.

For a special election on a measure, if the ballot language for propositions has not been finalized, or if the Spanish translations have not been completed, please provide the expected number of propositions and the details of any candidate races so that information can be inserted as place holders in the election database. This will allow ballot preparation to begin on schedule.

February 16, 2018

Deadline to **order an election**, unless otherwise provided by statute. Please forward a copy of your Order of Election to Contracting Officer.

5:00 PM - Candidate Filing deadline, unless otherwise provided by statute.*

*Schedule your ballot position drawing as soon as possible, but no later than the Candidate Withdrawal deadline, and email the order of candidates on the ballot (see entry under **February 23**).

Notice of ballot position drawing must be posted for 72 hours immediately preceding drawing.

Political subdivision other than a city: The authority conducting the ballot position drawing must mail written notice of the date, hour, and place of the drawing to candidates not later than the fourth day before the drawing.

City: On receipt of a candidate's written request accompanied by a stamped, self-addressed envelope, the authority conducting the ballot position drawing must mail written notice of the date, hour, and place of the drawing to the candidate.

5:15 PM - Deadline to notify Suzie.Harvey@mctx.org whether Political Subdivision has a **contested general election. Political subdivision will not be included in the Joint Election if we do not receive notice.**

5:15 PM - Deadline to email **candidate names in the exact form in which they are to be printed on the ballot.**

February 20, 2018

12:00 PM - Deadline to email **phonetic pronunciation of all candidate names that are not obvious, which will be used for the ballot audio recording.**

5:00 PM - Write-In Declaration Filing deadline, unless otherwise provided by statute.*

5:15 PM – If a Write-In causes election to be **contested, deadline to notify Suzie.Harvey@mctx.org.**

5:15 PM - Deadline to email the names of **Write-In candidates.**

5:15 PM – If election is uncontested as of 5:00 PM on this date, Deadline to **cancel election with Contracting Officer and incur **no fees** under this Agreement. If election is contested as of this date, but a candidate withdrawal after this date causes election to be uncontested, no charges will be assessed if Contracting Officer is notified of cancellation on the date of the withdrawal.**

February 23, 2018

5:00 PM - Candidate Withdrawal deadline, unless otherwise provided by statute.

5:15 PM - Deadline to email Suzie.Harvey@mctx.org **withdrawals or **election cancellation**.**

5:15 PM – If a candidate withdrawal on this date causes election to be uncontested, Deadline to **cancel election with Contracting Officer and incur **no fees** under this Agreement.**

7:00 PM - Deadline to email **order of candidates on ballot (please email it as soon as it is available, if sooner than the deadline).**

Deadlines for ballot proofing and ballot approval will be emailed with ballot proofs. The Participating Entities must adhere to deadlines in order for our office to meet the Federal and/or State deadlines to mail or email, as applicable, any military and overseas ballots.

March 2, 2018

Deadline to receive executed **Election Services Agreement** and **Joint Election Agreement** by mail, delivery (addresses on last page), or email Suzie.Harvey@mctx.org.

March 6, 2018

Deadline to receive **copy of Order of Election**.

March 29, 2018 (Attendance by Political Subdivision is not required)

9:00 AM - Public Logic and Accuracy Test and First Test of Automatic Tabulating Equipment held at Election Central, 9159 Airport Road, Conroe, Texas 77303.

Deadline to receive **deposit – 60%** of estimated cost on official **Exhibit D - Cost Estimate**, payable to Montgomery County Elections Administrator (addresses on last page).

April 5, 2018

Last day to register to vote for the **May 5, 2018** Election.

April 23 – May 1, 2018

Early Voting period.

April 24, 2018

Last day to accept **applications for early voting ballot by mail** and Federal Post Card Applications. The Early Voting Clerk may now receive applications beginning at any time during the calendar year, but no later than this date.

Applications for ballot by mail should be sent to:

Mail
Suzie Harvey
Elections Administrator
P. O. Box 2646
Conroe, TX 77305-2646

Fax*
(936) 788-8340

Email*
Election.Ballot@mctx.org

*For an application for Ballot by mail submitted by fax or email to be effective, the application also must be submitted by mail and be received not later than the fourth business day after it is received by fax or email.

Any applications received by Participating Entity must be delivered in person or by email or fax to Contracting Officer on the day of receipt. Original applications that are received by mail and forwarded by email or fax must also be mailed or delivered in person to Contracting Officer for all processing.

May 4, 2018

If applicable, last day to post notice at the entrance to any polling place from Political Subdivision’s preceding election that is different from the polling place used for this election and provide the location of the new polling place, pursuant to Texas Election Code Section 43.062.

Saturday, May 5, 2018

7:00 AM to 7:00 PM - Election Day

Regular deadline to receive early voting ballots by mail.

May 11, 2018

Deadline to receive military ballots.

Canvass Dates

Dates set by law to conduct official local canvass of returns are **May 8 - 16**, but it is recommended that you schedule your canvass date for **May 14 - 16**.

The Early Voting Ballot Board may be processing provisional ballots and mail ballots as late as **May 10 - 14**. Canvass reports will be emailed as soon as possible, but they might not be available until **May 14**.

June 4, 2018

Deadline to file electronic Precinct By Precinct returns with the Texas Secretary of State.

30 days from date of Final Invoice

Pay balance due for election services. Checks should be made payable to:
Montgomery County Elections Administrator.

March 6, 2020

First day that non-permanent election records* may be destroyed IF no contest or criminal investigation has arisen and IF no open records request has been filed.

*Permanent Records: (Sec. 66.001, 67.004, 67.006, Texas Election Code)

Election results in tabulated form must be preserved as a permanent record in the election register for each local canvassing authority by:

City: the city secretary

Political subdivision other than a county or city: the secretary of the governing body or, if there is no secretary, the presiding officer of the governing body

Candidate Applications must be retained by the governing body for two years after the date of the election (Sec. 141.036, Texas Election Code).

Suzie Harvey
Montgomery County Elections Administrator

Email
Suzie.Harvey@mctx.org

Mail
P. O. Box 2646
Conroe, TX 77305-2646

Delivery
9159 Airport Road
Conroe, TX 77303

Montgomery City Council
AGENDA REPORT

Meeting Date:	January 9, 2018	Budgeted Amount:	\$16,000
Department:			
		Exhibits:	Joint Election Agreement
Date Prepared:	January 4, 2018		

Subject

Adoption of the Joint Election Agreement with Montgomery County Elections regarding the May 5, 2018 City General Election.

Recommendation

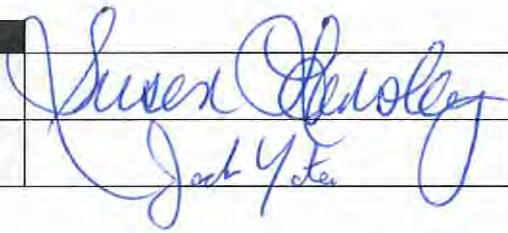

Adoption of the Joint Election Agreement with Montgomery County Elections.

Discussion

This agreement provides that all the entities that are participating in the Joint Election desire to enter into a Joint Election Agreement for the purpose of sharing election equipment, election officials, precinct polling locations and electronic voting equipment.

Exhibit D – Cost Estimate will be provided as soon as all the participating entities have provided their notice of participation. The cost is divided among all the participating entities.

If there is an uncontested Election and the City is able to cancel their Election, then there would not be any cost to the City.

Approved By		
City Secretary		Date: January 4, 2018
City Administrator		Date: 1-5-2018

Joint Election Agreement

Political Subdivision of City of Montgomery

WHEREAS, the undersigned Political Subdivisions (collectively referred to hereinafter as "Participating Entities") will each hold an election on May 5, 2018; and

WHEREAS, Montgomery County Elections Administrator, Suzie Harvey, as Montgomery County's Election Officer, has entered into separate Election Services Agreements with each of the undersigned Participating Entities wherein the County's Election Officer will administer elections occurring on May 5, 2018, to be held in precincts in Montgomery County, as authorized under Subchapter D of Chapter 31 of the Texas Election Code ("Election Services Agreements"); and

WHEREAS, the Participating Entities desire to enter into a Joint Election Agreement, as authorized under Chapter 271 of the Texas Election Code, for the purpose of sharing election equipment, election officials, polling places, and costs where appropriate.

NOW, THEREFORE, Participating Entities enter this Joint Election Agreement under the terms that follow:

I. Scope of Joint Election Agreement

The Participating Entities enter this Joint Election Agreement ("Agreement") for the purpose of jointly conducting elections to be held on May 5, 2018 ("Joint Election").

II. Appoint Election Officer

The Participating Entities appoint Suzie Harvey, Montgomery County Elections Administrator ("Contracting Officer"), to serve as the Election Officer to perform the duties and responsibilities of Election Officer itemized in the Election Services Agreements for the Joint Election.

III. Early Voting and Election Day

Early voting and election day voting shall be held in common precincts where appropriate, at the dates, times, and locations adopted by Montgomery County Commissioners' Court and/or authorized and ordered by the governing body of each Participating Entity.

IV. Joint Election Costs; Adjustment of Costs in the Event of Cancellation of Election; Payment

The estimated election expenses for each Participating Entity, including administrative costs and expenses for facilities, personnel, supplies, equipment, and training, are reflected in the Exhibit D - Cost Estimate incorporated into each Election Services Agreement. The Participating Entities agree that they will be responsible for and will pay from budgeted funds their share of the actual election expenses attributable to each entity according to the table incorporated into the Election Services Agreements as the Final Invoice.

V. Reasonable Cooperation

The Participating Entities agree to reasonably cooperate with each other as is necessary to carry out the terms of this Agreement.

VI. Miscellaneous Provisions


1. This Agreement becomes effective with respect to each Participating Entity upon execution by that Participating Entity. The obligations of this Agreement will continue as to each Participating Entity until each Participating Entity has made full payment of its share of election costs under this Agreement and its respective Election Services Agreement, which costs are related to the Joint Election.
2. If for any reason a Participating Entity does not participate in the Joint Election, this Joint Election Agreement shall remain in effect between all remaining Participating Entities.
3. Notices given under this Agreement must be in writing and may be effected by hand delivery, fax, email, or by certified mail to the Contracting Officer and/or the Participating Entities at the addresses listed on their respective signature blocks below.
4. This Agreement may not be amended or modified except in writing executed by the Contracting Officer and each respective Participating Entity with whom the amendment or modification has been mutually agreed.
5. The obligations under this Agreement are performable in Montgomery County, Texas.
6. Venue for any dispute arising under this Agreement shall be in Montgomery County, Texas. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and the United States of America.
7. If any provision of this Agreement is found to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Agreement; and the Participating Entities shall perform their obligations under this Agreement as expressed in the terms and provisions of this Agreement.
8. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original for all purposes. Faxed signatures and/or electronic signatures shall have the same force and effect as an original signature.

IN TESTIMONY WHEREOF, this Agreement is executed by Montgomery County, Texas or the Contracting Officer, as applicable, and each Participating Entity on the dates indicated below.

See attached signature page(s):

December 20, 2017
Date

Signature:
Printed name:


Suzie Harvey
Contracting Officer
All correspondence to be directed to:
Montgomery County Elections Office
P. O. Box 2646
Conroe, Texas 77305-2646
(936) 539-7843
(936) 788-8340
suzie.harvey@mctx.org

Date

Signature:
Printed name:
Title:
Political Subdivision:
Address:
City, State, Zip:
Telephone:
Fax:
Email:

Kirk Jones
Mayor
City of Montgomery
P.O. Box 708
Montgomery, Tx 77356
(936) 597-3288
(936) 597-6437
kjones@ci.montgomery.tx.us

Date

Signature:
Printed name:
Title:
Political Subdivision:
Address:
City, State, Zip:
Telephone:
Fax:
Email:

()
()

Date

Signature:
Printed name:
Title:
Political Subdivision:
Address:
City, State, Zip:
Telephone:
Fax:
Email:

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ITEM #9
Montgomery City Council
AGENDA REPORT

Meeting Date:	January 9, 2018	Budgeted Amount:	
Department:	Administration		
Prepared By:	Susan Hensley	Exhibits:	Draft Ordinance prepared by
Date Prepared:	January 4, 2018		the City Attorney.

Subject

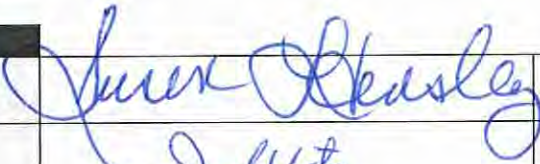
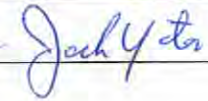
Ordinance to amend the City Code of Ordinances regarding Alcohol Beverage Permit Process and renewal term for Beverage Permit.

Recommendation

Adoption of Ordinance to amend the City Code of Ordinances to expedite the process for approval of Beverage Permit Applications and to tract the two year renewal term as provided by TABC.

Discussion

This process will still require the vendor to come before City Council to get their Beverage Permit reviewed and approved, but would not require the public hearing mail out and publication of legal notice. TABC publishes a legal notice for new applications, so this would be a duplication. This process would expedite the process for the business owner, while still allowing the public process of the application. The City's Code has the beverage permit renewal annually, while TABC is set up on a two year renewal, so this would also update that information.

Approved By		
City Secretary		Date: 01/04/18
City Administrator		Date: 1-5-2018

ORDINANCE

Motion was made by _____
seconded by _____, that the following
Ordinance be adopted.

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CITY ORDINANCE NO. 1989-2, DATED FEBRUARY 14, 1989, BY AMENDING ARTICLE II, "LICENSES," SECTIONS 6-25, 6-33 AND 6-34 OF CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CITY CODE OF ORDINANCES RELATING TO THE APPLICATION AND RE-APPLICATION REQUIREMENTS FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES IN THE CITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the City Council of the City of Montgomery, Texas, by Ordinance No. 1989-2, dated February 14, 1989, as amended, adopted a policy to regulate the sale and licensing of alcoholic beverages in the City pursuant to the Texas Alcoholic Beverages Code; and

WHEREAS, the ordinance is codified in Chapter 6, entitled "Alcoholic Beverages," Article II, "License," of the City of Montgomery Code of Ordinances; and

WHEREAS, the Texas Alcoholic Beverage Code (TABC) and Section 33.13 of the TABC Administrative Law describes the process to apply for a license or permit to sell alcoholic beverages; and

WHEREAS, upon the recommendation of the City staff, the City Council desires to

amend Sections 6-25, 6-33 and 6-34 of the Code of Ordinances, relating to the approval process in the City by which an application or re-application to sell alcoholic beverages in the City can be approved;

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

SECTION I.

RECITALS ADOPTED: The City Council adopts the findings and recitals above as true and correct.

SECTION II.

AMENDMENT TO ALCOHOLIC BEVERAGES ORDINANCE. Sections 6-25, 6-33 and 6-35 of Article II, entitled "License," in Chapter 6, "Alcoholic Beverages," of the City Code of Ordinances are hereby amended, such that they read as follows:

Sec. 6-25. - Required; fee; term.

It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, beer, liquor or other alcoholic beverage within the city, or engage in any other activity for which a license or permit is required by the Texas Alcoholic Beverage Code, without first obtaining a license to do so from the city. The fee for each such license shall be an amount equal to one-half of the fee charged by the state for a license or permit to engage in a similar activity. Such fee shall be paid to the tax collector, and the tax collector shall provide suitable and proper blanks for issuing receipts therefor referred and shall keep a duplicate copy of all license receipts issued as part of the records of office. All license receipts issued under the terms of this section shall terminate two years from the date of issuance, and no license receipt shall be issued covering a longer term than two years.

Sec. 6-33. – Approval of license application by City Council.

After all the requirements for a license application under the provisions of this article have been met as determined by the City Administrator, the application shall be presented to the City Council for approval at a public meeting.

Sec. 6-34. - Conversion to different use.

Uses permitted under any of the categories designated in this article may be converted to another use only with the approval of City Council.

SECTION III.

REPEALING CLAUSE. This amendment to Ordinance No. 1989-2, dated February 14, 1989, as codified in Section 6-57 of the Code of Ordinances of the City of Montgomery, Montgomery County, Texas, shall prevail and all other Ordinances in conflict are hereby repealed to the extent of any conflict.

SECTION IV.

SEVERABILITY. If any section, subsection, sentence, clause, provision or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION V.

TEXAS OPEN MEETINGS ACT. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION VI.

EFFECTIVE DATE. This Ordinance shall take effect and be in force after its publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the _____ day of January 2018.

THE CITY OF MONTGOMERY, TEXAS

Kirk Jones, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

ITEM #10
Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Resolution, GLO Project List
Date Prepared: <i>January 4, 2017</i>	

Subject

This is the required Resolution authorizing submission of a Community Development Block Grant- Disaster Recovery (CDBG – DR) grant application to the Texas General Land Office.

Description

This is to formally authorize the submission of the GLO granted that has been discussed for several months. The application itself is about to be turned in and this Resolution is required. The proposed application budget is attached- but will vary based upon the precise amount costs. Of the \$2, ~~280,000~~ expected grant \$1,509,000 (70%) must be spent in low to moderate income areas, leaving \$647,000 (30%) available for non-low income areas.

Recommendation

Motion to approve Resolution as presented

Approved By

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

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF MONTGOMERY, TEXAS, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) APPLICATION TO THE TEXAS GENERAL LAND OFFICE; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CDBG-DR PROGRAM.

WHEREAS, the City Council of Montgomery desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist related to flooding that occurred during an eligible federally declared disaster in 2016 which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of to apply for funding under the CDBG-DR Program;

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

1. That a CDBG-DR application is hereby authorized to be filed with the Texas General Land Office for funding consideration under the 2016 Montgomery County Method of Distribution.
2. That the application be for up to \$2,280,00.00 of grant funds to provide drainage, street, bridge, water, and sewer and other improvements addressing the impact of the 2016 federally declared disasters.
3. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the CDBG-DR Program.
4. That the City Secretary is designated as the overseer of all grant activities so as to ensure there are no Conflicts of Interest.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

Passed and approved this 9th day of January, 2018.

Kirk Jones
Mayor

Attest:

Susan Hensley
City Secretary

GLO Project List

70% Projects (\$1,509,000)

The options for projects to be funded out of the 70% portion include:

1. Town Creek Tributary Improvements (Martin Luther King Jr. to FM 149)
\$343,000 (Construction, Contingences, and Engineering)
2. Martin Luther King Jr. Drive and Baja Road Sanitary Sewer Cleaning and Televising
\$59,000 (Construction, Contingences, and Engineering)
3. Martin Luther King Jr. Drive and Baja Road Water, Sewer, Drainage, and Paving Improvements
\$1,132,000 (Construction, Contingencies, and Engineering)

TOTAL **\$1,534,000**

30% Projects (\$647,000)

The options for projects to be funded out of the 30% portion include:

1. Buffalo Springs Drive Bridge Embankment
\$46,000
2. Stewart Creek WWTP and Lift Station No. 1 Generator
\$370,000
3. Water Plant No. 3 Generator
\$554,000
4. Lift Station No. 3 Rehabilitation
\$250,000

TOTAL **\$1,220,000**

ITEM #11
Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Posting of vacancy, Newspaper article on Vacancy, Two application forms
Date Prepared: January 4, 2017	

Subject

This is to appoint two persons for two terms that are expiring on the Montgomery Economic Development Board.

Description

The terms of Cheryl Fox and Bill Hanover are up for renewal. A posting and a newspaper article informed the public about the vacancies. Two applications were received: one from Cheryl Fox and one from Bill Hanover. Both members have good attendance at Board meetings and, in my opinion, have been satisfactory in their interest and participation.

Recommendation

Motion to appoint Cheryl Fox and Bill Hanover for a two-year term to the Montgomery Economic Development Corporation

Approved By

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

MEDC BOARD POSITIONS

The City of Montgomery City Council announces an opportunity for those interested in economic development activities in Montgomery to apply for two seats that need appointment to the Montgomery EDC (MEDC) Board of Directors. Applicants are not required to live in the City limits. All members of the Board shall be residents of Montgomery County, with the majority being residents of the City.

The Board members act on behalf of the MEDC by administering economic development efforts of the City, including financial supervision of the one-half cent sales tax dedicated to the Corporation. The Board makes decisions on appropriations to local civic groups for promotional costs of various festivals, contributions to support infrastructure to businesses locating and expanding in the area and approval of improvement grants for downtown historic business.

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

News tips: Call Andrew DuBois at 936-521-3418, fax 936-521-3302 or email adubois@hcnonline.com

Two MEDC board seats open for applications

By **MEGAN ELLSWORTH**
mellsworth@hcnonline.com

There is an opportunity for those interested in economic development activities in Montgomery to apply for two open seats on the Montgomery Economic Development Corporation Board of Directors, according to city officials.

"The Economic De-

velopment Corporation is an integral part of the economic operation of the city," City Administrator Jack Yates stated in an email to The Courier on Tuesday.

Applications are due by 4 p.m. Jan. 4. While applicants are not required to live in the city limits, members of the board must be residents of Montgomery

County with the majority being residents of Montgomery.

The seats are held currently by Cheryl Fox and Bill Hanover. Neither of the sitting board members are resigning, as the opening is at the end of the current two-year term, and both of the board members may reapply, according to Yates.

Members of the board act on behalf of the MEDC in administering economic development efforts of the city, including financial supervision of the one-half

cent sales tax dedicated to the corporation. The board decides on appropriations to local civic groups for promotion costs of various festivals, contributions to support infrastructure to

businesses locating and expanding in the area and approved an exterior improvement grant to a downtown historic business.

The MEDC board meets monthly, on the third Monday of the month at 6 p.m. at City Hall in Montgomery. There is no pay for the service on the board. Applications can be found

on montgomerytexas.gov website, click "City Government," then "Boards and Commissions," then click "Membership Application" and forward the application to City Secretary Susan Hensley at shensley@ci.montgomerytx.us or bring the completed application to City Hall at 101 Old Plantersville Road.

Applications can be found

Rd. 1/3/18

City of Montgomery
Application for Consideration of Appointment

Name of Board/Commission/Committee: M E D C

Name: FOX Cheryl
(Last) (First)

Home Address: 821 STUART ST
(Street) (Middle)

Email Address: FOXINSURANCE@CONSOLIDATED.NET (Home Phone No.)

Mailing Address: 821 STUART ST 77316

Employer: Retired (Business Phone /Fax)

Occupation: Retired (Name/Address)

Do you live inside the city limits of Montgomery?* Yes No If So, How Long? 40yrs

Are you a business owner/operator/employee in the City of Montgomery?* Yes No

If So, How Long? _____ Name of Business _____

So the council may know more about you, please complete the following:

Education: Willis High, SAM HOUSTON STATE

Related Experience/Community Service: MEDC, CIVIC CLUB, HMBB, CHAMBER, GARDEN CLUB

Areas of Interests Related to this Committee:
Make Montgomery the best place to live, work and visit -

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

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

To provide an understanding of Montgomery's past to make Montgomery's future the best it can be -

Cheryl Fox
Signature

12/29/2017
Date

*Some (not all) boards/commissions/committees require members to reside within the city limits.
Please return completed form to the City Secretary's office for processing, P.O. Box 708 (mailing); 101 Old Plantersville Rd. (physical), Montgomery, TX 77356. Your application will be kept on file for 12 months.
NOTE: When filed at city hall, this will become a public document that may be disclosed per the Texas Public Information Act.
NOTE: The city council will receive only this page of information; no attachments will be retained or forwarded.

City of Montgomery
Application for Consideration of Appointment

Name of Board/Commission/Committee: MEDC
Name: Hanover Bill
(Last) (First) (Middle)
Home Address: 24775 Bewlah Lane 936-597-7209
(Street) (Home Phone No.)
Email Address: whanover@consolidated.net

Mailing Address: Same
(Business Phone /Fax)

Employer: Retired
(Name/Address)

Occupation: _____

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

Are you a business owner/operator/employee in the City of Montgomery?* Yes ___ No

If So, How Long? _____ Name of Business _____

So the council may know more about you, please complete the following:

Education: BBA 2 of 4

Related Experience/Community Service: Served on MEDC

Areas of Interests Related to this Committee: Improve community

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

Please provide a brief narrative outlining your reasons for seeking appointment to this board/commission.
Would like to continue to work for the betterment of our community.

W Hanover
Signature

1-3-18
Date

Rec'd 01/03/18

*Some (not all) boards/commissions/committees require members to reside within the city limits. Please return completed form to the City Secretary's office for processing, P.O. Box 708 (mailing); 101 Old Plantersville Rd. (physical), Montgomery, TX 77356. Your application will be kept on file for 12 months. NOTE: When filed at city hall, this will become a public document that may be disclosed per the Texas Public Information Act. NOTE: The city council will receive only this page of information; no attachments will be retained or forwarded.

ITEM #12
Montgomery City Council
AGENDA REPORT

Meeting Date:	January 9, 2018	Budgeted Amount:	
Department:	Administration		
Prepared By:	Susan Hensley	Exhibits:	Beverage Permit Application
Date Prepared:	January 4, 2018		

Subject

Consideration of Application for Beverage Permit as submitted by the new owner of Cork This Winery.



Recommendation

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Discussion

If City Council adopts the Ordinance amending the procedure for Beverage Permit Application and processing, then staff would like to request that the Application be authorized upon publication of the Beverage Ordinance.

If the Beverage Ordinance is not approved and the Code is not amended, then a public hearing will need to be scheduled, for processing this Application, to be held on February 13, 2018 at 6 p.m. at City Hall to allow time for publication of the legal notice and mailing out notices to the adjacent property owners.

Approved By		
City Secretary		Date: January 4, 2018
City Administrator		Date: 1-5-2018



City of Montgomery
Alcohol Beverage
License Application

City of Montgomery, Texas
P.O. Box 708
Montgomery, Texas 77356
936-597-3288
www.montgomerytexas.gov

APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE

Date Received by the City: _____

1. Type of Alcoholic Beverage License: (attach completed TABC Application Form)

- _____ (1) Category A – Off Premises Consumption Sale of All Alcoholic Beverages – Package Store
- _____ (2) Category B – Off Premises Consumption Sale of Wine, Beer or Ale.
- _____ (3) Category C – Off Premises Consumption Sale of Beer.
- _____ (4) Category D – On Premises Consumption Sale of Beer, Wine and Mixed beverages – Restaurant or Café, where the sale of beer, wine and mixed beverage on the premises would be incidental to the restaurant or café.
- _____ (5) Category E – On Premises Consumption Sale of Beer, Wine and Mixed beverages – Tavern, Lounge, or Bar. The sale of Beer, Wine and Mixed beverages for On-Premises Consumption being the principal business line.
- _____ (6) Category F – Warehouse storage of Beer, Wine or Liquor for Distributors – No sale of Beer for on or Off-Premises Consumption permitted on the Premises.

2. Legal Description of the property for which License is sought. (Either by Lot and Block number or by a Metes and Bounds Description: _____)

3. Exact Nature of the Business to be operated. (Must be fully described in cover letter on company letterhead).

4. Attach a Plat of the property to the Application showing the improvements, parking areas, location of signage and other structures on the property and within three hundred (300) feet to scale.

5. Description of signs and the hours they will be operated to be attached as a separate document.

6. Attach floor plan of the building in which the business is to be conducted (showing fixtures, furniture, restrooms, kitchen and other equipment).

7. Attach a verified statement stating that the building is not within three hundred (300) feet of a church, school or hospital and that the building is in compliance with the requirements of this chapter for separate and adequate toilet facilities for men and women if used for on-premises consumption of beer, liquor or wine. This can be included in cover letter.

8. Business Owner: Nanaki Singh Phone: (682) 248-5094
Address: 21123 Eva St, Suite 100, Montgomery, TX, 77356
Home Address: 2725 Scott Ave, Fort Worth, TX, 76103 Phone: (817) 292-7595
Check if you are leasing property: []

9. Land Owner: Chris Cheatham Phone: (936) 449-5400
Address: Heritage Place, 21325 Eva St, Suite 1, Montgomery, Texas, 77356

10. Business Partners: David Besgrove Phone: 214-502-4885
Address: 21123 Eva St, Suite 100, Montgomery, TX 77356
Home Address: 7303 Pebble Hill Dr, Colleyville, TX 76034 Phone: 214-502-4885

This is to certify that I, NANAKI SINGH have complied with all State, County, Codes and Regulations of the City of Montgomery, Texas.

Nanaki Singh
Business Owner and/or Lessee

or [Signature]
Partner if Applicable

11. A cover letter on your company's letterhead shall include a description of the nature of the business to be conducted, the names and address and interests of all persons having a direct or indirect financial interest in the property. The cover letter can include any other requested information that needs further description.

Upon receipt of this application form and confirmation that all items have been received, you will be notified of the date and time of the City Council Public Hearing by the City Secretary.

The public hearing will require legal notice to be published in the City's official newspaper, the Conroe Courier 15-days prior to the meeting. There is also a required notice to be sent by mail ten (10) days in advance of the Public Hearing to all property owners within 200 feet of the property in question.

If the application is not approved by City Council, no new application may be filed for a period of one year from the date of the public hearing and original application, unless City Council shall determine that conditions have so changed that an earlier hearing would be justified.

The provisions of City Code shall be considered concurrent with or in addition to the Texas Alcoholic Beverage Code, and, where a conflict may be found to exist, the provisions of the Texas Alcoholic Beverage Code shall apply. Applicants for a City alcoholic beverage license must comply with all applicable state and county codes and regulations as well as the requirements of the City Code.

It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, beer, liquor or other alcoholic beverage within the City, or engage in any other activity for which a license or permit is required by the Texas Alcoholic Beverage Code, without first obtaining a license so to do from the City. The annual fee for each such license shall be an amount equal to one-half the fee charged by the state for a license or permit to engage in a similar activity.

Note: The Alcoholic Beverage Code, provides that a mixed beverage permit is exempt from City permit fees during the three year period following the issuance of the permit.

If you require any additional information, please contact the City Secretary, Susan Hensley at (936) 597-3288.

Form – REV 06/2017

Cork This!



WINERY

21123 Eva Street, Suite 100, Montgomery, Texas 77356

January 2, 2018

Re: Legal Description of the property.

The legal description of the property is:

“Heritage Place, Reserve One, Block One, Montgomery, Texas”.

Cork This!



WINERY

21123 Eva Street, Suite 100, Montgomery, Texas 77356

January 2, 2018

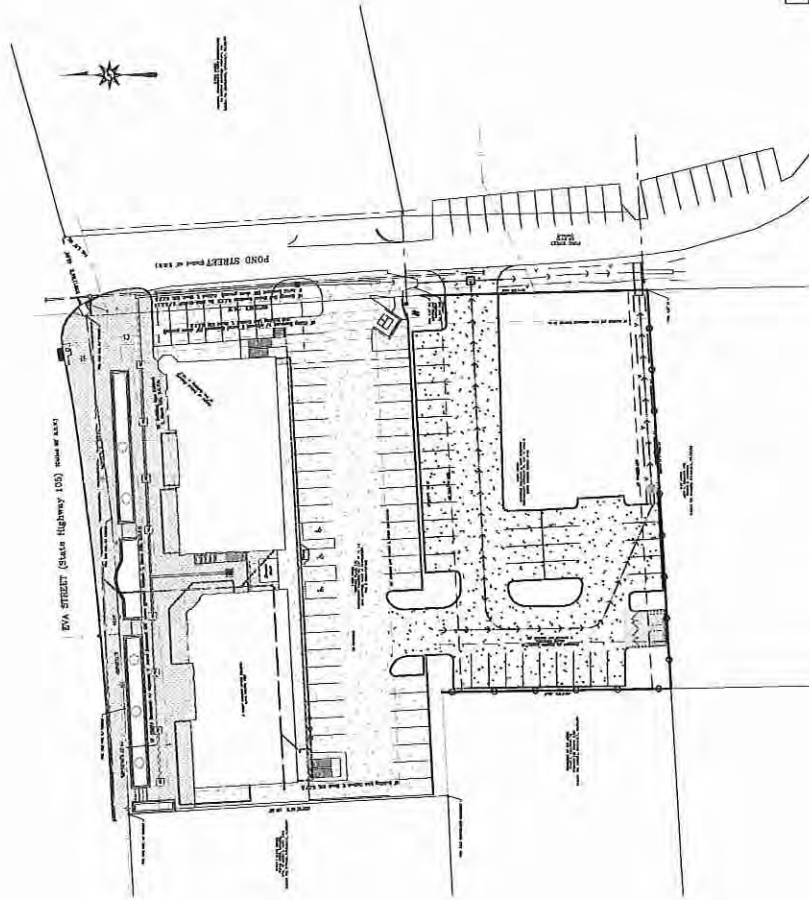
Re: Nature of the business

This business is the continuation of a winery that currently has been operating for several years. Making wine, serving wine and selling wine by the glass and by the bottle to go.



David Besgrove

CITY OF MONTGOMERY, TEXAS HERITAGE PLACE PARKING



PARKING LOT REQUIREMENTS			
DEVELOPMENT	REQD RATE	REQD SPACES	AVAILABLE SPACES
PROPOSED PARKING	3/1000	12	37
EX. OFFICE	3/1000	07	56
EX. SHARED	N/A	N/A	18
TOTAL REQUIRED	3/1000	79	114*

* INCLUDES LOST PARKING SPACES W/ DEVELOPMENT



LSQUARED ENGINEERING
WWW.LSQUAREDENGINEERING.COM

CLIENT INFORMATION
PROJECT: HERITAGE PLACE
ARCHITECT: [unreadable]

HERITAGE PLACE PARKING

PROJECT INFORMATION	
DATE	10/20/10
PROJECT	HERITAGE PLACE
SCALE	AS SHOWN
PROJECT	10/20/10
DATE	10/20/10
PROJECT	HERITAGE PLACE
SCALE	AS SHOWN
PROJECT	10/20/10

PROJECT INFORMATION
DATE: 10/20/10
PROJECT: HERITAGE PLACE
SCALE: AS SHOWN
PROJECT: 10/20/10

Cork This!

WINERY

21123 Eva Street, Suite 100, Montgomery, Texas 77356

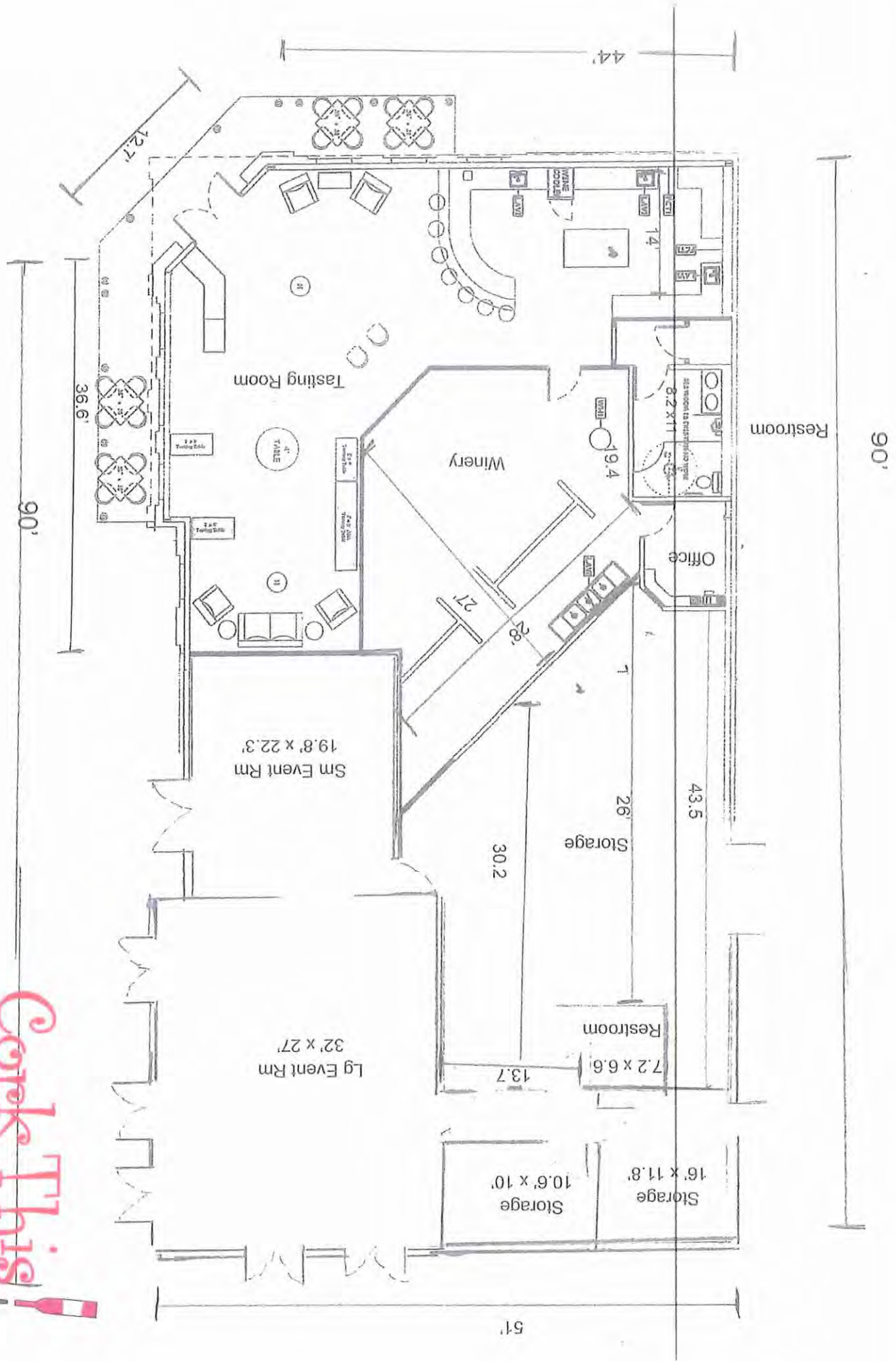
January 2, 2018

Re: Description of signs and hours

The business has a large, lighted sign at the top of the building above the front door. There is also signage on the front door with the logo and our hours. The back, delivery door also has signage of our logo. Also, a sandwich sign which is placed, daily, next to the street. Hours are: Monday through Thursday 11:00 am to 6:00 pm, Friday and Saturday 11:00 am to 10:00 pm and Sunday 1:00 pm to 6:00 pm.



David Besgrove



21123 Suite 100
Montgomery, Tx 77356

Cork This!

WINERY

21123 Eva Street, Suite 100, Montgomery, Texas 77356

January 2, 2018

Re: Verified statement of building location

I, David Besgrove, residing at 7303 Pebble Hill Dr., Colleyville, Texas 76034 verify that the building which houses Cork This Winery, located at 21123 Eva Street, Suite 100, Montgomery, Texas 77356 is not within three hundred (300) feet of a church, a school or hospital. The building is also in compliance with the requirements set forth from the city to provide adequate toilet facilities for men and women because there is consumption of wine on premise.


David Besgrove, Owner

1-2-2018

Date

Notary


1/2/18



Cork This!



WINERY

21123 Eva Street, Suite 100, Montgomery, Texas 77356

January 2, 2018

Re: Nature of the business and owners

This business is the continuation of a winery that currently has been operating for several years. Making wine, serving wine and selling wine by the glass and by the bottle to go.

David Besgrove residing at 7303 Pebble Hill Dr., Colleyville, Texas 76034 and Nanaki Singh residing at 2725 Scott Ave., Fort Worth, Texas 76103 will own and operate the winery. Frost Bank has made a business loan in order for Mr. Besgrove and Ms. Singh to purchase the existing winery.



David Besgrove



WHOLESALER'S, DISTRIBUTOR'S and MANUFACTURER'S PREQUALIFICATION PACKET

DOC# 2017168

L-W (01/2016)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13

Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit.

All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. www.tabc.texas.gov/laws/code_and_rules.asp

LOCATION INFORMATION

- 1. Application for: [X] Original License/Permit Number _____ [] Reinstatement License/Permit Number _____ [] Change of Licensed Location License/Permit Number _____

2. Type of Wholesaler's, Distributor's, and Manufacturer's License/Permit

- [] W Wholesaler's Permit [] J Bonded Warehouse Permit [] X General Class B Wholesaler's Permit [] JD Bonded Warehouse Permit (Dry Area) [] LX Local Class B Wholesaler's Permit [] BB General Distributor's License [] Z Wine Bottler's Permit [] BD Local Distributor's License [] O Private Carrier's Permit [] BC Branch Distributor's License [] L Private Storage Permit [] BI Importer's License [] K Public Storage Permit [] BJ Importer's Carrier's License [] GS Winery Storage Permit [] MW Manufacturer's Warehouse License [] GF Winery Festival Permit [] BA Manufacturer's License - allows on-premise consumption [] SL Storage License [] B Brewer's Permit - allows on-premise consumption [] DA Brewer's Self Distribution Permit [] D Distiller's and Rectifier's Permit - allows on-premise consumption [] DB Manufacturer's Self Distribution License [] G Winery Permit - allows on-premise consumption

3. Trade Name of Location

Cork This! Winery

4. Location Address (of Primary Permit)

21123 Eva Street, Suite 100

City: Montgomery County: Montgomery State: TX Zip Code: 77356

5. If you are applying for a Storage License (SL) list your Primary Permit Number

n/a

6. Mailing Address

409 S. Main Street City: Grapevine State: TX Zip Code: 76051

7. Business Phone No.

817-329-1011

Alternate Phone No.

E-mail Address

OWNER INFORMATION

8. Type of Owner

- [] Individual [] Limited Liability Partnership [] Joint Venture [] Partnership [] Corporation [] Trust [] Limited Partnership [] Limited Liability Company [] Other

9. Owner of Business/Applicant

Texas Vintners Group, LLC

10. If Applicant is:		Who Must be Listed Below: (attach L-OIC if additional space is needed).	
Individual		Individual Owner	
Partnership		All Partners	
Limited Partnership		All General Partners	
Corporation		All Officers	
Limited Liability Company		All Officers or Managers	
Joint Venture		Venturers	
Trust		Trustee(s)	
Last Name	First Name	MI	Title
Besgrove	David	J	Managing Member
Last Name	First Name	MI	Title
Singh	Nanaki		Managing Member
Last Name	First Name	MI	Title

MEASUREMENT INFORMATION

Section 109.31 et. seq

11. Will your business be located within 300 feet of a church or public hospital? Yes No

NOTE: For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.

12. Will your business be located within 300 feet of any private/public school? Yes No

NOTE: For private/public schools measure in a direct line from the nearest property line of the school to the nearest property line of the place of business, and in a direct line across intersections.

NOTE: If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.

PUBLIC STORAGE PERMIT (K) OR WINERY STORAGE PERMIT (GS)

If applying for a Public Storage Permit (K) or Winery Storage Permit (GS) include the Bonded Warehouse Permit (J) or Bonded Warehouse Permit (Dry Area) (JD) number. A Public Storage permit (K) may only be issued in the same county as your primary permit as per Section 45.03.

13. Name of Public or Winery Storage Facility

14. For Public Storage: Bonded Warehouse Permit

J -

14. For Winery Storage: Bonded Warehouse Permit (Dry Area)

JD -

15. Location Address

City

County

State

Zip Code

**PRIVATE STORAGE PERMIT (L) OR MANUFACTURER'S
WAREHOUSE LICENSE (MW)**

If applying for a **Private Storage Permit (L)** or a **Manufacturer's Warehouse License (MW)** complete question 16. A **Private Storage Permit (L)** may only be issued in the same county as your primary permit as per Section 45.03.

For the location address of the **Private Storage Permit (L)** or **Manufacturer's Warehouse License (MW)**, indicate owner of the property on **Owner of Property (L-OP)**.

If applying for a **Manufacturer's Warehouse License (MW)** complete questions 17 and 18.

16. Location Address of: Private Storage Permit Manufacturer's Warehouse License

City	County	State	Zip Code
------	--------	-------	----------

17. Manufacturer's License No.

18. Original Issue Date (mm/dd/yyyy)

BA -

**DISTILLER'S AND RECTIFIER'S PERMIT (D), BREWER'S PERMIT (B) or MANUFACTURER'S
LICENSE (BA)**

60-DAY SIGN INFORMATION

19. As required under Section 11.391 and 61.381, enter the exact date this sign was posted at your location. Exact Date (mm/dd/yyyy)
/ /

20. Do you, the applicant, intend to sell for on-premise consumption during the life of this license/permit? 20. YES NO
If "YES," have you confirmed with your city and county that it is an allowable privilege? YES NO

ALL APPLICANTS

21. CHECK HERE IF NOT IN CITY LIMITS

I, the applicant, have confirmed I am not located in the city limits of any city and therefore all city certificates are not required.

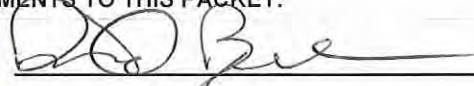
**WARNING AND
SIGNATURE**

If Applicant Is/Must Sign

Individual	Individual Owner
Partnership	Partner
Limited Partnership	General Partner
Corporation	Officer
Limited Liability Company	Officer or Manager

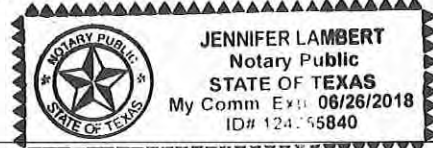
WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

BY SIGNING YOU ARE SWEARING TO ALL INFORMATION AND ATTACHMENTS TO THIS PACKET.

PRINT NAME David J. Besgrove SIGN HERE 
TITLE Managing Member

Before me, the undersigned authority, on this 4th day of December, 2017, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE 
NOTARY PUBLIC



SEAL

CERTIFICATE OF CITY SECRETARY (FOR W, X, LX, Z, G, J, BB, BD, BC & BI)

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit excluding wineries, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN HERE _____, TEXAS
City Secretary/Clerk Montgomery City

SEAL

CERTIFICATE OF CITY SECRETARY (FOR B, D & BA)

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit excluding wineries, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages, and

does does not

allow for on-premise consumption in accordance with 501.035(g) of the Election Code.

SIGN HERE _____, TEXAS
City Secretary/Clerk _____ City

SEAL

**CERTIFICATE OF CITY SECRETARY (FOR L, K, MW & SL)
ADDRESS FOR STORAGE PERMITS AND MANUFACTURER'S WAREHOUSE LICENSE**

CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN HERE _____, TEXAS
City Secretary/Clerk _____ City

SEAL

CERTIFICATE OF COUNTY CLERK (FOR W, X, LX, Z, G, J, BB, BD, BC & BI)

I hereby certify on this 13th day of December, 2017, that the location for which the license/permit is sought is in a "wet" area for such license/permit excluding wineries, and is not prohibited by any valid order of the Commissioner's Court.

SIGN HERE Mark Turnbull, COUNTY
County Clerk Montgomery

SEAL

by, Brittney Vaegae, Deputy



CERTIFICATE OF COUNTY CLERK (FOR B, D & BA)

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area for such license/permit excluding wineries, and is not prohibited by any valid order of the Commissioner's Court, and

does does not

allow for on-premise consumption in accordance with 501.035(g) of the Election Code.

SIGN
HERE _____ COUNTY
County Clerk

S E A L

**CERTIFICATE OF COUNTY CLERK (FOR L, K, MW & SL)
ADDRESS FOR STORAGE PERMITS AND MANUFACTURER'S WAREHOUSE LICENSE**

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN
HERE _____ COUNTY
County Clerk

S E A L

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE FOR ALL APPLICANTS

This is to certify on this _____ day of _____, 20____, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number _____ Outlet Number _____

Print Name of Comptroller Employee _____

Print Title of Comptroller Employee _____

SIGN
HERE _____ FIELD OFFICE _____

S E A L

PUBLISHER'S AFFIDAVIT (FOR W, X, LX, B, D, Z, G, BB, BD, BC, BI & BA)

Name of newspaper		ATTACH PRINTED COPY OF THE NOTICE HERE
City, County		
Dates notice published in daily/weekly newspaper (mm/dd/yyyy)		
<i>Publisher or designee certifies attached notice was published in newspaper stated on dates shown</i>		
Signature of publisher or designee		
Sworn to and subscribed before me on this date		
Signature of Notary Public		
S E A L		

Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
<p>Prepared By: Jack Yates City Administrator</p>	<p>Exhibits:</p> <ul style="list-style-type: none"> -email from Mr. Long requesting an extension of variance, -Letter given to Mr. Long on December 29, 2017 notifying him that he had not paved the parking area and that he needs to stop his operation, -Building permit given to Mr. Long on March 15, 2017 with attached letter defining the terms of the occupancy, -The Certificate of Occupancy dated June 7, 2017, -March 14, 2017 minutes of Council discussion regarding the variance -Mr. Long's February 11, 2017 initial variance request letter, -Jones and Carter response regarding the initial request, -a proposal for the paving of the parking lot as is (obtained by city administrator)
Date Prepared: <i>January 4</i>, 2017	

Subject

This is a request from Jason Long, owner of the Longview Greens Mini Golf business, for a extension of a six-month allowance of time to pave the parking lot business as required by ordinance.

Description

This is to discuss the requested and extension to a paving variance given to Mr. Long at the March 14, 2017 City Council meeting in which Mr. Long was granted a variance to pave the parking lot at his business within six months of receiving a Certificate of Occupancy. The motion by the Council at the March 14 meeting precisely was:

“to allow a six month period following the granting of a temporary key certificate of occupancy for the paving of the parking lot in this development and at the parking lot is not paid in that time. The business will lose its right to hold a certificate of occupancy and that a dust control agent satisfactory to the city engineer be placed on the gravel of the parking area when completed in prior to opening of business.”

When I gave the letter to Mr. Long on December 29 notifying them that he had not paved the parking lot, I also told him that I would not remove the Certificate of Occupancy if he applied to the City Council for a variance for extension. He did apply about an hour later.

Attached is the building permit given to Mr. Long on March 15, 2017, with the additional sheet (made a part of the building permit) that Mr. Long signed acknowledging the terms of the Certificate of Occupancy. Mr. Long is not saying that he is not broken the variance understanding, just that he cannot afford to pave the property.

The reason I obtained a proposal for the paving was just so that you, and Mr. Long, can know the real amount of the cost of paving the parking area, and not be discussing hypothetical cost.

Montgomery City Council
AGENDA REPORT

Recommendation

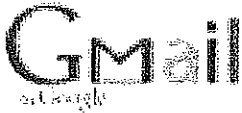
Motion to approve an additional _____ months of time to have the property paved, with no further expectation of approval by the Council and that a new treatment of dust retardant be placed on the parking area in the next thirty days with notice given to City Administrator at the time of retardant application.

Approved By

City Administrator

Jack Yates

Date: January 4, 2018



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

Re: Extended Variance Request for Longview Greens Mini Golf

1 message

Yates, Jack <jyates@ci.montgomery.tx.us>
To: Jason Long <jason@longviewgreens.com>

Fri, Dec 29, 2017 at 2:11 PM

Jason,, I will place you on the January 9th City Council agenda so they can hear your request. Although not required, I suggest you attend to present your case.

Jack Yates

On Fri, Dec 29, 2017 at 2:07 PM, Jason Long <jason@longviewgreens.com> wrote:

Mr. Yates,

Good afternoon as well as Merry Christmas and Happy New Year wishes to you. As requested, I'm replying, via email, to the letter you just dropped off at my place of business, Longview Greens Mini Golf.

Previously, I was granted a variance for the asphalt mandate, for my parking lot. As I expressed to the City Council then, and still adhere to now, I'm very grateful that they have worked with me and my small business to temporarily defer the costs of a paved parking lot.

With that being said, I am aware that that six month variance has since ceased. I'm currently requesting another opportunity to revisit this with City Council and ask the variance be extended.

I'm certain I will be asked "why" and the reason is actually quite simple. Cost. While I have paved the entry to the parking lot, from Clepper Street, the remainder does need to be paved to be in full compliance. To pave the remainder of my parking lot, I'm looking at approximately \$28k. That is simply not something I currently have available to me at this time for a long list of reasons.

In turn, I would like to kindly request of City Council an extension of my variance.

Regards,

Jason Long

Longview Greens Miniature Golfing



CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

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

December 29, 2017

Mr. Jason Long
735 Clepper
Montgomery, TX 77356

Re: Parking Lot Pavement Variance
Longview Greens Miniature Golfing Business

Dear Mr. Long

On March 14, 2017 the City Council approved a variance request from you to allow gravel as a parking surface at your Longview Greens Miniature Golfing business located inside the city limits of Montgomery. The motion read to allow six months for you to pave the parking area with a temporary certificate of occupancy for six months. On March 13, 2017 you were granted a building permit (enclosed), with an accompanying letter dated March 15, 2017 in which the variance including the six months requirement is clearly stated (enclosed) and signed adjacent to the "Accepted by" line. As of today, the parking lot has not been paved by asphalt or concrete. The date of your Certificate of Occupancy (enclosed) was June 7, 2017, the six months time has expired.

Pursuant to the building permit terms and the variance terms, your certificate of occupancy is withdrawn and you are required to cease operation of the business at the above referenced address. In the alternative you may ask the City Council for an amendment to the Variance if you desire to make such a request you will need to write me a letter asking for the City Council to reconsider the issue. To be on the January 9th meeting, I would need the request from you on or before January 3, 2018.

If please feel free to contact me.

Sincerely,

Jack Yates
City Administrator

*Hand delivered by:
Jack Yates given to
Jason Long at 1:50 p.m.
December 29th at the
735 Clepper address.
Jack Yates*

CITY OF MONTGOMERY

P.O. BOX 708
 MONTGOMERY, TX 77356
 PHONE: 936-597-6434 |
 Permits@ci.montgomery.tx.us
 www.montgomerytexas.gov

CONSTRUCTION/DEMO PERMIT APPLICATION For the erection of buildings, accessories, repairs, demolition, moving, etc.	
Expires in 6 months (180 days) Non-Transferable	
DATE OF APPROVAL:	3-13-17
PERMIT NUMBER:	C031-7922

Owner: Jason Long | Owner Phone #: (815) 514-0420
 Contractor: James Mullen Custom Home Cont. Phone #: (936) 760-4608
 Contractor Mailing Address: 804 W. Dallas St. Ste #9
 City: Conroe | State: TX | Zip: 77301
 Job Site Address: 735 Clepper St

Residential or Commercial Project: Commercial | Zoned: _____

Buffalo Run
 Section 1 / Reserve "B"

LOT #: _____ | BLOCK#: _____ | LOT SIZE: 1.68 acres | BLDG. SIZE (SQ. FT.): 556 air conditioned
289 Porch
845 total

Description of work (Including Class & Construction Types):
 This lot is zoned commercial. A miniature golf course, parking lot and a 845sq-ft club house are to be constructed.

VALUE OF TOTAL WORK: \$ 80,000 (clubhouse)

\$0 - \$1000	\$60 FLAT FEE	
\$1,001 - \$50,000	\$15.00 FOR FIRST \$1,000 + \$5.00 FOR EACH ADD'L \$1,000 OR FRACTION THEREOF	260
\$50,001 - \$100,000	\$260.00 FOR FIRST \$50,000 + \$4.00 FOR EACH ADD'L \$1,000 OR FRACTION THEREOF	120
\$100,001 - \$500,000	\$460.00 FOR FIRST \$100,000 + \$3.00 FOR EACH ADD'L \$1,000 OR FRACTION THEREOF	380
OVER \$500,001	\$1,860.00 FOR FIRST \$500,000 + \$2.00 FOR EACH ADD'L \$1,000 OR FRACTION THEREOF	
PLAN REVIEW FEE	EQUAL TO ONE-HALF OF THE PERMIT FEE WHEN VALUATION EXCEEDS \$70,000.00	

39
 120
 14
 2580
 140
 520

NOTICE: SEPARATE PERMITS ARE REQUIRED FOR PUBLIC UTILITIES, ELECTRICAL, PLUMBING, HEATING, VENTILATION, AIR CONDITIONING, GRADING, ALARMS, ROOFING, LANDSCAPING, FIRE SPRINKLERS AND LAWN SPRINKLERS.

I hereby certify that I have read and examined this application and know the same to be true & correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of this permit does not presume to give authority to violate or cancel the provisions of any state or local law office regulating construction or the performance of construction.

Name of Applicant: Jason Long | Applicant Signature: Jason Long

OFFICE USE ONLY

Plan Review Fee: \$ 140.00
 Permit Fee: \$ 380.00
 PERMIT FEE TOTAL: \$ 520.00

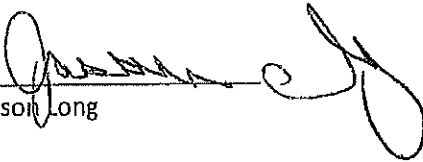
Accepted By: [Signature]
 Issued By: Jason Long w/ attached terms:

March 15, 2017

Mr. Jason Long;

This Building Permit approval for 735 Clepper for the Longview Miniature Golf Facility is subject to the following term: A variance was granted on March 14, 2017 by the City Council to allow a six month period following the granting of a Temporary Certificate of Occupancy for the paving of the parking lot in this development and if the parking lot is not paved in that time period the business will lose its right to hold a Certificate of Occupancy and that a dust control agent satisfactory to the city engineer be placed on the gravel of the parking area when completed and prior to opening for business.

Accepted by:


Jason Long

CERTIFICATE OF OCCUPANCY

This Certificate issued pursuant to the requirements of the International Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the Jurisdiction regulating building construction or use. For the Following:

Group: B/A-5 Type of Construction: V

Owner of Building: JASON LONG Occupant: LONGVIEW MINI GOLF

Building Address: 735 CLEPPER

Locality: CITY OF MONTGOMERY Fire District: MONTGOMERY COUNTY ESD #2

By: RICK HANNA

Jack Yote 06/07/2017

Building Official Date

POST IN A CONSPICUOUS PLACE

Mayor Jones asked if it was time to start thinking about water storage. Mr. Yates said that the short answer to the question was the TWDB work that the City will be doing at Well No. 3 and Well No. 2 should buy the City several more years of capacity. Mayor Jones said that the City has the volume and storage of water, they just can't get it out to the service. Mr. Yates said that was correct, but that is what the TWDB funds are for.

John Champagne asked to clarify that the hydro tank capacity maintains pressure in the system and currently it is too small. Mr. Roznovsky said that it meets the City's current demands, but based on projected development it is too small. Mayor Jones asked to confirm that the City did not need to be looking at elevated storage or another well. Mr. Yates said that was correct, plus the additional lines that will be laid, such as, the line connecting Jim's Hardware to the line west of Cedar Brake Park will increase the pressure. Mr. Yates said that the work they are going to be doing at Well No. 2 should increase the capacity of that well and the pressure on the west side of town.

Dave McCorquodale moved to accept this Utility and Economic Feasibility Study for KENROC Development. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

3. Consideration and possible action regarding Longview Greens Miniature Golfing variance request to allow gravel as a parking surface.

Mr. Yates advised that Mr. LeFevre had stated that Section 301 of the City Ordinance that conflicts with the Development Agreement would not be enforced by the City, however, he stated under the circumstances, he did not see where there would be anything that would prohibit the City from enforcing this current requirement for commercial parking.

John Champagne said that his question was, as he read the email from Mr. LeFevre, it seemed like, in the beginning, he had no jurisdiction. Mr. Foerster stated, for clarification, that the City, when the 2004 LeFevre Development Agreement was executed, did not require paving on commercial property. Mr. Foerster said that the current City ordinance

does require paving, but the question then is does the LeFevre Development Agreement require the City to be bound by Ordinances adopted in 2004. Mr. Foerster said that his reading of the Section 305 of the Development Agreement, indicates that the City is not bound by the 2004 Ordinance, because the Development Agreement, in Section 305, provides that "all private improvements must conform to City Ordinances." Mr. Foerster said that since this is a private improvement, he felt that the City has the option to granting or not granting the variance, and the option of deciding whether or not they place conditions on the action, such as, a temporary certificate of occupancy for a certain number of months, maybe even a performance bond. Mr. Foerster said that the performance bond might be cost prohibitive for the property owner.

Jon Bickford said that, in his mind, the challenge is if the parking lot is not paved now, and something happens with the business, then the parking lot will not be paved. John Champagne said that they could set parameters. Mr. Yates said that they could include in their motion to grant a six month variance that would grant a temporary certificate of occupancy, which could be withdrawn if the parking lot was not paved in six months. Jon Bickford asked what would happen if they started a business, things do not go the way they thought they would go, and by six months they have used all the cash, they can't pave the parking lot and they go out of business. Jon Bickford asked how the City can ensure that after six months the parking lot gets paved. Mr. Foerster said the only thing the City could do to make sure that was done, would be to have a performance bond. Mr. Foerster said that he did not know how much the paving was going to cost, but it will probably cost at least a few thousand for a performance bond. Mayor Jones said that he knew the City had a requirement for paving, and he thinks that is a good requirement, but the property that the City owns, at Fernland Park, is not paved, and the property north of the Community is not paved. Mayor Jones said that it would not be the end of the world if what Jon Bickford said happened and the parking lot was not paved.

John Champagne said, a couple of things, to use those two examples that the Mayor used is not apples and apples. The parking area north of the Community Center is rarely used and won't generate dust. The Fernland lot is mostly grass and does not generate a lot of

dust. John Champagne said that they are assuming that this enterprise will generate a lot of activity, parking and movement in the parking area. John Champagne said that his deal was, in this whole discussion, has there been a revenue forecast for the possible six month variance and as to where the money might come from. Mr. Yates said that he had only appeared before the Montgomery EDC Board.

John Champagne asked if the owner has presented a revenue forecast. Mr. Yates said that there was a revenue forecast presented at the Montgomery EDC Meeting. John Champagne said that obviously Montgomery EDC said it was adequate. Mr. Yates said that was correct. Mayor Jones said that they were not talking parking lots at the time. Mr. Yates said that the Montgomery EDC felt strongly enough to put \$15,000 toward the utilities for the project. John Champagne asked what the projected revenue would be for six months. Jon Bickford asked how much it is going to cost to pave the parking lot. Mr. Jason Long, owner, advised that it will cost \$30,000 to pave the parking lot. Mr. Long stated that he felt very confident that even before the six months is up, the parking lot will be paved. Mr. Long said that it was in the businesses best interest to get the lot paved, not only for the ordinance restriction, but they want customers to come and not have to deal with dust at their feet and kicking up onto cars.

Jon Bickford said that the restriction was in place when Mr. Long bought the property. Mr. Long said that at the time when he was going through construction for the site development, he was not aware of the City's Ordinance for paving the parking lot. Mr. Long said that when he created the numbers for the bank, this item was left out, because nobody caught it until it got to Jones and Carter's review. At that time, he went back to the bank to request the increase in funds for the parking lot and the bank refused the request several times.

Mayor Jones asked if the project goes belly up in four months, someone still owns the property, so somebody would still be liable to pay the amount. John Champagne said that would be the bank. Dave McCorquodale said that he did not think that the City would be granting a variance tied to the deed of the property, as much as the business itself. Jon

Bickford said that his only concern is that they have to be mindful and watch out for the City.

John Champagne moved to approve the variance for six months, with a temporary certificate of occupancy granted stating that if the parking lot is not paved in that time period the business will lose its certificate of occupancy, and a dust control agent, satisfactory to the City Engineer be placed on the gravel area when completed, and prior to business. T.J. Wilkerson seconded the motion.

Discussion: Dave McCorquodale said that he would like to use this as an example, as it feeds into some of the drainage issues that they are facing with the Buffalo Springs Bridge, and said if they can find a solution to impervious cover that is suitable for the City, which would reduce the impact of storm water runoff and would control dust and is suitable for the patrons of a business, he would be all ears. Mayor Jones said that if it would be affordable too. Dave McCorquodale said that if the owner came back in six months and said he has the data and a solution to back it up to say this is why I don't need to put asphalt or concrete down, that I can use this particular product and it is going to solve all of the issues that the pavement solved, he would be open to it.

John Champagne said that they could amend the motion, that in six months, if in fact, Mr. Jason Long comes back and gives the data that Dave McCorquodale indicates, that they would consider looking at it.

Jon Bickford said that he would like to propose one more amendment that he would be supportive of a variance extension, but it would make him feel better if there was some way that Mr. Long could deposit \$30,000 over time, within the six months, in an account, in case something does happen. John Champagne asked if Jon Bickford was thinking \$5,000 per month. Jon Bickford said maybe, or \$2,000 the first month and then build up. Mayor Jones said that was pretty tough for a startup business. Jon Bickford said that was part of starting up a business, and their job is to protect the City. Mayor Jones asked Jon Bickford if he was amending the motion. Jon Bickford said that he was asking to amend

the motion and throwing it out for conversation, otherwise, yes he would amend the motion that they collect up to \$30,000 in escrow in some way or another, prior to, and leading up to the six months. Jon Bickford said that he was not saying that it needed to be paid all at one lump sum, and then make the decision at the end of the six months.

The City Secretary, Susan Hensley, asked for clarification as to whether Jon Bickford was going to add that to the impervious cover consideration. Jon Bickford said that he was comfortable with that, if there is another way to solve the problem and they figure it out, give them the money back or whatever, in other words use the money for whatever and if he wants to pave it early, then pave it early. Jon Bickford said that all he wanted to try and do is cover the City in the event that something happens.

Mayor Jones said he wanted to address Dave McCorquodale's information, in his opinion, he did not think that it needed to be an amendment to the motion. Dave McCorquodale said that his information was just a point of discussion. Mayor Jones said that Jon Bickford is proposing an amendment to the motion. Jon Bickford said that was correct. Mayor Jones said that they were going to treat that amendment as a separate situation.

Ms. Hensley advised that John Champagne had also amended his motion. John Champagne said that he was not ready to unamend his motion. Mayor Jones said that John Champagne can propose an amendment. John Champagne advised that the Mayor was just going to do away with his amendment as suggested by Dave McCorquodale. Mayor Jones asked if they still wanted that information as part of the motion. John Champagne said that he might. Mayor Jones said that he did not know that John Champagne had amended the motion and that the amendment requires a second. Mayor Jones asked if there was a second to John Champagne's amendment. Ms. Hensley advised that there was no second. John Champagne pulled his amendment to the motion.

Mayor Jones asked to confirm that Jon Bickford was proposing an amendment to the motion. Jon Bickford stated "yes." Mayor Jones asked Jon Bickford to state the amendment.

Jon Bickford moved to amend the motion that the City collect up to \$30,000 over the six months in an escrow account to cover the cost of the paving in the even that it is not done within the period of time, grant the variance and the temporary certificate of occupancy for six months, and collect the \$30,000 in reasonable deposits on or before the six month deadline, they either have the parking lot or have an alternate solution.

Discussion: Dave McCorquodale said that he would like to ask a question. John Champagne stated that the amendment needed to be approved first. Mayor Jones said that if they want to continue to discuss the matter, they will need to get a second on the motion. Mayor Jones said if they don't want to talk about it and they don't get a second, the amendment dies for lack of second.

Dave McCorquodale said that he could not second the motion without asking his question. Mayor Jones told him to ask the question. Dave McCorquodale asked if a business would be able to get that parking lot funded any other way in six months, such as, going to a bank after six months and show them the books and ask for a loan to pave the parking lot. Dave McCorquodale said if the bank would say yes, then he did not see the need to have an escrow account if it is possible for the business to show what they have done in the last six months and ask for a loan. Dave McCorquodale said that if that is the only way to pay for a parking lot then he would second the motion. Jon Bickford said that he was not a bank professional, but he would offer that if the revenues are higher than your expenses, then a bank will be more than happy to lend you money, but if the expenses are higher than the revenue the bank probably won't loan you any more money. Jon Bickford said that the point is, you could get to the end of six months and not have any money to pave the parking lot, are they going to shut the business down, that would make a bad problem worse. Mayor Jones said that they are really trying to put two hammers on the developer. Jon Bickford said that he was not trying to put two hammers on them, he is trying to undo one and make sure that the City is covered. Dave Mc McCorquodale said that he is not seconding the amendment to the motion.

Mayor Jones asked if there was a second to the amendment to the motion. No second to the motion was stated. Mayor Jones said that the amendment to the motion dies for lack of second.

Mayor Jones said that they are now proceeding to the motion, which as stated, would allow six months with a temporary certificate of occupancy. Ms. Hensley asked if they were still doing the impervious cover. Mayor Jones said if Mr. Long shows up with that City Council will discuss that with him. Mayor Jones said that the original motion was seconded and asked if there was any further discussion or amendments. Mayor Jones then called for the vote.

The motion carried with 3-Ayes and 1-Nay vote by Jon Bickford.

4. Consideration and possible action regarding the City Engineer's Report on Buffalo Springs Road Bridge Repair.

Mr. Roznovsky presented his report to City Council. Mr. Roznovsky stated that the April and May events last year caused the Buffalo Springs Bridge to be closed. Shortly after the closure, the City had a structural engineering firm perform an analysis of the Bridge. Mr. Roznovsky said that they evaluated various options for stabilizing the slopes and protecting the bridge abutment under the bridge. Mr. Roznovsky said that the option that they are recommending is concrete slope paving, like is there today, but would be designed differently and constructed with better methods. This would also include a concrete bulkhead, instead of wood, to allow additional strength because all of the concrete slope paving was resting on the wood bulkhead. Concrete is also proposed to line the channel to provide additional strength and prevent erosion. Mr. Roznovsky said that everything will be dug out, lined and tied together. Jon Bickford asked if the channel would be lined just under the bridge. Mr. Roznovsky said that was correct, it would only be lined with concrete under the bridge, within the City's right of way.

Date: February 11, 2017

TO: Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77356

ATTN.: Mr. Jack Yates / Mr. Chris Roznovsky, P.E.

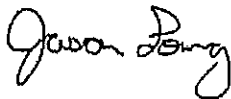
RE: Longview Greens Miniature Golfing Variance Request

Good day to you. The proposed site plan being submitted for the development of Longview Miniature Golf requires a variance due to a conflict of parking lot surface material. According to the City of Montgomery Ordinance Section 78-96 (b), the surface is required to be paved with asphalt or concrete; however, the owner is requesting a temporary allowance for his drive and parking to utilize crushed concrete. The variance justifications are as follows:

1. The property owner is proposing a family-owned small business miniature golf course. The owner is self-financing the majority of the project, and the added immediate cost of asphalt will put this project out of reach for the near future.
2. The owner will, in good faith, install the required asphalt as soon as it is feasible. The variance for a temporary allowance of this alternate surface will allow for the owner to open his business and begin to bring in revenue in order to pay for the resurfacing of the parking area.

If you have any questions or require further information prior to the meeting, please do not hesitate to call or email.

Thank you,



Jason Long

Jason.long@commscope.com / 815.514.0420



JONES | CARTER

8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

February 21, 2017

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

Re: Variance Request – Parking Lot and Driveway Paving Requirement
Longview Greens Miniature Golf
City of Montgomery

Commission Members:

Section 78-96(b) of the City of Montgomery Code of Ordinances specifies any parking lots or driveways, excluding single family residential, shall be paved in concrete or asphalt.

- The Developer is requesting a variance from the requirement that the parking surface is to be paved with asphalt or concrete due to the cost of paving.

Enclosed you will find a request for variance as submitted by the property owner, Mr. Jason Long. We offer no objection to the requested variance. However, it is important to note the unpaved parking lot has the potential to produce dust during dry periods with heavy traffic. The owner should apply a dust control agent over the unpaved areas to reduce the amount of dust produced. We would also recommend the owner be required to pave the portion of the driveway located within the right-of-way of Clepper Street to reduce the chance of dust and rocks entering the roadway. Approval of the requested variance does not constitute plan approval and only allows the Developer to further refine the proposed site plan and construction drawings which will require the full review and approval of City Staff before any construction may commence.

If you have any questions or comments, please contact, Chris Roznovsky, and or myself.

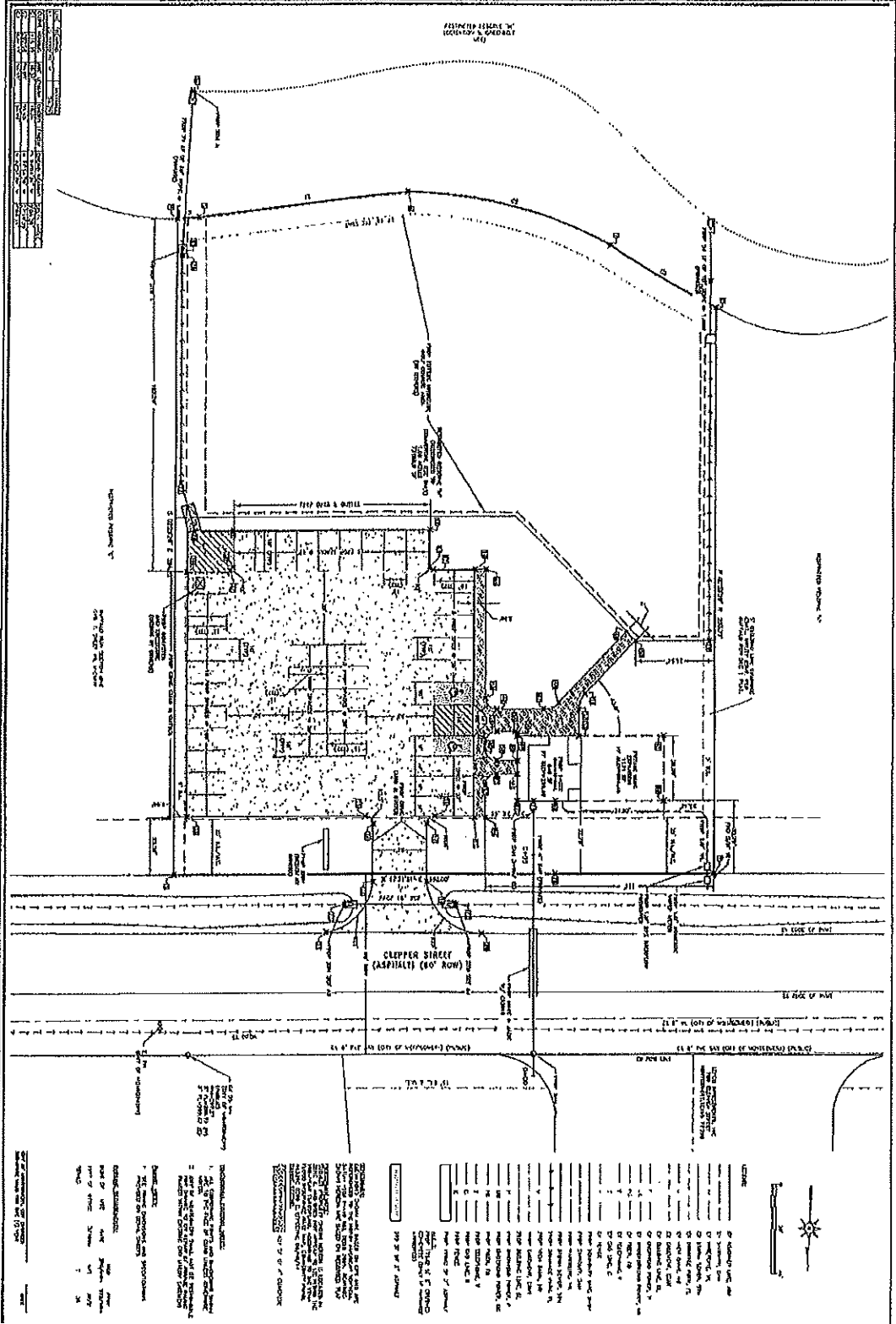
Sincerely,

Ed Shackelford, P.E.
Engineer for the City

EHS/cvr

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\P&Z Reports\2.27.17\Longview Greens Mini Golf, Variance Request-P&Z Opinion.doc

Enclosures: Longview Greens Miniature Golf – Variance Request
 Longview Greens Miniature Golf – Preliminary Site Plan
 cc/enc: 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



	<h2 style="margin: 0;">LONGVIEW MINIATURE GOLF</h2> <h3 style="margin: 0;">DIMENSIONAL CONTROL & PAVING PLAN</h3>		<p>NOTES:</p> <ol style="list-style-type: none"> 1. ALL DIMENSIONS ARE IN FEET AND INCHES. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE GOLF COURSE UNLESS OTHERWISE NOTED. 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE GOLF COURSE UNLESS OTHERWISE NOTED. 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE GOLF COURSE UNLESS OTHERWISE NOTED. 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE GOLF COURSE UNLESS OTHERWISE NOTED. 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE GOLF COURSE UNLESS OTHERWISE NOTED. 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE GOLF COURSE UNLESS OTHERWISE NOTED.
<p>DATE: 04/15/2010</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: LONGVIEW MINIATURE GOLF</p> <p>NO. 04</p>	<p>LONGVIEW MINIATURE GOLF</p> <p>10000 S. 100TH AVENUE, SUITE 100</p> <p>IRVING, TEXAS 75039</p> <p>PHONE: (972) 251-1000</p> <p>FAX: (972) 251-1001</p> <p>WWW.LONGVIEWMINIATUREGOLF.COM</p>	<p>LONGVIEW MINIATURE GOLF</p> <p>10000 S. 100TH AVENUE, SUITE 100</p> <p>IRVING, TEXAS 75039</p> <p>PHONE: (972) 251-1000</p> <p>FAX: (972) 251-1001</p> <p>WWW.LONGVIEWMINIATUREGOLF.COM</p>	<p>LONGVIEW MINIATURE GOLF</p> <p>10000 S. 100TH AVENUE, SUITE 100</p> <p>IRVING, TEXAS 75039</p> <p>PHONE: (972) 251-1000</p> <p>FAX: (972) 251-1001</p> <p>WWW.LONGVIEWMINIATUREGOLF.COM</p>

PROPOSAL
LAUREL PAVING
12876 Shadowbrook Dr. Willis, Texas 77378
PH. (936) 672 3297 Fax 936 890 1271

PROPOSAL SUBMITTED TO	E-MAIL	cell	PHONE	DATE
Mike Muckleroy	mmuckleroy@ci.montgomery.tx.us	936-521-5294	936-597-6434	01/03/18
STREET		JOB NAME		
P.O.Box 708		Longview Greens Miniature Golf		
CITY, STATE AND ZIP CODE		JOB LOCATION		
Montgomery, Texas 77356		Clapper St		
ARCHITECT		DATE OF PLANS		JOB PHONE

We Propose: hereby to furnish materials and labor complete in accordance with specifications below, for the sum of:

Twenty-two Thousand two Hundred and fifty 00/100 \$22,250.00 Dlls

Payment to be made as followed

On completion, Please furnish tax exempt certificate

All materials is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or

Authorized By _____ This proposal may be withdraw by us if not accepted with 30 day.

Asphalt Paving parking lot, 15,889 sqft

- 1. Fine grade and compact existing crushed concrete base**
- 2. Apply prime coat with asphalt emulsion @.02 gall. per sq.yd**
- 3. Pave area with hot mix asphalt 2" thick compacted.**

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of acceptance _____

Signature _____ Signature _____

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Feasibility Study of a 1.7504 acre development- "Baja Road Development"
Date Prepared: January 5, 2017	

Subject

This is for the engineer to report on his feasibility study regarding the "Baja Road Development".

Description

The study is attached.

The property is within the current city limits. Four houses is the plan.

For water use, it is expected that the true development would need approximately 1000 gallons per day, which is available through the current City water system.

For sewer use, it is expected that the development would produce approximately 900 gallons per day usage, whose capacity is acceptable to the City system.

For drainage there is an existing public drainage easement along the eastern boundary of the property. The alternatives available to the developer are to use that existing easement and drain the property to the East or to the developer may convey storm water runoff to the roadside ditch along Baja Road- depending on the development of the plenary plat and drainage study.

For development cost the water impact fee will be \$5000 and the wastewater impact he will be \$11,172 for a total of \$16,180

Recommendation

Motion to accept the Feasibility Study for the "Baja Road Development" as presented.

Montgomery City Council
AGENDA REPORT

Approved By		
City Administrator	Jack Yates	Date: January 5, 2018

**ANALYSIS OF FEASIBILITY FOR
THE CITY OF MONTGOMERY
TO PROVIDE WATER AND SANITARY SEWER SERVICE
TO A PROPOSED 1.574-ACRE DEVELOPMENT
“BAJA ROAD DEVELOPMENT”**

January 2018



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439



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

January 3, 2018

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

Re: Proposed 1.574-Acre Development Feasibility Study
Baja Road Development
City of Montgomery ETJ

Dear Mayor and Council:

On November 14, 2017, Walker Montgomery Community Development Corporation (the "Developer") submitted an application for utility service of lands situated in the northern portion of the City of Montgomery (the "City"). We are pleased to present this analysis of the feasibility for the City to provide water and sanitary sewer service to the referenced 1.574-acre tract (the "Tract"). The purpose of the feasibility is to determine if water system and sanitary sewer system capacity is available, to determine how the existing public utilities will need to be upgraded or extended to serve the Tract, and to offer clarity on the potential financial impact of the development.

General

This undeveloped Tract is located adjacent to the southern right-of-way at the western end of Baja Road. The entirety of the Tract falls within the City's current City limits. An exhibit displaying the Tract boundary is enclosed as Appendix A. A preliminary site plan submission is enclosed as Appendix B. The estimates included in this feasibility are based on the anticipated land use provided by the Developer. The Tract will not require annexation. The Tract is currently zoned as residential and is proposed to remain residential. The final land plan may affect the estimated costs and revenues associated with the development.

Water Production and Distribution

The City has three active water wells and two existing water plants with an average daily flow capacity of 596,000 gallons per day ("gpd"). The current ADF in the City is approximately 298,000 gpd. Inclusive of existing connections and ultimate future projected connections within current platted developments, the City has committed approximately 853,000 gpd or 143% of existing ADF capacity. A current summary of Development Acreages & Service Demands is enclosed as Appendix C.



City of Montgomery
1,574-Acre Baja Road Feasibility
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January 3, 2018

Based upon the information provided by the Developer, the Tract's water capacity requirement is approximately 1,000 gpd (30,000 gallons per month). While the TCEQ minimum capacity requirement for the Tract is 1,440 gpd (based on an estimated 360 gpd/ESFC), annual average flows for the City indicate that the Tract's requirement will be at or below the amount requested by the Developer. The projected ADF for the City, including this Tract and other tracts under design/feasibility, is not expected to exceed the current ADF capacity until between the years 2020 and 2021.

Additionally, the City has authorized the design of a water plant improvements project to increase the ADF capacity of the City's water system to approximately 735,000 gpd. Upon completion of the proposed improvements and based on the projected ADF, including this Tract, the City is projected to have sufficient water production capacity until between 2022 and 2023. As the projects shown in Appendix C achieve full development, the City should be prepared to initiate planning for additional water production capacity.

The Tract will be served by an existing public 6-inch waterline located along the southern right-of-way ("ROW") of Baja Road adjacent to the northern boundary of the Tract. It is important to note, the existing waterline is proposed to be replaced by the City in the third quarter of 2018.

The ultimate alignment of waterlines interior to the Tract will depend on the final land plan of the proposed development. These waterlines will need to be placed in public utility easements located within or along public access easements or rights-of-way interior to the development and constructed according to all applicable City and TCEQ design criteria. The Developer will be responsible for all costs associated with easement acquisitions and recordation. The proposed easements will be based on the City's requirements and will be reviewed in advance of recordation.

The Developer is responsible for providing engineered plans and specifications for the water distribution system interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required Planning and Zoning Commission, City Council, and development approvals and permits. The Developer will need to contact the City for water taps to serve the reserves within the Tract. The cost to tap the waterline will be calculated by the City's Utility Operator in accordance with the City's Code of Ordinances.

Sanitary Sewer Collection and Treatment

The City's existing wastewater facilities consist of 14 public lift stations, four semi-public lift stations, and two wastewater treatment plants (one of which is currently decommissioned). The Stewart Creek wastewater treatment plant (TPDES Permit No. WQ0011521001) has a permitted capacity of 400,000 gpd. The current ADF at the Stewart Creek Wastewater Treatment Plant is approximately 165,000 gpd.



City of Montgomery
1,574-Acre Baja Road Feasibility
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January 3, 2018

Inclusive of existing connections and platted developments which are in design or under construction, the City has committed approximately 582,850 gpd or 146% of existing permitted capacity. A current summary of Development Acreages & Service Demands is enclosed as Appendix C. Based upon the information provided by the Developer, the Tract's ADF is estimated to be approximately 900 gpd (27,000 gallons per month).

The TCEQ requires the City to initiate design of a wastewater treatment capacity expansion when the ADF exceeds 75% of the permitted capacity (400,000 gpd) for 3 consecutive months. The ADF for the City, including this Tract and other tracts under design/feasibility, is not expected to exceed 75% of the permitted capacity (300,000 gpd) until the end of 2019. Additionally, the TCEQ requires the commencement of the construction phase of the expansion after 3 consecutive months of ADF exceeding 90% of the permitted capacity (360,000 gpd). This is not expected to occur until the end of 2020. As the projects shown in Appendix C achieve full development, the City should be prepared to initiate aggressive planning for additional treatment capacity.

The Tract will be served by an existing 8-inch public sanitary sewer line located adjacent to the northern right-of-way of Baja Road which ultimately flows to Lift Station No. 2 ("LS No. 2"). The Developer will be responsible for delivery of sanitary sewer service from the Tract to this location by means of gravity sanitary sewer line or private grinder pumps. The private grinder pumps would be owned and operated by the individual property owners, a Property Owners Association, or similar entity.

The ultimate alignment of sanitary sewer lines interior to the Tract will depend on the final land plan of the proposed development. These sanitary sewer lines will need to be placed in public utility easements located within or along public access easements or rights-of-way interior to the development and constructed according to all applicable City and TCEQ design criteria. The Developer will be responsible for all costs associated with easement acquisitions and recordation.

The Developer is responsible for providing engineered plans and specifications for the sanitary sewer conveyance system interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required Planning and Zoning Commission, City Council, and development approvals and permits. The Developer will need to contact the City for sanitary sewer taps to serve the reserve within the Tract. The cost to tap the sanitary sewer line will be calculated by the City's Utility Operator, in accordance with the City's Code of Ordinances.

Drainage

The onsite storm sewer system will be designated public and accepted by the City upon completion of the development. The proposed detention pond will also be public but will require maintenance and upkeep by a Property Owners Association or similar entity. The Tract is required to ultimately outfall to Town Creek via one of two routes. There is an existing public drainage easement along the eastern



City of Montgomery
1.574-Acre Baja Road Feasibility
Page 4
January 3, 2018

boundary of the Tract. The Developer may obtain an additional easement from the property owner to the south and may convey storm water runoff to a tributary of Town Creek approximately 750 feet from the southwest corner of the Tract. Alternatively, the Developer may convey storm water runoff to the roadside ditch along Baja Road.

All drainage and detention improvements must be designed per the City's Code of Ordinances requiring compliance with the City's floodplain regulations and all applicable Montgomery County Drainage Criteria Manual standards. Failure to design and construct the drainage and detention facilities per Montgomery County criteria potentially jeopardizes eligibility for acceptance by the City and Certificate of Occupancy. The Developer is responsible for providing engineered plans and specifications for the drainage and detention system interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required Planning and Zoning Commission, City Council, and development approvals and permits. The Developer will also be required to perform and submit a drainage study showing the development's impact on the drainage downstream of the Tract and on adjacent properties. The drainage study must be submitted to the City for review and approval prior to approval of construction plans.

Paving and Traffic

Per the preliminary land plan submitted by the developer the streets are proposed to be public and accepted by the City. The Developer is responsible for providing engineered plans and specifications for the roads interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required Planning and Zoning Commission, City Council, and development approvals and permits.

Development Costs

The Developer will need to engineer and construct on-site and off-site water, sanitary sewer, paving, drainage, and detention facilities to serve the proposed Tract.

The Developer will also need to pay water and wastewater impact fees to the City. The impact fees will be assessed at the time of recordation of the final plat and collected prior to receiving water and sanitary sewer taps. Enclosed as Appendix D is Table 1.1 of the Montgomery Impact Fee Analysis Report. The estimated ADF provided by the Developer requires the equivalent use of four 5/8-inch water meters per the table.



City of Montgomery
1,574-Acre Baja Road Feasibility
Page 5
January 3, 2018

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

Estimated Costs:

• Water Impact Fee	\$5,008
• Wastewater Impact Fee	<u>\$11,172</u>
Subtotal	<u>\$16,180</u>

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

Financial Feasibility

The Developer projects the home sales prices to be between \$150,000 and \$200,000. The Developer estimates the total assessed value (A.V.) the project will attain at full development to be approximately \$600,000. Based on the estimated total A.V. and assuming 95% collection, the development would generate approximately \$1,204 per year in debt service revenue based on the City's \$0.2112/\$100 debt service tax rate, and approximately \$1,165 per year in maintenance and operations revenue based on the City's \$0.2043/\$100 O&M tax rate.

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

Summary

- The 1,574-acre tract lies inside of the current city limits.
- The Tract is comprised of approximately 4 homes with an estimated sales price per home between \$150,000 and \$200,000.
- Extension of public utilities is required to serve the Tract.
- The City currently has water production capacity and wastewater treatment capacity to serve the Tract, but needs to continue to aggressively plan for expansion of City facilities to meet projected future demands.
- The Developer would need to pay water and wastewater system impact fees in the amounts of \$5,008 and \$11,172, respectively for a total estimated amount of \$16,180.
- The development results in an increase in assessed valuation of \$600,000 and additional tax revenue to the City of approximately \$2,369 annually.



City of Montgomery
1.574-Acre Baja Road Feasibility
Page 6
January 3, 2018

Thank you for the opportunity to complete this feasibility and offer our recommendations. Please contact Mr. Ed Shackelford or myself, should you have any questions.



Sincerely,

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

Chris Roznovsky, PE

CVR\msm

K:\W5841\W5841-1028-00 Baja Road Single Family Development\2 Design Phase\Reports\Baja Road Feasibility Report.doc

Attachments

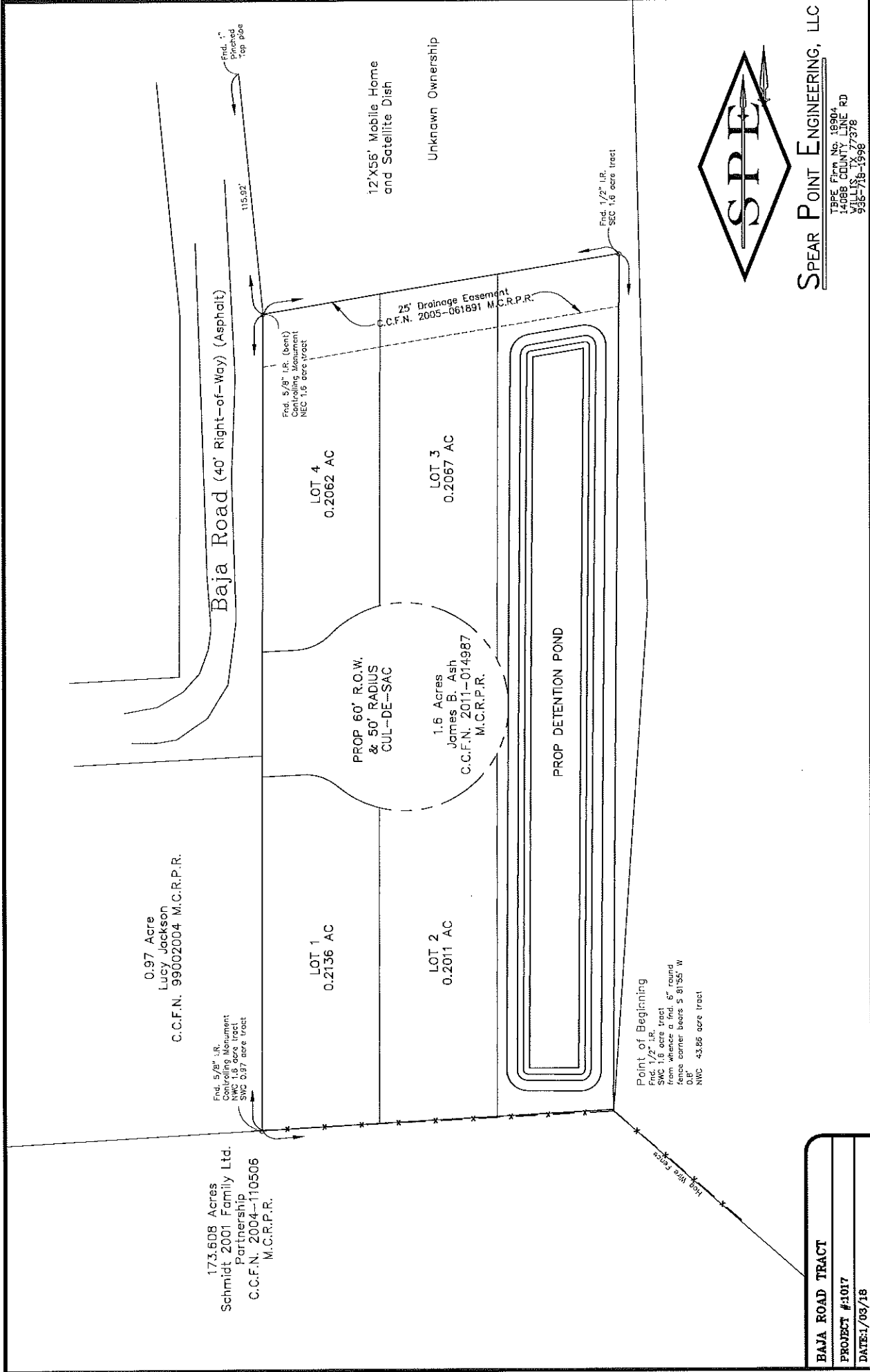
Appendix A-D

cc: The Planning and Zoning Commission – City of Montgomery
Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP
Mr. Brett Wyant, PE – Spear Point Engineering, LLC
Ms. Donna Glass – Walker Montgomery Community Development Corporation

Appendix A
Proposed 1.574-Acre Baja Road Development
Boundary Map

Appendix B
Proposed 1.574-Acre Baja Road Development
Preliminary Site Plan





173.608 Acres
Schmidt 2001 Family Ltd.
Partnership
C.C.F.N. 2004-110506
M.C.R.P.R.

0.97 Acre
Lucy Jackson
C.C.F.N. 99002004 M.C.R.P.R.

12'x56' Mobile Home
and Satellite Dish
Unknown Ownership

LOT 4
0.2062 AC

LOT 3
0.2067 AC

PROP 60' R.O.W.
& 50' RADIUS
CUL-DE-SAC
1.6 Acres
James B. Ash
C.C.F.N. 2011-014987
M.C.R.P.R.

LOT 1
0.2136 AC

LOT 2
0.2011 AC

PROP DETENTION POND

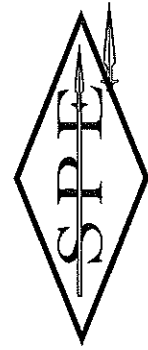
25' Drainage Easement
C.C.F.N. 2005-061891 M.C.R.P.R.

End. 5/8" I.R.
Controlling Monument
NEC 1/8 acre tract
SWC 0.97 acre tract

End. 5/8" I.R. (bent)
Controlling Monument
NEC 1/8 acre tract

End. 1/2" I.R.
SEC 1/6 acre tract

Point of Beginning
End. 1/2" I.R.
SWC 1.6 acre tract
from whence a End. 6" round
reice corner bears S 81SS' W
NWC 43.85 acre tract



SPEAR POINT ENGINEERING, LLC

STATE: TEXAS No. 18904
COUNTY: DALLAS
CITY: WILLS, TX 77378
PHONE: 936-718-1998

BAJA ROAD TRACT
PROJECT #1017
DATE: 1/03/18

Appendix C
Proposed 1.574-Acre Baja Road Development
Updated Development Acreages & Service Demands



Developments (Existing & Proposed) (Inside & Outside City)	Development Info & Capacities								Projected Additional ESFC's						
	Acres	Lots or Units	Current ESFC/ Connections	Est. ESFC	Water		Wastewater		2017	2018	2019	2020	2021	2022	2023
					Current	Ultimate (TCEQ)	Current	Ultimate							
Commercial/Multi Family per ESFC Single Family					360	360	250	300							
					250	360	150	225							
Single Family															
Buffalo Crossing	19	13	1	13	250	4,680	150	2,925							
Buffalo Springs, Section 1	15	24	24	24	6,000	8,640	3,600	5,400		4	4	4			
Buffalo Springs, Section 2	48	64	57	64	14,250	23,040	8,550	14,400							
Lake Creek Landing		15	15	15	3,750	5,400	2,250	3,375		2	2	2	2		
Lake Creek Village, Section 1	13	37	29	37	7,250	13,320	4,350	8,325		4	4				
Lake Creek Village, Section 2	13	45	14	45	3,500	16,200	2,100	10,125		7	6	6	6	6	
Estates of Lake Creek Village	8	22	-	22	-	7,920	-	4,950		7	7	5	3		6
Hills of Town Creek, Section 2	25	51	6	51	1,500	18,360	900	11,475		5	10	10	10	5	
Hills of Town Creek, Section 3	11	49	-	49	-	17,640	-	11,025		7	7	7	7	7	7
Terra Vista Section 1	14	61	-	61	-	21,960	-	13,725		5	10	10	10	10	4
Villas of Mia Lago Section 1	8	14	14	14	3,500	5,040	2,100	3,150							
Villas of Mia Lago Section 2	14	42	-	42	-	15,120	-	9,450		6	10	10	10	6	
Waterstone, Section 1	32	53	38	53	9,500	19,080	5,700	11,925		5	5	5			
Waterstone, Section 2	22	89	4	89	1,000	32,040	600	20,025		5	10	10	10	10	10
West Side at the Park	4	11	5	11	1,250	3,960	750	2,475		3	2	1			
Miscellaneous Single Family			186	211	46,500	75,960	27,900	47,475		2	2	2	2	2	2
Subtotal	289	617	407	838	101,750	301,680	61,050	188,550	-	65	82	75	63	49	26
Commercial Platted and Existing															
Buffalo Run, Section 1	20	7	8	110	2,880	39,600	2,000	27,500			10	10	10	10	10
Summit Business Park, Phase 1	80	12	12	20	4,320	7,200	3,000	5,000			2	2	2	2	10
McCoy's Development	10		10	33	3,600	11,880	2,500	8,250		8	8	7			
Pizza Shack	3		-	15	-	5,400	-	3,750	15						
Virgin Development Tract	2		1	10	360	3,600	250	2,500		2	2	2	3		
KenRoc (Montgomery First)	21		-	111	-	40,000	-	27,750		31	20	20	20	20	20
Buffalo Springs Shopping, Ph. 1	34		41	121	14,760	43,560	10,250	30,250	5	15	15	15	15	15	15
Heritage Place	1		1	4	482	1,591	335	1,105		1	1	1	1	1	1
Buffalo Springs Shopping, Ph. 2	19		-	135	-	48,600	-	33,750		20	20	40	35	20	4
Brookshire Brothers Center	5		4	43	1,336	15,509	928	10,770		4	4	4	4	4	4
Heritage Medical Center	2		-	10	-	3,600	-	2,500		5	5	5			
Lone Star Pkwy Office Building			2	5	720	1,800	500	1,250		2	1	1			
Villas of Mia Lago Commercial Reserve	1		-	12	-	4,320	-	3,000		6	6				
Town Creek Storage			-	1	-	360	-	250		1					
Lake Creek Village 3 Commercial	22	2	-	187	-	67,320	-	46,750			10	10	10	10	10
Waterstone Commercial Reserve A	11	4	3	81	1,170	29,160	813	20,250		10	10	10	10	10	10
Waterstone Commercial Reserve B	1		-	12	-	4,392	-	3,050		5	5	3			
Waterstone Commercial Reserve C	1		-	9	-	3,132	-	2,175		4	4	5			
Waterstone Commercial Reserve D	4		-	35	-	12,600	-	8,750		5	5	5	5	5	5
The Montgomery Shoppes	27		-	83	-	30,000	-	25,000		9	10	10	10	10	10
Miscellaneous Commercial					25,000	25,000	10,000	20,000							
Subtotal	277	25	95	1,051	59,024	403,664	33,628	287,100	20	112	137	144	125	104	49
Multi Family															
Heritage Plaza, Phase 1	17	80	25	50	8,856	18,000	6,150	15,000							
Mobile Home Park	6		13	15	4,500	5,400	3,125	4,500							
Town Creek Village	9	152	59	59	21,240	21,240	14,750	17,700							
Montgomery Supported Housing	2		8	10	2,988	3,600	2,075	3,000							
Live Oak Assisted Living	5		9	10	3,240	3,600	2,250	3,000							
Subtotal	39	232	113	144	40,824	51,840	28,350	43,200	-	-	-	-	-	-	-

Developments (Existing & Proposed) (Inside & Outside City)	Development Info & Capacities								Projected Additional ESFC's						
	Acres	Lots or Units	Current ESFC/ Connections	Est. ESFC	Water		Wastewater		2017	2018	2019	2020	2021	2022	2023
					Current Actual	Ultimate (TCEQ)	Current	Ultimate							
Institutional (Schools, City, Church) and Irrigation															
MISD Athletic Complex	70		19	19	6,995	6,840	4,858	4,750							
MISD High School Complex	68		143	143	51,329	51,480	35,645	35,750							
MISD Elementary (105/Clepper)	14		6	6	2,160	2,160	1,500	1,500							
MISD School (MLK)	20		9	9	3,330	3,240	2,313	2,250							
MISD School (149)	7		10	10	3,600	3,600	2,500	2,500							
City Hall	1		3	3	965	1,080	670	750							
Buffalo Spring Plant	1		2	2	720	720	500	500							
Living Savior Lutheran Church	1		3	5	936	1,800	650	1,250		2					
Misc. Institutional and Irrigation	70		72	72	25,200	25,920	17,500	18,000							
Subtotal	277	-	262	267	94,158	96,120	62,818	64,000	-	2	-	-	-	-	-
Committed	881	874	876	2,300	295,756	853,304	185,845	582,850	20	179	219	219	188	153	75
Projected Committed Volumes (TCEQ):								Water	302,956	367,396	446,236	525,076	592,756	647,836	674,836
								Sewer	191,845	240,670	300,220	360,295	411,970	454,195	474,745
Future Development in Feasibility/Design															
80-Ac Mabry Single Family	80	345	-	368	-	132,840	-	87,500							
Baja Road Single Family Development		4	-	4	-	1,440	-	900			10		35		
Peter Hill 5.7 Acre Feasibility	6		-	14	-	5,000	-	4,000		1	1		35		35
Subtotal	86	349	-	386	-	139,280	-	92,400	-	5	16	5	41	36	35
Committed Plus Under Feasibility	967	1,223	876	2,686	295,756	992,584	185,845	675,250	20	184	235	260	224	188	110
Projected Committed Volumes Including Feasibility:								Water	302,956	369,196	453,796	547,396	628,036	695,716	735,316
								Sewer	191,845	242,095	306,370	378,670	441,070	493,795	524,845

Developments (Existing & Proposed) (Inside & Outside City)	Development Info & Capacities								Projected Additional ESFC's								
	Acres Limits	Lots or Units	Current ESFC/ Connections	Est. ESFC	Water		Wastewater		2017	2018	2019	2020	2021	2022	2023		
					Current Actual	Ultimate (TCEQ)	Current	Ultimate									
Potential Future Development (Within City)																	
HEB Tract	32		-	150	-	54,000	-	37,500									
Heritage Plaza, Phase2		140	-	140	-	50,400	-	35,000			20	41	20	20	20		
Montgomery Forest	68	195	-	195	-	70,200	-	48,750			30	30	30	30	20		
Summit Business Park, Phase 2		8	-	12	-	4,320	-	3,000			10	39	39	39	39		
Town Creek Village, Phase 2	35	152	-	72	-	26,058	-	18,096		6	6						
J. Allen Kent	140		-	400	-	144,000	-	100,000				35	37				
Waterstone, Section 3			-	36	-	12,960	-	9,000			10	20	20	20	20		
Waterstone, Section 4			-	80	-	28,800	-	20,000			5	10	10	10	10		
Plez Morgan Commercial	32		-	267	-	96,120	-	66,750				5	10	10	10		
1097 Misc. Commercial	19		-	160	-	57,600	-	40,000		2	5	5	5	5	5		
Misc. Undeveloped (Commercial)	227		-	1,823	-	656,280	-	455,750			10	10	10	10	10		
Misc. Undeveloped (Single Family)	694		-	2,892	-	1,041,120	-	723,000			10	10	10	10	10		
Misc. Undeveloped (Industrial)	237		-	1,317	-	474,120	-	329,250			10	10	10	10	10		
Subtotal	1,484	495	-	3,335	-	2,715,978	-	1,886,096	-	38	116	215	201	169	159		
Potential Future Development (ETJ)																	
Montgomery Ridge	125		-	488	-	175,680	-	122,000									
Stewart Landing	33		-	50	-	18,000	-	12,500			5	50	50	50	50		
90-AC Lone Star Parkway	90		-	225	-	56,250	-	56,250			5	15	20	10	10		
Misc. Undeveloped Land (ETJ)	5,200		-	20,800	-	7,488,000	-	6,240,000			10	25	25	25	25		
Subtotal				11,643	-	7,681,680	-	6,430,750	-	5	5	5	5	5	5		
Potential Ultimate Totals																	
						295,756	11,390,242	185,845	8,992,096	896	1,179	1,484	1,876	1,803	1,661	1,543	
Projected Ultimate Volumes:										Water	302,956	412,036	588,076	813,796	881,116	910,636	935,836
										Sewer	191,845	277,795	418,270	600,670	651,970	672,895	691,945

Appendix D
Proposed 1.574-Acre Baja Road Development
Excerpt from Impact Fee Analysis



Table 1.1 Maximum Assessable Impact Fee for Commonly Used Meters

Meter Size	Maximum Flow (GPM)	Equivalent Single Family Connection (ESFC)	Maximum Assessable Water Fee (\$/ESFC)	Maximum Assessable Wastewater Fee (\$/ESFC)	Maximum Assessable Fee (\$/ESFC)
5/8"	15	1.00	\$1,252	\$2,793	\$4,045
3/4"	25	1.67	\$2,091	\$4,664	\$6,756
1"	40	2.67	\$3,343	\$7,457	\$10,801
1 1/2"	120	8.00	\$10,018	\$22,345	\$32,362
2"	170	11.33	\$14,187	\$31,645	\$45,833
3"	350	23.33	\$29,214	\$65,162	\$94,376
4"	600	40.00	\$50,088	\$111,723	\$161,811
6"	1,200	80.00	\$100,176	\$223,445	\$323,621
8"	1,800	120.00	\$150,264	\$335,168	\$485,432

Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: GIS Proposal from Jones/Carter
Date Prepared: January 5, 2017	

Subject

This is for the engineer to put into place a Geographic Information System and to place approximately 25 “layers” to the System, with multiple additional layers to be placed in the future.

Description

A Geographical Information System (GIS) is an information source by consolidation of various maps, images and general information regarding the city that is placed onto a software system called a GIS. The maps, images and general information sources (which can be as built plans, zoning districts, fire hydrant locations, and a multitude of other examples) are each created as a “layer” to the GIS system. The source document, such as the water and sewer maps, continue to exist but are also transferred to the GIS system. With a GIS system, the information is much more easily obtained and can be manipulated—such as bringing up on the GIS system the eastern half of the historic district of the city showing water and sewer lines—for that area only.

To my mind, a GIS system is a fundamental element of a growing city. I compare it to having a water and sewer master plan or capital improvement plan for the city, it is just as important and vital to proper city planning and use by all the departments.

For instance, its use could be:

The City Council could get a map showing all the commercial businesses in the city.

The City Administrator could get a map showing below standard street pavements.

Public Works could you get a map showing all the water leaks over the past year.

Montgomery City Council
AGENDA REPORT

The Police Department could get a map showing locations of speeding citations inside the city.

It is an expense that the city would need to be making now or in the near future, just to keep up with the city's growth issues.

The cost of the system set up and placement of approximately 25 layers shown on the 2nd page of the Jones/Carter proposal is \$20,000 to be paid in roughly ¼ amounts every month during the hundred and 20 day projected completion time. For continued maintenance/additional placement layers is \$300-\$600 per month, depending on the amount of time spent per month adding the "layers".

It is within my expectation that within two or three years that we would have approximately 150 layers of information available.

The cost could come from the current budget allowed for engineering with one-half coming from General Fund and one-half from Water and Sewer Fund.

Recommendation

Motion to authorize the Mayor to sign the proposal as presented

Approved By

City Administrator

Jack Yates

Date: January 5, 2018



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

January 3, 2018

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

Re: Proposal for Geographic Information System (GIS)-based Asset Management
City of Montgomery, Montgomery County, Texas

Dear Mayor and Council:

Jones & Carter, Inc. (J|C) appreciates the opportunity to present this proposal for GIS-based Asset Management services in connection with the City of Montgomery (the "City") in Montgomery County, Texas.

Project Understanding

J|C understands you are considering the preparation and maintenance of an asset management system using GIS for the City. The project consists of editing GIS data previously provided by the City locating the City's facilities (water and sanitary sewer only). J|C will correct the locations of facilities using local aerial imagery and other sources of information along with adding associated attribute information. J|C will also host the City's GIS in public/private WebGIS allowing access to the GIS via Internet browsing from any computer. J|C will use ESRI's ArcGIS for Desktop software to build the District's GIS and ESRI's ArcGIS for Server software coupled with Geocortex to distribute the City's GIS via the Internet. Delivery of the City's GIS via the Internet allows access by the City Staff, Mayor, Council, Committee Members, and City Consultants simultaneously from multiple locations without requiring the user to have special, expensive software.

J|C utilizes an offsite, secure data center in downtown Houston to maximize security and reliability. The offsite data center is weather resistant with redundant power to provide uninterrupted high bandwidth connectivity. We also have a copy of the data on a local machine in our Woodlands office. Both of these data sources are backed up weekly at our corporate office in Houston.

Based on our understanding of your project, J|C has prepared the following scope of services and fee proposal for your consideration.



City of Montgomery
 January 3, 2018
 Page 2 of 6

Scope of Services

The GIS will contain facilities partially or wholly owned by the City and will not include facilities owned by neighboring Cities. The following facilities will be shown graphically:

Water Distribution

- Blowoff/Plugs
- Flush Valves
- Gate Valves
- Reducers
- Water Plants
- Waterlines

Sanitary Sewer Collection

- Stacks
- Manholes, ARV's
- Sanitary Sewer lines
- Lift Stations
- Wastewater Treatment Plants

Drainage Collection

- Detention Basins
- Drainage Channels
- Inlets
- Manholes
- Storm Sewer Lines
- Drainage Areas

Private Utilities

- Gas Facilities
- Electrical Facilities

Operator Information

- Water Meters
- Repair History

Tourism*

- City Parks
- City Properties
- Library

Development

- Active Developments*
- Active Capital Projects*
- Future Capital Projects*

- Commercial Plans/Permits
- Single-Family Home Plans/Permits
- Feasibility Studies

- Developer Agreements

Base / Jurisdictional

- City Boundary*
- City ETJ*
- Parcels*
- Adjacent City Limits/ETJ's*
- Section/Plat Boundaries*
- Annexations*
- School District

- Contours derived from LiDAR*
- Construction Drawings (P&P)
- 2010 Census (Block, BG, Tract)*
- Major Thoroughfare Plan*
- TCEQ Water/Sewer CCN*
- Future Land Use*
- Historical District

- 2016 6-inch Aerial Imagery*
- Road Centerlines*
- Floodplain*
- Zoning*
- Easements
- ESD Boundary

* Layers will be available to the public without password restriction.

All data entered into the GIS will be obtained from record drawings if available. If unavailable, we will use construction drawings or City overall layouts to include attribute information. Typical attribute information consists of pipe diameter/material/length/grade, installation date, rim and flowline elevations for manholes, tank size/material, latest inspection/recoating date, historical repair information, known deficiencies and more. Additionally, above and beyond the monthly hosting/maintenance fee, we will allocate between 2 and 4 hours per month for the addition of commercial or single family private development plans and permits.



City of Montgomery
January 3, 2018
Page 3 of 6

All construction drawings will be scanned and if appropriate, associated to the GIS for easy retrieval. If recent photos are not available, a site visit will be made to each plant location for the City and photographs will be taken and associated to the GIS. Other documents that can be included are bond application reports, emergency preparedness plan, water well profiles, lift station service areas, capacity information.

Proposed Fee

A summary of our services and compensation is enclosed as Exhibit "A". J|C proposes to accomplish the initial buildout on a lump sum basis in the amount of \$20,000. Following initial buildout, J|C proposes to complete monthly hosting, maintenance and updates at either \$300 or \$600 per month, see Exhibit "A" for explanation of options. J|C also proposes to input private commercial and single family plans and permits on an hourly rate basis in the amount of approximately 2-4 hours per month. J|C estimates initial buildout completion to be approximately 120 days from receipt of City approval.

Special Considerations

This proposal is based on the following special considerations:

1. Lump sum build out fee of \$20,000 will be billed monthly over the 120-day project completion period.
2. Hourly Services shall be provided in accordance with the enclosed Schedule of Hourly Rates.
3. This proposal shall be subject to the enclosed Professional Services Agreement (dated October 18, 2014).
4. The proposed fees shall be considered in their entirety for the scope of services. Should you wish to contract with us for only a portion of the work, we reserve the right to negotiate individual scope items on their own merits.
5. This proposal shall be valid for sixty (60) days from this date and may be extended upon approval by this office.



City of Montgomery
January 3, 2018
Page 4 of 6

J|C thanks you for the opportunity to submit this proposal and look forward to providing quality GIS service to the City. An executed copy of this proposal will serve as our notice to proceed. Please return one copy to our office. Should you have any questions, please call.

Sincerely,

Michael Sudac
GIS Department Manager

Chris V. Roznovsky, P.E.
Department Manager

CEH\xxx
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Enclosures

APPROVED BY:

Signature

Name and Title (Printed)

Date



City of Montgomery
 January 3, 2018
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EXHIBIT "A"

**Proposal for Professional Services
 GIS-based Asset Management
 City of Montgomery
 January 3, 2018**

BASE SETUP

<u>Item</u>	<u>Description</u>	<u>Total Fee</u>
1.	Creation and Addition of City GIS Graphics and Attributes, and Internet Setup of City GIS (1)	\$20,000

MONTHLY OPTIONS

<u>Item</u>	<u>Description</u>	<u>Total Estimated Fees</u>
1.	Monthly Hosting Fee (2)	\$300/month + hourly updates

OR

2.	Monthly Maintenance and Hosting Fee (3)	\$600/month
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PRIVATE PLANS AND PERMITS

<u>Item</u>	<u>Description</u>	<u>Total Estimated Fees</u>
1.	Commercial and Single Family Private Development Plans and Permits (2-4 hours/month) (4)	\$250 - \$500/month



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Notes:

- (1) All documents, including original drawings, estimates, specifications, field notes, and data are and shall remain the property of the City. Our proposal includes utilizing existing GIS shapefiles, CAD files and paper overall layouts received from the City or already in-house to create the facilities within the GIS. Internet setup includes hyperlinks to as-built or construction drawings, easements, agreements or related facility documents such as water well profiles, O&M manuals or service/inspection reports will be included. J|C will also create a restricted, web-accessible GIS for the City's use.
- (2) The City will be obligated to twelve (12) Monthly Recurring charges of \$300. Monthly maintenance fee equals \$300 per month x twelve (12) months = \$3,600. After the initial twelve (12) month period, the City or J|C may at any time discontinue the service. The monthly recurring charges are subject to annual revisions starting January 1, 2019. Fee includes hosting fees, technical support, and software upgrades. Updates to GIS feature layers will be performed on an hourly rate basis. Internet Service does not require any special software to run or view; the user must have access to the Internet. An alternative to Internet service is burning the system to DVD to provide to the Board and Consultants. Please note, to view the system from DVD, the user must obtain software appropriate for viewing GIS data.
- (3) In lieu of Item 2: The City will be obligated to twelve (12) Monthly Recurring charges of \$600. Monthly maintenance fee equals \$600 per month x twelve (12) months = \$7,200. After the initial twelve (12) month period, the City or J|C may at any time discontinue the service. The monthly recurring charges are subject to annual revisions starting January 1, 2019. Fee includes hosting fees, system maintenance, data/graphics updates, technical support, and software upgrades. Internet Service does not require any special software to run or view; the user must have access to the Internet. An alternative to Internet service is burning the system to DVD to provide to the Board and Consultants. Please note, to view the system from DVD, the user must obtain software appropriate for viewing GIS data.
- (4) In addition to the monthly fee, private commercial and single family plans and permits will be uploaded and populated to the restricted, web-accessible GIS for the City's use at an hourly rate. Plans will be accessible through a hyperlink for each property, and all documents shall remain the property of the City. J|C proposed to spend between 2 and 4 hours each month to uploading private plans until all plans are inputted. The City will be obligated to the resulting hourly fee of approximately \$250 - \$500 per month.

Montgomery City Council
AGENDA REPORT

Meeting Date: January 9, 2018	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: January 4, 2017	

Subject

This is the report regarding the Buffalo Springs Bridge repair

Description

The contract is signed and the Contractor has been given the Notice to Proceed, effective January 4, 2018. The Contractor will start moving equipment to the site starting on the 4th. The Pre-construction meeting is Jan. 9th.

Recommendation

Making any comments you think necessary.

Approved By

City Administrator

Jack Yates

Date: January 4, 2018