

**NOTICE OF PUBLIC HEARING and REGULAR MEETING**

**November 14, 2017**

**MONTGOMERY CITY COUNCIL**

**STATE OF TEXAS**

**AGENDA**

**COUNTY OF MONTGOMERY**

**CITY OF MONTGOMERY**

NOTICE IS HEREBY GIVEN that Public Hearing and a Regular Meeting of the Montgomery City Council will be held on Tuesday, November 14, 2017 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 Hearing:**

1. For the purpose of hearing public comments on a proposed increase of water and sewer rates.

**Adjourn Public Hearing**

**Convene into Regular Meeting**

**VISITOR/CITIZENS FORUM:**

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

**CONSENT AGENDA:**

2. Matters related to the approval of minutes for the Public Hearings and Regular Meeting held on October 24, 2017.
3. Consideration and possible action regarding the Annual Permit for Cedar Crest Mobile Home Park as submitted by Marcie Bennett.
4. Consideration and possible action regarding the City Council Meeting Schedule for November and December 2017.

5. Consideration and possible action for the approval of the Certificate of Acceptance for Heritage Place Medical Center 12" Waterline.
6. Consideration and possible action for the approval of the Certificate of Acceptance for Buffalo Springs Shopping Center Phase II Water and Sewer Facilities conditional upon receipt of financial guarantee.
7. Consideration and possible action for the approval of the Certificate of Acceptance for Flagship Boulevard Pavement Repairs.
8. Consideration and possible action regarding authorizing a Utility and Economic Feasibility Study for the 1.6-Ac. Walker Montgomery Community Development Corporation property located on Baja Road subject to receipt of deposit.
9. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE ANNEXING INTO THE CITY OF MONTGOMERY, TEXAS, THE HEREINAFTER DESCRIBED TERRITORY OF 10.15 ACRES OF LAND, MORE OR LESS, IN THE PUBLIC ROAD RIGHT-OF-WAY OF STATE HIGHWAY 105 WEST WHICH RUNS ADJACENT AND PARALLEL TO THE BOUNDARIES OF THE CITY, AND LOCATED IN THE BENJAMIN RIGBY SURVEY, ABSTRACT 31, MONTGOMERY COUNTY, TEXAS; AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS; PROVIDING A SEVERABILITY CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING THE EFFECTIVE DATE UPON PASSAGE OF THE ORDINANCE.

**CONSIDERATION AND POSSIBLE ACTION:**

10. Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION REGARDING THE PUBLIC HEARING FOR THE CORRIDOR ENHANCEMENT BOUNDARY AMENDMENT.
11. Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION CASTING VOTE(S) FOR CANDIDATE(S) FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.
12. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ORDINANCE NO. 2016-18, DATED SEPTEMBER 13, 2016, BY ESTABLISHING AND ADOPTING NEW MONTHLY SERVICE RATES AND CHARGES FOR WATER AND SEWER SERVICE FOR CONSUMERS INSIDE AND OUTSIDE THE CITY PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION.

13. Consideration and possible action to receive a report from the Capital Improvement Advisory Committee regarding recommended amendments to Land Use Assumptions and Impact Fee.
14. Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION CALLING A PUBLIC HEARING BEFORE THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS TO BE HELD 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 DIRECTING SAID NOTICE BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY OF MONTGOMERY, TEXAS AND POSTING ON THE CITY'S WEBSITE.
15. Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION GRANTING A PETITION FOR ANNEXATION OF A TOTAL OF 3.22 ACRES OF LAND, MORE OR LESS; SETTING A DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF SAID PROPERTIES BY THE CITY OF MONTGOMERY, TEXAS; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS AND MAKE AVAILABLE TO THE PUBLIC THE CITY ANNEXATION SERVICE PLAN.
16. Consideration and possible action regarding Appointment to the Board of Adjustment.
17. Consideration and possible action regarding award and execution of construction contract documents for Buffalo Springs Drive Bridge Repair subject to receipt of final FEMA, Texas Department of Agriculture, and Texas General Land Office clearance.
18. Consideration and possible action regarding award and execution of construction contract documents for the Houston Street Rehabilitation.
19. Consideration and possible action regarding award and execution of construction contract documents for the Buffalo Springs Drive Waterline Bridge Crossing.
20. Consideration and possible action regarding a Utility and Economic Feasibility Study for the Peter Hill 5.7-Acre Commercial Tract.
21. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery and Huffco Services regarding Apache Well Control.

**EXECUTIVE SESSION:**

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

22. 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 City Attorney);
- b) 551.087 (Deliberation regarding economic development negotiations for a possible Chapter 380 Agreement concerning Montgomery SH 105 Associates); and
- c) 551.074 (Personnel deliberation regarding the City Administrator’s Review).

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

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

23. Consideration and possible action resulting from the item(s) listed under Executive Session.

**COUNCIL INQUIRY:**

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

**ADJOURNMENT**



*Susan Hensley*  
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 9th day of November 2017 at 5:30 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

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Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits:</b> Spreadsheet showing totals for Option 1 and Option 2, breakout for each billing class
<b>Date Prepared: November 9, 2017</b>	

**Subject**

This is the public hearing regarding the water and sewer rates.

**Description**

The Option 1 or 2 is shown on the first page of the attachment. Option One is the proposed Year Two of all rate classes as proposed last year. Option Two is: no increase in **residential** water or sewer charges.

**Commercial in-city** is an increase in sewer .50 cents /1,000 gallons and increases over 20,000 gallons from \$6.50 to \$9.35, and for commercial out-of-city sewer .50 cents /1,000 gallons and increases over 20,000 gallons from \$6.75 to \$9.50 and for a Commercial in-city average bill of 50 ,000 consumption would increase the water \$17.50 and the sewer, \$95.50 -----

**Institutional in-city** is an increase in the base sewer rate from current \$150 to \$300 and for an average bill of 118,000 consumption would increase the water \$38.25 and the sewer, \$658.75 ----

**Multi-family** is an increase in the base sewer rate from current \$150 to \$300 and for an average bill consumption of 157,800 gallons would increase water \$48.75 and the sewer \$623.75 ----

Montgomery City Council  
**AGENDA REPORT**

**Small Irrigation** is an increase of .50 cents/1,000 gallons and for an average bill of 8,000 consumption would increase the water \$3.00. ---

**Large Irrigation** is an increase of .50cents/1,000 gallons and for an average bill of 34,500 gallons is an increase of \$12.63

**The cumulative total for Option One is \$89,898.64 and Option Two cumulative total is \$69,177.28**

The Community meetings, which had a notice sent to every household and business in the city and had an article in the Courier about, resulted in four people appearing at 4:00 and two people appearing at 6:00. The M will anager of the apartments behind the Lone Star Community Center was present and asked about the multi-family rates. She understood the reasoning. I do not think she will be at the Council meeting.

**Recommendation**

Listen to the public comment and consider them.

**Approved By**

City Administrator

Jack Yates

Date: November 9

**PROJECT 2016/17 CITY OF MONTGOMERY WATER/SEWER REVENUES**  
(WITH OPTIONS FOR 2017/18 YEAR)

CLASSES	WATER USERS (#)	WATER USAGE (avg)	2016/17 Water \$'S	SEWER USERS (#)	SEWER USAGE (avg)	2016/17 Sewer \$'S	2017/18 Increase ALL CLASSES (Water & Sewer) Option #1	2017/18 Increase Comm Out, Inst, Mult, Irrigation (Water & Sewer), Comm In only sewer Option #2	Increase
Resid In	444	7	\$155,844.00	435	6.8	\$131,022.00	\$25,848.00	\$0.00	
Resid Out	23	4.4	\$7,231.20	16	4.4	\$4,262.40	\$561.60	\$0.00	
Comm In	103	12.2	\$71,626.25	102	12.2	\$82,620.00	\$15,006.00	\$7,466.40	Sew
Comm Out	6	11.17	\$4,320.00	1	8.7	\$666.00	\$454.80	\$454.80	Sew Wtr
Institution	7	157	\$87,124.80	7	157	\$93,172.80	* \$10,390.80	* \$10,390.80	Sew Wtr
Mult-Family	4	157.8	\$55,399.20	4	157.8	\$56,416.80	\$32,280.00	\$32,280.00	Sew Wtr
Small Irrig	69	8	\$24,840.00				\$2,484.00	\$2,480.00	Wtr
Large Irrig	31	34.5	\$69,006.00				\$4,696.50	\$4,696.50	Wtr
<b>TOTALS</b>	<b>687</b>		<b>\$475,391.45</b>	<b>565</b>		<b>\$368,160.00</b>	<b>\$91,721.70</b>	<b>\$57,768.50</b>	

**PROJECTED TOTAL WATER AND SEWER FOR 2016/17 (USING SPREADSHEET TOOL with Budget YTD usage/users) \$843,551.45**

**OPTION #1 Increase Revenue      OPTION #2 Increase Revenue**

<b>CITY PROJECTED REVENUE- WATER</b>	<b>\$463,753.00</b>	<b>PROJECTED SEWER</b>	<b>\$391,524.00</b>
<b>2016/2017 (Jack's numbers)</b>		<b>TOTAL WATER/SEWER</b>	<b>\$855,277.00</b>

**\* = Reduced Sch avg usage to 118 for Options 1 and 2 because of Elem and MLK (2) schools closing (zero usage/basic chg only)**



**Current Rates**

Residential Out (1 meter)			Usage Below	
Water used with 1 meter in 1k gallons	4.4	Res. Out		
Up to First 2K-\$20.00	2	\$20.00		
Next 2K-\$2.50	2	\$5.00		
Next 2K-\$3.00	0.4	\$1.20		
Next 2K-\$3.50	0	\$0.00		
Next 2K-\$4.00	0	\$0.00		
Next 5K-\$4.50	0	\$0.00		
Next 5K-\$5.00	0	\$0.00		
Over 20K-\$5.75	0	\$0.00		
<b>Total rates for water used</b>	<b>4.4</b>	<b>\$26.20</b>		
Sewer rates used with 1 meter	4.4	Res. Out		
Up to First 2K-\$16.00	2	\$16.00		
Next 2K-\$2.50	2	\$5.00		
Next 2K-\$3.00	0.4	\$1.20		
Next 2K-\$3.50	0	\$0.00		
Next 2K-\$4.00	0	\$0.00		
Next 5K-\$4.50	0	\$0.00		
Next 5K-\$5.00	0	\$0.00		
Over 20K-\$5.75	0	\$0.00		
<b>Total sewer rates</b>	<b>4.4</b>	<b>\$22.20</b>		
<b>Total water/sewer rate for 1 meter</b>		<b>\$48.40</b>		
<b>BILL=</b>		<b>\$75.75</b>		

Detail Bill Info for one meter	
House Meter	\$26.20
Sewer	\$22.20
Lone Star Grd(\$0.07)	\$0.31
Garbage	\$19.78
GRP(\$1.65)	\$7.26
<b>BILL TOTAL</b>	<b>\$75.75</b>

2015 User's YTD Avg Usage	Water	Sewer	Avg Water Usage Month
	22	16.58	101.2
	4.4	4.4	
	User's 23	User's 16	

RESID OUT	WATER	SEWER	Total	RESID OUT GAINS \$
Current	\$7,231.20	\$4,262.40	\$11,493.60	(110)
Option 1	\$7,562.40	\$4,492.80	\$12,055.20	\$561.60
Option 2	\$7,231.20	\$4,262.40	\$11,493.60	\$0.00

Increases avg usage bill \$2.40

ENTER USAGE  
**4.4**

Option 1 increases all water/sewer tiers by 50 cents up to 20K  
Option 2 NO INCREASE FOR RESID OUTSIDE

**2017/18 Option 1**

Residential Out (1 meter)			Usage Below	
Water used with 1 meter in 1k gallons	4.4	Res. Out		
Up to First 2K-\$20.00	2	\$20.00		
Next 2K-\$3.00	2	\$6.00		
Next 2K-\$3.50	0.4	\$1.40		
Next 2K-\$4.00	0	\$0.00		
Next 2K-\$4.50	0	\$0.00		
Next 5K-\$5.00	0	\$0.00		
Next 5K-\$5.50	0	\$0.00		
Over 20K-\$5.75	0	\$0.00		
<b>Total rates for water used</b>	<b>4.4</b>	<b>\$27.40</b>		
Sewer rates used with 1 meter	4.4	Res. Out		
Up to First 2K-\$16.00	2	\$16.00		
Next 2K-\$3.00	2	\$6.00		
Next 2K-\$3.50	0.4	\$1.40		
Next 2K-\$4.00	0	\$0.00		
Next 2K-\$4.50	0	\$0.00		
Next 5K-\$5.00	0	\$0.00		
Next 5K-\$5.50	0	\$0.00		
Over 20K-\$5.75	0	\$0.00		
<b>Total sewer rates</b>	<b>4.4</b>	<b>\$23.40</b>		
<b>Total water/sewer rate for 1 meter</b>		<b>\$50.80</b>		
<b>BILL=</b>		<b>\$78.15</b>		

Detail Bill Info for one meter	
House Meter	\$27.40
Sewer	\$23.40
Lone Star Grd(\$0.07)	\$0.31
Garbage	\$19.78
GRP(\$1.65)	\$7.26
<b>BILL TOTAL</b>	<b>\$78.15</b>

**2017/18 Option 2 \*\*\*\*\*NO INCREASE FOR RESID OUTSIDE\*\*\*\*\***

Residential Out (1 meter)			Usage Below	
Water used with 1 meter in 1k gallons	4.4	Res. Out		
Up to First 2K-\$20.00	2	\$20.00		
Next 2K-\$2.50	2	\$5.00		
Next 2K-\$3.00	0.4	\$1.20		
Next 2K-\$3.50	0	\$0.00		
Next 2K-\$4.00	0	\$0.00		
Next 5K-\$4.50	0	\$0.00		
Next 5K-\$5.00	0	\$0.00		
Over 20K-\$5.75	0	\$0.00		
<b>Total rates for water used</b>	<b>4.4</b>	<b>\$26.20</b>		
Sewer rates used with 1 meter	4.4	Res. Out		
Up to First 2K-\$16.00	2	\$16.00		
Next 2K-\$2.50	2	\$5.00		
Next 2K-\$3.00	0.4	\$1.20		
Next 2K-\$3.50	0	\$0.00		
Next 2K-\$4.00	0	\$0.00		
Next 5K-\$4.50	0	\$0.00		
Next 5K-\$5.00	0	\$0.00		
Over 20K-\$5.75	0	\$0.00		
<b>Total sewer rates</b>	<b>4.4</b>	<b>\$22.20</b>		
<b>Total water/sewer rate for 1 meter</b>		<b>\$48.40</b>		
<b>BILL=</b>		<b>\$75.75</b>		

Detail Bill Info for one meter	
House Meter	\$26.20
Sewer	\$22.20
Lone Star Grd(\$0.07)	\$0.31
Garbage	\$19.78
GRP(\$1.65)	\$7.26
<b>BILL TOTAL</b>	<b>\$75.75</b>

**Current Rates**

Residential Out (1 meter)		
Usage Below	4.4	Res. Out
Water used with 1 meter in 1k gallons	4.4	
Up to First 2K-\$20.00	2	\$20.00
Next 2K-\$2.50	2	\$5.00
Next 2K-\$3.00	0.4	\$1.20
Next 2K-\$3.50	0	\$0.00
Next 2K-\$4.00	0	\$0.00
Next 5K-\$4.50	0	\$0.00
Next 5K-\$5.00	0	\$0.00
Over 20K-\$5.75	0	\$0.00
<b>Total rates for water used</b>	<b>4.4</b>	<b>\$26.20</b>
Sewer rates used with 1 meter	4.4	Res. Out
Up to First 2K-\$16.00	2	\$16.00
Next 2K-\$2.50	2	\$5.00
Next 2K-\$3.00	0.4	\$1.20
Next 2K-\$3.50	0	\$0.00
Next 2K-\$4.00	0	\$0.00
Next 5K-\$4.50	0	\$0.00
Next 5K-\$5.00	0	\$0.00
Over 20K-\$5.75	0	\$0.00
<b>Total sewer rates</b>	<b>4.4</b>	<b>\$22.20</b>
<b>Total water/sewer rate for 1 meter</b>		<b>\$48.40</b>
<b>BILL=</b>		<b>\$75.75</b>

Detail Bill Info for one meter	
House Meter	\$26.20
Sewer	\$22.20
Lone Star Grd(\$5.07)	\$0.31
Garbage	\$19.78
GRP(\$1.65)	\$7.26
<b>BILL TOTAL</b>	<b>\$75.75</b>

	Water	Sewer	Avg Water Usage Month
2015 User's	22	16.58	
YTD Avg Usage	4.4	4.4	101.2
	User's	User's	
	23	16	
RESID OUT	WATER	SEWER	Total
Current	\$7,231.20	\$4,262.40	\$11,493.60
Option 1	\$7,562.40	\$4,492.80	\$12,055.20
Option 2	\$7,231.20	\$4,262.40	\$11,493.60

**RESID OUT GAINS \$**  
 (110)  
 \$561.60  
 \$0.00  
 Increases avg usage bill \$2.40

ENTER USAGE  
**4.4**

Option 1 increases all water/sewer tiers by 50 cents up to 20K  
 Option 2 NO INCREASE FOR RESID OUTSIDE

**2017/18 Option 1**

Residential Out (1 meter)		
Usage Below	4.4	Res. Out
Water used with 1 meter in 1k gallons	4.4	
Up to First 2K-\$20.00	2	\$20.00
Next 2K-\$3.00	2	\$6.00
Next 2K-\$3.50	0.4	\$1.40
Next 2K-\$4.00	0	\$0.00
Next 2K-\$4.50	0	\$0.00
Next 5K-\$5.00	0	\$0.00
Next 5K-\$5.50	0	\$0.00
Over 20K-\$5.75	0	\$0.00
<b>Total rates for water used</b>	<b>4.4</b>	<b>\$27.40</b>
Sewer rates used with 1 meter	4.4	Res. Out
Up to First 2K-\$16.00	2	\$16.00
Next 2K-\$3.00	2	\$6.00
Next 2K-\$3.50	0.4	\$1.40
Next 2K-\$4.00	0	\$0.00
Next 2K-\$4.50	0	\$0.00
Next 5K-\$5.00	0	\$0.00
Next 5K-\$5.50	0	\$0.00
Over 20K-\$5.75	0	\$0.00
<b>Total sewer rates</b>	<b>4.4</b>	<b>\$23.40</b>
<b>Total water/sewer rate for 1 meter</b>		<b>\$50.80</b>
<b>BILL=</b>		<b>\$78.15</b>

**2017/18 Option 2 \*\*\*\*\*NO INCREASE FOR RESID OUTSIDE\*\*\*\*\***

Residential Out (1 meter)		
Usage Below	4.4	Res. Out
Water used with 1 meter in 1k gallons	4.4	
Up to First 2K-\$20.00	2	\$20.00
Next 2K-\$2.50	2	\$5.00
Next 2K-\$3.00	0.4	\$1.20
Next 2K-\$3.50	0	\$0.00
Next 2K-\$4.00	0	\$0.00
Next 5K-\$4.50	0	\$0.00
Next 5K-\$5.00	0	\$0.00
Over 20K-\$5.75	0	\$0.00
<b>Total rates for water used</b>	<b>4.4</b>	<b>\$26.20</b>
Sewer rates used with 1 meter	4.4	Res. Out
Up to First 2K-\$16.00	2	\$16.00
Next 2K-\$2.50	2	\$5.00
Next 2K-\$3.00	0.4	\$1.20
Next 2K-\$3.50	0	\$0.00
Next 2K-\$4.00	0	\$0.00
Next 5K-\$4.50	0	\$0.00
Next 5K-\$5.00	0	\$0.00
Over 20K-\$5.75	0	\$0.00
<b>Total sewer rates</b>	<b>4.4</b>	<b>\$22.20</b>
<b>Total water/sewer rate for 1 meter</b>		<b>\$48.40</b>
<b>BILL=</b>		<b>\$75.75</b>

WATER DIFFERENCE	
	<b>\$1.20</b>
SEWER DIFFERENCE	
	<b>\$1.20</b>
BILL DIFFERENCE	
	<b>\$2.40</b>

WATER DIFFERENCE	
	<b>\$0.00</b>
SEWER DIFFERENCE	
	<b>\$0.00</b>
BILL DIFFERENCE	
	<b>\$0.00</b>



**Current Rates**

Commercial In (1 meter)		Usage Below	Comm In
<b>Water used with 1 meter in 1k gallons</b>			
Up to First 2K-\$19.5	2		\$19.50
Next 2K-\$2.75	2		\$5.50
Next 2K-\$3.25	2		\$6.50
Next 2K-\$3.75	2		\$7.50
Next 2K-\$4.25	2		\$8.50
Next 5K-\$4.75	2		\$9.50
Next 5K-\$5.25	0		\$0.00
Over 20K-\$5.75	0		\$0.00
<b>Total rates for water used</b>	<b>12</b>		<b>\$57.00</b>
<b>Sewer rates used with 1 meter</b>			
Up to First 2K-\$21.50	2		\$21.50
Next 2K-\$4.00	2		\$8.00
Next 2K-\$4.25	2		\$8.50
Next 2K-\$4.50	2		\$9.00
Next 2K-\$4.75	2		\$9.50
Next 5K-\$5.00	2		\$10.00
Next 5K-\$5.25	0		\$0.00
Over 20K-\$6.50	0		\$0.00
<b>Total sewer rates</b>	<b>12</b>		<b>\$66.50</b>
<b>Total water/sewer rate for 1 meter</b>			<b>\$123.50</b>
<b>BILL=</b>			<b>\$165.52</b>

Detail Bill Info for one meter	
Comm Meter	\$57.00
Sewer	\$66.50
Lone Star Grd(\$0.7)	\$0.84
Garbage	\$21.38
GRP(\$1.65)	\$19.80
<b>BILL TOTAL</b>	<b>\$165.52</b>

2015 User's  
YTD Avg Usage

Water  
93.67  
12.2

Sewer  
95.6  
12.2

Avg Water Usage Month  
1271

Comm IN	WATER	SEWER	Total
Current	\$71,626.20	\$82,620.00	\$154,246.20
Option 1	\$79,165.80	\$90,086.40	\$169,252.20
Option 2	\$71,626.20	\$90,086.40	\$161,712.60

COMM IN GAINS \$

(120)

\$15,006.00

\$7,466.40

Increases avg usage bill \$12.20

Increases avg usage bill \$6.10

ENTER USAGE  
**12**

Option 1 increases Basic rate for water and sewer by \$1.00  
Also increases all water/sewer tiers by 50 cents except over 20K (water to \$6 and sewer to \$10)  
Option 2 increases only sewer tiers as per option 1 above.

**2017/18 Option 1**

Comm In (1 meter)		Usage Below	Comm In
<b>Water used with 1 meter in 1k gallons</b>			
Up to First 2K-\$20.5	2		\$20.50
Next 2K-\$3.25	2		\$6.50
Next 2K-\$3.75	2		\$7.50
Next 2K-\$4.25	2		\$8.50
Next 2K-\$4.75	2		\$9.50
Next 5K-\$5.25	2		\$10.50
Next 5K-\$5.75	0		\$0.00
Over 20K-\$6.00	0		\$0.00
<b>Total rates for water used</b>	<b>12</b>		<b>\$63.00</b>
<b>Sewer rates used with 1 meter</b>			
Up to First 2K-\$22.50	2		\$22.50
Next 2K-\$4.50	2		\$9.00
Next 2K-\$4.75	2		\$9.50
Next 2K-\$5.00	2		\$10.00
Next 2K-\$5.25	2		\$10.50
Next 5K-\$5.50	2		\$11.00
Next 5K-\$5.75	0		\$0.00
Over 20K-\$9.35	0		\$0.00
<b>Total sewer rates</b>	<b>12</b>		<b>\$72.50</b>
<b>Total water/sewer rate for 1 meter</b>			<b>\$135.50</b>
<b>BILL=</b>			<b>\$177.52</b>

Detail Bill Info for one meter	
Comm Meter	\$63.00
Sewer	\$72.50
Lone Star Grd(\$0.7)	\$0.84
Garbage	\$21.38
GRP(\$1.65)	\$19.80
<b>BILL TOTAL</b>	<b>\$177.52</b>

**2017/18 Option 2**

Comm In (1 meter)		Usage Below	Comm In
<b>Water used with 1 meter in 1k gallons</b>			
Up to First 2K-\$19.50	2		\$19.50
Next 2K-\$2.75	2		\$5.50
Next 2K-\$3.25	2		\$6.50
Next 2K-\$3.75	2		\$7.50
Next 2K-\$4.25	2		\$8.50
Next 5K-\$4.75	2		\$9.50
Next 5K-\$5.25	0		\$0.00
Over 20K-\$5.75	0		\$0.00
<b>Total rates for water used</b>	<b>12</b>		<b>\$57.00</b>
<b>Sewer rates used with 1 meter</b>			
Up to First 2K-\$22.50	2		\$22.50
Next 2K-\$4.50	2		\$9.00
Next 2K-\$4.75	2		\$9.50
Next 2K-\$5.00	2		\$10.00
Next 2K-\$5.25	2		\$10.50
Next 5K-\$5.50	2		\$11.00
Next 5K-\$5.75	0		\$0.00
Over 20K-\$9.35	0		\$0.00
<b>Total sewer rates</b>	<b>12</b>		<b>\$72.50</b>
<b>Total water/sewer rate for 1 meter</b>			<b>\$129.50</b>
<b>BILL=</b>			<b>\$171.52</b>

Detail Bill Info for one meter	
Comm Meter	\$57.00
Sewer	\$72.50
Lone Star Grd(\$0.7)	\$0.84
Garbage	\$21.38
GRP(\$1.65)	\$19.80
<b>BILL TOTAL</b>	<b>\$171.52</b>

**Current Rates**

Commercial Out (1 meter)		
Usage Below		
Water used with 1 meter in 1k gallons	8.7	Comm Out
Up to First 2K-\$24.50	2	\$24.50
Next 2K-\$3.00	2	\$6.00
Next 2K-\$3.50	2	\$7.00
Next 2K-\$4.00	2	\$8.00
Next 2K-\$4.50	0.7	\$3.15
Next 5K-\$5.00	0	\$0.00
Next 5K-\$5.50	0	\$0.00
Over 20K-\$6.00	0	\$0.00
<b>Total rates for water used</b>	<b>8.7</b>	<b>\$48.65</b>
Sewer rates used with 1 meter	8.7	Comm Out
Up to First 2K-\$25.00	2	\$25.00
Next 2K-\$4.25	2	\$8.50
Next 2K-\$4.50	2	\$9.00
Next 2K-\$4.75	2	\$9.50
Next 2K-\$5.00	0.7	\$3.50
Next 5K-\$5.25	0	\$0.00
Next 5K-\$5.50	0	\$0.00
Over 20K-\$6.75	0	\$0.00
<b>Total sewer rates</b>	<b>8.7</b>	<b>\$55.50</b>
<b>Total water/sewer rate for 1 meter</b>		<b>\$104.15</b>
<b>BILL=</b>		<b>\$140.49</b>

Detail Bill Info for one meter	
Comm Meter	\$48.65
Sewer	\$55.50
Lone Star Grd(\$1.07)	\$0.61
Garbage	\$21.38
GRP(\$1.65)	\$14.36
<b>BILL TOTAL</b>	<b>\$140.49</b>

2015 User's  
YTD Avg Usage

Water  
1  
11.17

Sewer  
1  
8.7

Avg Water Usage Month  
129

User's  
6  
1

Comm Out	WATER	SEWER	Total
Current	\$4,345.20	\$666.00	\$5,011.20
Option 1	\$4,747.32	\$718.20	\$5,465.52
Option 2	\$4,747.32	\$718.20	\$5,465.52

**COMM OUT GAINS \$**

(130)

\$454.32

\$454.32

Increases avg usage bill \$8.70

Increases avg usage bill \$8.70

ENTER USAGE  
**8.7**

Option 1/2 Increases Basic rate for water and sewer by \$1.00  
Also increases all water/sewer tiers by 50 cents except over 20K (water to \$6.25 and sewer to \$6.75)

Note: This water rate is used for the HYD meters for contractors

**2017/18 Option 1/2**

Comm Out (1 meter)			Usage Below	
Water used with 1 meter in 1k gallons	8.7	Comm. Out	WATER DIFFERENCE	
Up to First 2K-\$25.50	2	\$25.50	<b>\$4.35</b>	
Next 2K-\$3.50	2	\$7.00		
Next 2K-\$4.00	2	\$8.00		
Next 2K-\$4.50	2	\$9.00		
Next 2K-\$5.00	0.7	\$3.50	<b>\$4.35</b>	
Next 5K-\$5.50	0	\$0.00		
Next 5K-\$6.00	0	\$0.00		
Over 20K-\$6.25	0	\$0.00		
<b>Total rates for water used</b>	<b>8.7</b>	<b>\$93.00</b>	<b>BILL DIFFERENCE</b>	
Sewer rates used with 1 meter	8.7	Comm. Out	<b>\$8.70</b>	
Up to First 2K-\$26.00	2	\$26.00		
Next 2K-\$4.75	2	\$9.50		
Next 2K-\$5.00	2	\$10.00		
Next 2K-\$5.25	2	\$10.50		
Next 2K-\$5.50	0.7	\$3.85		
Next 5K-\$5.75	0	\$0.00		
Next 5K-\$6.00	0	\$0.00		
Over 20K-\$9.50	0	\$0.00		
<b>Total sewer rates</b>	<b>8.7</b>	<b>\$59.85</b>		
<b>Total water/sewer rate for 1 meter</b>		<b>\$112.85</b>		
<b>BILL=</b>		<b>\$149.19</b>		

Detail Bill Info for one meter	
Comm Meter	\$58.00
Sewer	\$59.85
Lone Star Grd(\$1.07)	\$0.61
Garbage	\$21.38
GRP(\$1.65)	\$14.36
<b>BILL TOTAL</b>	<b>\$149.19</b>



**Current Rates**

Institutional In (1 meter)		Usage Below	Sch. In
Water used with 1 meter in 1k gallons	118		
Up to First 30K-\$396	30		\$396.00
Next 10K-\$4.25	10		\$42.50
Next 10K-\$4.50	10		\$45.00
Next 5K-\$4.75	5		\$23.75
Next 45K-\$5.00	45		\$225.00
Over 100K-\$5.35	18		\$96.30
<b>Total rates for water used</b>	<b>118</b>		<b>\$828.55</b>
Sewer rates used with 1 meter	118		
Flat rate - \$150	0		\$150.00
Up to First 30K-\$3.00	30		\$90.00
Next 10K-\$4.25	10		\$42.50
Next 10K-\$4.50	10		\$45.00
Next 5K-\$4.75	5		\$23.75
Next 45K-\$5.00	45		\$225.00
Over 100K-\$9.35	18		\$168.30
<b>Total sewer rates</b>	<b>118</b>		<b>\$744.55</b>
<b>Total water/sewer rate for 1 meter</b>			<b>\$1,573.10</b>
BILL=			<b>\$1,776.06</b>

Detail Bill Info for one meter	
Main Meter	\$828.55
Sewer	\$744.55
Lone Star Grd(\$0.07)	\$8.26
Garbage	
GRP(\$1.65)	\$194.70
<b>BILL TOTAL</b>	<b>\$1,776.06</b>

	Water	Sewer	Avg Water Usage Month
2015 User's	9.4	9.5	1099
YTD Avg Usage	157	157	

	User's 7	User's 7	
INSTIT	WATER	SEWER	Total
Current	\$87,124.80	\$93,172.80	\$180,297.60
Option 1	\$72,811.20	\$117,877.20	\$190,688.40
Option 2	\$72,811.20	\$117,877.20	\$190,688.40

**INSTIT GAINS \$**  
**(140)**  
**\$10,390.80** Increases avg usage bill \$697  
**\$10,390.80** (decreased projected usage to 1

ENTER USAGE
<b>118</b>

**2017/18 Option 1/2**

Institutional In (1 meter)		Usage Below	Sch. In	WATER DIFFERENCE
Water used with 1 meter in 1k gallons	118			<b>\$38.25</b>
Up to First 30K-\$396	30		\$396.00	
Over 30K-\$5.35	88		\$470.80	
<b>Total rates for water used</b>	<b>118</b>		<b>\$866.80</b>	
Sewer rates used with 1 meter	118			<b>\$658.75</b>
Flat rate - \$300	0		\$300.00	
All usage times K-\$9.35	118		\$1,103.30	
<b>Total sewer rates</b>	<b>118</b>		<b>\$1,403.30</b>	
<b>Total water/sewer rate for 1 meter</b>			<b>\$2,270.10</b>	
BILL=			<b>\$2,473.06</b>	<b>BILL DIFFERENCE</b>
				<b>\$697.00</b>

Detail Bill Info for one meter	
Main Meter	\$866.80
Sewer	\$1,403.30
Lone Star Grd(\$0.07)	\$8.26
Garbage	
GRP(\$1.65)	\$194.70
<b>BILL TOTAL</b>	<b>\$2,473.06</b>

**Increase in base sewer rate from current \$150 to \$300  
 Only 1 water and sewer fair rate**

**Current Rates**

Multi-Family In (1 meter)		Usage Below	
Water used with 1 meter in 1k gallons	157.8	Multi-Fam	
Up to First 30K-\$500	30		\$500.00
Next 10K-\$4.25	10		\$42.50
Next 10K-\$4.50	10		\$45.00
Next 5K-\$4.75	5		\$23.75
Next 45K-\$5.00	45		\$225.00
Over 100K-\$5.50	57.8		\$317.90
<b>Total rates for water used</b>	<b>157.8</b>		<b>\$1,154.15</b>
Sewer rates used with 1 meter	157.8	Multi-Fam	
Flat rate - \$200	0		\$200.00
Up to First 30K-\$3.00	30		\$90.00
Next 10K-\$4.25	10		\$42.50
Next 10K-\$4.50	10		\$45.00
Next 5K-\$4.75	5		\$23.75
Next 45K-\$5.00	45		\$225.00
Over 100K-\$9.50	57.8		\$549.10
<b>Total sewer rates</b>	<b>157.8</b>		<b>\$1,175.35</b>
<b>Total water/sewer rate for 1 meter</b>			<b>\$2,329.50</b>
BILL=			<b>\$2,600.92</b>

Detail Bill Info for one meter	
Main Meter	\$1,154.15
Sewer	\$1,175.35
Lone Star Grd(\$,.07)	\$11.05
Garbage	
GRP(\$1.65)	\$260.37
<b>BILL TOTAL</b>	<b>\$2,600.92</b>

	Water	Sewer	Avg Water Usage Month
2015 User's	3.1	3.1	631.2
YTD Avg Usage	157.8	157.8	

	User's	User's	
	4	4	
Multi-Family	WATER	SEWER	Total
Current	\$55,399.20	\$56,416.80	\$111,816.00
Option 1	\$57,739.20	\$86,356.80	\$144,096.00
Option 2	\$57,739.20	\$86,356.80	\$144,096.00

**MULT-FAM GAINS \$**  
**(102)**  
**\$32,280.00**  
**\$32,280.00**

Increases avg usage bill \$672.50

ENTER USAGE  
**157.8**

**2017/18 Option 1/2**

Multi-Family (1 meter)		Usage Below	
Water used with 1 meter in 1k gallons	157.8	Multi-Fam	
Up to First 30K-\$500	30		\$500.00
Over 30K-\$5.50	127.8		\$702.90
<b>Total rates for water used</b>	<b>157.8</b>		<b>\$1,202.90</b>
Sewer rates used with 1 meter	157.8	Multi-Fam	
Flat rate - \$300	0		\$300.00
All usage times K-\$9.50	157.8		\$1,499.10
<b>Total sewer rates</b>	<b>157.8</b>		<b>\$1,799.10</b>
<b>Total water/sewer rate for 1 meter</b>			<b>\$3,002.00</b>
BILL=			<b>\$3,273.42</b>

WATER DIFFERENCE	
	<b>\$48.75</b>
SEWER DIFFERENCE	
	<b>\$623.75</b>
BILL DIFFERENCE	
	<b>\$672.50</b>

Detail Bill Info for one meter	
Main Meter	\$1,202.90
Sewer	\$1,799.10
Lone Star Grd(\$,.07)	\$11.05
Garbage	
GRP(\$1.65)	\$260.37
<b>BILL TOTAL</b>	<b>\$3,273.42</b>

Increase in base sewer rate from current \$200 to \$300  
 Only 1 water and sewer telr rate



**Current Rates**

Irrigation Meter		Usage Below	Irrigation
Irrigation meter in 1k gallons	8		
Up to First 2K-\$12.00	2		\$12.00
Next 2K-\$2.50	2		\$5.00
Next 2K-\$3.00	2		\$6.00
Next 2K-\$3.50	2		\$7.00
Next 2K-\$4.00	0		\$0.00
Next 5K-\$4.50	0		\$0.00
Next 5K-\$5.00	0		\$0.00
Over 20K-\$5.75	0		\$0.00
<b>Total rates for water used</b>	<b>8</b>		<b>\$30.00</b>
BILL=			<b>\$43.76</b>

**Detail Bill Info for Irrigation Meter**

Irrigation Meter	\$30.00
Lone Star Grd(\$ .07)	\$0.56
GRP(\$1.65)	\$13.20
<b>BILL TOTAL</b>	<b>\$43.76</b>

2015 User's Water 65.58  
 YTD Avg Usage 8  
 Avg Water Usage Month 543

IRRIGATION	WATER	Total
Current	\$24,840.00	\$24,840.00
Option 1	\$27,324.00	\$27,324.00
Option 2	\$27,324.00	\$27,324.00

User's 69  
**S-IRRIG GAINS \$**  
 (105)  
**\$2,484.00** Increases avg usage bill \$3.00  
**\$2,484.00**

ENTER USAGE

8

Increased rate 50 cents per tier except over 20K (increas

**2017/18 Option 1/2**

Irrigation meter		Usage Below	Irrigation
Irrigation meter in 1k gallons	8		
Up to First 2K-\$12.00	2		\$12.00
Next 2K-\$3.00	2		\$6.00
Next 2K-\$3.50	2		\$7.00
Next 2K-\$4.00	2		\$8.00
Next 2K-\$4.50	0		\$0.00
Next 5K-\$5.00	0		\$0.00
Next 5K-\$5.50	0		\$0.00
Over 20K-\$6.00	0		\$0.00
<b>Total rates for water used</b>	<b>8</b>		<b>\$33.00</b>
BILL=			<b>\$46.76</b>

**BILL DIFFERENCE**

\$3.00

**Detail Bill Info for one meter**

Irrigation Meter	\$33.00
Lone Star Grd(\$ .07)	\$0.56
GRP(\$1.65)	\$13.20
<b>BILL TOTAL</b>	<b>\$46.76</b>



Current

Irrigation-L Meter		Usage Below	
Irrigation meter in 1k gallons	34.5	Irrigation	
Up to First 2K-\$25.00	2	\$25.00	
Next 2K-\$2.50	2	\$5.00	
Next 2K-\$3.00	2	\$6.00	
Next 2K-\$3.50	2	\$7.00	
Next 2K-\$4.00	2	\$8.00	
Next 5K-\$4.50	5	\$22.50	
Next 5K-\$5.00	5	\$25.00	
Over 20K-\$6.00	14.5	\$87.00	
<b>Total rates for water used</b>	<b>34.5</b>	<b>\$185.50</b>	
BILL=		<b>\$244.84</b>	

Detail Bill Info for Irrigation Meter	
Irrigation Meter	\$185.50
Lone Star Grd (\$.07)	\$2.42
GRP (\$1.65)	\$56.93
<b>BILL TOTAL</b>	<b>\$244.84</b>

2015 User's  
YTD Avg Usage

Water  
65.58  
34.5

Avg Water Usage Month  
1103

User's  
31

IRRIGATION	WATER	Total
Current	\$69,006.00	\$69,006.00
Option 1	\$73,702.50	\$73,702.50
Option 2	\$73,702.50	\$73,702.50

L-IRRIG GAINS \$  
(106)  
\$4,696.50  
\$4,696.50

Increases avg usage bill \$12.63

2017/18 Option 1/2

Irrigation L meter		Usage Below	Res. In	
Irrigation meter in 1k gallons	34.5	Res. In		
Up to First 2K-\$25.00	2	\$25.00		
Next 2K-\$3.00	2	\$6.00		
Next 2K-\$3.50	2	\$7.00		
Next 2K-\$4.00	2	\$8.00		
Next 2K-\$4.50	2	\$9.00		
Next 5K-\$5.00	5	\$25.00		
Next 5K-\$5.50	5	\$27.50		
Over 20K-\$6.25	14.5	\$90.63		
<b>Total rates for water used</b>	<b>34.5</b>	<b>\$198.13</b>		
BILL=		<b>\$257.47</b>		

Detail Bill Info for one meter	
Irrigation Meter	\$198.13
Lone Star Grd (\$.07)	\$2.42
GRP (\$1.65)	\$56.93
<b>BILL TOTAL</b>	<b>\$257.47</b>

**BILL DIFFERENCE**  
**\$12.63**

ENTER USAGE  
**34.5**

Increased rate 50 cents per tier except over 20K (increased

2017/18 Option 1/2

**MINUTES OF PUBLIC HEARING and REGULAR MEETING**

**October 24, 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
	Jon Bickford	City Council Place # 1
	John Champagne, Jr.	City Council Place # 2
	T.J. Wilkerson	City Council Place # 3
	Dave McCorquodale	City Council Place # 5

Absent:	Rebecca Huss	City Council Place # 4
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Also Present:	Jack Yates	City Administrator
	Larry Foerster	City Attorney
	Susan Hensley	City Secretary
	Ed Shackelford	City Engineer
	Chris Roznovsky	City Engineer

**INVOCATION**

John Champagne gave the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**PUBLIC HEARINGS:**

**Convene into Public Hearings:**

Mayor Jones convened into the Public Hearing at 6:02 p.m. Mayor Jones announced that this would be the second of two public hearings required for this annexation.

1. **Annexation of a 10.15-acre tract of land, more or less, described as a 120-foot right-of-**

way in State Highway 105 west of the City of Montgomery and in the BENJAMIN RIGBY SURVEY, Abstract No. 31, of Montgomery County, Texas. (This is the second of two Public Hearings)

Mr. Yates said that this was the public hearing regarding the annexation of SH 105. Mr. Yates said that on the west side of Montgomery, they have the north and south side of SH 105 annexed in that area, but they have not annexed SH 105 itself. Mr. Yates said that the Police Department had asked them to look into this matter because of enforcement of the traffic laws and working traffic accidents, which is the reason that it is being considered. Mr. Yates advised that the action to annex SH 105 will be on the November 14, 2017 City Council Meeting Agenda.

Mayor Jones advised that this is a public hearing and anyone from the public wishing to make a comment can do so. There were no comments made by the public.

#### **Adjourn Public Hearings**

Mayor Jones adjourned the Public Hearing at 6:03 p.m.

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

Mayor Jones then convened into the Regular Meeting.

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

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

Mayor Jones advised that Ms. Samantha Williams had requested to speak. Ms. Williams was no longer present at the meeting, but Mr. Yates said that he had spoken with Ms. Williams prior to the meeting and she stated that she would come to see Mr. Yates tomorrow.

#### **CONSENT AGENDA:**

2. Matters related to the approval of minutes for the Public Hearings and Regular Meeting held on October 10, 2017.
3. Consideration and possible action regarding adoption of the following Resolution:  
A BANKING RESOLUTION WITH FIRST FINANCIAL BANK TO CHANGE THE NAME OF THE MONTGOMERY INDUSTRIAL DEVELOPMENT CORPORATION ACCOUNT TO THE MONTGOMERY ECONOMIC DEVELOPMENT CORPORATION.
4. Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION BY THE DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NUMBER TBD.
5. Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION REGARDING ADOPTING REQUIRED CDBG CIVIL RIGHTS POLICIES FOR THE CITY OF MONTGOMERY, TEXAS.
6. Consideration and possible action regarding adoption of the following Proclamation:  
A PROCLAMATION PROCLAIMING APRIL AS FAIR HOUSING MONTH.
7. Consideration and possible action regarding renewal of the TMLIEBP COBRA Administrative Services Contract.
8. Consideration and possible action regarding placement of two (2) speed bumps on College Street.
9. Consideration and possible action regarding scheduling a Public Hearing regarding Water and Sewer Rate Increase to be held on November 14, 2017 at 6 p.m. at City Hall.
10. Consideration and possible action regarding acceptance of the Certificate of Substantial Completion for Lake Creek Village, Section 3.

Dave McCorquodale asked to pull, for discussion, Consent Agenda Item 8, regarding the placement of two speed bumps on College Street. Dave McCorquodale said that the City has done a really good job on speed bumps, and with two more on College Street, which is a dead end street, it seemed that it would be okay with him. Dave McCorquodale asked if they could make sure that the design of the speed bump matches the speed limit of the road. Dave McCorquodale said that it was his understanding that you should be able to travel at

the posted speed limit over whatever traffic calming measure is used. Dave McCorquodale pointed out that the speed bumps in front of City Hall can't be travelled over at the posted speed limit of 20 miles per hour, they are more like 10 miles an hour, but they are better than a zero mile per hour that was there before they were installed. Dave McCorquodale said that they are moving in the right direction, and asked that if the City could, as they build the speed bumps, look at the design of them and make sure that they match the speed of the road. Dave McCorquodale said that there was no sense in stopping traffic to five miles per hour if the speed limit is 20 miles per hour on the road.

Mayor Jones said that there was a goal to slow traffic down. Dave McCorquodale said that he was all in favor of that, he just wanted the City to make sure that, as a best practice for traffic control, they should make sure that they do not put things in the road that would make someone unable to go the speed limit.

Dave McCorquodale moved to approve the Consent Agenda items as submitted. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

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

##### **11. Consideration and possible action on Department Reports.**

- A. Administrator's Report – Mr. Yates presented his report to City Council. John Champagne asked about the meetings held with several developers during the month pertaining to Heritage Plaza Medical Center, Villas of Mia Lago and the West Mont Building, etc., how the current working relationship is with these developers. Mr. Yates said that he thought that they were all good relationships. John Champagne asked Mr. Yates how he gauged that information and what Metrix was he using. Mr. Yates said that he was determining that by whether or not they are able to agree on their development and the City not getting in the way of the developer's planning. John Champagne said that he could not agree more, and asked if the developers would agree with that statement. Mr. Yates said that he thought that they would agree. Mr. Yates said that he had thought about writing the developers a letter to survey how they felt about that type of issue, which



came up about a week ago as a possibility to get their responses on whether the engineers have been responsive enough and correct enough in their reviews, and how the City Administrator was doing as far as their water and sewer connections and utility placements. John Champagne said that if a City Council member is getting the indication that it might not be as harmonious as we think it is right now, from this conversation, he would think that City staff should know, before he knows, whether it is or is not harmonious. John Champagne asked if escrows have been an issue with any of these developments. Mr. Yates said that it has sort of been an issue with West Mont, KENROC, Waterstone, and the Shoppes of Montgomery does not have an issue with escrow. John Champagne said that regarding the escrow account, he asked if it was a fixed amount as a percentage of the construction cost, or is it a moving and ongoing amount. Mr. Yates said that it was an estimate that the City Engineer gives him and is based on the complexity of the development. John Champagne asked if the amount was fixed. Mr. Yates said that it is primarily \$3,000 for a minor development and \$5,000 for a more detailed development. John Champagne said that in his world, an escrow account means an account with a given amount of money set aside for contingencies, upcoming bills, etc. Mr. Yates said that was correct. John Champagne asked if the account amount was fixed or as the project goes on, is it added to. Mr. Yates said that the account is added to as needed. Mr. Yates said that the first figure is just an estimate and then they actually charge based upon the hours that the City Engineer charges the City. Mr. Yates said that if the escrow account amount needs to increase, they contact the property owner and advise them. Dave McCorquodale asked if they did not spend all their funds, then the developer would get them back, and asked if that ever happened. Mr. Yates said that yes, probably half of the developers get their funds back. Mr. Yates said that there are several escrow accounts that need to be billed at this time. John Champagne asked if the escrow account transactions were transparent to the developer, in other words, do they know when they are being drawn upon and do they know an ongoing balance of the account. Mr. Yates said

that they were not as transparent as they could be. Mr. Yates said that some of them are not as transparent, but others are very transparent. John Champagne said that the only reason that it might not be transparent is that the City is not keeping up with the billing correctly. Mr. Yates said that was correct, but said that they have every bill for every withdrawal. John Champagne asked about the plan reviews and what the average length of time that they take to approve. Mr. Yates said that it was about a week and a half. Mayor Jones said that relative to that information, once the plan review process begins, Mr. Yates is probably not in the loop, it is the City Engineer talking to the developer's engineer. Mr. Yates said that was mostly correct, and said that a lot of the plans are redlined. Mr. Yates said that often there are two or three sets of reviews before a plan is approved. John Champagne said to Mr. Yates that the oversight of Jones and Carter is minimal in terms of City staff. Mr. Yates said that was correct. Mr. Yates said that part of his way of keeping up with Jones and Carter is by talking to the developers about how they feel about the red lines that they are getting during the review.

John Champagne said that his last question was to be directed to Jones and Carter. John Champagne asked if it would be an appropriate statement to say that average review times were around 30-days, with 3-10 submittals. Mr. Roznovsky said that it was all based on the development, and said the initial reviews do take longer, and said that, on average, they are probably closer to two to three weeks at the moment, just due to the quantity being submitted. Mr. Roznovsky said that as far as the number of reviews, again which is developer based, they have had some that are in and out within three reviews and others that were at eight or nine reviews. John Champagne asked from Mr. Roznovsky's vantage point, the reason for additional reviews would be inadequate response from the developer. Mr. Roznovsky said that was correct or changes made from the additional comments that had an effect on other parts of the plans.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works, presented his report to City Council. Mr. Muckleroy advised that they had pressure washed and striped the parking lot at City Hall; assisted with the National Guard ditch project on Martin Luther King, Jr.; and completed the large crack sealing project repairing Berkley, Harley, Anna Springs, Nathanael Court, Bessie Price Owens, Clepper, Prairie, Maiden, McCown, Caroline and College Streets; installed a blow off valve on Terra Vista water line that was damaged during Harvey. Mr. Muckleroy said that they had 5 water tapes, 3 sewer taps, 1 water leak in a private irrigation system and 2 sewer stop ups, one private and one lift station. Mr. Muckleroy reported that on the park side, they striped the parking lots at the Community Center, Homecoming Park and Memory Park; repaired the back porch at the Crane Cabin and repaired a flush valve at Homecoming Park. Mr. Muckleroy advised that the Fernland docents reported a total of 354 visitors for the month and they provided 24 tours.

Mayor Jones asked if the new parking lot had been striped. Mr. Muckleroy said that they did yesterday, with one thing lacking; they need to get with Mr. Cronin to see how they want the delivery area of the parking lot striped. Mr. Muckleroy said that all the handicapped parking areas are done also, they are just waiting for the signs to come in. Mayor Jones asked if anyone had advised Mr. Muckleroy that an issue came up during the Wine Festival regarding several signs being faded. Mr. Muckleroy advised that they were ordered about a week and a half ago and they should be received in another week to week and a half.

Jon Bickford thanked Mr. Muckleroy and said he did a good job.

- C. Police Department Report – Chief Napolitano presented his report to City Council. Chief Napolitano said that he wanted to thank City Council for approving the budget for the Police Department and allowing them to get Mrs. Kimberly Duckett as the new Administrative Assistant, and she is also helping the City Administrator part time until that position is filled. Chief

Napolitano said that Mrs. Duckett is a godsend to the Police Department; she is helping the department to get more organized and faster on the way they are taking care of things. Chief Napolitano said that it was amazing how adding that one person made such a difference. John Champagne said that way they can be Police Officers. Chief Napolitano said that was correct; just like today he had two meetings with local departments on local issues, which he will share with City Council to show the issues that are being discussed around the County, everything from traffic control to homeless issues that are affecting some areas more and some less. Chief Napolitano said that having Mrs. Duckett will allow him more time to attend these meetings instead of having to worry about pulling bills off the internet. Chief Napolitano said that he really appreciated the ability to have Mrs. Duckett.

Mayor Jones asked about the numbers, and said that it seemed that the narcotics arrests are higher than they used to be, and they assume that is mostly people passing through the City. Chief Napolitano said no, he would say that the increase in narcotics arrests from their department is because he has some officers that are very good at detecting and finding narcotics that are passing through the City, because they are in the cars being stopped. Chief Napolitano said that if they stop someone on a traffic violation, they might not file the ticket if they are going to prosecute them for a larger offense, possession of marijuana or possession of other narcotics. Chief Napolitano said that it still takes the officer 3-5 hours to process people with the County. Chief Napolitano said they had a DWI the other morning, who had approached one of the traffic lights and could not maneuver it, slid into the light and sat in the middle of the intersection, the officer made the traffic stop and discovered the narcotics in his vehicle. Chief Napolitano said that the person was arrested and taken to Conroe. Chief Napolitano said that Officer Carswell has been on light duty because of an injury, not work related, so he has been attending classes during this time to get more and more training in narcotics so they will be aware of what is happening on the

streets. Officer Carswell has already talked to Lt. Belmares about a lot of things and they will be attending another class with Lt. Belmares.

John Champagne said that it is getting pretty hard to get around town, and he is assuming that Lone Star Parkway is a large part of that problem. Chief Napolitano said that Lone Star Parkway is a huge part of that problem because a lot of the school traffic that would take Lone Star Parkway has to come through town. Chief Napolitano said that in the evenings Buffalo Springs is backing up all the way to the top of the hill and he is getting a lot of calls about Clepper Street. John Champagne asked about how the SH 105 and FM 149 light is synchronized, because it seems like, coming from the west at certain times, it is just backed up. Chief Napolitano said that both sides get backed up, but north and south is not as bad. Chief Napolitano said that when they had the problem on Flagship Boulevard, the traffic backed up. John Champagne asked, if possible, could we have an officer negotiate that light. Chief Napolitano said that they try, but he is down two officers, because Officer Carswell is out and Officer Bauer has moved over to warrants and Officer Riley is out on maternity leave, but will be back next week, so they will be back to three people. Chief Napolitano said that for weekends, Renaissance Festival and the football games cause traffic issues. Chief Napolitano said that they would work on the traffic issue a little harder.

- D. Court Department Report – Mr. Yates presented the Court report in the absence of Court Administrator Becky Kendall. Mr. Yates said that there were 143 citations filed last month for a total collection of \$32,935, which included \$7,600 in warrants collections, which they expect to go back up now that they have a full time Warrant Officer.
- E. Utility/Development Report – Mr. Yates presented the report to City Council, stating that there were \$130,000 billing for utilities this past month, and they have 613 active accounts. Mr. Yates reported that they collected \$8,940 in permits for the month and the Community Building revenue was \$1,095. Mr. Yates said that the water usage was down considerably on all



buildings except Memory Park, and for some reason Memory Park continues to stay up. Mr. Yates said that the standard answer for usage at Memory Park is that the water is going through the meter, but he is not sure why the numbers are staying that high. Mr. Yates said that he will talk to Mr. Randy Burleigh regarding this matter. John Champagne asked if the Memory Park system was so sophisticated that there is only one human being in the County that can check it. Jon Bickford said that person is not a City employee. Mr. Yates said that no, he thought that Mr. Muckleroy could do that. Mr. Muckleroy said that they also watch Memory Park, because Mr. Burleigh has turned more of the system over to them, and he is working with Mr. Standifer several days going over the entire irrigation system. Jon Bickford said that they are probably at a point where it is time to turn it off for the season, or at least way down. Mr. Muckleroy said that it looks like it went down considerably for August and September, and in the winter season the system will automatically cut it back.

- F. Water Report – Mr. Mike Williams, with Gulf Utility, presented his report to City Council. Mr. Williams advised that regarding the effluent flow, they peaked out on August 27, 2017 at 911,000 gallons, which is 228% of the permitted value, which was due to Hurricane Harvey. Mr. Williams said that the daily average flow was still within permit at 218,000 gallons. Mr. Williams said that there was 1.41 inches of rain during the month of September. Mr. Williams said that the water report showed that they totaled 98% accountability, even though on Well #3 they only pumped 1,000 gallons. Mr. Williams said that the Well meter did stick and they had to replace that meter, so at that time it was not registering the water. Mr. Williams said that the Well Motor Run Time Report showed that they logged 65 hours of run time for Well #3, and they believed that there is a leak out in the system, which has not surfaced yet. Mr. Williams said that Mr. Muckleroy’s crew did find one today that they repaired. Mr. Williams said that they had all the well meters checked, and Well #2 was actually running 10% percent above what it was pumping, so it was registering more water than it was pumping, which they are getting repaired as well.

Mayor Jones said that they still have the electrical issues haunting them. Mr. Williams said that the last electrical issue that they saw was on August 22, 2017. Mr. Williams said that they are not experiencing any issues at Water Plant #2 right now, mostly due to the weather. Mr. Williams said that Entergy has made some repairs, but they do not have anything to support that information. Mr. Williams said that the last power issue that they had at Water Plant #2 was on September 7, 2017, due to a fuse that was down.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky advised that the cleaning and televising project was still underway, and they have coordinated with the contractor regarding the issues that he was having. Mr. Roznovsky said that, as of late last week, they have received a copy of all of their work orders and when he was physically out in the City to compare to the timeline of damages.

Mr. Roznovsky said that the next items to discuss are Lone Star Parkway and Lone Star Bend Projects. Mr. Roznovsky said, regarding Lone Star Bend, the plat that was holding up the project was finally recorded on October 13, 2017 and the contractor is beginning work on the Lone Star Bend connections to take from where it terminates to Bois D'Arc Road to have a direct connection from Walden Road to Kroger. Mayor Jones said that he spoke to the contractor a few minutes prior to this meeting, and at that moment he believed that the right-of-way issue had not been resolved and he does not know that he is supposed to be working. Mr. Roznovsky said that the issue has been resolved and they have told the County, because this is a County contract, and they are all very well aware that the right-of-way has been dedicated. Mr. Roznovsky said that there are emails between Jones and Carter and Montgomery County as recently as 4:00 p.m. today dating back from before the hurricane saying that it was on its way to the County, it is at the County and giving them the recording number and text photo of the recording, so they have been kept aware of the progress. Mayor Jones asked if Mr. Roznovsky was communicating directly with

Montgomery County, and the County may not be communicating with the contractor. Mr. Shackleford advised that in his correspondence he is also including the representative from the construction company. Mr. Shackleford said that the construction company was subbing the concrete portion of the project to another local contractor, and he does not know if they are advising that sub.

Mr. Roznovsky advised that Lone Star Parkway, according to the contractor's schedule, should be complete by the end of November running from FM 149 to SH 105.

John Champagne asked about Item G in the Engineer's Report, which is the Houston Street Widening and Rehabilitation Project, and why this was not on the Agenda for tonight as planned. Mr. Roznovsky advised that it was on him to finish up the specifications and documents, and coordinate with the engineer for the project to get the plans finalized. Mr. Roznovsky said that he was unable to get that completed and was unable to make it for the Agenda. Mr. Roznovsky said that the plan is to present the bids at the November 14, 2017 Meeting. John Champagne asked how many days they have been looking at this information, because he remembers City Council talking about this road widening a year and a half ago. Mr. Roznovsky said that the initial plans were finalized and put together for a bid package in the August-September time frame, and they have not been able to get it completed. Mayor Jones asked if there was a need to have a Special Meeting. Mr. Roznovsky said that while they are receiving bids they can still prepare the contracts to save time. Mr. Roznovsky said that these and the bids for the Buffalo Springs Bridge will be coming in at the same time. John Champagne said that what Mr. Roznovsky is basically saying that the Widening and Rehabilitation of Houston Street was on the list and he could not get to it. Mr. Roznovsky said that it was one of the items that they just did not get completed enough to be able to accept bids, so that it is correct. Mr. Shackleford said that they lost about two weeks, and said that

the bids are due next Thursday. Mr. Roznovsky said that the bids for the bridge are due next Thursday, but he could not confirm the date for the other. John Champagne asked if the developer had been apprised of all this information. Mr. Roznovsky said that they need to sit down with their engineer and go over the information. Mr. Shackleford said that the bids are due on November 9, 2017 for Houston Street, and they will have time to evaluate the bids and check the contactors' credentials and make recommendations to City Council. John Champagne asked if the RFQ's have been submitted. Mr. Roznovsky said that they have not been submitted. Mr. Shackleford said that they will come in on the 9<sup>th</sup> of November.

- H. Financial Report - Mr. Yates presented the report to City Council. Mr. Yates reported that the total of all funds to be deposited is \$2,324,072. Mr. Yates said that the General Fund, which is not the final figure but is very close to it, was \$2,644,390 of revenue for the year, \$2,677,732 expenses, so they were \$333,421 over budget, which is 1.2% percent over the entirety of the budget.

Mr. Yates said that MEDC had \$474,000 in revenue and spent \$458,000, which left them with a \$15,477 balance. Mr. Yates said that the Utility Fund had \$1,541,986 in revenue, with \$1,190,297 expenses, leaving \$432,777 remaining. Mr. Yates said that \$183,000 of that is carryover that automatically goes to Capital Projects Fund for the City. Mayor Jones asked if that was from GRP Collections. Mr. Yates said that was correct. John Champagne asked about the balance. Mr. Yates said that the balance right now is \$432,778. John Champagne said that once the Capital Improvement is backed out, where the rest of the funds goes. Mr. Yates said that it is carried over to the next year. Mr. Yates said that amount would be \$289,000.

Mayor Jones asked about page 9 of the report and questioned the sales tax figures, because they were really large numbers. Mr. Yates said that the revenue for this year was \$1,416,964 in sales tax, and the budgeted amount

for sales tax was \$1,650,000 because they thought they were going to have six more months from Kroger. Mayor Jones said that he understood the numbers and was good with the information.

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

12. Consideration and possible action regarding a Demolition/Moving Permit for 304 John A. Butler Street to remove a building from the City of Montgomery as submitted by Joe Shockley.

Mr. Yates advised that it was a requirement in the Historic District Ordinance that any building that is removed or demolished in the Historic District has to be approved by the Planning and Zoning Commission and City Council. Mr. Yates said that the Planning and Zoning Commission met last night and approved the demolition of the building at 304 John A. Butler Street. Mr. Yates said that this is the Evolution PC building that has drainage issues, where water is getting into the building, and the building is leaning and the owner is having problems getting insurance, which is the reason that Mr. Shockley wants to remove the building. Mr. Yates said that Mr. Shockley also got approval from the Planning and Zoning Commission last night to put in another building at that location.

Mayor Jones asked if the building had any real historic significance. Mr. Yates said that he did not know of any historic significance for the building. John Champagne said that he thought Mr. Shockley brought that building to the City. Mr. Lonnie Clover said that he believed that Mr. Shockley moved that building into the City and it used to be the Kings Café years ago. Mayor Jones said that he would assume that whatever Mr. Shockley replaces would have some sort of historic architectural flavor. Dave McCorquodale said that it would have to pass the required guidelines for this Historic District.

Jon Bickford said that if the citizens had any feedback they would have stated something. Mayor Jones said that he did not think that anyone had said anything.

John Champagne moved to approve the Demolition/Removal Permit for 304 John A. Butler Street to remove a building from the City of Montgomery as submitted by Joe Shockley. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

13. Consideration and possible action regarding a Demolition/Moving Permit for 21000 Eva Street to remove the building from the City of Montgomery as submitted by Sonja Spottswood.

Mr. Yates said that this was the tan building that sits next to the Ruthie Grace building, which is across the street from Brookshire Bros. fuel station. Mr. Yates said that the building is being moved in anticipation of another building being replaced on the site. Mr. Yates said that no one has applied for the permit for the new building. Mr. Yates said that Ms. Spottswood intends on moving the building to another location outside the City and to smooth out the property.

Jon Bickford asked if the building had any historical significance that they are aware of. Mr. Yates said that there are no issues. Mayor Jones asked if the owner plans on putting another building in place of the one being removed. Mr. Yates said that he understands that a donut shop might go into that location.

John Champagne moved to approve a Demolition/Moving Permit for 21000 Eva Street to remove the building from the City of Montgomery as submitted by Sonja Spottswood. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

14. Consideration and possible action regarding approval of Hills of Town Creek Section 3 construction plans, conditional upon final comments being addressed.

Mr. Roznovsky advised that a majority of the comments have been addressed, with the only thing outstanding was regarding the landscaping and tree ordinance, so they are recommending conditional approval subject to the final comments being addressed. Mr.



Roznovsky said that as a reminder, this property is going through the alternate process, with the final plat coming after construction is substantially completed.

Jon Bickford asked for clarification of the conditional approval. Mr. Roznovsky said that the conditional approval is the final comments being addressed and those final comments are in regards to the trees.

Jon Bickford moved to accept the construction plans for the Hills of Town Creek, Section 3, as presented with the conditional approval. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

15. Presentation of Utility and Economic Feasibility Study for the Peter Hill 5.7-Acre Commercial Tract.

Mr. Roznovsky advised that City Council had just received a copy of this report, so he knew that no one has had a chance to review the information. Mr. Roznovsky stated that he would review the highlights of the study, and then City Council can look over the report and ask questions at the next meeting.

Mr. Roznovsky advised that this tract is located on the eastern portion of the City, and is located partially within the City of Montgomery ETJ and partially within the City of Conroe ETJ, which is just south of the Stewart Creek and SH 105 intersection, next to KOA Campgrounds. Mr. Roznovsky stated that, with the consideration of this property receiving service, more than likely, Conroe will allow the City of Montgomery to serve the portion of the tract that is in Conroe's ETJ until the point that the City of Conroe has utilities and they are able to serve the property. Mr. Roznovsky said that they are a long way from Conroe having utilities at that location, but historically they will not exclude properties from their ETJ and allow them to be annexed. Jon Bickford asked if they should move forward and ask the City of Conroe anyway. Mr. Roznovsky said that they have been trying to contact them to have a discussion regarding annexation. Mr. Roznovsky said that they will continue to pursue that information. Mr. Roznovsky said that the assumptions regarding sales tax and property tax and everything else is that they are not annexing the

property into the City. Mr. Roznovsky stated that there is about 3½ acres within the City of Montgomery and 2½ acres in Conroe's ETJ. Mr. Roznovsky advised that this would be a commercial development with no set plans, except for some fast food restaurants, a tire shop and a gym.

Mr. Roznovsky said that on the water side of the development they are requesting 4,000 gallons of water a day, which is pretty minor. Mr. Roznovsky said that the City has committed all of its water capacity, assuming that everything fully builds out as planned in the City, such as every single family home, strip center and pad site everywhere that is fully developed. Mr. Roznovsky said that there are updated water projection sheets, as the appendix in the report shows that the City is not expected to have the current flows that exceed demand or what the City can produce until the year 2021 or 2022, and beyond 2023.

Mr. Roznovsky said one other thing that City Council should also note is the City is in the process, with the Texas Water Development Board Funds, to add additional capacity to the Water System and production capacity, so the demand and production capacity of 600,000 gallons per day will be extended to approximately 730,000 gallons per day.

Mr. Roznovsky said that regarding water service, there is an existing 12-inch line on the opposite side of the street that would have to be extended across from Pizza Shack to this development. Mr. Roznovsky said that sewer service would be the same story. Mr. Roznovsky said that if you add everything up to the ultimate buildout based on conservative projections, the City has committed all the capacity.

Mayor Jones asked about the sewer service to that site. Mr. Roznovsky said that sewer service is one of two options. Mr. Roznovsky said that the first option and keeper of the two options, is extending across SH 105. Mr. Roznovsky said that one thing that they also looked at was extending a line from FM 2854, in front of the future, potential HEB property, but the cost for that is much more and there is a potential for the developer to receive some pro rata reimbursement as HEB develops, but the timing of that is questionable since there are no immediate plans. Mr. Roznovsky said that it is up to the developer on how he wants to proceed. Mayor Jones said that was a pretty long run. Mr.

Roznovsky said that it was 1,400 feet and it would need to be a 10 inch line. Mr. Roznovsky said the estimated cost that they put together for Option B is \$350,000-\$360,000, and for Option A is \$160,000. Mr. Roznovsky said that there would be not be a need for a force main, it would all be by gravity either to Pizza Shack or FM 2854 and then would go to Lift Station 1, which they are also in the process of relocating for the Montgomery Shoppes Project. Mr. Roznovsky said that neither of the options would require an additional lift station, they would go to Lift Station 1 by gravity.

Mr. Roznovsky said that there is a summary of the estimated costs, which shows Option A at \$169,000 for water and sewer that will cross SH 105. Mr. Roznovsky said that the water and sewer impact fee based on the projections of the development, at 50% percent, since only half would be located within the City, would be approximately \$46,000 - \$47,000 plus the cost for extending the sewer line. Mayor Jones asked if they could ask that if the developer builds commercial or retail that they put all the cash registers on the Montgomery side of the line. Mr. Roznovsky said that they could have them put all the parking on the Conroe side of the line.

Mr. Roznovsky said that they have included the cost estimates, findings, site plan and the updated water and sewer projections in the study. Mr. Roznovsky said that if there are any questions he will be glad to answer them. Mr. Roznovsky said that City Council did not have to accept the study, and said that they are not approving development or construction plans; this is just to accept the report saying that they understand and are willing to let the developer proceed with the process and take a look at this and let him know if Council has any questions. Mayor Jones asked to confirm that the developer paid for this study. Mr. Roznovsky said that was correct.

Dave McCorquodale said that he was good with the study and asked if they needed to accept the report. Mayor Jones said that they did not have to accept the report.

16. Cedar Brake Financial Report by City Administrator.

Mr. Yates presented the information to City Council stating that this is a report regarding the Patrons of Cedar Brake Park financial records pertaining to the operation of leasing the pavilion at the park and other relevant financial matters.

Mr. Yates stated that he had met with Mrs. Sonya Clover in early October and reviewed the bank statements for the Patrons account held with Amegy Bank. Mr. Yates advised that the beginning balance in January 2014 was \$10,632.97 and the current balance as of September 2017 bank statement was \$7,383.54. Mr. Yates said that in that period of time there was \$30,190.34 in revenue and expenses were \$32,669.28. Mr. Yates said that because the copies of the bank statements and the checks that were attached told what all the expenditures were for. Mr. Yates said that he was able to determine the amount of the revenue based upon the rental of the pavilion and several donations that were received. Mr. Yates said that each of the monthly statements' revenues minus expenditures carried forward correctly.

Mr. Yates said that there were two particularly large amounts of revenue and expenses noted. Mr. Yates noted that in May of 2014 the Patrons had a \$10,396 revenue month that was due to a donation effort for the statue of Charles B. Stewart in the park. Mr. Yates also advised that in December 2014 there was an \$11,560 expense, which included a payment in the amount of \$11,500 to Lynn Peverill, who was the producer of the statue of Mr. Stewart.

Mr. Yates advised that Mrs. Clover had told him that the funds received for the pavilion rental and any donations are for bricks or for the construction and placement of the statues planned for Cedar Brake Park. Mr. Yates said that Mrs. Clover also said that she and her husband are the only members of the Patrons group at this time. Mr. Yates said that Mrs. Clover also expressed to him her past involvement with the park, including the original placement of the park and her current interest.

Mr. Yates said that in the packet he had included the 2017 bank statements, but advised that the 2014-2016 statements were also available if necessary.

Mr. Yates said that the information included a listing of the people that have recently purchased bricks. Mr. Yates said that Mrs. Clover plans on returning the money to the people who have purchased bricks because she was waiting on getting enough quantity to get a good price on the purchase of the bricks, but now the brick maker has gone out of business and she has not been able to find anyone else that can make the bricks affordable. Mr. Yates said that it was the intention of Mrs. Clover to return the monies to the people that purchased the bricks within the next month.

Mr. Yates said that Mrs. Clover was not sure if the 501(c)(3) IRS non-profit designation for the Patrons was still in effect or not, which might be of interest to potential large donors, but was not relevant for pavilion renters.

Mr. Yates said that he realized the question has been raised regarding the management of the park as affected by the Patrons group. Mr. Yates said that the placement of the improvements in the park is happening as decided by him and/or the City Council, while he does ask Mrs. Clover for her opinion about the improvements. Mr. Yates said that regarding the pavilion rental, the revenue per year would just be about the cost of additional administrative overhead brought to the City because of the rental, so it appears to be a wash. Mr. Yates said that the question is should revenue at the park be managed by the City as a rule, but not so much of an exception to cause a disruption to something that is working now.

John Champagne asked the City Attorney, Mr. Larry Foerster, if he saw anything in this relationship that would be problematic to the City in terms of what is appropriate management of City owned assets. John Champagne mentioned the question regarding the 501(c)(3) status. Mr. Foerster said that the status of the 501(c)(3) would be easy to find out, and said that you do not lose your status without being notified. John Champagne said that assuming that the status is not active, that would be a problem would it not. Mr. Foerster said that it would moving forward with donations. John Champagne said that to his first question, there is no legal issues that Mr. Foerster could see in the current configuration in the way the park is being managed. Mr. Foerster said that the City is responsible for the City Park, and the City and City Council is ultimately responsible for

the management and any donations. Mr. Foerster said that he is not familiar with what has happened in the past, obviously this is an update that they probably have not had for quite some time, or a few years. Mr. Foerster said that it would be the responsibility of City Council to make sure that the funds that are collected are properly accounted. Jon Bickford asked if that statement would be true of all parks. Mr. Foerster said certainly, Memory Park and Fernland. John Champagne asked how the revenue is derived from those two parks being handled. Jon Bickford, asked how they were being monitored. Mr. Yates said that the way they have been monitored is that he looks at the statements.

John Champagne asked about all the parks, including Fernland and Memory Park. Mr. Yates said that the revenues are entered through the front till at City Hall, and if there is a donation at Fernland Park, those monies stay with Fernland Park, Inc. Mr. Yates said if there is a specific rental of that park, the City gets the funds from that rental. Mr. Yates advised that there is no revenue from Memory Park.

Jon Bickford thanked Mr. and Mrs. Clover for volunteering to manage Cedar Brake Park, and said that was very helpful to the City. Jon Bickford said that as long as they are okay legally, and said that he was not speaking about anyone here, but it still concerned him that they are having individual citizens managing the park. Mr. Yates said that he would still do the Memorandum of Understanding that was discussed several months ago, but was not completed. Mr. Yates said that the Memorandum of Understanding needs to be completed, even if they stay with the same arrangement, so there is something written down as to what happens to the funds and how everything is managed. Mr. Foerster said that he could give an example of what the City of Conroe does, because he is on the Friends of the Flag Foundation, which is a 501(c)(3) organization, created about the same time as the Lone Star Flag Park was constructed. Mr. Foerster said that as a 501(c)(3), the City of Conroe has an arrangement with the Friends of the Flag Foundation, and while the City maintains the park, making sure that the flowers are planted and any damage that might be done is repaired, the promotion of the park and the activities in the park are done through the Friends of the Flag Foundation. Mr. Foerster said that he did not know if they do an annual update to the City of Conroe, they would if requested, but their records are there and the records are audited by a CPA every year, as a financial review at the end of the year. Mr.



Foerster said that he would assume that is what they have here, where the City owns the park but the 501(c)(3) organization is actually promoting the park, trying to encourage donations and so forth.

Mayor Jones said that he thinks that they need to get a handle on the 501(c)(3) status. Jon Bickford said that they need to have a consistent process for reviewing and evaluating for all parks. Jon Bickford said that where they have efforts like this going on at Cedar Brake Park, Fernland and Memorial Park, they need some kind of consistent briefing. John Champagne said that whatever they are doing in one park, they should be doing in all parks. Jon Bickford said that was what he meant, whatever they do they need to be consistent. Mr. Foerster said that he recalled about a year ago this City Council asked, for example, the Fernland Historical Association to do a quarterly report. Jon Bickford said that was the last report that he has seen. Mayor Jones said that has been a while. John Champagne asked if that was on the City's calendar. Mr. Yates said that it can be. Jon Bickford said that it is not just the parks, the City owes it to the citizens. John Champagne said that the City Council has a fiduciary responsibility. Jon Bickford said that people are collecting money based on activities that are going on at the City parks, so they need to stay on top of that to make sure that somebody does not walk up to them and say something about what was purchased without their knowledge. Mr. Yates said that he could do the same thing with the other parks, as he did with the Cedar Brake books, by meeting with their accountant and go through the bank statements and report back to City Council. Jon Bickford said that he thought it would be more exciting to have somebody from each of the parks come in and speak for 15 minutes describing what they are doing. John Champagne said that he appreciates the Clovers being involved with Cedar Brake Park, because, if they had more community involvement in these type of things everything would work better. John Champagne said that he felt that the entire City Council appreciates Mr. and Mrs. Clovers' work. John Champagne said that what he was trying to convey to City staff is they need a consistent way of transparency and accountability, which is the right thing to do. John Champagne said that it was no slight on anybody else or any involvement, be it the Rotary or whatever, it is just the right thing to do. John Champagne said that if there is any way they can encourage the Clovers further to stay involved, he would do it because it is most appreciated. John Champagne said that this is not to say that what they

have done in the past and what they hope they do in the future is in any way off of what it should be, it is to incorporate the right way to do things in terms of accountability. Jon Bickford said that they also have to be careful not to place any hardship on the volunteers. Jon Bickford said that they need to put a plan in place regarding the parks. Mr. Yates said that he would put together a Memorandum of Understanding for each of the parks. John Champagne said that the interaction with these groups might be a good thing.

17. Buffalo Springs Bridge Report by City Engineer.

Mr. Roznovsky said that they received notification late last Friday afternoon that the City had received the Army Corp of Engineers Permit, and they received the actual permit today. Mr. Roznovsky said that the Corp of Engineers part is complete, and the TXCDBG-DR funds with the grant that the City is working on, that environmental clearance has been approved and is complete. Mr. Roznovsky said that the project is currently advertising for bids and they will accept bids on November 2, 2017 and will present the bids to City Council at the November 14, 2017 Council Meeting.

Mr. Roznovsky said that the outstanding item is FEMA. Mr. Roznovsky said that the City has provided comments to their final draft of the project worksheet, there were some comments that the City previously had that were not sufficiently addressed. Mr. Roznovsky said that FEMA had left some holes, and since they use the worksheet to determine what they pay, they wanted to make sure that information was as complete as possible. Mr. Roznovsky said that they have not received a response from FEMA and they will continue to follow up every few days, and Congressman Brady's office has been copied and is aware of the lack of communication. Mr. Roznovsky said that they are continuing to push to get that project worksheet, but everything else is moving forward.

John Champagne asked what TXCDBG-DR means. Mr. Roznovsky advised that it is the Texas Community Development Block Grant Disaster Recovery Grant, which is a \$350,000 grant to the City to pay for the portion of the local match that the City has.

Mr. Yate reported that the issue here was the plan cost of the bridge was \$1.8 million, and it places \$1,350,000 to be paid by FEMA, with \$300,000 from the CDBG-DR Grant, leaving \$150,000 for City coverage. Mr. Yates said that they had a discussion with the General Land Office (GLO) Administrator from Grantworks on Tuesday of last week. Mr. Yates said that, at that time, the Administrator from Grantworks said that he did not think that the City would be able to do all the prep work, in advance, necessary for the GLO Grant because he said that the GLO Grant would not be ready until April or May of next year. Mr. Yates said that he had refused to take that answer from the Administrator, so he sort of re-explained that they thought the FEMA share of the CDBG-DR grant was going to be enough to cover the City's full share. Mr. Yates said that he guessed they did not make it clear enough during their conversation that they were going to be \$150,000 short, although he thought that they did. Mr. Yates said that he called the Administrator back and, because of the CDBG-DR environmentals that they just went through, he is checking if those will be all right for the GLO, because that is also CDBG money. Mr. Yates said that while he does not have an answer for that, he is hopeful that they will be able to go back to the original plan, which was using the \$150,000 from the GLO grant to cover the cost. Jon Bickford said that he felt the City had to have a contingency plan if this does not get approved. Mr. Yates said that he assumed that the City Council would not want to wait to start the project. Mr. Yates said that they are talking about starting work on December 1, 2017, instead of May or June. Mr. Yates said that he thought they could take the \$170,000 and move forward. John Champagne asked if City Council needed to vote on this information at this time. Mr. Yates said they did not, and said that the time that City Council would need to vote would be when they accept the bids on November 14, 2017. Mr. Yates said that they had received excellent news and it was an excellent job by Grantworks and our City Engineers to get the Army Corp of Engineers Permit and to get the environmentals through. Mr. Yates said that if City Council remembered, last month the report was that it was going to take about two months for the environmentals for the CDBG grant. Mr. Yates said that he did not know how they did it, but the environmentals were approved in two weeks instead of two months.

Mayor Jones asked Mr. Foerster to comment on his recent email about loans and letters of credit, if this is an appropriate time. Mr. Foerster said that it would fall under the Bridge

Report. Mr. Foerster said that since he had sent the email to the Mayor and Mr. Yates this afternoon, Mr. Yates has had another conversation with Amegy Bank representative. Mr. Yates advised that Amegy Bank was the low interest rate quote and so they started working with them, but Amegy Bank decided that they could not do the loan, so First Financial is the next bank in line so they will work with them and they will have the documents at the November 14, 2017 City Council Meeting. Mr. Foerster said that First Financial Bank recently did a loan with the City of Panorama Village, and he had worked with their Attorney, James Knez, and everything went smoothly. Mr. Foerster said that he had to make some modifications to the document that he felt better about, so he would assume that they will use the same forms for us that they used for the City of Panorama. Mr. Foerster said that after talking with the Attorney for Amegy Bank this afternoon, he then spoke to a Bond Attorney because Amegy wanted a Bond Attorney involved and he indicated that he did not see a problem with the City picking which ever bank they wanted, they did not necessarily have to go with the lowest bid anyway. Mr. Foerster said that First Financial Bank can offer the City this loan under the terms that they have offered, he saw no problem with going with them, without a Bond Attorney. Mr. Foerster said that adding a Bond Attorney only increases the City's cost.

**EXECUTIVE SESSION:**

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property),551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas. (No items at this time.)

**COUNCIL INQUIRY:**

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

**ADJOURN**

Jon Bickford moved to adjourn the meeting at 7:21 p.m. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

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

\_\_\_\_\_  
Mayor Kirk Jones

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
	<b>Exhibits:</b> Application of Marcy Bennett, Copy of 2016 and 2017 Inspection Report
<b>Prepared By: Jack Yates City Administrator</b>	
<b>Date Prepared: November 8, 2017</b>	

**Subject**

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

**Description**

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

**Recommendation**

Approve the Renewal with no stipulations.

**Approved By**

City Administrator	Jack Yates	Date: November 8, 2017
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# CITY OF MONTGOMERY

P.O. BOX 708 MONTGOMERY, TEXAS 77356

Telephone: (409) 597-6434 / 597-6436 / 597-6866

## HUD-CODE MANUFACTURED HOMES PARK

### RENEWAL/TRANSFER APPLICATION

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

Type of Request:  Annual Renewal **2098**  
 Transfer of Licensee

- Name of Applicant: MARCY BENNETT/PAT MCCARTY  
Address: P.O. BOX 9692  
SPRING TX 77387
- Street Address of the Park: OLD PLANTERSVILLE RD.
- Legal Description of the Park (as it appears in the Deed Records):  
BEING 5.6735 ACRES, MORE OR LESS, SITUATED  
IN THE ZACHARIAH LANDRUM LEAGUE A-22, A PART  
OF AND OUT OF THE JOHN M. POWELL TRACT,  
RECORDED IN VOLUME 272, PAGE 159 OF THE  
DEED RECORDS OF MONTGOMERY COUNTY, TX.

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

*Cedar Crest Park*

*by Marcy Bennett*  
Signature of Applicant

*10-25-17*  
Date of Application

*MARCY BENNETT*  
Printed Name of Applicant



# CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

Telephone: (409) 597-6434 / 597-6866

## Affidavit of Application

I do hereby affirm and certify that the information contained in the attached HUD-Code Manufactured Homes Park Application, dated 10-26-17, is accurate and truthful to the best of my knowledge.

Marcy Bennett  
Signature

10-26-17  
Date

MARCY BENNETT  
Printed Name

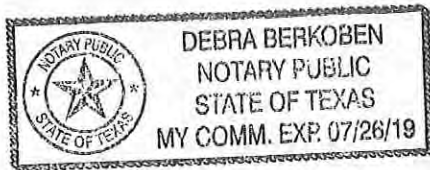
State of Texas

County of Montgomery

This instrument was acknowledged before me on 10-26-17 by Marcy Bennett.

Notary Seal:

Debra Berkoben  
Notary Public Signature





## Mobile Home Park Renewal – Inspection

Date of Inspection: November 28, 2016

Inspected by: Jack Yates

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

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

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

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

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

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

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

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

## Mobile Home Park Renewal – Inspection

Date of Inspection: November 8, 2017

Inspected by: Jack Yates

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

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

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

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

Code violations/issues in the Park: None

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

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

Inspection result: Recommend approval with no stipulations.

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: November 9, 2017</b>	

**Subject**

This is to formally cancel the second meeting of November and the second meeting of December.

**Description**

This has been the practice of many Councils for many years as I understand. If an emergency were to arise there could always be a special meeting called. So the December meeting would be December 12<sup>th</sup>.

**Recommendation**

Motion to cancel the second meeting date in November and in December.

**Approved By**

City Administrator

Jack Yates

Date: November 9



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: City engineer's memo</b>
<b>Date Prepared: November 9, 2017</b>	

**Subject**

This is to approve the certificate of acceptance for Heritage Pl., Medical Center 12 inch water line that has been placed.

**Description**

The Engineer's memo is attached, recommending acceptance of the water line.

**Recommendation**

Motion to approve the certificate of acceptance for Heritage Place Medical Center 12 inch water line.

**Approved By**

City Administrator	Jack Yates	Date: November 9
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1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

November 8, 2017

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

Re: Acceptance of Public Infrastructure  
Heritage Place Medical Center 12" Waterline  
City of Montgomery

Dear Mayor and Council:

We have conducted a final inspection of the referenced development and find it to be substantially complete in accordance with the approved plans and specifications. We recommend the City accept the public water infrastructure.

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

Sincerely,

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

Chris Roznovsky, PE  
Engineer for the City

CVR/lr2

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2017\MEMO to Council RE Heritage Medical Waterline Acceptance.doc

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

**CERTIFICATE OF SUBSTANTIAL COMPLETION FOR**  
**CONSTRUCTION OF HERITAGE PLACE MEDICAL CENTER 12" WATERLINE**  
**CITY OF MONTGOMERY**

November 1, 2017

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

**CONTRACTOR:** Statewide Services, Inc.  
6819 Cadillac Street  
Houston, TX 77021

**CONTRACT:** Construction of Heritage Place Medical Center 12" Waterline  
City of Montgomery  
TIN No. 74-2063592

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

We recommend that the **OWNER** issue the **CONTRACTOR** a Certificate of Acceptance of the Work, and that final payment be made to the **CONTRACTOR**. We also recommend that the Contractor's guarantee period of 1 year begin November 14, 2017

Sincerely,



Chris Roznovsky, PE



CVR/jim:lr2

K:\W5841\W5841-0027-00 Heritage Place Medical and Houston Stree\3 Construction Phase\Contract Documents

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



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

**CERTIFICATE OF ACCEPTANCE**

Statewide Services, Inc.  
6819 Cadillac Street  
Houston, TX 77021

Re: Construction of Heritage Place Medical Center 12" Waterline  
City of Montgomery  
TIN No. 74-2063592

Gentlemen:

This is to certify that **CITY OF MONTGOMERY** accepts the subject project on the basis of the Certificate of Substantial Completion issued by our engineers, Jones|Carter, and understands that a guarantee shall cover a period of one (1) year beginning November 14, 2017

By: \_\_\_\_\_  
**Mr. Jack Yates**  
**City Administrator, City of Montgomery**

Approved by City Council on: \_\_\_\_\_

K:\W5841\W5841-0027-00 Heritage Place Medical and Houston Stree\3 Construction Phase\Contract Documents  
cc: Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: City Engineer memo</b>
<b>Date Prepared: November 9, 2017</b>	

**Subject**

This is to approve acceptance of the public infrastructure for Buffalo Springs Shopping Center Phase II Public Water and Sewer Facilities

**Description**

The Engineer's memo is attached, recommending acceptance of the improvements.  
This is the improvements recently placed immediately West of Kroger in their in their Phase II development.

**Recommendation**

Motion to accept the public infrastructure for Buffalo Springs Shopping Center Phase II public water and sewer facilities.

**Approved By**

City Administrator	Jack Yates	Date: November 9
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1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

November 8, 2017

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

Re: Acceptance of Public Infrastructure  
Buffalo Springs Shopping Center Phase II Public Water and Sewer Facilities  
City of Montgomery

Dear Mayor and Council:

We have conducted a final inspection of the referenced development and find it to be substantially complete in accordance with the approved plans and specifications. We recommend the City accept the public water and sanitary sewer infrastructure, conditional upon receipt of the financial guarantee.

If you have any questions or comments, please contact Ed Shackelford and or myself.

Sincerely,

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

Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2017\MEMO to Council RE Buffalo Springs Phase II Acceptance.doc

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



**CERTIFICATE OF SUBSTANTIAL COMPLETION FOR**  
**BUFFALO SPRINGS SHOPPING CENTER PHASE II PUBLIC WATER AND SEWER FACILITIES**  
**CITY OF MONTGOMERY**

November 8, 2017

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

**CONTRACTOR:** Brandt Construction, LLC  
22110 Hufsmith Kohrville Rd  
Tomball, TX 77375

**CONTRACT:** Construction of Buffalo Springs Shopping Center Phase II Public Water and Sewer Facilities  
City of Montgomery  
TIN No. 74-2063592

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

We recommend that the **OWNER** issue the **CONTRACTOR** a Certificate of Acceptance of the Work, and that final payment be made to the **CONTRACTOR**. We also recommend that the Contractor's guarantee period of 1 year begin November 14, 2017

Sincerely,



Chris Roznovsky, PE

CVR/jim:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-1003-00 Milestone Development-Private\Phase II\FINAL.doc

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



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

**CERTIFICATE OF ACCEPTANCE**

Brandt Construction, LLC  
22110 Hufsmith Kohrville Rd  
Tomball, TX 77375

Re: Construction of Buffalo Springs Shopping Center Phase II Public Water and Sewer Facilities  
City of Montgomery  
TIN No. 74-2063592

Gentlemen:

This is to certify that **CITY OF MONTGOMERY** accepts the subject project on the basis of the Certificate of Substantial Completion issued by our engineers, Jones|Carter, and understands that a guarantee shall cover a period of one (1) year beginning November 14, 2017

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

**Mr. Jack Yates**  
**City Administrator, City of Montgomery**

Approved by City Council on: \_\_\_\_\_

P:\PROJECTS\W5841 - City of Montgomery\W5841-1003-00 Milestone Development-Private\Phase II\FINAL.doc  
cc: Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney

ITEM #7  
Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: City Engineer memo</b>
<b>Date Prepared: November 9, 2017</b>	

**Subject**

This is to approve a Certificate of Acceptance for the work of Flagship Boulevard pavement repair and improvements.

**Description**

The Engineer's memo is attached, recommending acceptance of the improvements.

**Recommendation**

Motion to approve a Certificate of Acceptance for the work of Flagship Boulevard pavement repair and improvements.

**Approved By**

City Administrator	Jack Yates	Date: November 9
--------------------	------------	------------------

**CERTIFICATE OF SUBSTANTIAL COMPLETION FOR**  
**CONSTRUCTION OF FLAGSHIP BOULEVARD PAVEMENT REPAIR AND IMPROVEMENTS**  
**CITY OF MONTGOMERY**

November 8, 2017

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

**CONTRACTOR:** VML Construction Services  
8778 FM 2095  
Gause, TX 77857

**CONTRACT:** Construction of Flagship Boulevard Pavement Repair and Improvements  
City of Montgomery  
TIN No. 74-2063592

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

We recommend that the **OWNER** issue the **CONTRACTOR** a Certificate of Acceptance of the Work, and that final payment be made to the **CONTRACTOR**. We also recommend that the Contractor's guarantee period of 1 year begin November 14, 2017

Sincerely,

  
Chris Roznovsky, PE

CVR/jim:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0012-00 Flagship Boulevard Improvements\Construction\Contract Docs

cc: Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Daren, Fowler and Creighton, LLP, City Attorney  
Mr. Vernon Lang – VML Construction Services



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

**CERTIFICATE OF ACCEPTANCE**

VML Construction Services  
8778 FM 2095  
Gause, TX 77857

Re: Construction of Flagship Boulevard Pavement Repair and Improvements  
City of Montgomery  
TIN No. 74-2063592

Gentlemen:

This is to certify that **CITY OF MONTGOMERY** accepts the subject project on the basis of the Certificate of Substantial Completion issued by our engineers, Jones|Carter, and understands that a guarantee shall cover a period of one (1) year beginning November 14, 2017

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

**Mr. Jack Yates**  
**City Administrator, City of Montgomery**

Approved by City Council on: \_\_\_\_\_

P:\PROJECTS\W5841 - City of Montgomery\W5841-0012-00 Flagship Boulevard Improvements\Construction\Contract Docs  
cc: Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Daren, Fowler and Creighton, LLP, City Attorney  
Mr. Vernon Lang – VML Construction Services



**A709**

**Certificate of Construction Completion (COCC)**

(Submit one for each Prime Construction Contract)

Grant Recipient: City of Montgomery, Texas TxCDBG Contract No: N/A

This is to certify that a final inspection of the project described below was conducted on the 22<sup>nd</sup> day of September, 2017. Contract was entered into on the 8<sup>th</sup> day of August, 2017 between the city of Montgomery, Texas and VML Enterprises dba VML Construction Services for the construction of Flagship Boulevard Pavement Repairs.

**This is to further certify that:**

1. The work has been completed in accordance with the plans and specifications and all amendments, change orders and supplemental agreements thereto.
2. The sum of \$ 0.00, has been deducted from the final payment to the Contractor in accordance with any contract liquidated damages requirements, separate from any liquidated damages resulting from Davis-Bacon compliance.
3. All programmatic requirements have been met, all claims and disputes have been settled, all warranties have been received, and all liens have been released.
4. The Contractor has presented on behalf of itself and its sureties, satisfactory evidence that he or she will repair, replace and rectify any faulty workmanship and/or materials discovered in the work within a period of 12 months from November 14, 2017, as provided in the Contract.
5. All bills for materials, apparatus, fixtures, machinery, labor, and equipment used in connection with the construction of this project have been fully paid.

6.	Amount of Original Contract	\$ <u>82,688.88</u>
	Cumulative Change Orders	\$ <u>(11,609.38)</u>
	Final Amount of Contract	\$ <u>71,079.50</u>
	Less Previous Payments	\$ <u>62,621.55</u>
	Less Deductions (from #2 above)	\$ <u>0.00</u>
	FINAL PAYMENT (Balance)	\$ <u>8,457.95</u>

7. The Final Payment above is now due and payable.

**Certified by the following Engineer, Contractor, and Chief Elected Official/Designee:**

Chris Rognovsky  
 Engineer  
Assistant Department Manager  
 Title  
Jones & Carter, Inc  
 Firm

\_\_\_\_\_  
 Chief Elected Official/Designee  
 \_\_\_\_\_  
 Title  
 \_\_\_\_\_  
 City / County

\_\_\_\_\_  
 Contractor  
 \_\_\_\_\_  
 Title  
 \_\_\_\_\_  
 Firm



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: City Engineer memo</b>
<b>Date Prepared: November 9, 2017</b>	

**Subject**

This is approval to perform a feasibility study for “Walker Montgomery” a developer of a tract of land at the end of Baja Road.

**Description**

The Engineer’s memo is attached.

**Recommendation**

Motion to approve the feasibility study for Walker Montgomery.

**Approved By**

City Administrator	Jack Yates	Date: November 9
--------------------	------------	------------------



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

November 8, 2017

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

Re: Proposed Walker Montgomery (Baja Road) Feasibility Study  
The City of Montgomery

Dear Mayor and Council:

We received a request for and request authorization to proceed with the preparation of a Utility and Economic Feasibility Study for a property along Baja Road. Enclosed is an exhibit showing the location of the property. The study will include determination of how the development will receive water and sanitary sewer service, the development's impact on the City's water and sanitary sewer systems, and if additional drainage and traffic studies will be required to be prepared and submitted by the developer. The study will also determine the estimated annual tax revenue from the development. The developer is required to enter into an escrow agreement with the City and deposit funds to cover the estimated cost of the feasibility study prior to initiating the study. Below is a summary of the property including location, type of development, and required deposit amounts.

1.6-Acre Walker Montgomery Community Development

- 1) Located within the City Limits at the west end of Baja Road, adjacent to the southern right-of-way
- 2) Proposed 7 single family Lots
- 3) \$5,000 initial deposit for escrow account to include fees associated with developer coordination and preparation of the Feasibility Study

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

Sincerely,

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

Chris Roznovsky, PE

CVR/kmv

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2017\MEMO to Council RE Baja Feasibility Study.doc

Enc: N/A

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

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: October 24, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates, City Administrator</b>	<b>Exhibits:</b> Map showing annexation Area, Annexation Ordinance, e-mails of City Attorney
<b>Date Prepared: October 19, 2017</b>	

### Subject

This is to annex 10.15 acres of land that consist of State Highway 105 on the west side of the city.

### Description

This is to annex the west portion of State Highway 105 that the city now has annexed adjacent to -- leaving the highway as un-annexed. The intention of the city Council to annex this area has been considered in the past with a question regarding maintenance might TxDOT. Attached is an email from the city attorney in April this year which states that for cities with a population of 50,000 or less that the maintenance of the state Highway is the responsibility of TxDOT.

The reason for the annexation is police control of the property with the ability to work accidents and write citations in this area.

### Recommendation

Motion to approve the annexation ordinance as presented.

### Approved By

Department Head		Date:
City Administrator	Jack Yates	Date: October 19, 2017



Motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ approving the following Ordinance:

ORDINANCE NO. 2017- \_\_\_\_\_

**AN ORDINANCE ANNEXING INTO THE CITY OF MONTGOMERY, TEXAS, THE HEREINAFTER DESCRIBED TERRITORY OF 10.15 ACRES OF LAND, MORE OR LESS, IN THE PUBLIC ROAD RIGHT-OF WAY OF STATE HIGHWAY 105 WEST WHICH RUNS ADJACENT AND PARALLEL TO THE BOUNDARIES OF THE CITY, AND LOCATED IN THE BENJAMIN RIGBY SURVEY, ABSTRACT 31, MONTGOMERY COUNTY, TEXAS; AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS; PROVIDING A SEVERABILITY CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING THE EFFECTIVE DATE UPON PASSAGE OF THE ORDINANCE**

**WHEREAS**, the City of Montgomery, Texas (“the City”) is a Type A general-law municipality of the State of Texas, with a population of 500 or more; and

**WHEREAS**, the municipal boundaries of the City extend along both sides of and parallel to the 120-foot wide right-of-way of State Highway 105 West, as described in the survey and legal description found in Exhibit “A” attached to this Resolution; and

**WHEREAS**, Section 43.103 of the Texas Local Government Code (“the Code”) provides that a general-law municipality with a population of 500 or more may annex, by ordinance and without the consent of any person, that part of a street, highway, alley, or other public or private way that is adjacent and runs parallel to the boundaries of the municipality; and

**WHEREAS**, the City Council finds that the above-described 10.15-acre right-of-way of State Highway 105 West is parallel and contiguous to the city limits; is within its extraterritorial jurisdiction; and is vacant and without residents; and

**WHEREAS**, the City Council has conducted two public hearings on October 10 and October 24, 2017 to receive the comments of its citizens on the proposed annexation, and there have been no objections to the proposed annexation; and

**WHEREAS**, the annexation procedures prescribed by the Texas Local Government Code and the laws of this State have been duly followed with respect to the following described territory, to wit:

Being a 10.15-acre tract of land, more or less, in the BENJAMIN RIGBY SURVEY, Abstract No. 31, of Montgomery County, Texas, further described in the survey and legal description attached hereto in Exhibit “A.”

**WHEREAS**, the City Council further finds that it is in the best interest of the public that said highway right-of-way be annexed by the City so that it can provide law enforcement



traffic control and protection to those persons traveling along State Highway 105 west of the City; and

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

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

1. **PROPERTIES ANNEXED:** That the heretofore described property in Exhibit "A" is hereby annexed to the City of Montgomery, Montgomery County, Texas, and that the boundary limits of the City of Montgomery, be and the same be hereby extended to include the above described territory within the city limits of the City of Montgomery.
2. **SEVERABILITY CLAUSE:** The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.
3. **TEXAS OPEN MEETINGS ACT:** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, of the Texas Government Code.
4. **FILING ORDINANCE:** The City Secretary is hereby directed to file a certified copy of this Ordinance with the County Clerk of Montgomery County, Texas, the Montgomery County Central Appraisal District, the Texas Secretary of State, and the Office of Texas State Comptroller.
5. **EFFECTIVE DATE:** This Ordinance shall be effective upon its passage.

PASSED AND APPROVED by an affirmative vote of the members of the City Council, on this the \_\_\_\_\_ day of November 2017.

\_\_\_\_\_  
Kirk Jones, Mayor

ATTEST:

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

STATE OF TEXAS                    §

COUNTY OF MONTGOMERY       §

A **BOUNDS** description of a 10.15 acre tract of land, more or less, situated in the Benjamin Rigby Survey, Abstract Number 31, Montgomery County, Texas; being a portion of State Highway 105, having a right-of-way width of 120-feet, conveyed to the State of Texas by Deed filed for record in Volume 242, Page 285 of the Montgomery County Deed Records, said 10.15 acres being more particularly described as follows:

**BEGINNING** at a the intersection of the south right-of-way of said State Highway 105 and the west line of the original City Limits of the City of Montgomery, Texas, for the southeast corner and **POINT OF BEGINNING** of the herein described tract, from which a found 5/8-inch iron rod (with cap stamped "Moyer") bears South 89°13' East, 630.1 feet and a found 5/8-inch iron rod (with cap stamped "Moyer") bears North 80°05' West, 843.5 feet, both of said rods having reportedly been set for witness in 2006.

THENCE, in a westerly direction, approximately 3,688 feet along the south right-of-way of said State Highway 105 to a point for the northwest corner of a called 30.889 acre tract (Tract 1) conveyed to Montgomery Independent School District by Warranty Deed filed for record under Clerk's File No. 9653935 of the Montgomery County Official Public Records of Real Property, same being the northeast corner of a called 3.71 acre tract conveyed to Claude A. Giles and Wife, Delilah E. Giles, by Warranty Deed filed for record in Volume 561, Page 147 of the Montgomery County Deed Records, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, 120 feet, departing said south right-of-way of State Highway 105, along a line perpendicular thereto and crossing said right-of-way to a point in the north right-of-way of said State Highway 105, same being the south line of a called 15.088 acre tract conveyed to Christian C. Cheatham and Wife, Mary E. Cheatham, by Warranty Deed with Vendor's Lien filed for record under Clerk's File No. 9447289 of the Montgomery County Official Public Records of Real Property (also being the south line of a called 5.200 acre tract described in the Deed of Trust and Security Agreement filed for record under Clerk's File No. 2016100524 of the Montgomery County Official Public Records of Real Property), for the northwest corner of the herein described tract;

THENCE, in an easterly direction, approximately 3,682 feet along the north right-of-way of said State Highway 105 to a point in the west line of said original City Limits of the City of Montgomery, Texas, for the northeast corner of the herein described tract;



City of Montgomery  
Annexation of a Portion of SH 105  
10.15 Acres More or Less

Benjamin Rigby Survey  
Abstract Number 31

THENCE, in a southerly direction, approximately 120 feet, departing said north right-of-way of State Highway 105, along the west line of said original City Limits of the City of Montgomery to the **POINT OF BEGINNING, CONTAINING** approximately 10.15 acres of land in Montgomery County Texas, as shown on Drawing Number 10992;

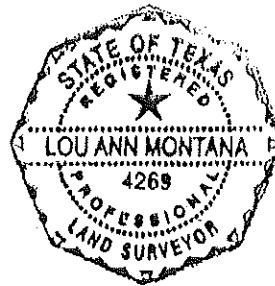
**SAVE AND EXCEPT** a called 0.003 acre tract described in City of Montgomery City Council Annexation Ordinance No. 2009-09.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey of the proposed annexation tract, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by creation or reconfiguration of the political subdivision for which it was prepared.

Jones|Carter  
1575 Sawdust Road, Suite 400  
The Woodlands, TX 77380  
(281) 363-4039  
*Texas Board of Professional Land Surveying  
Registration No. 10046106*

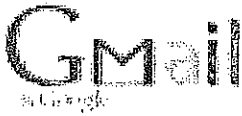
*Lou Ann Montana*

Acting By/Through Lou Ann Montana  
Registered Professional Land Surveyor  
No. 4269  
lmontana@jonescarter.com



August 14, 2017





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

**TXDOT Maintenance Agreement with City of Montgomery**

1 message

Larry Foerster <foerster@dfcllp.com>

Tue, Apr 4, 2017 at 10:46 AM

To: Jack Yates <jyates@ci.montgomery.tx.us>, Kirk Jones <kirkjones63@yahoo.com>

Cc: Susan Hensley <shensley@ci.montgomery.tx.us>, "Ed Shackelford (EShackelford@jonescarter.com)" <EShackelford@jonescarter.com>, Chris Roznovsky <CRoznovsky@jonescarter.com>

Today I had a telephone conversation with Adam Galland, our local TXDOT district engineer. Mr. Galland pointed out that cities under 50,000 populations do not have to assume responsibility for the maintenance of the state highways running through their cities. So paving, street lights, road signs and other routine maintenance will be assumed by TXDOT along Highway 105, FM 149 and FM 1097..

The exception would any special pavers or landscaping on Liberty Street which has been requested by the City. In that case, the City will have to agree to maintain the pavers and the landscaping.

He also indicated that he is not aware of any plans by TXDOT for a new maintenance agreement form.

*Larry L. Foerster*

**Darden, Fowler & Creighton, LLP**

414 West Phillips, Suite 100

Conroe, Texas 77301

Office 936-756-3337

Fax 936-756-2606

Email foerster@dfcllp.com

For more information about our law firm, please go to [www.dfcllp.com](http://www.dfcllp.com)

\*\*\*\*\*CONFIDENTIAL NOTICE\*\*\*\*\*

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Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b> Information sheet meant for Public Notices, Existing Corridor Enhancement District Ordinance, New boundaries maps. <i>Resolution forthcoming</i>
<b>Date Prepared: November 9, 2017</b>	

### Subject

This is to set a date for two public hearings regarding amendment to the city zoning ordinance setting 750 feet as the distance of the Corridor Enhancement District on SH 105 and to add FM 1097 from the northern boundary of the City to FM 149 as in addition to the Corridor Enhancement District.

### Description

The maps are included for your attachment show the present areas in the proposed areas of the District. Because this is a zoning change to the zoning ordinance and requires two public hearings and notices to the affected property owners and to those within 300 feet adjoining. The notice is required or approximate 600 notices to be mailed out, as return receipt postal, and about six dollars per notice-- so the cost will be approximately \$4000. The Planning Commission and City Council notices will be in the same notice envelope. The cost to my mind, and to the Planning Commission's mind, is worth the expenditure because of the long-term advantages to the larger area included in the District.

The Planning Commission has been working on this for several months they have a public hearing scheduled for January 22nd.

Montgomery City Council  
**AGENDA REPORT**

Please study the map and consider this carefully, because of the expense and time to melt the notices. For instance, if you want to go to 800 feet rather than the 750 feet now would be the time to say so.

**Recommendation**

Motion to set a public hearing for January 9 and January 23.

**Approved By**

City Administrator	Jack Yates	Date: November 9
--------------------	------------	------------------

## CORRIDOR ENHANCEMENT DISTRICT

In 2008 the Montgomery City Council established an overlay Corridor Enhancement District to positively influence exterior architectural aspects of building construction along FM 149 and SH 105. The boundaries were set at 300 feet from the edge of street right-of-way and in that area the exteriors of the buildings must be natural stone, brick, wood, fiber cement siding (Hardiplank), precast panels that are painted or colored, exposed aggregate concrete or any other system that is not metal panel.

The areas included in the Corridor Enhancement District are: SH 105 extending from the eastern boundary of the City limits to the western boundary of the City limits, FM 149 extending from the northern boundary of the City limits to the southern boundary of the City limits and the entire Lone Star Parkway extending from SH 105 on the east to SH 105 on the west.

The Corridor Enhancement District has been successful regarding the architectural controls in the 300-foot area. However, two amendments to the District guidelines have been proposed to be added. There are no changes recommended for the District on FM 149.

1. A new area for the District is proposed on FM 1097 from the east boundary of the City limits to FM 149. The District boundaries will be 300 feet on both sides of FM 1097. The reason this change is being proposed is due to the commercial use that is now occurring on FM 1097. Industrial zoned properties are now, and would continue to be, partially exempt from this requirement provided that the main entrance of the exterior of the building, visible from FM 1097, is covered 100% by approved materials.
2. A second new proposal is to extend the District boundary area from 300 feet to 750 feet on both sides of SH 105 within the City limits. The reason this is being proposed is development along SH 105 is beyond the 300 feet, and it is felt that the 750 feet will allow the architectural controls to be more effective.

City Council and the Planning and Zoning Commission welcomes your comments regarding these proposals. You may contact City Hall at 936-597-6434 or [jyates@ci.montgomery.tx.us](mailto:jyates@ci.montgomery.tx.us).



(Motion was made by MIKE NEWMAN, seconded by KIRK JONES, and passed by a vote of 4 to 0, that the following ordinance be passed.)

**ORDINANCE NO. 2008-13**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING AND MODIFYING ORDINANCE NO. 2008-02, AND AMENDING CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS ADOPTING REGULATIONS ESTABLISHING AN OVERLAY CORRIDOR ENHANCEMENT DISTRICT FOR THE PURPOSE OF INFLUENCING CERTAIN EXTERIOR ARCHITECTURAL ASPECTS OF BUILDING CONSTRUCTION; DEFINING THE BOUNDARIES OF THE DISTRICT; PROVIDING FOR CONSTRUCTION STANDARDS; PROVIDING FOR EXCEPTIONS AND EXEMPTIONS; ESTABLISHING ENFORCEMENT PROVISIONS; PROVIDING CRIMINAL PENALTIES OF UP TO \$500 FOR VIOLATING THE ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

**WHEREAS**, Chapter 211 of the TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

**WHEREAS**, Chapter 211 of the TEXAS LOCAL GOVERNMENT CODE, Section 211.005, authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district; and

**WHEREAS**, the City of Montgomery, Texas has an existing number of undeveloped properties within its corporate boundaries and along its primary entryways and corridors; and

**WHEREAS**, it is recognized that the City of Montgomery, Texas possesses a unique ambiance and attraction due to its rich culture and historic significance; and

**WHEREAS**, the City Council of the City of Montgomery, Texas desires to enhance the appearance and perception, and influence the ambiance of the City which will promote the health, safety, prosperity, education, and general welfare of the citizens residing in and visiting the City of Montgomery; and

**WHEREAS**, the matter was referred to the City of Montgomery Planning and Zoning Commission for consideration and recommendation, and the Planning and Zoning

Commission, after due notice and public hearing, did consider and make a recommendation on the adoption of this ordinance and the zoning change; and

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

**WHEREAS**, the City Council, pursuant to such notices, held its public hearings and heard all persons wishing to be heard both for and against the adoption of this ordinance and the change in the zoning classification of the affected property on July 28, 2008 and August 12, 2008; and

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

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

**SECTION 1.** Chapter 98 of the Code of Ordinances of the City of Montgomery, Texas, shall be and is hereby amended by adding Article VII entitled Corridor Enhancement, and the regulations are hereby adopted as part of Chapter 98, pursuant to the authority of Chapter 211 of the TEXAS LOCAL GOVERNMENT CODE, as follows:

## **ARTICLE VII. CORRIDOR ENHANCEMENT**

### **Sec. 98-361. Purpose.**

The city council hereby declares that as a matter of public policy that it is desirable and in the best interest of the public health, safety, morals and general welfare of the citizens of the city to provide for the enhancement of the overall visual image and perception of the city along its main entryways and corridors by requiring construction standards for exterior walls and facades on buildings along these corridors.

### **Sec. 98-362. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Design guidelines for the City of Montgomery* means written guidelines adopted by the City as a reference and guide to provide information on appropriate methods for new construction of buildings.

*Exterior walls and facades* means the outermost covering of a building that is visible from any public right of way, street or roadway.

*Main entryways and corridors* means the two primary, intersecting thoroughfares in the city, namely State Highway 105 and State Farm Road 149, along with the Lone Star Parkway.

*Metal panels* means profiled metal panels, deep ribbed panels and concealed fastener systems.

**Sec. 98-363. District Boundaries and Designation of Properties .**

- (a) Properties initially subject to the requirements of this article and initially designated as the Corridor Enhancement District include all properties located within three hundred (300) feet of the right of way of:
- (1) Texas State Highway 105, extending from the eastern boundary of the corporate limits of the city to the western boundary of the corporate limits of the city;
  - (2) Texas State Farm Road 149, extending from the northern boundary of the corporate limits of the city to the southern boundary of the corporate limits of the city; and
  - (3) The entire Lone Star Parkway, extending from Texas State Highway 105 on the east to Texas State Highway 105 on the west.
- (b) The city council may, from time to time, following recommendation either for or against such designation by the Planning and Zoning Commission, designate certain additional areas in the city as a Corridor Enhancement District, and define, amend, or eliminate the boundaries of designation. Such designation and the requirements thereof shall be in addition to any other zoning district designation or requirement established in this chapter. All zoning maps shall reflect the Corridor Enhancement District by the letters "CE" as a suffix to the use designated. Changes to the Corridor Enhancement District may be initiated by any person by request submitted to the city secretary.

**Sec. 98-364. General Requirements.**

- (a) The construction of metal buildings is allowed within the Corridor Enhancement District; however, metal panels are prohibited on the exterior walls and facades of such buildings. Areas zoned as Light or Heavy Industrial are partially exempt from this requirement provided that the main entrance of the building visible from the Main entryways and corridors shall be 100% covered by the approved materials listed in subsection (b) of this section. The remaining exterior facades of a building within an area zoned as Light or Heavy Industrial must be at least 50% covered by a wainscoting of approved materials listed in subsection (b) of this section, from the front to the back of the facade wall.

(b) Within the Corridor Enhancement District, acceptable façade materials that may be used on buildings or structures, individually or in combination, include:

- (1) Natural stone
- (2) Brick
- (3) Wood
- (4) Fiber cement siding (e.g. Hardiplank)
- (5) Stucco or similar exterior finishing system
- (6) Pre-cast concrete panels which are painted or integrally colored
- (7) Exposed aggregate concrete
- (8) Any other acceptable system that is not metal panel or cement block

(c) New construction within the Corridor Enhancement District or buildings moved into the Corridor Enhancement District will be subject to the construction standards defined in this article.

(d) The city encourages property owners, architects and builders to recognize the historic significance of the city, and the desire to maintain and enhance the historic ambiance of the area. Therefore, voluntary compliance with other architectural aspects of the Design Guidelines for the City of Montgomery is strongly recommended.

**Sec. 98-365. Exceptions and Exemptions.**

- (a) Commercial, institutional, and residential structures existing within the Corridor Enhancement District, prior to the effective date of this ordinance shall not be required to be altered, repaired or modified to meet existing design criteria unless major facade or structural renovations are planned by the property owner. Major facade or structural renovations are defined as changes or renovations to 25% or more of any facade of the structure or improvements facing a public right of way, street or roadway.
- (b) Exceptions to these requirements may be reviewed by the Planning and Zoning Commission for a recommendation to city council for approval on a case by case basis provided that the Commission and city council finds that the proposed building materials and arrangement of these materials will enhance and preserve the character along the corridor in which the structure is located. Consideration for exceptions to the above requirements shall be based on the architectural design and creativity of the structure, and its compatibility with surrounding developed properties.
- (c) Exceptions reviewed by the Planning and Zoning Commission and approved by city council shall be in effect for only the structure specifically authorized and shall become null and void should no building permit be issued within ninety (90) day or should the building permit for the specific structure expire.
- (d) The provisions of this article shall not be construed to apply to properties located within

any planned development district in which deed restrictions have already been approved by the city.

**Sec. 98-366. Enforcement.**

- (a) A list of intended exterior materials will be submitted along with the building permit application. Building permits will not be approved unless acceptable external materials will be used.
- (b) The city engineer and/or city building inspector will review construction to ensure compliance with this article, and no certificate of occupancy will be granted until compliance with this article is achieved.

**SECTION 2.** A person, firm, corporation or other entity commits an offense if he/she/it violates this Ordinance. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this article:

- (a) The same penalties as set forth in Chapter 98 of the Code of Ordinances of the City of Montgomery, Texas for all violations of requirements set forth in said zoning ordinance; or
- (b) The same penalties set forth in section 1-6 of the Code of Ordinances of the City of Montgomery, Texas for non-zoning violations.

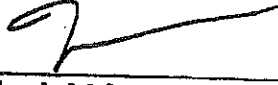
**SECTION 3.** If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

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


**SECTION 5.** This Ordinance shall become effective immediately upon its passage and approval as provided by law.

**PASSED AND APPROVED** this 12<sup>th</sup> day of August, 2008.

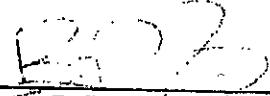
**CITY OF MONTGOMERY, TEXAS**

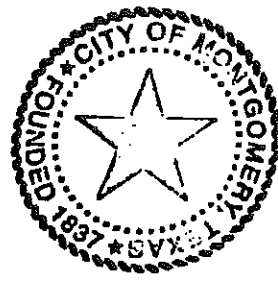
By:   
Travis Mabry, Mayor

**ATTEST:**

By:   
Carol Langley, City Secretary

**APPROVED AS TO FORM:**

By:   
Bryan P. Fowler, City Attorney







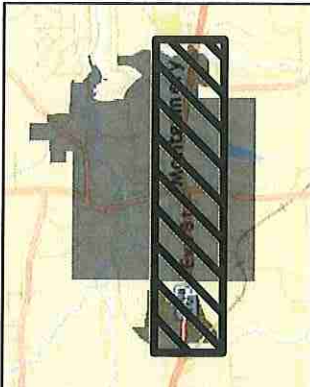
1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380-3795  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

**Corridor Enhancement District Rezoning  
The City of Montgomery**

Properties subject to the requirements of and designated as the Corridor Enhancement District include all buildings located within seven hundred and fifty feet (750') from the edge of the right-of-way of Texas State Highway 105, extending from the eastern boundary of the corporate limits of the City to the western boundary of the corporate limits of the City.

Additional properties subject to the requirements of and designated as the Corridor Enhancement District include all buildings located within three hundred feet (300') from the edge of the right-of-way of Texas State Farm Road 1097, extending from the northern boundary of the corporate limits of the City to Texas State Farm Road 149.








### VICINITY MAP

Scale: 1 inch equals 2 miles

### LEGEND

-  750-Ft Buffer
-  City of Montgomery City Limits
-  MCAD Parcels

Aerial Imagery flown January 2016

## CORRIDOR ENHANCEMENT AREA No. 1

CITY OF MONTGOMERY  
MONTGOMERY COUNTY, TEXAS

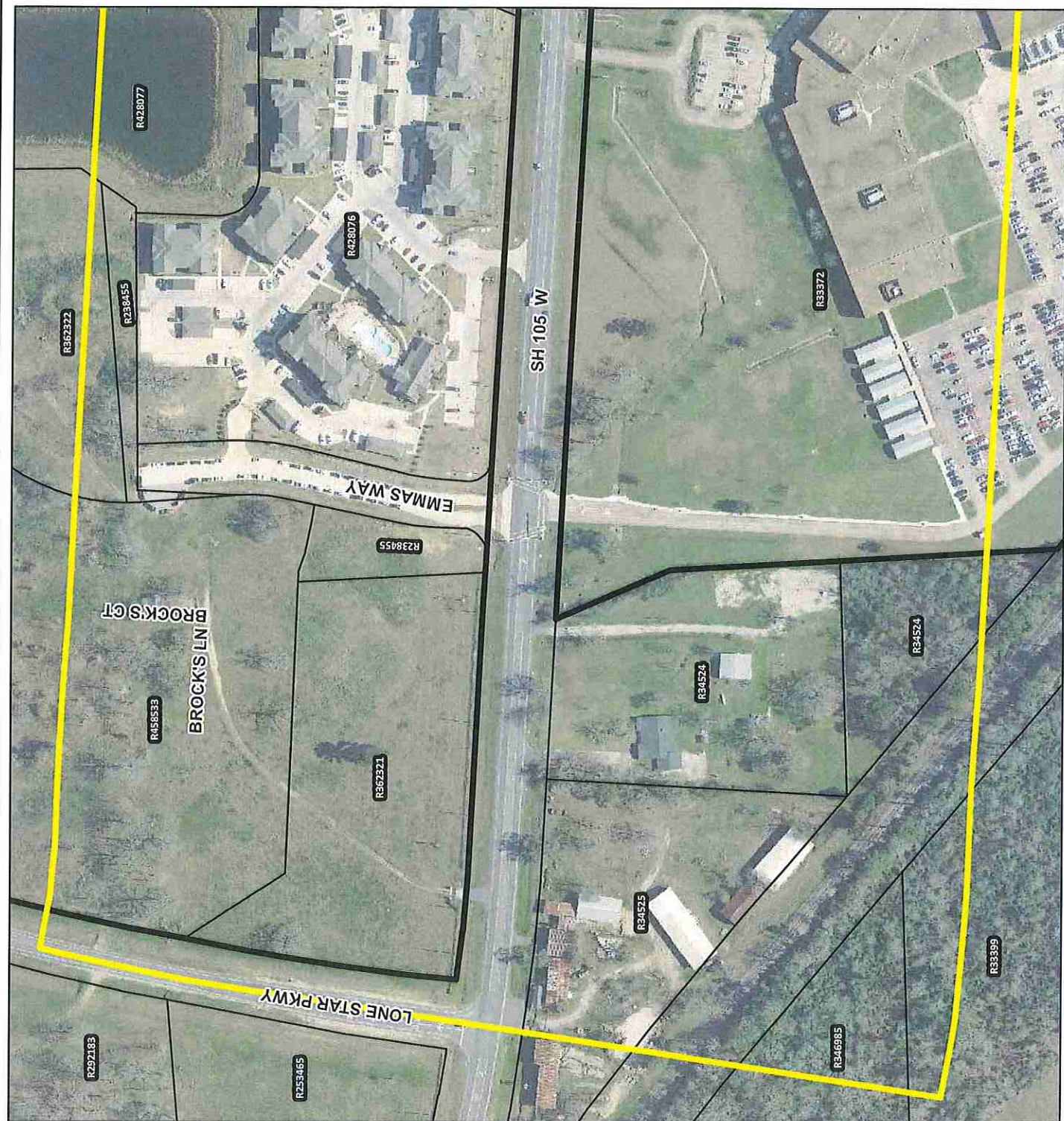


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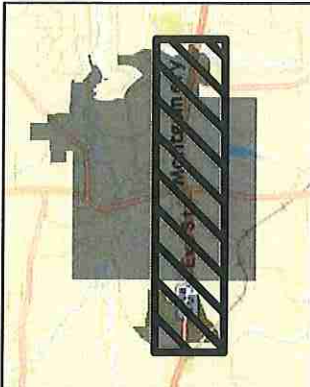
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**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-499










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

**LEGEND**

-  750-Ft Buffer
-  City of Montgomery City Limits
-  MCAD Parcels

Aerial Imagery flown January 2016

**CORRIDOR  
ENHANCEMENT  
AREA No. 1**

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS

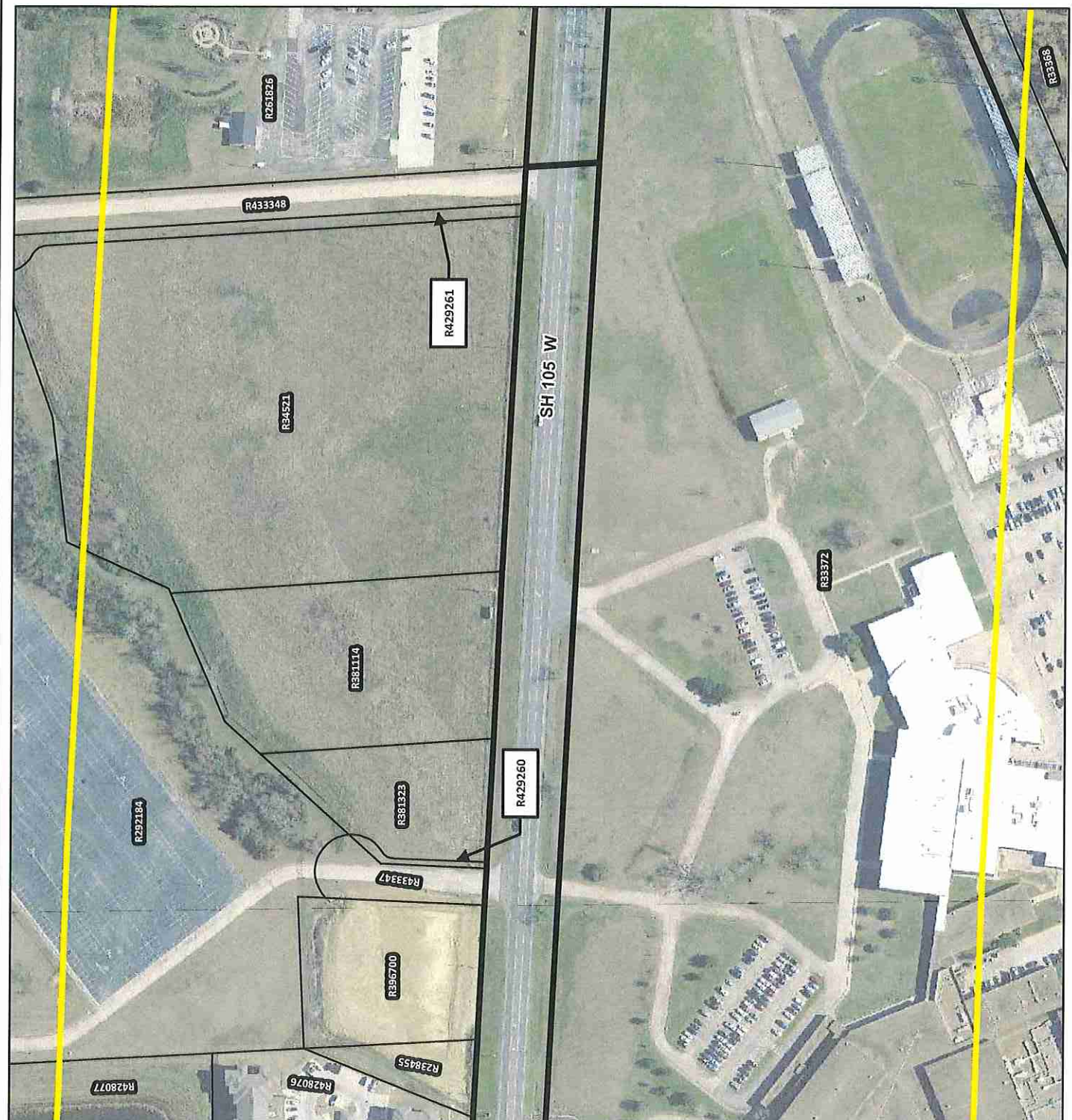


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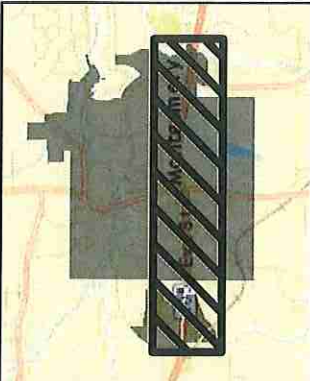
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**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-439







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

- LEGEND**
-  750-Ft Buffer
  -  City of Montgomery City Limits
  -  MCAD Parcels

Aerial Imagery flown January 2016

# CORRIDOR ENHANCEMENT AREA NO. 1

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS



**DRAWING NOT TO SCALE**

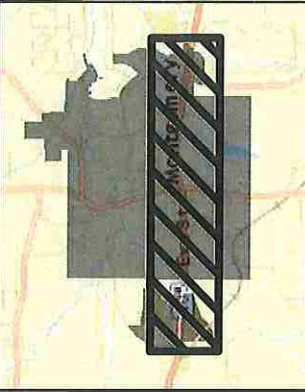
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**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-439







**VICINITY MAP**

Scale: 1 inch equals 2 miles

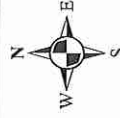
**LEGEND**

-  750-Ft Buffer
-  City of Montgomery City Limits
-  MCAD Parcels

Aerial Imagery flown January 2016

**CORRIDOR  
ENHANCEMENT  
AREA No. 1**

**CITY OF MONTGOMERY  
MONTGOMERY COUNTY, TEXAS**

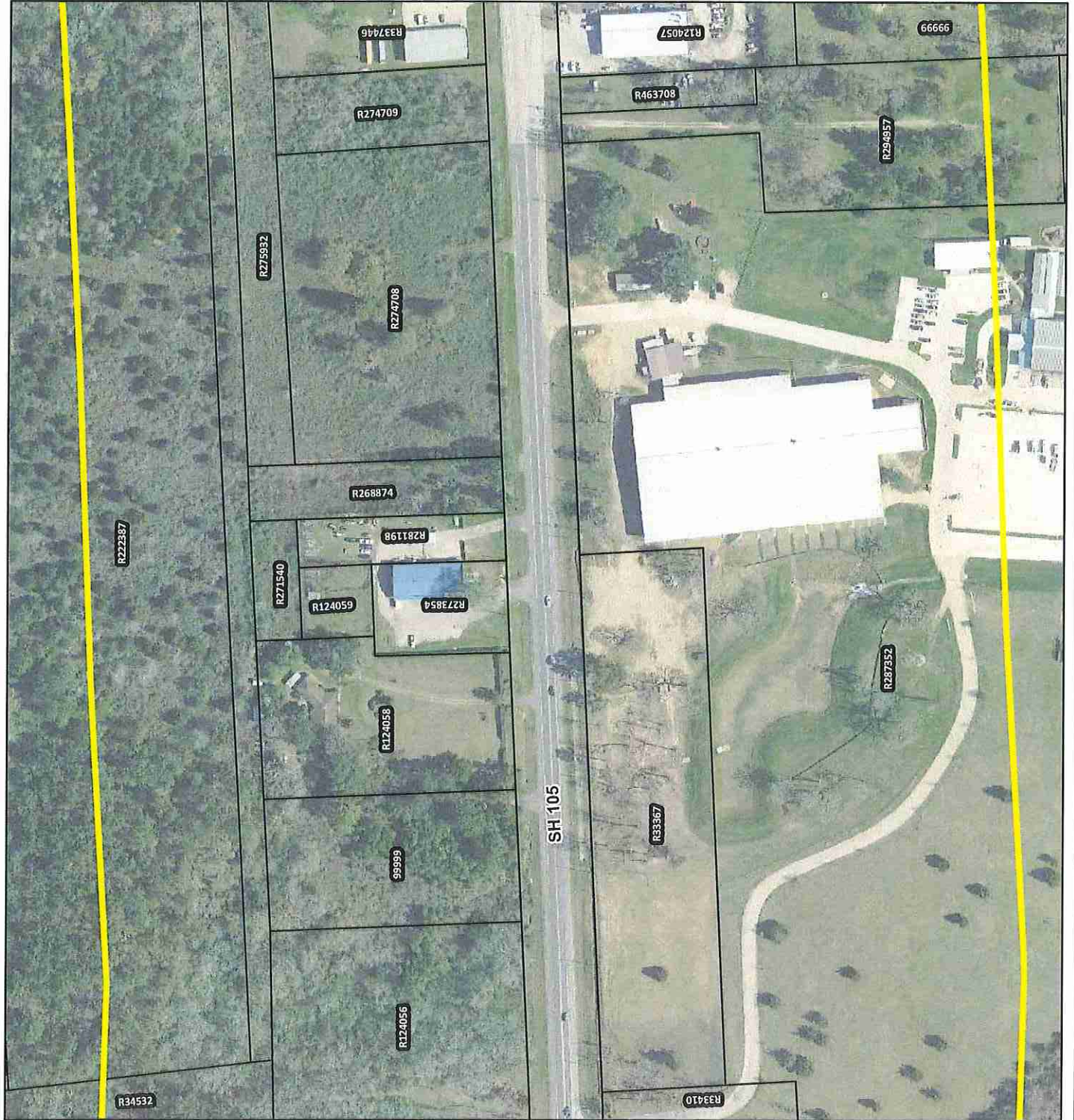


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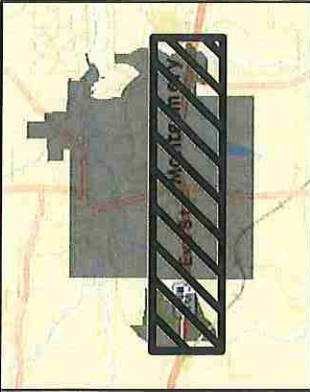
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**JONES & CARTER**  
Texas Board of Professional Engineers Registration No. F-439







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

- LEGEND**
- 750-Ft Buffer
  - City of Montgomery
  - City Limits
  - MCAD Parcels

Aerial Imagery flown January 2016

**CORRIDOR  
ENHANCEMENT  
AREA No. 1**

**CITY OF MONTGOMERY  
MONTGOMERY COUNTY, TEXAS**

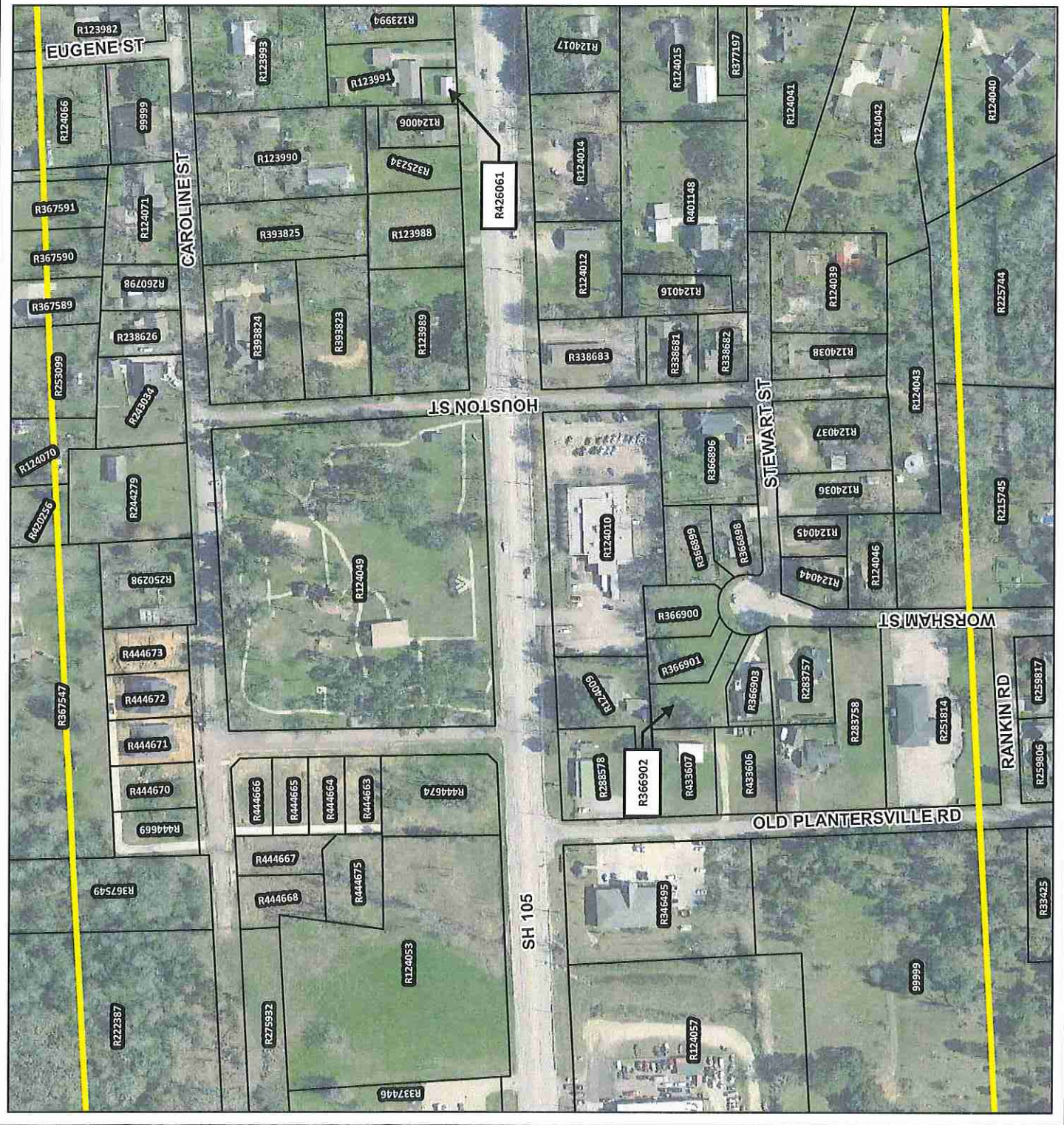


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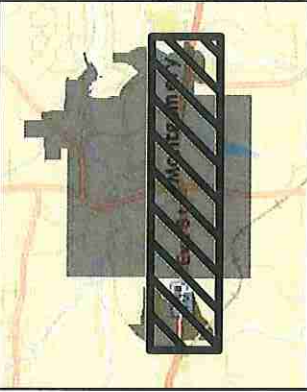
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**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-439










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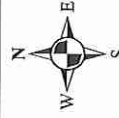
**LEGEND**

-  750-Ft Buffer
-  City of Montgomery City Limits
-  MCAD Parcels

Aerial Imagery flown January 2016

**CORRIDOR ENHANCEMENT AREA No. 1**

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS

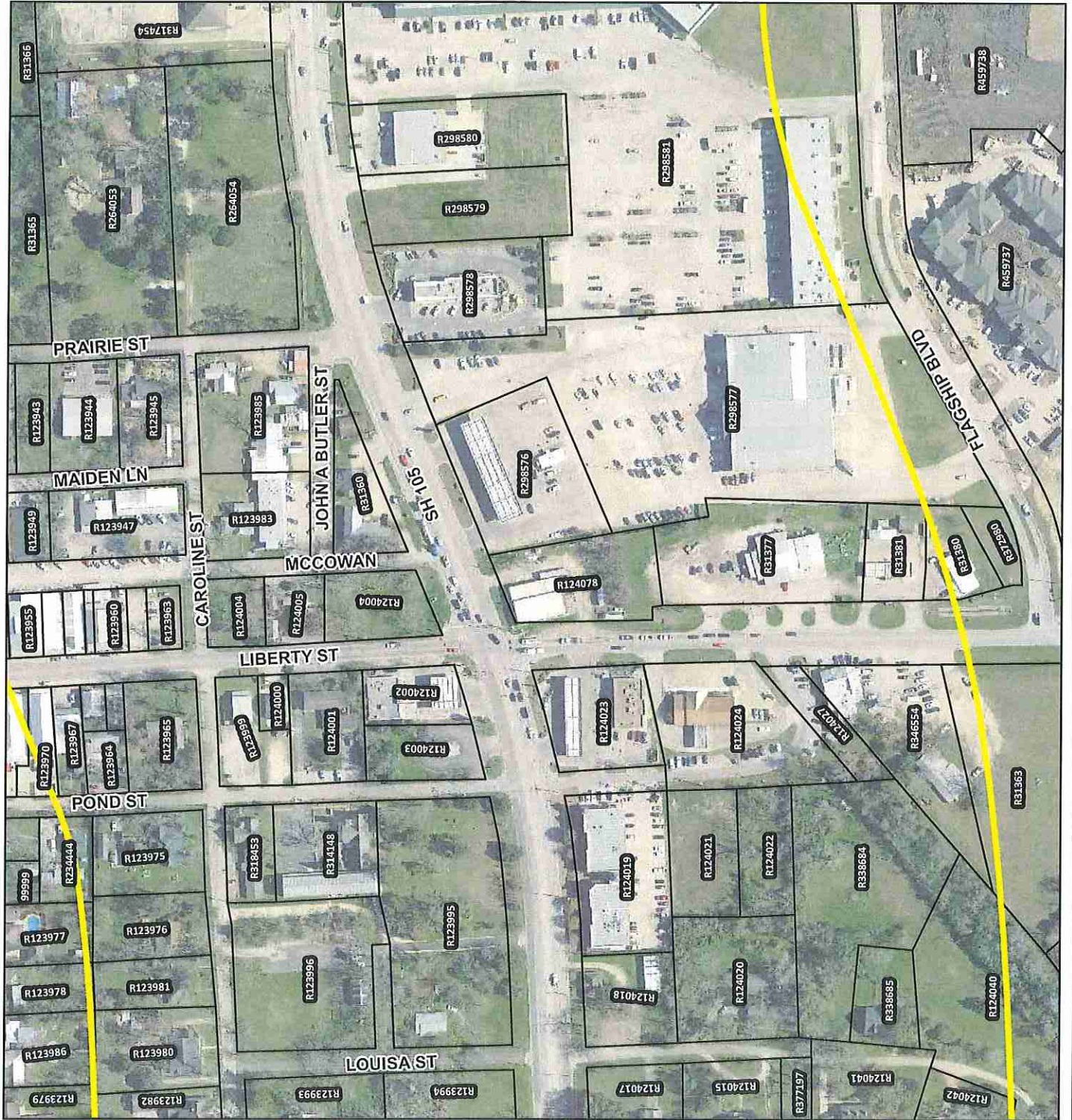


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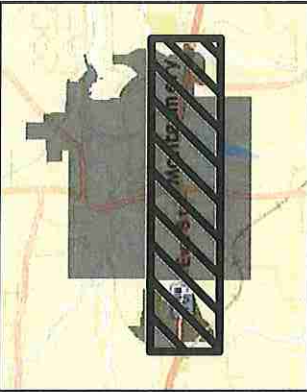
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**JONES & CARTER**  
Texas Board of Professional Engineers Registration No. F-439







**VICINITY MAP**

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-  MCAD Parcels

Aerial Imagery flown January 2016

**CORRIDOR ENHANCEMENT AREA No. 1**

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS

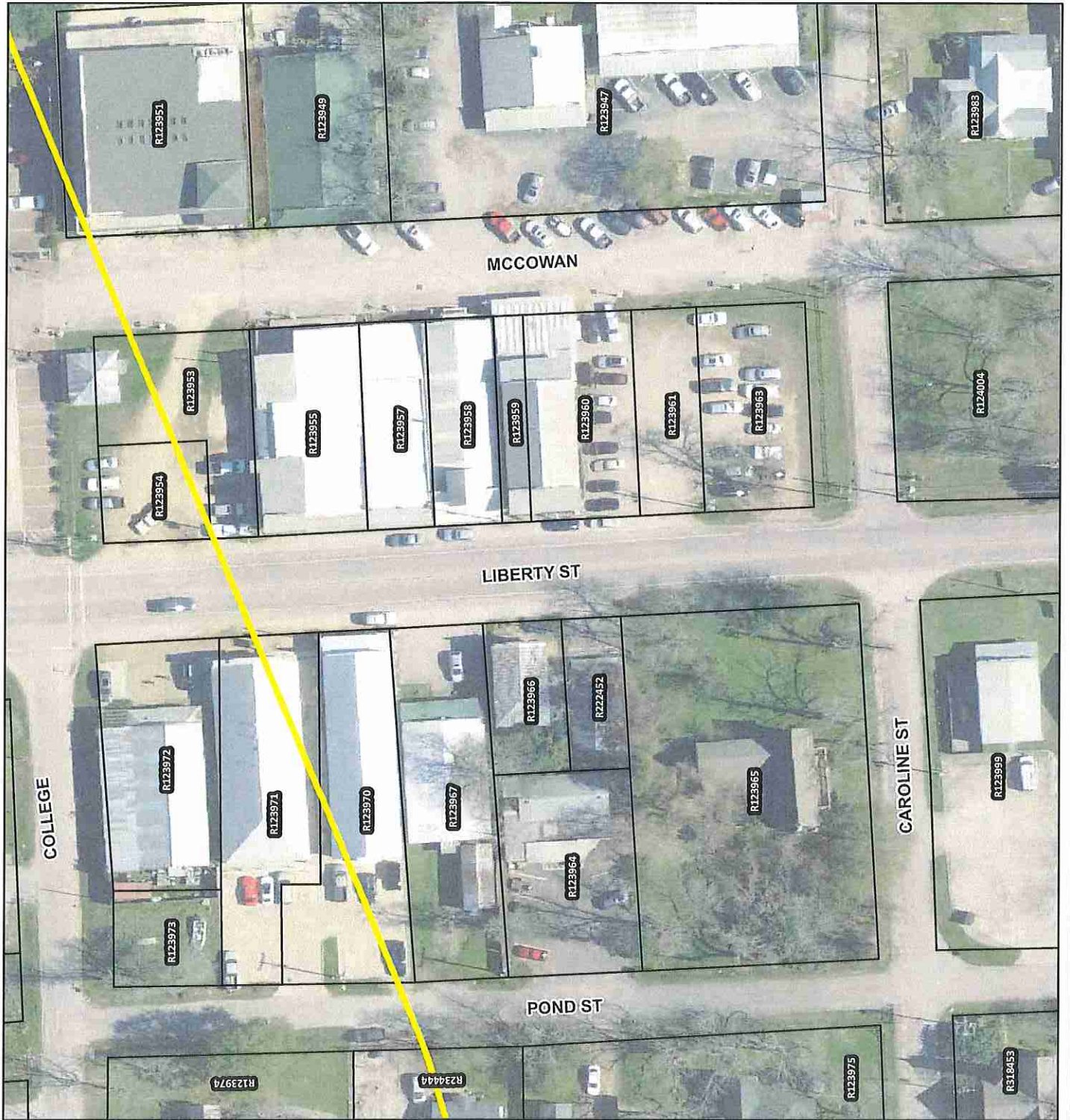


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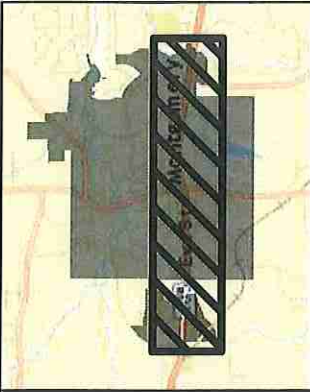
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Texas Board of Professional Engineers Registration No. F-439







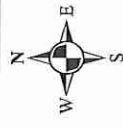
**VICINITY MAP**  
Scale: 1 inch equals 2 miles

- LEGEND**
-  750-Ft Buffer
  -  City of Montgomery City Limits
  -  MCAD Parcels

Aerial Imagery flown January 2016

**CORRIDOR  
ENHANCEMENT  
AREA NO. 1**

**CITY OF MONTGOMERY  
MONTGOMERY COUNTY, TEXAS**

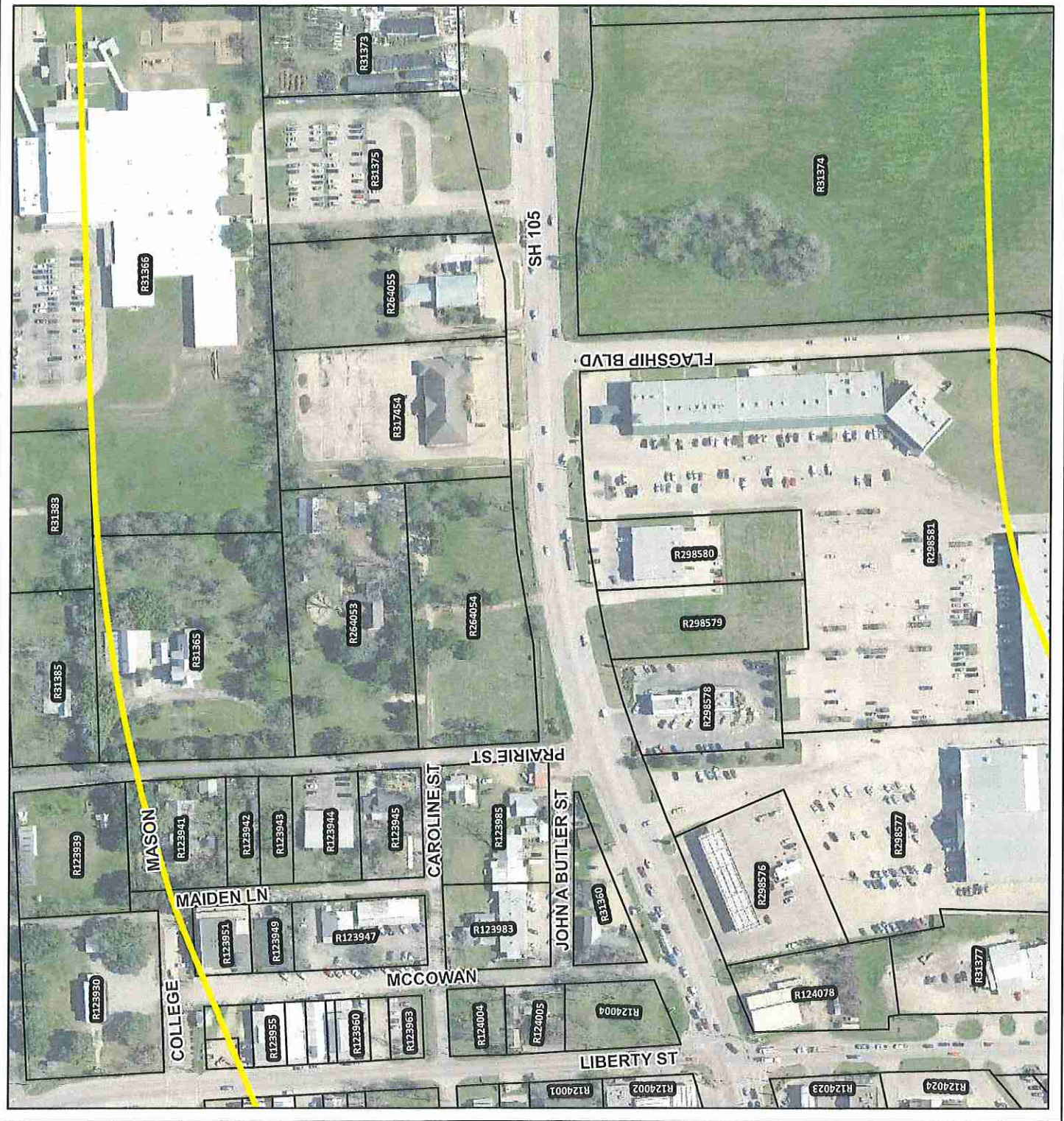


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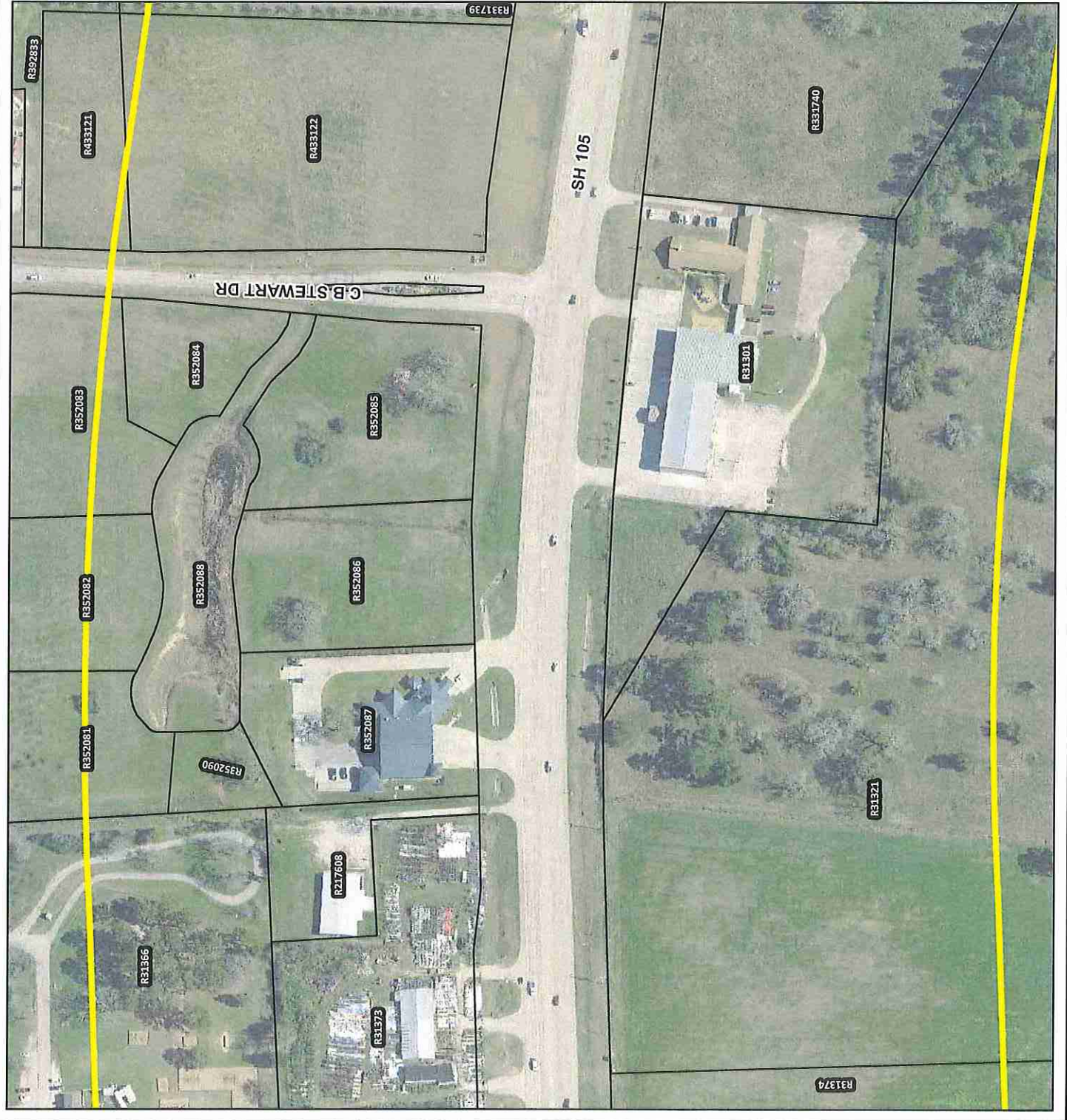
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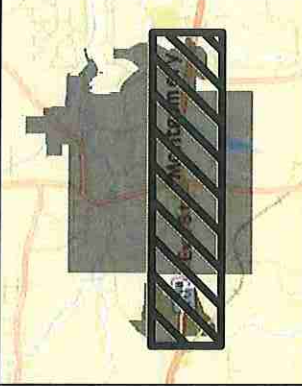
**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-039










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



**LEGEND**

-  750-Ft Buffer
-  City of Montgomery City Limits
-  MCAD Parcels

Aerial Imagery flown January 2016

**CORRIDOR  
ENHANCEMENT  
AREA NO. 1**

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS



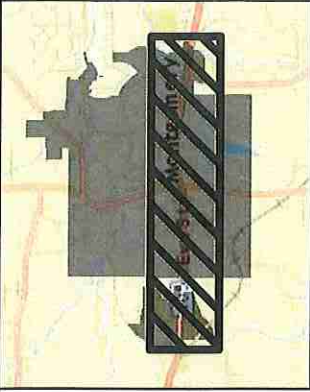
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**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-439





### VICINITY MAP

Scale: 1 inch equals 2 miles

### LEGEND

-  750-Ft Buffer
-  City of Montgomery City Limits
-  MCAD Parcels

Aerial Imagery flown January 2016

## CORRIDOR ENHANCEMENT AREA No. 1

CITY OF MONTGOMERY  
MONTGOMERY COUNTY, TEXAS

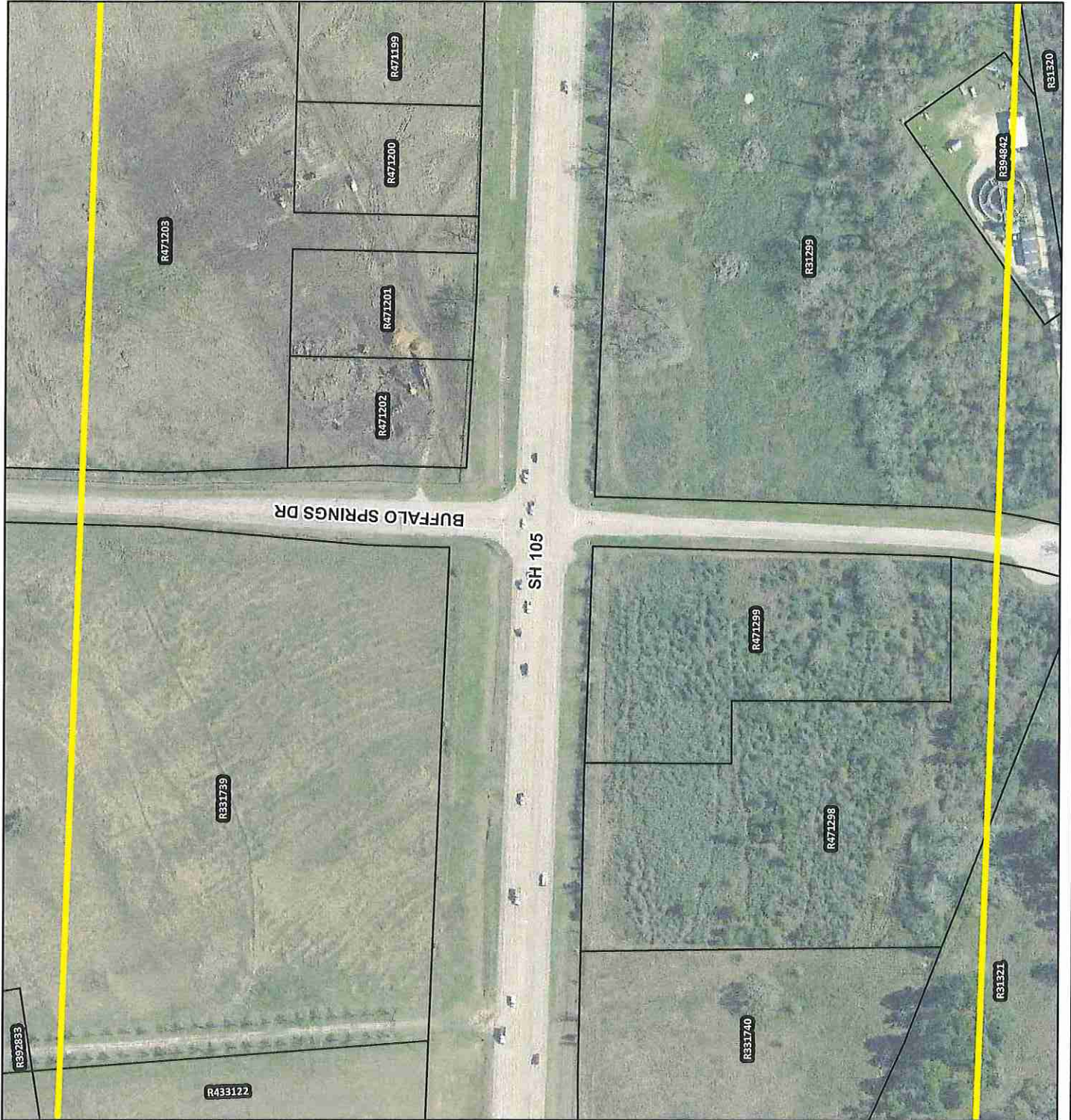


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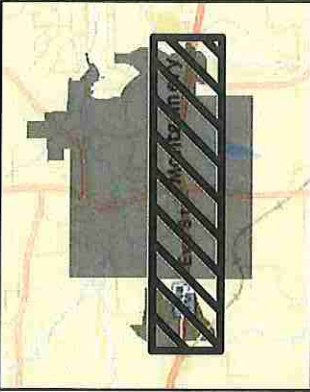
**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-439











**VICINITY MAP**  
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**LEGEND**

-  750-Ft Buffer
-  City of Montgomery City Limits
-  MCAD Parcels

Aerial Imagery flown January 2016

**CORRIDOR ENHANCEMENT AREA No. 1**

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS

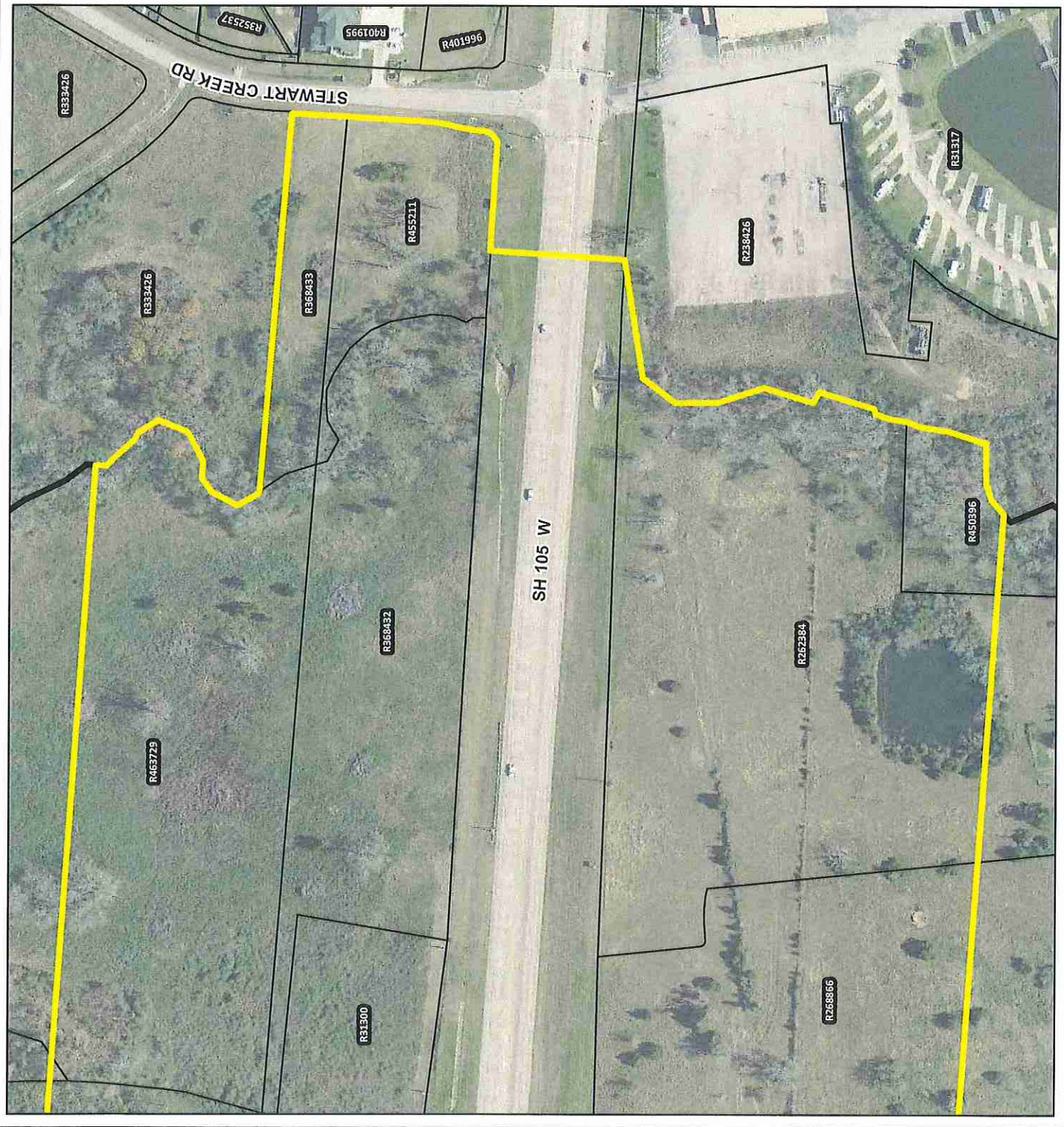


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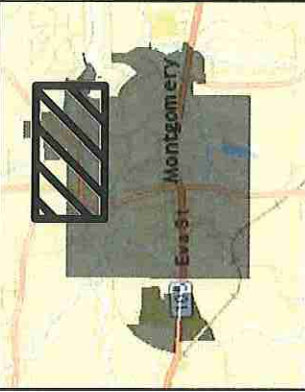
**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-439














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

**LEGEND**

-  300-Ft Buffer
-  City of Montgomery City Limits
-  MCAD Parcels

Aerial Imagery from January 2016

**CORRIDOR  
ENHANCEMENT  
AREA No. 2**

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS



1 inch equals 200 feet

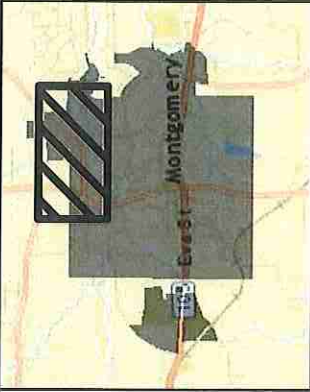
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
**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-439







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

- LEGEND**
-  300-Ft Buffer
  -  City of Montgomery City Limits
  -  MCAD Parcels

Aerial Imagery from January 2016

# CORRIDOR ENHANCEMENT AREA NO. 2

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS

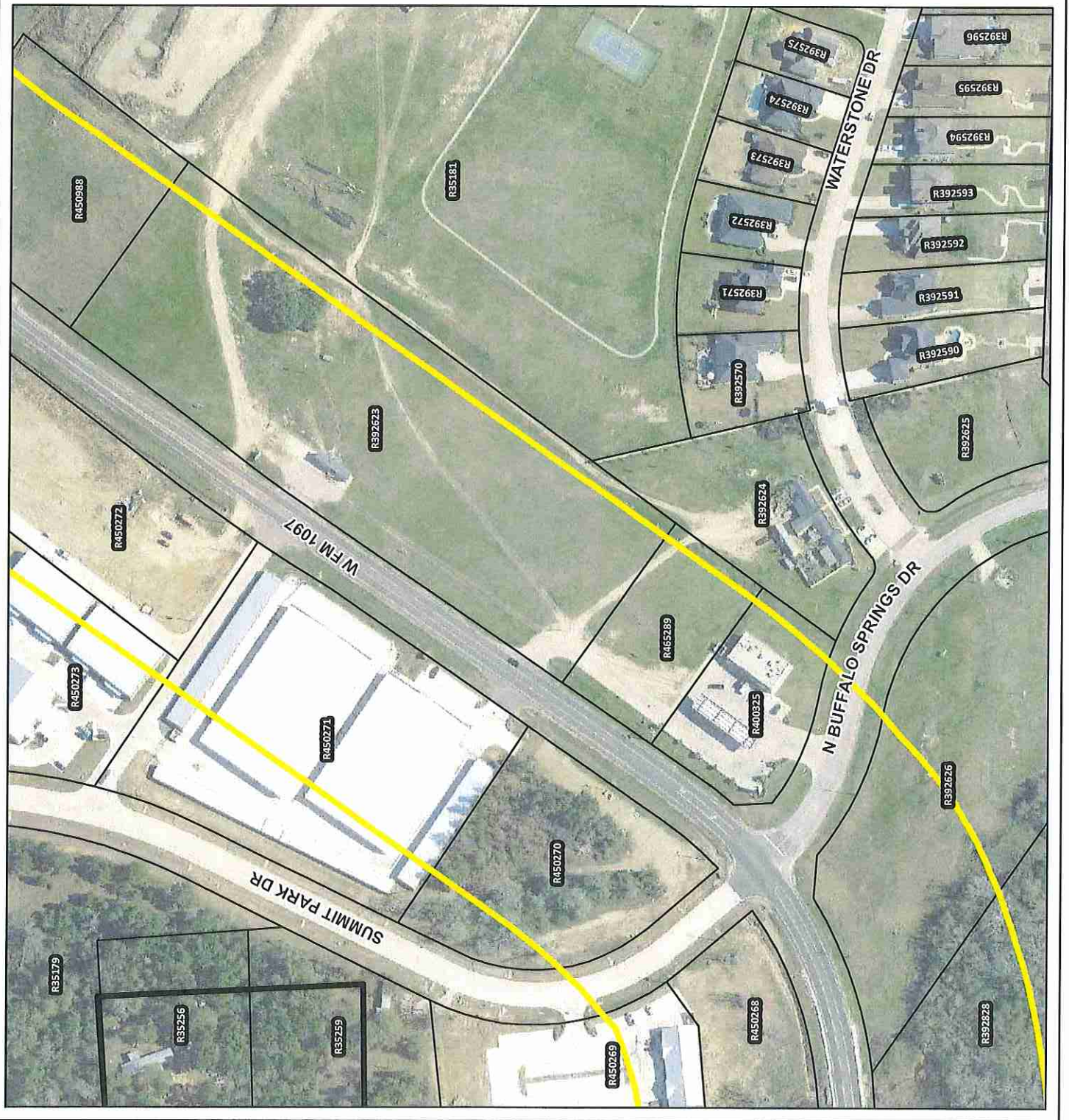


1 inch equals 200 feet

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**JONES & CARTER**  
Texas Board of Professional Engineers Registration No. F-199







Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b> Letter from Appraiser regarding ballot, Resolution, Biographies of Nominees
<b>Date Prepared: November 9, 2017</b>	

### Subject

This is the election of the Montgomery Central Appraisal District Board of Directors.

### Description

As a reminder you nominated Gregory Parker to be on this Board. You need to select three of the names presented - as your vote for who is on the Board.  
Clinton McClaren is a six year councilman for the city of Oak Ridge North.  
Ron Raymaker now serves on the Shenandoah city Council  
Michael Meador is the current County Commissioner  
Gregory Parker is the person that came to the Council meeting and presented himself to you.

### Recommendation

Motion to select \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.

### Approved By

City Administrator

Jack Yates

Date: November 9





## MONTGOMERY CENTRAL APPRAISAL DISTRICT

TONY BELINOSKI, RPA  
CHIEF APPRAISER

October 26, 2017

Re: Official Ballot  
Board of Directors Election (2018-2019 Term),  
for Montgomery Central Appraisal District

Attached is the Official Ballot for the election of the Montgomery Central Appraisal District's Board of Directors. To assist you in the voting process, I am including a sample resolution and copies of the biographies we have received for the candidates named on the ballot.

Your ballot must be returned to my office **before December 15, 2017** with a **signed resolution or ordinance** determining your vote. You may cast all your votes for one candidate or distribute them among the candidates. No votes may be counted for any candidate not listed on the ballot.

**As a reminder to the Special Districts, ALL votes cast by a Special District will go to the Candidate elected by the Special Districts (Charles "Chuck" Hoffheiser).**

Your participation in this election is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tony Belinoski", is written over a light blue circular stamp.

Tony Belinoski, RPA  
Chief Appraiser

Attachments:  
Official Ballot  
Resolution

5-All

Letter-Election.doc

*SERVICE, EXCELLENCE AND EQUITY IN AD VALOREM TAX ADMINISTRATION*

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STATE OF TEXAS §

COUNTY OF MONTGOMERY §

**RESOLUTION  
City of Montgomery**

RESOLUTION CASTING VOTE(S) FOR CANDIDATE(S) FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

**WHEREAS**, in compliance with law which provides that a central appraisal district be governed by a five (5) member board elected according to the taxes levied by each taxing jurisdiction; and

**WHEREAS**, the **City of Montgomery** of Montgomery County, Texas, has been certified by the Chief Appraiser of the Montgomery Central Appraisal District (MCAD) as being eligible and entitled to vote on candidates for the Board of Directors of MCAD; and

**WHEREAS**, the BoardCity Council has considered such candidates;

**THEREFORE BE IT RESOLVED**, that the BoardCity Council of the City of Montgomery, Texas, do hereby cast their **3 votes** for the following candidate(s):

<b>Barry Blanton</b> _____	<b>Clint McClaren</b> _____
<b>Bob Casey</b> _____	<b>Mike Meador</b> _____
<b>Guy Hancock</b> _____	<b>Gregory Parker</b> _____
<b>Peggy Hausman</b> _____	<b>Ron Raymaker</b> _____
<b>Charles Hoffheiser</b> _____	<b>Bruce Tough</b> _____
<b>Bonar Luzey III</b> _____	<b>Carl White</b> _____
<b>Eric Yollick</b> _____	

**PASSED AND APPROVED** this the \_\_\_\_\_, 2017.

\_\_\_\_\_  
s\ Title

ATTEST:

\_\_\_\_\_  
s\Title

**OFFICIAL BALLOT  
BOARD OF DIRECTORS ELECTION  
2018-2019 TERM  
MONTGOMERY CENTRAL APPRAISAL DISTRICT**

**City of Montgomery**

Please cast your **entitled votes (3)** for the candidate(s) of your choice to serve on the Board of Directors for the Montgomery Central Appraisal District for the term:

**JANUARY 1, 2018 - DECEMBER 31, 2019**

<b>CANDIDATE</b>	<b>VOTES CAST</b>
<b>Barry Blanton</b> _____	<b>Clint McClaren</b> _____
<b>Bob Casey</b> _____	<b>Mike Meador</b> _____
<b>Guy Hancock</b> _____	<b>Gregory Parker</b> _____
<b>Peggy Hausman</b> _____	<b>Ron Raymaker</b> _____
<b>Charles Hoffheiser</b> _____	<b>Bruce Tough</b> _____
<b>Bonar Luzey III</b> _____	<b>Carl White</b> _____
<b>Eric Yollick</b> _____	_____

\_\_\_\_\_  
Signature of Presiding Officer

**Please return this completed Ballot with a Resolution BEFORE  
December 15, 2017.**

Montgomery Central Appraisal District  
Attn: Jaclyn Smith  
P. O. Box 2233  
Conroe TX 77305  
Fax: 936-539-8695  
Email: [JaclynS@MCAD-TX.org](mailto:JaclynS@MCAD-TX.org)

## **Barry D. Blanton**

- Blanton Advisors, LLC - Owner & Founder of CFO and Business consulting practice
- Better Bookkeepers, Inc. - Partner
- Live2Lead The Woodlands - Founding Partner
- The University of Texas at Austin - BBA Finance 1982
- 16 years in Banking culminating as President of First Heights Bank Houston
- 10 years with Fleetwood Enterprises culminating as President of Fleetwood Retail Corp.
- 3+ years as VP & CFO of House of Forgings, Inc.
- Leadership Montgomery County - Board Member, Finance Chair
- BBVA Compass Bank Houston - Local Director Board Member
- The Woodlands Hometown Hero Award - 2010 Recipient
- Light The Night Walk Montgomery County - The Leukemia & Lymphoma Society
  - Executive Committee member (multiple years)
  - 2015 Texas Gulf Coast Chapter Executive Challenge Chairman
  - Past Walk Chairman and Executive Committee Chairman (multiple years)
  - 2011 Gulf Coast Chapter Volunteer of The Year
  - Founder and thirteen year team captain of The Blanton Bunch
- Montgomery County United Way - Past Chairman and Campaign Chairman
- South Montgomery County YMCA - Past Chairman
- Conroe Family YMCA – Past Chairman
- WoodsEdge Community Church - Past Men's group leader and Finance Team Chairman
- Advocate of a healthy lifestyle through running...
  - Red X Running - Founder
  - The Woodlands Marathon – Past committee member
  - Ironman Texas - Seven year aid station captain
- Creator and author of the *Monday Morning Minute*
- Public Speaking – motivational, fundraising, and leadership topics including keynote speech entitled *Thirteen Keys to Leadership*

## **Biography – Chuck Hoffheiser**

Birthplace: Baltimore, Maryland in 1952, and lived there until 1974.

I attended public schools, graduating from Baltimore Polytechnic Institute in 1970. I then attended Case Western Reserve University graduating in May 1974 with a Bachelor of Science in Chemistry.

After graduating college, I began my business career in the specialty chemicals industry in technical sales and service, and advanced through levels of increasing responsibility in technical sales and service, product management and marketing strategy, at Goodyear's Chemical Division, Nalco Chemical and Petrolite Corp.

In 1987-1990 while working full time, I completed the MBA Program at the University of Tulsa, with studies concentrated in finance, business strategy and strategic planning.

From 1991 until retirement at the end of 2016, I held various corporate planning positions in oil refining and fuels marketing with Texaco Refining & Marketing, and then a downstream joint venture owned by Texaco, Shell and Saudi Aramco, and then concluded my business career with Shell Oil Products US, and CITGO Petroleum Corporation. During that time, I gained extensive experience in capital project analysis, budgeting, business strategy development, asset valuation and price forecasting. This included evaluating financial and operational risks to any sort of financial forecast. As a result of various transfers or job changes, I have lived in Ohio, Missouri, Oklahoma, California, and since September 1998 at my current address in The Woodlands.

My wife Marlene and I were married in 1975, and we have three married children in Spring, Dallas and Olympia, WA. All have successful careers. We also now have five grandchildren, aged 7 months to 7 years old. My wife and I have been members of Lord of Life Lutheran Church in The Woodlands since 1999.

Community service activities past and present include being a regular blood donor, Habitat for Humanity, refereeing youth and high school soccer games, supporting the USO and Wounded Warriors Project, and currently serving as a Board Member of the Alden Bridge Village Association.

## Bonar Luzey, II

Director



Performance  
Improvement

Houston



- Bonar Luzey, II is a Director with Alvarez & Marsal in Houston, TX. He specializes in financial, operational improvement, supply chain optimization and change management. His primary areas of concentration are procurement and supply chain, the procure-to-pay and order-to-cash business cycles, material planning, working capital optimization, electronic commerce, and asset maintenance.
- With over 18 years of professional experience, Mr. Luzey has created value for organizations of all sizes across numerous industries, including oil and gas (upstream, midstream, downstream), industrial manufacturing, aerospace and the public sector. Mr. Luzey has focused on strategic and tactical initiatives including:
  - Improvement solutions for end-to-end supply chain operations
  - CAPEX, OPEX, SG&A cost reduction identification
  - Strategic sourcing and effective commodity category management
  - Working capital optimization (DSO, DPO, Inventory)
  - Back-office process improvement in procurement, accounts payable, sales, and accounts receivable
  - ERP Implementations (Oracle eBS, SAP)
  - Electronic commerce (eProcurement)
  - Inventory Management and Supply Planning (MPS/MRP)
  - Asset management (maintenance) systems
  - Project Accounting (AFE) business processes and systems
  - Demand planning (sales and operations planning / forecasting)
  - Contract and materials spend analysis
  - Facility management, warehouse operations, and bar coding
  - Vendor managed inventory
- Mr. Luzey has extensive oil and gas experience having worked with companies across the energy spectrum (upstream, midstream, downstream) in some of the most significant oil and gas markets in the world to include the lower 48 shale plays (Anadarko, Barnett, Bakken, Eagle Ford, Haynesville, Marcellus, Niobrara, Permian, and Utica basins) and multiple international markets (Algeria, Argentina, Columbia, Iraq, and Saudi Arabia).
- Prior to joining A&M, Mr. Luzey was with a multi-national oilfield services company, where he served as Director, Procurement & Supply Chain and led global efforts to optimize procurement / supply chain, leverage strategic sourcing, drive cost reduction (CAPEX, OPEX, SG&A), improve enterprise asset management strategy and execution, improve working capital and free cash flow, institute a Sales & Operations Planning strategy, integrate procurement and accounts payable in a procure-to-pay redesign, and facilitate ERP Implementation of Oracle.
- Mr. Luzey earned his bachelor of science degree in business / management from The United States Air Force Academy, a master of business administration degree with a concentration in finance from the University of Phoenix. He was also a Senior Executive Fellow at Harvard University and an ExxonMobil Corporation Fellow. In addition, Mr. Luzey serves on the Board of Directors for Career Recovery Resources, Inc. and is a Board of Advisor member for Texas A&M University, Mays Business School Supply Chain Consortium.

ALVAREZ & MARSAL



Clinton M. McClaren is a 13 year resident of Oak Ridge North, Texas. He was first elected to Oak Ridge North City Council in May 2011, and has served for six consecutive years and was reelected for the third time in May 2017. Clinton has served on several sub-committees and currently serves on the Financial Audit committee, the City Employee Benefits & Personnel committee, and the Solid Waste Advisor committee. He was elected from amongst his peers on council to server as Mayor Pro Tem since May 2014.

Upon graduating from High School in Cameron, Texas, Clinton entered military service in August 1987 and was honorably discharge the US Army in August 1995. Clinton graduated from Texas A&M University in August 1997 with a BBA in Accounting.

Clinton married in May 2001 the former Holly Herrington (40 year resident of Oak Ridge area). They have fraternal twin daughters Sarah and Rachel who attend Vogel Intermediate in CISD.

During the past 20 years he has worked in Wholesale Meat Distribution, Oil & Gas Production, Oil & Gas Pipeline Coating, and Oil & Gas Services. Clinton is currently an Accounting Coordinator for the North American Region for Baker Hughes GE serving in this position since October 2015.

## GREGORY PARKER BIO

Gregory Parker has worked as a technology director and project manager, a city manager, a state agency commissioner and a county commissioner in Texas.

Gregory, holds a Bachelors Degree in Business Administration, a Master's of Public Administration; ABD for his Ph.D. in public Policy and Administration and has completed graduate-level courseware from Massachusetts Institute of Technology (MIT) in Finance, Economics, Public Economics, Econometrics, and Construction Management. He has more than 20+ years of public and private sector management and turn-around experience to include large multi-million dollar organizations. Gregory was inducted into the National Honor Society for Public Affairs and Administration in 2009.

Gregory is also the author of the books "Global Warming...Really," a critical look at the myth and liberal hysteria surrounding climate change and his new book "Conservative Essays for the Modern Era," a collection of five essays that exploring several of the latest issues (identity politics, democratic socialism, gun control, Islam) to reveal the liberal hypocrisy and blatant disregard for basic science and facts.

\*\*\*\*\*

Gregory Parker, Ph.D.(ABD), MPA  
Candidate for Montgomery County Commissioner PCT #2  
"It's Time For Real Change"

## Ron Raymaker

Ron Raymaker currently serves on the Shenandoah City Council, and promotes positive community and economic growth in Montgomery County. Passionate about representing the residents of Shenandoah, Ron believes small towns and cities need a greater voice within the county.

He studied management information systems at the University of Wisconsin and has 25 years of experience leading Fortune 500 companies through organizational and operational transformations. As an investor and licensed realtor, Ron understands real estate issues and how they influence the economy.

Ron is very proud of his special needs son, Sebastiaen, and is grateful for the active support of the special needs community by Montgomery County volunteers.

## Carl White

Carl White is 59 yrs old, He is a resident of Conroe Tx. He is a retired meter technician of Entergy Texas with 36 yrs of service. He is now employed with FEMA as a claims adjuster. He is a high character and integrity man that would serve our Community well

**Eric Yollick**  
**18 South Dulcet Hollow**  
**The Woodlands, Texas 77382**  
**281.363.3591**

October 18, 2017

Dear Voting Jurisdictions:

Thanks to the Montgomery County Commissioners Court for nominating me to run for the Montgomery Central Appraisal District Board of Directors. I take the nomination very seriously. I will take great care to avoid letting you down.

The individual Commissioner who suggested my nomination made four commitments when he ran for public office. I make those same commitments to you, to the citizens of Montgomery County, and to all of the constituent entities of MCAD:

1. Although I realize the MCAD only impacts this issue indirectly, I will work to improve safety and security for our citizens. You've always seen me support our law enforcement community. I shall continue to do so.
2. I will work to ensure that MCAD is fiscally conservative and transparent.
3. I will work to increase mobility, promote industrial growth, and pro-actively plan for progress.
4. I will continue to serve Montgomery County with Texas values and dedication to the Lord.

If you seek someone who claims to be perfect, then I request that you look to others. I am a deeply flawed individual and am constantly trying to learn from others and every source of wisdom. As a Board member of the MCAD, I would hope to learn from you.

Sincerely,



Eric



**ERIC YOLLICK**  
**18 South Dulcet Hollow Circle**  
**The Woodlands, Texas 77382**  
**Telephone 832.496.4898**

**Occupation**

Attorney, Yollick Law Firm, P.C., The Woodlands, Texas (1994 to Present)

Practice areas include corporate planning, financial standards and regulatory compliance, commercial and banking regulatory compliance and law, business litigation, financial litigation, complex bankruptcy litigation, real estate and probate litigation.

Mediator and arbitrator.

Publisher, *The Golden Hammer*.

**Previous Employment**

Wilshire Scott & Dyer, P.C., Houston, Texas (1990 to 1994)  
Attorney practicing in areas of corporate planning and business litigation.

Brown Herman Scott Dean & Miles, Fort Worth, Texas (1989 to 1990)  
Attorney practicing in area of corporate planning, securities compliance, environmental compliance.

Previously worked as law clerk, title examiner, private investigator, toy store assistant manager, exploration geologist (PGEs, gold and silver), and cookie store owner.

Qualified and testified as expert witness in federal and state courts on contaminant hydrogeology, geochemistry, and attorney fees.

**Professional Affiliations**

State Bar of Texas.

Disaster Response Committee, 1993-98, Vice Chairman, 1994-95, Chairman, 1995-96.

Business and Consumer Law Committee, 1997-99.

Texas Disciplinary Rules of Professional Conduct Committee, 2000-01.

Outstanding Young Lawyer of Texas, Texas Young Lawyers Association, 1995.

Consumer Law Section.

State Bar of Colorado.

Bar of the District of Columbia.

United States Court of Appeals for the Fifth Circuit.

United States Court of Appeals for the Federal Circuit.

United States District Court for the Southern District of Texas.

United States District Court for the Northern District of Texas.

United States District Court for the Eastern District of Texas.  
United States District Court for the Western District of Texas.  
United States District Court for the District of Colorado.  
American Bar Association  
House of Delegates, 1997-99.  
Montgomery County Bar Association  
President, 2005 to 2006.  
President-Elect, 2004 to 2005.  
Treasurer, 2001 to 2004  
Director, 2001 to 2009.  
Law Library Committee Chairman, 2000 to 2005.  
Website Committee Chairman, 2005 to 2009.  
Board Certified in Consumer and Commercial Law, Texas Board of Legal  
Specialization, 1995 to present.  
Certified Mediator, A.A. White Dispute Resolution Institute.  
Texas Association of Bank Counsel.  
Member, Society of Economic Geologists.  
Member, Society of Historians of American Foreign Relations.  
American Numismatic Association.

#### Education

M.A., 2016, Sam Houston State University, Huntsville, Texas.  
Department of History.  
Thesis: "Yoda: Andrew Marshall, American Hero."  
  
J.D., 1989, Southern Methodist University School of Law, Dallas, Texas.  
International Law Review.  
American Jurisprudence Award, Constitutional Law.  
Maurice Purnell Scholar.  
  
A.B., 1983, Princeton University, Princeton, New Jersey.  
*Summa cum laude.*  
*Sigma Xi.*  
Major: Geological and Geophysical Sciences.  
Senior Thesis: The Sulphur Hill Skarn Deposit in New Jersey.  
Edward Sampson, Class of 1914, Prize in Economic Geology.  
  
Certificate in Advanced International Affairs, 2008, Bush School of  
Government and Public Service, Texas A&M University, College Station,  
Texas.  
  
Took classes in calculus and differential equations at Montgomery  
College, The Woodlands, Texas.  
  
Took graduate courses in geology (petrology, thermochemistry,  
hydrogeology, and geochemistry) at the University of Texas at Austin  
from 1983 to 1984.

**Community  
Service**

Montgomery County Hospital District Board of Directors.

Director (elected Countywide in contested 2004 election,  
appointed to fill unexpired term in 2003), 2003 to 2006.

Board Secretary, 2003 to 2006.

Planning and Development Committee Chairman, 2003 to 2004,  
2005 to 2006.

Federally Qualified Healthcare Center Committee Chairman, 2004  
to 2005.

Montgomery County Healthcare Foundation Board of Directors.

Director, 2001 to 2003.

Board Chairman, 2002 to 2003.

Involved in numerous fundraisers, particularly to support basic cancer  
research and preventive cancer counseling.

**High School**

St. Mark's School of Texas, Dallas, Texas, 1979.

Graduated *Cum Laude*.

**Personal**

Married for 32 years to Tamara Anne Yollick (née Drake).

Lives in The Woodlands.

1 son, Nicholas, age 31, graduated from Tulane University, 2008, with  
double major in Political Science and Latin American Studies. Graduated  
from University of Denver masters graduate program in international  
security affairs, 2012.

Hobbies: Reading, running, ice climbing, mountaineering, diplomatic and  
military history, strategic studies, LEGO construction,  
numismatics.

Born July 14, 1961, Dallas, Texas.

# ERIC YOLLICH STATEMENT OF NO CONFLICTS


## QUALIFICATIONS FOR AN APPRAISAL DISTRICT DIRECTOR

[Texas Property Tax Code 6.03]

To be eligible to serve on the board of directors, an individual must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office.

An individual is **ineligible** to serve if the individual is:

- IN NOT. (P) An employee of a taxing unit in the district [a person may be an elected official of a taxing unit].
- IN NOT. (P) An appraisal district employee.
- IN NOT. (P) A person (or spouse) or business entity that contracts with the appraisal district or with a taxing unit in the appraisal district.
- IN NOT. (P) A person (or spouse) or business entity that is a participant in a current lawsuit with the district.
- IN NOT. (P) A person or relative within the second degree by consanguinity or affinity who does business in the appraisal district as a paid property tax agent or fee appraiser whose work involves property taxes.

 ← SIGNATURE

Board Member's Relatives	Prohibitions
<p><b>1st Degree by Consanguinity:</b>                      Parents (by adoption)                      Children (by adoption)                      Brothers &amp; Sisters</p> <p><b>1st Degree by Affinity (and their spouses):</b>                      Spouse                      Spouse's Parents, Children, Brothers &amp; Sisters                      Stepparents and Stepchildren</p> <p><b>2nd Degree by Consanguinity:</b>                      Grandparents      Grandchildren                      Aunts &amp; Uncles      First cousins                      Nieces &amp; Nephews</p> <p><b>2nd Degree by Affinity</b>                      Spouse's grandparents      Spouse's first cousins                      Spouse's grandchildren      Spouse's nieces &amp; nephews:                      Spouse's aunts &amp; uncles</p>	<p>May not work for the appraisal district. If any one of the listed relatives does business in the appraisal district as a paid property agent or as a fee appraiser whose work involves property taxes, the member is <u>ineligible</u> to serve.</p>
<p><b>3rd Degree by Consanguinity:</b>                      Great grandparents      Second cousins                      Great Grandchildren      Great nieces &amp; nephews                      Great aunt &amp; uncles</p>	<p>May not work for the appraisal district</p>
<p><b>3rd Degree by Affinity:</b></p>	<p>No Prohibitions</p>



Michael Meador  
3511 Falconway  
Conroe, TX 77304

Education: Willis High School  
Willis, Texas

Accounting Degree  
Sam Houston State University  
Huntsville, Texas

Occupation: Montgomery County Commissioner  
Pct. 1- Since January, 1993

Wife: Janie Houser Meador

Children: Gary  
Michelle  
Carrie

Grandchildren: Morgan  
Braden  
Mason  
Bailey  
Reilly  
Claire  
Avery  
Janiecate  
Walker

Member: 1<sup>st</sup> Baptist Church of Conroe  
Lifetime Member Montgomery County Fair Association  
Lifetime Member Friends of Conroe  
LCRW Charter Member  
Lake Conroe Chamber of Commerce  
Montgomery County Mental Health Treatment Facility Board Member

## **Candidate Profile: Bruce Tough**

Bruce Coulson Tough currently serves on the Montgomery Central Appraisal District Board. He earned his undergraduate degree from the University of Houston, graduating with a Bachelor of Science Degree with Honors. He received his Doctorate of Jurisprudence from the University of Houston Law Center. Tough is the founder of Tough Law Firm, PLLC, voted as the 2010 Small Business of the Year Award by the Lone Star College System, Montgomery College, located in The Woodlands area.

Tough moved to The Woodlands, Texas in 1996 and first became involved in the community by becoming elected as a Director on the Woodlands Community Association Board (WCA), the forerunner of the current Woodlands Township. He held that position on the WCA from 1999 to 2010, holding the position as President from 2000 – 2004. He was also elected the Chairman of The Woodlands Community Service Corporation which provided city type services to all of the residents of The Woodlands.

Bruce Tough was elected as President of The Woodlands Fire Department in 2000 – 2004, 2006 – 2011 during which time the department increased its Public Protection Class rating, commonly referred to as an ISO rating, from an ISO (4) Four to an ISO (1) One. The department also built a state of the art training facility to meet the preparedness and development needs of regional entities in the area of emergency management and response.

In 2003, Bruce Tough was elected as a Trustee on the Conroe Independent School District and served in that position until 2008. Also in 2008, Tough was elected for the position of Director on the Board of Directors of the newly formed governmental entity, The Woodlands Township. He served as Chairman of the Board from 2010 to 2015.

Tough has served as a Director and Chairman of the Woodlands Area Chamber of Commerce/The Woodlands Chamber of Commerce, Chairman of the annual Economic Outlook Conference, Chairman of the Boy Scouts of America Tall Timbers District, as well as many other civic activities in The Woodlands, Montgomery County and Houston region.

Bruce Tough serves on many Boards and organizations including being elected Secretary/Treasurer for the Center for Houston's Future in January, 2015.

Bruce Tough resides with his wife, Diana, and four daughters, Madison, Tara, Abby and Sydney, in The Woodlands, Texas.

## Bob Casey

Bob Casey, 60, is a retired law enforcement officer, property owner and taxpayer in Montgomery County.

He moved here in 1993 from Harris County. He had a long career in law enforcement, first being commissioned in 1982, working for the Harris County Sheriff's Department until 2000, then transferring to the Harris County Precinct 6 and 7 Constables office, until retiring in 2010.

He serves as Republican Precinct Chair for Precinct 68. He is a life member of the 100 Club, and is member of Oakwood Masonic Lodge #1444 in Conroe, and have been a Mason since 1986. He also has been a member of the Shriners since 1992.

He has served as a right of way commissioner for TxDOT, and as a member of the Board of Directors of the Montgomery County Mental Health Treatment Facility.

He was born in 1957, is married to Pam Casey, with two adult children and one grandchild. His children attended Conroe ISD schools. He currently volunteers with the San Jacinto County Sheriff's Department.

**GUY HANCOCK  
210 KINGS ROW  
NEW CANEY, TEXAS 77357  
(713) 254-5464**

## **WORK HISTORY**

### **1968-1972**

Aircraft mechanic on C141 for the US Air Force. While in the Air Force I earned my pilots license in 1970. I also earned my A&P license which stand for aircraft mechanic license.

### **1972**

Moved to New Caney working for Superior Oil as aircraft mechanic and pilot

### **1973**

A group of men and myself worked diligently for the residents of New Caney to have a regulated water and sewer system in our area. With much hard work we were able to put it on the New Caney ballot for residents to voice their opinions and vote on the matter and it passed with flying colors therefore making the way to begin the New Caney MUD District. After about 5 years the project was finally completed and has been serving the community ever since.

### **1974**

Because I had a degree in Air Conditioning & Heating I decided to establish an air Condition Company named Guy's AC & Heating on a part-time basis and as business grew the decision was made that I would become full-time in 1982 when the company I was presently working for, Superior Oil decided to move its home office to New York.

### **1976**

Because of my previous work for the implementation of the New Caney MUD District I was asked by EMCED to help them on the water rights off of Jean Campbell road. My hopes were to have the New Caney MUD District team up with the Jean Campbell project but was never successful in getting the two entities together thus



the need arose to start the MUD 3 District where I served as their president until moving to the Fire Department.

**1978**

At this time I was asked by the Commissioner of New Caney and Ed Rinehart to serve on the board at the New Caney Fire Department. There were many problems within the Fire Department at the time and the need for someone to come in and help was very important therefore I was made Board President for the New Caney Fire Department. During my years on the Board I was very blessed and thankful to work alongside some great men and women in this department.

**2012- Current**

After many years of working I decided to retire from the company I started, Guy's AC & Heating and sell it to my daughter. I continue to serve as a consultant to the company and as a mentor to my son-in-law who runs the daily activities of the business.

**2014- Current**

Because of my strong beliefs in giving back to the community I decided to start mentoring students in our district because I believe I can make a difference in their lives and give them hope in a world today that seems to be tearing family values apart.

**1997- Current**

I have been very honored and blessed through the years to have the opportunity to have sat on many committees for my church, First Baptist Church of Porter and am currently serving as Chairman of the Finance Committee.

**REFERENCES**

Can be furnished upon request

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: Ordinance with rates attached</b>
<b>Date Prepared: November 9, 2017</b>	

**Subject**

This is the ordinance adopting the new water and sewer rates.

**Description**

This is the formal adoption of the water and sewer rates. They will be effective November 20<sup>th</sup> for the January 1 bills covering the period from November to December of water consumption.

**Recommendation**

Motion to approve Ordinance as presented.

**Approved By**

City Administrator	Jack Yates	Date: November 9
--------------------	------------	------------------

Motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_,

and passed by a \_\_\_\_\_ to \_\_\_\_\_ vote that the following Ordinance by passed:

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ORDINANCE NO. 2016-18, DATED SEPTEMBER 13, 2016, BY ESTABLISHING AND ADOPTING NEW MONTHLY SERVICE RATES AND CHARGES FOR WATER AND SEWER SERVICE FOR CONSUMERS INSIDE AND OUTSIDE THE CITY PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION**

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

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

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

**WHEREAS**, the City Council believes it is appropriate to amend the existing Ordinance No. 2016-18, passed on September 13, 2016, at Sections 1 and 3 of said Ordinance, while concurrently creating this new Ordinance providing for new residential and commercial water and sewer rates and other charges as set out in Appendixes "A" and "B" attached hereto; and

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

WHEREAS, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the proposed amended water and sewer rates on the 14th day of November 2017;

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

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

**SECTION 2. Amendments to City Ordinance No. 2016-18.** City Ordinance No. 2016-18 is hereby amended at Section 1, related to Water Service monthly rates, and at Section 3, related to Sewer Service monthly rates, to read as follows:

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

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

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

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

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

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



**SECTION 5. Severability Clause.** If any provision, section, subsection, sentence, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held to be unconstitutional, void, or invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

**SECTION 6. Texas Open Meetings Clause.** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 7. Effective Date.** This Ordinance shall become effective and be in full force after publication as required by law.

PASSED AND APPROVED this \_\_\_\_\_ day of November 2017.

\_\_\_\_\_  
Kirk Jones, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

*Appendix "A"*  
 Monthly Utility Rates for the City of Montgomery for Oct 2017

<b>Water Rates - 100</b>	<b>Amount</b>	<b>Amount</b>
<b>Residential Consumers</b>	<b>Inside</b>	<b>Outside</b>
	<i>Code 100</i>	<i>Code 110</i>
For the first 2,000 gallons of water used	Up to First 2K-\$16.00	Up to First 2K-\$20.00
Next 2,000 gallons (3 - 4)	Next 2K-\$2.25	Next 2K-\$2.50
Next 2,000 gallons (5 - 6)	Next 2K-\$2.75	Next 2K-\$3.00
Next 2,000 gallons (7 - 8)	Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (9 - 10)	Next 2K-\$3.75	Next 2K-\$4.00
Next 5,000 gallons (11 - 15)	Next 5K-\$4.25	Next 5K-\$4.50
Next 5,000 gallons (16 - 20)	Next 5K-\$4.75	Next 5K-\$5.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$5.50	Over 20K-\$5.75
<b>Commercial Consumers</b>	<i>Code 120</i>	<i>Code 130</i>
For the first 2,000 gallons of water used	Up to First 2K-\$19.50	Up to First 2K-\$25.50
Next 2,000 gallons (3 - 4)	Next 2K-\$2.75	Next 2K-\$3.50
Next 2,000 gallons (5 - 6)	Next 2K-\$3.25	Next 2K-\$4.00
Next 2,000 gallons (7 - 8)	Next 2K-\$3.75	Next 2K-\$4.50
Next 2,000 gallons (9 - 10)	Next 2K-\$4.25	Next 2K-\$5.00
Next 5,000 gallons (11 - 15)	Next 5K-\$4.75	Next 5K-\$5.50
Next 5,000 gallons (16 - 20)	Next 5K-\$5.25	Next 5K-\$6.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$5.75	Over 20K-\$6.25
<b>Institutional Consumers (Schools)</b>	<i>Code 140</i>	
For the first 30,000 gallons of water used	Up to First 30K-\$396	
For water used in excess of 30,000 gallons, the rate per thousand gallons used	Over 30K-\$5.35	
<b>Multi-Family Consumers</b>	<i>Code 102</i>	
For the first 30,000 gallons of water used	Up to First 30K-\$500	
For water used in excess of 30,000 gallons, the rate per thousand gallons used	Over 30K-\$5.50	

*Appendix "B"*

Monthly Utility Rates for the City of Montgomery for Oct 2017

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

Monthly Utility Rates for the City of Montgomery for Oct 2017 (Yr 2)

<b>Sewer Rates - 200</b>		<b>Amount</b>	<b>Amount</b>
<b>Residential Consumers</b>		<b>Inside</b>	<b>Outside</b>
		<i>Code 100</i>	<i>Code 110</i>
For the first 2,000 gallons of water used		Up to First 2K-\$12.50	Up to First 2K-\$16.00
Next 2,000 gallons (3 - 4)		Next 2K-\$2.25	Next 2K-\$2.50
Next 2,000 gallons (5 - 6)		Next 2K-\$2.75	Next 2K-\$3.00
Next 2,000 gallons (7 - 8)		Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (9 - 10)		Next 2K-\$3.75	Next 2K-\$4.00
Next 5,000 gallons (11 - 15)		Next 5K-\$4.25	Next 5K-\$4.50
Next 5,000 gallons (16 - 20)		Next 5K-\$4.75	Next 5K-\$5.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used		Over 20K-\$5.50	Over 20K-\$5.75
<b>Commercial Consumers</b>		<b>Code 120</b>	<b>Code 130</b>
For the first 2,000 gallons of water used		Up to First 2K-\$22.50	Up to First 2K-\$26.00
Next 2,000 gallons (3 - 4)		Next 2K-\$4.50	Next 2K-\$4.75
Next 2,000 gallons (5 - 6)		Next 2K-\$4.75	Next 2K-\$5.00
Next 2,000 gallons (7 - 8)		Next 2K-\$5.00	Next 2K-\$5.25
Next 2,000 gallons (9 - 10)		Next 2K-\$5.25	Next 2K-\$5.50
Next 5,000 gallons (11 - 15)		Next 5K-\$5.50	Next 5K-\$5.75
Next 5,000 gallons (16 - 20)		Next 5K-\$5.75	Next 5K-\$6.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used		Over 20K-\$9.35	Over 20K-\$9.50
<b>Institutional Consumers (Schools)</b>		<b>Code 140</b>	
A fixed rate fee of		Flat rate - \$300	
All usage rate fee at the per thousand		All usage times - \$9.35	
<b>Multi-Family Consumers</b>		<b>Code 102</b>	
A fixed rate fee of		Flat rate - \$300	
All usage rate fee at the per thousand		All usage times - \$9.50	
<b>Industrial Consumers</b>			
Rates for this Class will be handled on a case by case basis			



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b> Letter from Chairman Cox to submit the Capital Improvement Advisory Committee (CIAC) report, The CIAC report.
<b>Date Prepared: October 31, 2017</b>	

### Subject

This is a required period, according to state law, of the CIAC Report regarding the need for capital improvements and the impact fees to be charged by the City to partially pay for those improvements and calling a public hearing to consider amending the present impact fee ordinance.

### Description

The changes in the Report from the original Report are marked in red.

The Water Impact Fee Calculations section of the Report reads that within 10 years the city can expect an additional 1,829 services and by 2025 the total number of single-family equivalents will be 2,527. With \$6,844,000 of water capital projects needed in this same ten-year period and the Allowed Recoverable of \$4,350,142 divided by the 1,829 leaves an impact fee for a 5/8-inch meter (the most commonly used residential sized meter) of \$1,189 which is \$63 less than the first Report showed. The table for commonly used meters and maximum water fees shows that each size is less than the first Report showed.

The Wastewater Impact Fee Calculations section of the Report reads that within 10 years the city can expect an additional 1,829 and by 2025 the total number of single-family equivalents will be 2,527. With \$19,580,000 of sewer capital projects needed and the Allowed Recoverable of \$9,703,115 divided by the

Montgomery City Council  
**AGENDA REPORT**

1,829 an impact fee for a standard residential sewer connection at \$2,653 which is \$140 less than the first Report showed. The table for commonly used sizes of connections is showed.

The \$1,189 for water impact fee and the \$2,653 for sewer impact fee totals \$3,842 per new residential connection. This fee plus the cost of the actual meter is the charge for a new residential connection. The

The land-use assumption continues to be the zoning map of the city.

**Recommendation**

Consider the report, no need to make any decisions until after the public hearing, being called at the next item on the agenda.

**Approved By**

City Administrator

Jack Yates

Date: November 8, 2017



# 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 blue 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





**LEGEND**

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

LAST AMENDED 11 APRIL 2017  
VIA ORDINANCE NO. 2017-10  
\*Maple Avenue District January 2016

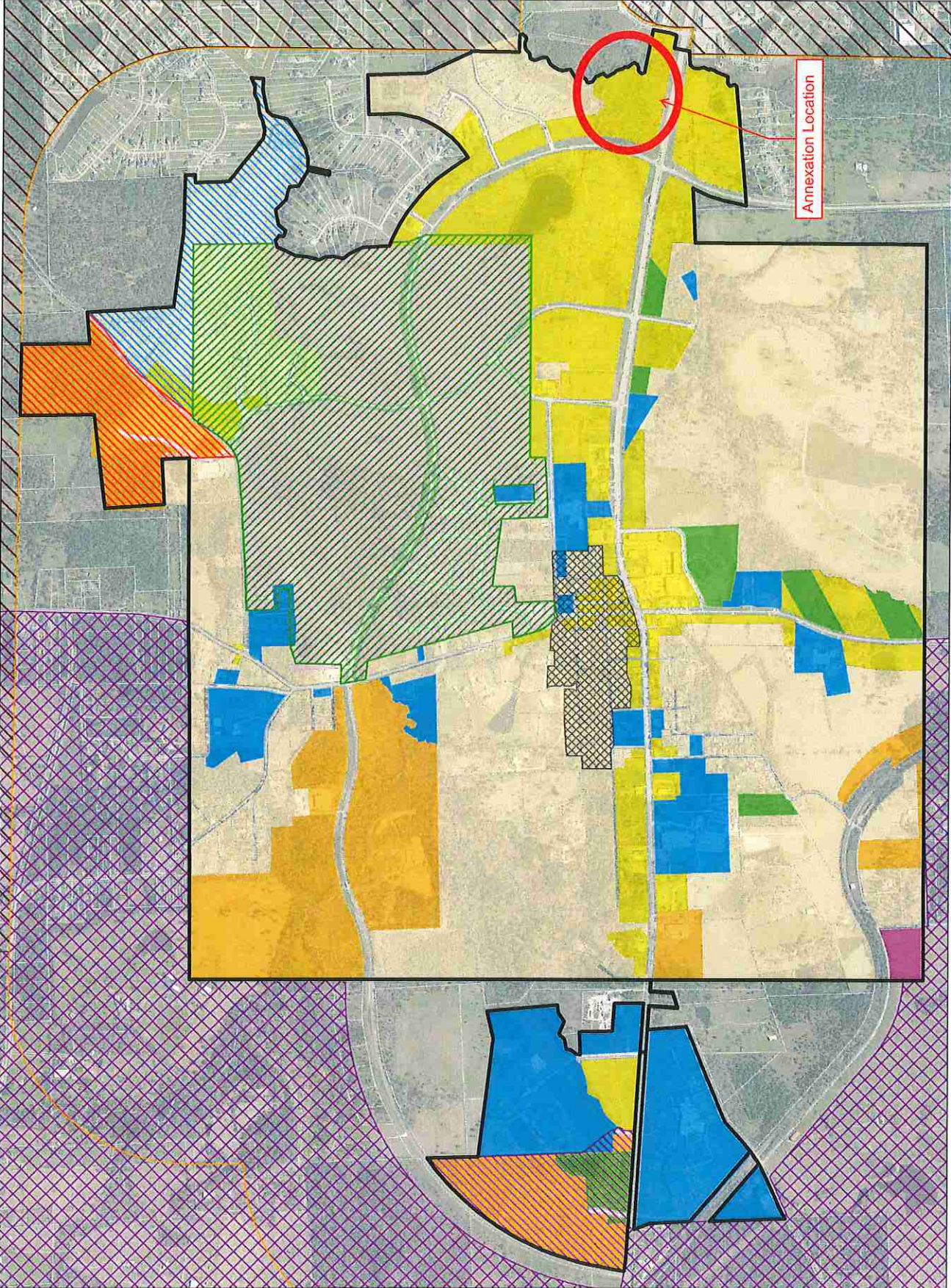


**ZONING LAYOUT**  
(SEPTEMBER 2017)



1 inch equals 650 feet

**DISCLAIMER:**  
This map is for informational purposes only and does not constitute a contract. It is not intended to be used as a basis for any legal action. The City of Commerce is not responsible for any errors or omissions on this map. The City of Commerce is not responsible for any damages, including consequential damages, arising from the use of this map. The City of Commerce is not responsible for any actions taken by any person based on the information contained in this map. The City of Commerce is not responsible for any actions taken by any person based on the information contained in this map. The City of Commerce is not responsible for any actions taken by any person based on the information contained in 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)
<b>10-year Additional ESFC's</b>			<b>1,829</b>	<b>(+92)</b>

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

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

$$\begin{aligned} \text{Impact fee per service unit} &= \frac{\text{10-year recoverable costs}}{\text{10-year additional service units}} = \frac{\$4,350,142}{1,829} \quad (+92) \\ \text{50\% Reduction} &= 50\% \times \$ &= \$1,189.00 \quad (-63) \end{aligned}$$

Therefore, the maximum assessable impact fee per service unit is \$1,189.00. (-63)

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 Water Fee (\$)	
5/8"	15	1.00	1,189	(-63)
3/4"	25	1.67	1,986	(-105)
1"	40	2.67	3,172	(-171)
1 1/2"	120	8.00	9,512	(-506)
2"	170	11.33	13,471	(-716)
3"	350	23.33	27,739	(-1,475)
4"	600	40.00	47,500	(-2,558)
6"	1,200	80.00	95,120	(-5,056)
8"	1,800	120.00	142,680	(-7,584)

## WASTEWATER IMPACT FEE CALCULATIONS

Based on the City's 10-year growth projections and the resulting water demand projections, wastewater service will be required for an additional 1,829 service units. For simplicity, the average daily flow for wastewater is compared to the meter size. The calculation is as follows:

(+92)

- A service unit, which is a unit of development that consumes approximately 250 gallons per day (GPD), is an equivalent single family connection that uses a 5/8" meter. **Table 1.7** outlines the future wastewater demand projections and its relationship to the additional service units projected for the next 10-years.



**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	(+92)
<b>10-year Additional ESFC's</b>			<b>1,829</b>	<b>(+92)</b>

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
<b>Total</b>	<b>\$19,580,000</b>		<b>\$9,703,115</b>

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 <sup>th</sup> 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 <sup>th</sup> day before L	§ 395.049	9
K.	12/6/2016	Committee files written comments on IF	Before the 5 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b> Resolution calling public hearing
<b>Date Prepared: November 9, 2017</b>	

### Subject

This is the calling of a public hearing to give the public an opportunity to comment upon the proposed impact fees.

### Description

The suggested date of the public hearing is December 12<sup>th</sup> at the December regular Council meeting. At that meeting you will have the public hearing, and then following that you will have an action item to adopt the impact fees.

### Recommendation

Approve the resolution calling the public hearing on the impact fees for December 12, 2017.

### Approved By

City Administrator	Jack Yates	Date: November 9, 2017
--------------------	------------	------------------------



**RESOLUTION 2017-**

**A RESOLUTION CALLING A PUBLIC HEARING BEFORE THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS TO BE HELD 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 DIRECTING SAID NOTICE BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY OF MONTGOMERY, TEXAS AND POSTING ON THE CITY'S WEBSITE.**

**WHEREAS**, the City Council has approved Resolution 2016-06 creating the City of Montgomery Capital Improvement Advisory Committee (“CIAC”) appointing its members, and establishing the Committee's functions, duties and rules of conduct associated with the study, consideration, development and adoption of impact fees pursuant to the Texas Local Government Code Chapter 395 (“Impact Fee Statute”); and

**WHEREAS**, the City Council approved and adopted Resolution No. 2016-12 approving the proposed land use assumptions and capital improvements plan relating to impact fees for water and wastewater improvements; and

**WHEREAS**, the City Council passed Ordinance No. 2016-21, dated December 13, 2016, approving impact fees for the City of Montgomery; and

**WHEREAS**, Texas Local Government Code Section 395.058 (c) requires the CIAC to file semiannual reports with respect to the progress of the capital improvements plan and report to the City Council any perceived inequities in implementing the plan or imposing the impact fee; and advise the City Council of the need to update or revise the land use assumptions, capital improvements plan, and impact fee; and

**WHEREAS**, Texas Local Government Code Sec. 395.052 requires a political subdivision imposing an impact fee to update its land use assumptions and capital improvements plan at least every five years; to review and evaluate its current land use assumptions; and to cause an update of the capital improvements plan as required by law; and

**WHEREAS**, the CIAC conducted a meeting on September 20, 2017 to consider the progress of the capital improvements plan and updates to the land use assumptions and capital improvement plan relating to City’s approved impact fees for water and wastewater improvements; and



**WHEREAS**, the CIAC has submitted written comments and suggestions to the City Council by which the CIAC recommends certain updates to the land use assumptions and capital improvement plan; and

**WHEREAS**, Texas Local Government Code Section 395.053 requires the City Council to hold a public hearing to review and discuss the CIAC's comments and suggestions concerning the City's land use assumptions and capital improvement plan;

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

1. That the City Council of the City of Montgomery, Texas does hereby call a public hearing to be held on the 12<sup>th</sup> day of December 2017, at 6:00 o'clock p.m. at City Hall, 101 Old Plantersville Road, Montgomery, Texas 77356, at which time all persons desiring to be heard will be heard on or in connection the Montgomery Capital Improvement Advisory Committee's comments concerning the City's land use assumptions and capital improvements plan.

2. The City Council directs the City Secretary to publish and post the notice of public hearing pursuant to the requirements of the Open Meetings Act and Chapter 395 of the Texas Local Government Code.

**PASSED, APPROVED, and ADOPTED** this 14<sup>th</sup> day of November 2017.

**CITY OF MONTGOMERY, TEXAS**

\_\_\_\_\_  
Kirk Jones, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: Petition, Resolution</b>
<b>Date Prepared: November 9, 2017</b>	

### Subject

This is to call a public hearing for the annexation of 3.22 acres owned by Peter Hill. This is the property that is directly south of the Pizza Shack, where you will be hearing the feasibility study for this property later in the meeting.

### Description

This is simply to start the public hearing process. The City Attorney and Susan Hensley are recommending December 12 and January 9

### Recommendation

Motion to adopt Resolution setting public hearings for December 12, 2017 in January 9, 2018 at 6:00 p.m. at City Hall for both dates.

### Approved By

City Administrator	Jack Yates	Date: November 9
--------------------	------------	------------------

**PETITION REQUESTING ANNEXTION BY AREA LANDOWNERS**

TO THE MAYOR OF THE GOVERNING BODY OF MONTGOMERY, TEXAS

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

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

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

Signed: 

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

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

GIVEN under my hand and seal of office, this the 7<sup>th</sup> day of November, 2017.

  
Notary Public in and for the State of Texas







## “A LAND SURVEYING COMPANY”

November 6, 2017  
A8AC3.22

Being 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, being more particularly described as follows:

**COMMENCING** at a PK nail found for the northwesterly corner of a called 48.540 acre tract as recorded under Clerk's File No. 2007-000741 Deed Records Montgomery County, Texas, being along the of the southerly right of way line of State Highway 105 (R.C.W. Varies), and being the northeasterly corner of said 5.71 acre tract;

THENCE S 03 deg. 48' 31" E along the westerly line of said 48.540 acre tract, also along the easterly line of said 5.71 acre tract, a distance of 308.15 feet to a found PK nail, being the most easterly south corner of said 5.71 acre tract;

THENCE N 87 deg. 26' 35" W, along the northerly line of said 48.540 acre tract, also along the southerly line of said 5.71 acre tract, a distance of 95.82' to a found PK nail;

THENCE S 01 deg. 47' 27" W, along the northerly line of said 48.540 acre tract, also along the southerly line of said 5.71 acre, a distance of 17.85' to a found PK nail;

THENCE N 87 deg. 16' 39" W, along the northerly line of said 48.540 acre tract, also along the southerly line of said 5.71 acre a distance of 231.56' a point for corner along the northerly line of said 48.540 acre tract, also being along the southerly line of said 5.71 acre tract, and being the easterly corner of herein described tract, and being the **POINT OF BEGINNING**;

THENCE N 87 deg. 16' 39" W, along the northerly line of said 48.540 acre tract, also along the southerly line of said 5.71 acre, a distance of 5.68' to a found PK nail;

THENCE S 86 deg. 42' 40" W, along the northerly line of said 48.540 acre tract a distance of 145.64' to a 5/8" iron rod found, being the most westerly north corner of said 48.540 acre tract, being an interior corner of herein described tract;

THENCE S 12 deg. 11' 42" W, along the westerly line of said 48.540 acre tract a distance of 102.69' to a 5/8" iron rod found;

THENCE S 78 deg. 19' 16" E, along the southerly line of said 48.540 acre tract a distance of 62.50' to a 5/8" iron rod found;



THENCE N 10 deg. 25' 11" E, along the easterly line of said 48.540 acre tract a distance of 39.11' to a 5/8" iron rod found;

THENCE S 79 deg. 31' 27" E, along the southerly line of said 48.540 acre tract a distance of 100.21' to a 5/8" iron rod set, being an interior corner of said 48.450 acre tract, being an exterior corner of herein described tract;

THENCE S 46 deg. 51' 53" W, along the westerly line of said 48.540 acre tract a distance of 70.05' to a 5/8" iron rod set;

THENCE S 35 deg. 57' 21" W, along the westerly line of said 48.540 acre tract a distance of 101.39' to a 5/8" iron rod set;

THENCE S 24 deg. 44' 23" W, along the westerly line of said 48.540 acre tract a distance of 146.12' to a 5/8" iron rod set;

THENCE S 22 deg. 09' 41" E, along the westerly line of said 48.540 acre tract a distance of 52.72' to a 5/8" iron rod set;

THENCE S 25 deg. 44' 51" W, along the westerly line of said 48.540 acre tract a distance of 32.14' to a point in the centerline of a creek, being a point on the easterly line of said 111.857 acre tract, being the most southerly corner of herein described tract;

THENCE N 50 deg. 25' 39" W, across said 111.857 acre tract a distance of 68.02' to a 5/8" iron rod set;

THENCE N 34 deg. 45' 39" W, across said 111.857 acre tract a distance of 103.76' to a 5/8" iron rod set;

THENCE N 17 deg. 33' 45" W, across said 111.857 acre tract a distance of 111.07' to a point at a creek intersection, being the southeasterly corner of a called 1.289 acre tract as recorded under Clerk's File No. 2014-103529 Deed Records Montgomery County, Texas;

THENCE along the following courses and distances along said creek:

THENCE N 02 deg. 11' 01" W, along the easterly line of said 1.289 acre tract a distance of 20.00' to a point for corner;

THENCE N 23 deg. 02' 40" E, along the easterly line of said 1.289 acre tract a distance of 59.23' to a point for corner;

THENCE N 15 deg. 12' 33" E, along the easterly line of said 1.289 acre tract a distance of 51.14' to a point for corner;

THENCE N 29 deg. 51' 25" E, along the easterly line of said 1.289 acre tract a distance of 17.50' to a point for corner, being the northeasterly corner of said 1.289 acre tract, being the southeasterly corner of a called 12.74 acre tract as recorded under Clerk's File No. 2014-103574 Deed Records Montgomery County, Texas;

THENCE N 16 deg. 10' 51" E, along the easterly line of said 12.74 acre tract a distance of 35.68' to a point for corner;

THENCE N 26 deg. 12' 24" E, along the easterly line of said 12.74 acre tract a distance of 22.44' to a point for corner;

THENCE N 26 deg. 12' 24" E, along the easterly line of said 12.74 acre tract a distance of 95.80' to a point for corner;

THENCE N 57 deg. 22' 01" W, along the easterly line of said 12.74 acre tract a distance of 22.66' to a point for corner;

THENCE N 23 deg. 09' 59" E, along the easterly line of said 12.74 acre tract a distance of 83.90' to a point for corner;

THENCE N 11 deg. 45' 39" W, along the easterly line of said 12.74 acre tract a distance of 78.90' to a point for corner;

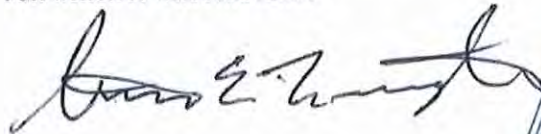
THENCE N 05 deg. 42' 22" E, along the easterly line of said 12.74 acre tract a distance of 71.60' to a point for corner;

THENCE N 43 deg. 37' 22" E, along the easterly line of said 12.74 acre tract a distance of 67.78' to a point for corner;

THENCE leaving said creek N 87 deg. 19' 04" E, a distance of 158.67' to a point for corner along the northerly line of said 5.71 acre tract, being the most northerly west corner of herein described tract;

THENCE S 00 deg. 00' 01" W, across said 5.71 acre tract, a distance of 366.85' to the **POINT OF BEGINNING**, and containing 3.22 acres of land, more or less.

THIS LEGAL & EXHIBIT WAS PREPARED UNDER TITLE 22 OF THE TEXAS ADMINISTRATIVE CODE, CHAPTER 663, RULE 663.21, AND DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED



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

**A RESOLUTION GRANTING A PETITION FOR ANNEXATION OF A TOTAL OF 3.22 ACRES OF LAND, MORE OR LESS; SETTING A DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF SAID PROPERTIES BY THE CITY OF MONTGOMERY, TEXAS; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS AND MAKE AVAILABLE TO THE PUBLIC THE CITY ANNEXATION SERVICE PLAN**

**WHEREAS**, the City has received a Petition Requesting Annexation of a contiguous tract of land of 3.22 acres owned by **PETER HILL**, which tract is contiguous to the city limits and within the extraterritorial jurisdiction of the City of Montgomery (attached hereto as Exhibit "A"); and

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

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

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

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

**SECTION 2.** The City Council grants and approves the Petition requesting annexation of 3.22 acres of land, more or less, as described by meters and bounds in the Exhibit "A" attached hereto.

**SECTION 3.** On the 12<sup>th</sup> day of December 2017, at 6:00 p.m. o'clock and again on the 9<sup>th</sup> day of January 2018, at 6:00 p.m. o'clock, in the City Council Chamber of the City Hall of the City of Montgomery, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Montgomery, Texas of the following described tract of land, to wit:

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

PASSED AND APPROVED this \_\_\_\_\_ day of November 2017.

CITY OF MONTGOMERY, TEXAS

\_\_\_\_\_  
Kirk Jones, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b> <b>City Administrator</b>	<b>Exhibits:</b> Notice of Board of Adjustment vacancy, Applicants application <i>City Code Re: Appointment</i>
<b>Date Prepared: October 31, 2017</b>	

### Subject

This is appointment of the fifth Board of Adjustment seat vacancy.

### Description

When contacted following her September 26<sup>th</sup> re-appointment, Ann Young, said that she would not accept the appointment. That left a vacancy in the five-member Board.

The vacancy notice was posted on the City website, on the bulletin board in the gazebo in front of City Hall and an article was ran in the Courier.

The applicant's applications are attached. The applicants are:

*Tommy Hauser - 709 College St.  
John Fox - 821 Stewart Street  
Carol Langley - 1002 College Street*

You may also select alternates.

The alternates are nonvoting members but are chosen so that they may be familiar with the process and become a source of future appointments.

Montgomery City Council  
**AGENDA REPORT**

**Recommendation**

Consider the qualifications of each applicant and make a decision

**Approved By**

City Administrator

Jack Yates

Date: October 31, 2017

## **BOARD OF ADJUSTMENT VACANCY**

**The City Council announces an opportunity for those interested in City planning and growth activities in the City of Montgomery to apply for a vacant position on the Board of Adjustment. Applicants are required to live inside the City limits.**

**Board members act on behalf of the City hearing and deciding on requested zoning variances submitted by property owners. The Board decides on issues such as parking requirements, yard setback requirements and other aspects involving zoning variances requested. The Board is a quasi-judicial body with appeals to their decision going to District Court, not the City Council.**

**The Board meets as needed, which has only been once in the past four years. The Board usually meets at 6:00 p.m. at City Hall in Montgomery. Service on this Board is unpaid. Please complete the application, available on the city's website and return to the City Secretary Susan Hensley at [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us) or bring to City Hall at 101 Old Plantersville Road. Applications are due no later than 4 p.m. on November 9, 2017.**

City of Montgomery  
Application for Consideration of Appointment

Name of Board/Commission/Committee: PLANNING AND ZONING BOARD

Name: HAUSER III Tommy William  
(Last) (First) (Middle)

Home Address: 709 COLLEGE ST 936-525-9907  
(Street) (Home Phone No.)

Email Address: TOMMY@INNOVATIVE-OUTDOORS.NET

Mailing Address: 709 COLLEGE ST. MONTGOMERY TX 77356  
(Business Phone /Fax)

Employer: INNOVATIVE OUTDOORS  
(Name/Address)

Occupation: COMMERCIAL LANDSCAPE / MAINT

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

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

If So, How Long? 1 Name of Business INNOVATIVE OUTDOORS

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

Education: TOMBALL COLLEGE (NORTH HARRIS)

Related Experience/Community Service: PARADE INDEPENDENT, I RECONSTRUCT AND DEVELOP ON INVOLVED IN DEVELOPING NEW AREAS. NEW LANDSCAPES.

Areas of Interests Related to this Committee: DEVELOPMENTS FOR LARGE HOA'S / GOLF COURSES.

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

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

AFOR LIVING IN MONTGOMERY FOR 5 YEARS WITH OUR FAMILY. I HAVE A PASSION TO SEE MONTGOMERY GROW AS WELL AS KEEP THE LOOK AS TO WHY PEOPLE HAVE MOVED HERE.

[Signature] 11/6/17  
Signature Date

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

11/6/17 [Signature]



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

Name of Board/Commission/Committee: Board of Adjustments

Name: Fox John L.  
(Last) (First) (Middle)

Home Address: 821 Stewart St Montgomery 281-224-9224  
(Street) (Home Phone No.)

Email Address: montgomeryfoxes @msm.com

Mailing Address: Same  
(Business Phone /Fax)

Employer: Retired  
(Name/Address)

Occupation: LAND DEVELOPMENT MANAGEMENT

Do you live inside the city limits of Montgomery?\* Yes X No \_\_\_ If So, How Long? \_\_\_

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

If So, How Long? \_\_\_ Name of Business \_\_\_

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

Education: 12

Related Experience/Community Service: City Council - 2 term

Mayor - Retired Director of Residential Construction

Technology The Woodlands Land Development Co - 40yrs

as professional homebuilder. Real Estates Lic in Sales & Inspect.

Areas of Interests Related to this Committee: Compliance with current

Development Standards. Call for change where

standards no longer fit

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

None. Presently

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

I have real "hands on" experience that average

persons may not have in Street & Utility

Construction & Management

Signature: [Signature] Date: 11-1-2017

\*Some (not all) boards/commissions/committees require members to reside within the city limits. Please return completed form to the City Secretary's office for processing, P.O. Box 708 (mailing); 101 Old Plantersville Rd. (physical), Montgomery, TX 77356. Your application will be kept on file for 12 months.

NOTE: When filed at city hall, this will become a public document that may be disclosed per the Texas Public Information Act.

NOTE: The city council will receive only this page of information; no attachments will be retained or forwarded.

*Rec'd 11/3/17 sh*

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

Name of Board/Commission/Committee: Zoning Board of Adjustment

Name: Langley Carol L.  
(Last) (First) (Middle)

Home Address: 1002 College St. 936-597-6085  
(Street) (Home Phone No.)

Email Address: carollangley1@hotmail.com

Mailing Address: PO Box 56 (Business Phone/Fax)

Employer: Jim's Hardware 14460 Liberty St. Mont. TX  
(Name/Address)

Occupation: office clerk

Do you live inside the city limits of Montgomery?\* Yes  No  If So, How Long? 37 years

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

If So, How Long? \_\_\_\_\_ Name of Business \_\_\_\_\_

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

Education: Navasota High School

Related Experience/Community Service: Worked with all boards while at the City as City Secretary. Help with Montgomery Historical Society. Secretary for non-profit; Coat of Many Colors.

Areas of Interests Related to this Committee: love my town and have knowledge of ordinances and properties

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

Planning & Zoning Board

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

I think I can help this board having the knowledge of the town.

Carol Langley  
Signature

11-1-17  
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.

*Recd. 11/1/17*

application for a building permit and shall be issued within ten days after the erection or structural alterations of such buildings shall have been completed in conformity with the provisions of this chapter. A record of all certificates shall be kept on file in the office of the building official.

(d) A certificate of occupancy shall not be issued for any temporary building unless and until such temporary building shall have met all requirements imposed by other city ordinances. Any permit issued will be valid for six months and will be reviewed by the city council for any extensions.

**Sec. 98-35. Board of adjustment; appeals and variances.**

(a) *Board established.* A board of adjustment is hereby established in accordance with the provisions of V.T.C.A., Local Government Code § 211.008, regarding the zoning of cities, and having the powers and duties as provided in such statutes.

(b) *Membership of board; term of office; chairman.* The board shall consist of five citizens of the city, each to be appointed or reappointed by the mayor and confirmed by the city council, for staggered terms of two years respectively. At least one member of the board shall be a member of the planning commission and his term shall expire at the same time as his term on such commission. Each member of the board shall be removable for just cause by the city council upon written charges and after public hearings. Vacancies shall be filled by appointment by the mayor and confirmation by the city council for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairman, who shall be a voting member and who shall serve for a period of one year or until a successor is elected.

(c) *Alternate membership of board of adjustment.* There shall be appointed two alternate members to the board of adjustment, each of whom shall serve and be appointed for a two-year term. The alternate members' terms shall be filled in the same manner as regular members to the board of adjustment.

The alternate members of the board of adjustment shall serve in the absence of one or more regular members when requested to do so by the mayor.

Alternate members of the board of adjustment are subject to removal in the same manner as regular members of the board of adjustment. Vacancies shall be filled by appointment by the major and confirmed by the city council for the unexpired term of any alternate member whose term becomes vacant.

(d) *Meetings of board.* Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine.

(e) *Hearings before board.* Each case before the board must be heard by at least seventy-five percent (75%) of its members. The hearings of the board of adjustment shall be public. However, the board may go into executive session for discussion as provided in V.T.C.A., Government Code § 551.002, but not for vote on any case before it. The board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest.

(f) *Rules and regulations of board.* The board shall keep minutes of its proceedings,

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b> City Engineer's Memo, Bid sheet <i>Project Schedule</i>
<b>Date Prepared: November 9, 2017</b>	

### Subject

This is the approval of the Buffalo Springs Bridge Drive Bridge Embankment Repair project bid in the amount of \$1,455,477.00.

### Description

The City Engineer's memo is attached which recommends the L. N. McKean is the lowest and best bid. Four bids were submitted. the Engineer believes that the McKean bid is an adequate and good bid in the price range of the original estimate.

The funds for this project will come from FEMA, the CDBG – DR grant and the GLO grant. The funds from the GLO grant, while available will probably not be available for access until April or May 2018. This is due to the timing of that grant although they have agreed to fund the portion of the bridge that FEMA and the CDBG – DR grant does not cover. This will probably mean that the city will expand approximately \$28,750 on the bridge in during its construction time of December through the end of February and will not receive those funds from the GLO grant until April or May.

The City Attorney and the First Financial Bank attorney are working on the interim loan process – no problem foreseen but the low bidder on that interim loan was Amegy Bank which later pulled back their bid - causing a two week delay in starting the paperwork. It is thought that this will be on the December agenda of the Council.



Montgomery City Council  
**AGENDA REPORT**

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**Recommendation**

Motion to accept the bid of the L. N. McKean in the amount of \$1,455,477.00 and to authorize the Mayor to execute all relevant contracts.

**Approved By**

City Administrator

Jack Yates

Date: November 9



JONES | CARTER

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

November 9, 2017

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

Re: Construction of Buffalo Springs Drive Bridge Embankment Repair  
City of Montgomery  
TIN No. 74-2063592

Honorable Mayor and Council:

We received bids for the referenced contract in our office on November 9, 2017 at 10:00 AM. Bids were publicly opened and read at that time.

Four (4) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. Glen Fuqua, Inc. submitted the lowest Base Bid proposal in the amount of \$1,023,747.90, but were not in attendance for either of the two mandatory Pre-Bid meetings. L.N. McKean submitted the second lowest Base Bid proposal in the amount of \$1,455,477.00.

We have worked with L. N. McKean, Inc. in the past and find them to be an acceptable contractor. We recommend the referenced contract be awarded to L. N. McKean, Inc. on the basis of their proposal in the amount of \$1,455,477.00.

If you agree with this award, please execute all copies of this letter and return them to our office for further processing.

Sincerely,

Chris Roznovsky, PE



JONES | CARTER

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

Honorable Mayor and Council  
Page 2  
November 9, 2017

Approved by: \_\_\_\_\_

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

CVR:jim/amk

K:\W5841\W5841-0025-00 Buffalo Springs Bridge Embankment Rehab\3 Construction Phase\Contract Documents\W5841-0025-00 ROA.doc

Enclosure

- cc: L. N. McKean, Inc.  
Ms. Cathy Branco - Municipal Accounts & Consulting, LP  
Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney



**BID TABULATION SHEET**

BIDS WERE RECEIVED IN THE OFFICE OF

Construction of Buffalo Springs Drive Bridge Embankment Repair

Jones & Carter, Inc. - The Woodlands

City of Montgomery

Time: 10:00 AM

Job No. W5841-0025-00

Date: 11/9/2017

Public Bid

	BIDDERS						
	Glenn Fuqua, Inc.	L.N. McKean, Inc.	Rebel Contractor, Inc.	Smith & Company			
Total Base Bid	\$1,023,747.90	\$1,455,477.00	\$1,551,927.50	\$3,010,198.00			
Addendum No. 1	X	X	X	X			
Addendum No. 2	X	X	X	X			
Addendum No. 3	X	X	X	X			
Addendum No. 4	X	X	X	X			
Addendum No. 5	X	X	X	x			
Bid Security	X	X	X	X			
HB 1295 Form	X	--	--	X			
Prohibition on Boycotting Israel Verification	X	--	--	--			
Statement of Qualification	X	X	X	X			
Conflict of Interest Questionnaire	--	X	X	X			
Non-Collusion Affidavit of Prime Bidder	X	X	X	X			
Certificate of Bidder Regarding Civil Rights Laws and Regulations	X	X	X	X			





JONES | CARTER

**BID TABULATION SHEET**

BIDS WERE RECEIVED IN THE OFFICE OF

Construction of Buffalo Springs Drive Bridge Embankment Repair

Jones & Carter, Inc. - The Woodlands

City of Montgomery

Time: 10:00 AM

Job No. W5841-0025-00

Date: 11/9/2017

Public Bid

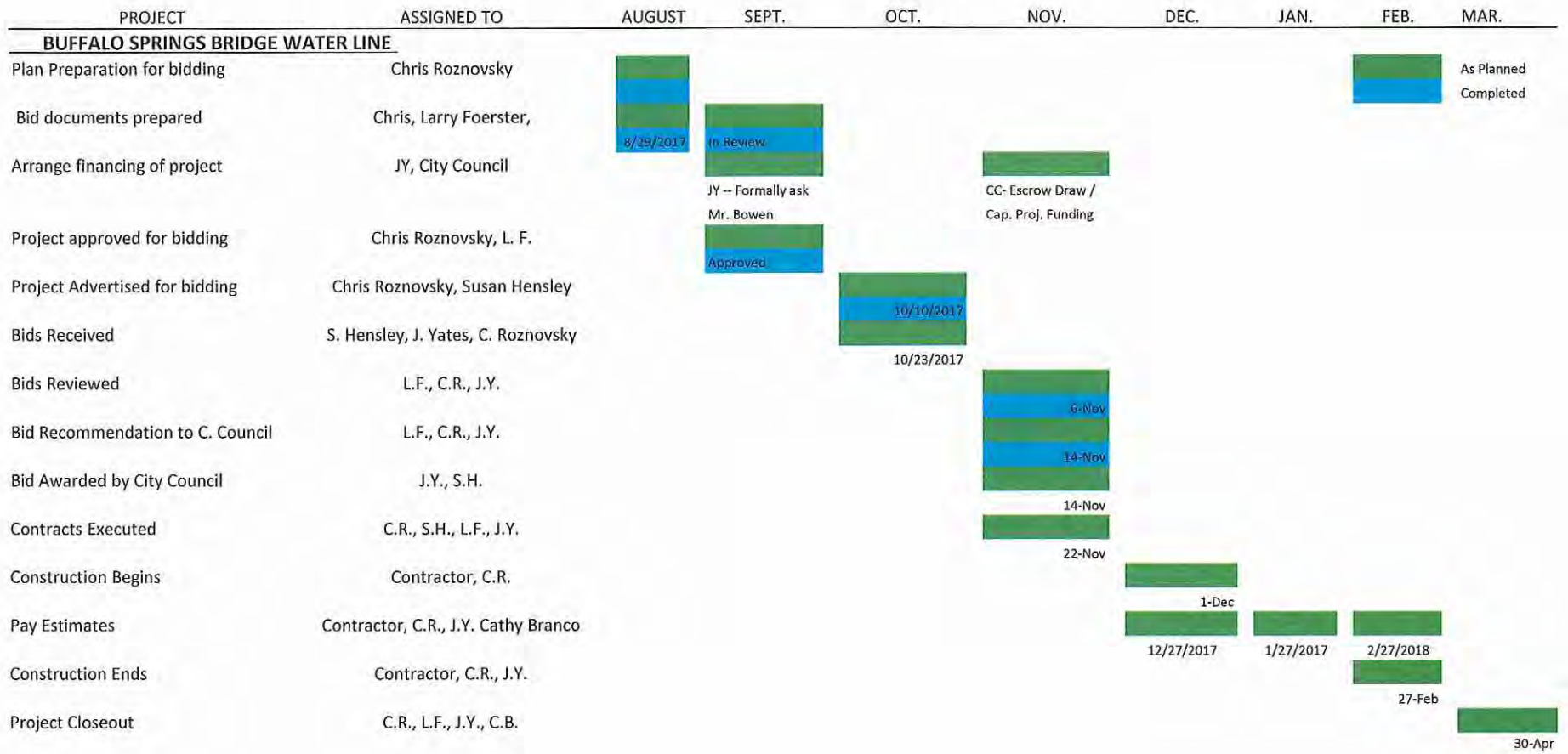
**BIDDERS**

	Glenn Fuqua, Inc.	L.N. McKean, Inc.	Rebel Contractor, Inc.	Smith & Company			
--	-------------------	-------------------	------------------------	-----------------	--	--	--

Contractor's Local Opportunity Plan	X	X	X	X			
Proposed Contracts Breakdown and Estimated Project Workforce Breakdown	--	X	--	--			
Certification Regarding Lobbying	X	X	X	X			
Disclosure of Lobbying Activities	X	X	--	--			
Attendance of Mandatory Pre-Bid Meeting	--	X	X	X			

### PROJECT SCHEDULES

PROJECT	ASSIGNED TO	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL -May
<b>BUFFALO SPRINGS BRIDGE</b>										As Planned
Plan Preparation for bidding	Chris Roznovsky									Completed
FEMA Project Worksheet	Brian Slie		9/8/2017							
FEMA Admin. Review	Brian Slie	8/25/2017								
Congressional/OLA Review	Brian Slie, Todd Stephens		9/26/2017							
CDBG-DR Grant	Martha Drake, J.Yates	8/31/2017	9/11/2017	Awarded	Contracted	Administered	Administered	Administered	Administered	Close out
General Land Office - Grant	J.Yates, C.R., To be hired Adminis.	8/23/2017		Application	Awarded	Contracted	Administered	Administered	Administered	Close out
Permits:										
Corps of Engineers	Chris Roznovsky, Todd Stephens				9/18/2017					
TCEQ	Chris Roznovsky, Brian Slie				9/20/2017					
Bid documents prepared	Chris, Larry Foerster, B. Slie	8/30/2017	In Review							
Project approved for bidding	Chris Roznovsky, L. F., Brian Slie			10/10/2017						
Project Advertised for bidding	Chris Roznovskt, Susan Hensley			10/10/2017						
Bids Received	S. Hensley, J. Yates, C. Roznovsky									
Bids Reviewed	L.F., C.R., B.Slie, J.Y.				11/9/2017					
Bid Recommendation to C. Council	L.F., C.R., J.Y.				11/10/2017					
Bid Awarded by City Council	J.Y., S.H.				11/14/2017					
Contracts Executed	C.R., S.H., L.F., J.Y.				11/14/2017					
Construction Begins	Contractor, C.R.				11/27/2017					
Interim Loan Set Up/taken/Pd. Back	J.Y.				11/14/2017	12/1/2017				
Pay Estimates	Contractor, C.R., J.Y. Cathy Branco	9/12/2017			Loan Doc. Prep. Council Approves					
Request for Expedited Funds	C.R., J.Y.						12/27/2017	1/27/2018	2/27/2018	
Construction Ends	Contractor, C.R., J.Y.						12/28/2017	1/28/2018	2/28/2018	
Project Closeout	C.R., L.F., J.Y., C.B., B. Slie								3/30/2018	



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: City Engineer's Memo, Bid sheet</b>
<b>Date Prepared: November 9, 2017</b>	

### Subject

This is the approval of the Houston Street Rehabilitation project.

### Description

The City Engineer's memo is attached which recommends the ECB Development, LP company is the lowest and best bid. Only one bid was received, but the engineer believes that it is an adequate and good bid in the price range of the original estimate.

The funds for this project will come from MEDC of approximately \$65,000, and with \$19, 926.62 to come from "Contract Labor – Streets" in the General Fund - both sources of funds will be transferred to the Capital Projects Fund so that the project will be paid out of that Fund.

### Recommendation

Motion to accept the bid of the ECB development, LP in the amount of \$84,926.62 to authorize the Mayor to execute all relevant contracts.

### Approved By

City Administrator	Jack Yates	Date: November 9
--------------------	------------	------------------





1675 Sawdust Road, Suite 400  
The Woodlands, Texas 77380-3795  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

November 9, 2017

The Honorable Mayor and City Council  
City of Montgomery  
101 Old Plantersville Road  
Montgomery, TX 77301

Re: Construction of Houston Street Rehabilitation  
City of Montgomery, Texas  
TIN No. 74-2063592

Dear Honorable Mayor and Council:

We received bids for the referenced contract in our office on November 9, 2017 at 10:00 AM. Bids were Public opened and read at that time.

One (1) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. ECB Development, LP submitted the lowest proposal in the amount of \$84,926.62.

We have worked with ECB Development, LP in the past and find them to be an acceptable contractor. We recommend the referenced contract be awarded to ECB Development, LP on the basis of their proposal in the amount of \$84,926.62.

If you agree with this award, please execute all copies of this letter and return them to our office for further processing.

Sincerely,

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

Chris Roznovsky, PE

Approved by: \_\_\_\_\_

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

CVR:jim/amk

K:\W5841\W5841-0033-00 Houston Street Widening and Rehabilitation\3 Construction Phase\Contract Documents\W5841-0033-00 ROA.doc

Enclosure

cc: ECB Development, LP  
Ms. Cathy Branco - Municipal Accounts & Consulting, LP  
Mr. Jack Yates - City of Montgomery, City Administrator  
Ms. Susan Hensley - City of Montgomery, City Secretary  
Mr. Larry Foerster - Darden, Fowler and Creighton, LLP, City Attorney



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: City Engineer's Memo, Bid sheet</b>
<b>Date Prepared: November 9, 2017</b>	

### Subject

This is the approval of the bid for the Buffalo Springs Drive Water Line Bridge Crossing Project

### Description

The city engineer's memo is attached which recommends Spartan Direct Solutions, LLC as the lowest and best bid. The bid is \$86,412.25.

The funds for this project will come from Mr. Steve Bowen - either as a entirety of the amount or the amount in a escrow fund held by the city of approximately \$29,000, with the remainder coming from Capital Projects Fund sources.

Now that the city is accepted and awarded a bid I can formally request the entire amount from Mr. Bowen, if he pays the entire amount that is the end of the question. If he does not pay the amount we can go to the escrow fund for the \$29,000 and we can ask the city attorney about the wisdom of trying to go for the difference from Mr. Bowen from a law suit standpoint.

### Recommendation

Motion to accept the bid Spartan Direct Solutions, LLC in the amount of \$86,412.25 and to authorize the Mayor to execute all relevant contracts, and to also ask for a report from the City Attorney if Mr. Bowen does not provide the entirety of the amount of this water line.

Montgomery City Council  
**AGENDA REPORT**

<b>Approved By</b>		
City Administrator	Jack Yates	Date: November 9





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

November 9, 2017

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

Re: Construction of Buffalo Springs Drive Waterline Bridge Crossing  
City of Montgomery  
TIN No. 74-2063592

Dear Mayor and Council:

We received bids for the referenced contract in our office on November 2, 2017 at 11:00 AM. Bids were publicly opened and read at that time.

Three (3) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. Spartan Direct Solutions, LLC submitted the lowest Base Bid proposal in the amount of \$86,412.25.

Spartan Direct Solutions, LLC is a newly formed company. We have reviewed references for their employees with other contractors and find them to be a capable contractor. We recommend the referenced contract be awarded to Spartan Direct Solutions, LLC on the basis of their proposal in the amount of \$86,412.25.

If you agree with this award, please execute all copies of this letter and return them to our office for further processing.

Sincerely,

Chris Roznovsky, PE



Approved by: \_\_\_\_\_

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

CVR:jim/amk

P:\PROJECTS\W5841 - City of Montgomery\W5841-0021-00\3 Construction Phase\Contract Documents\W5841-0021-00 ROA.doc

Enclosure

- cc: Spartan Direct Solutions, LLC
- Mr. Jack Yates – City of Montgomery, City Administrator
- Ms. Susan Hensley – City of Montgomery, City Secretary
- Mr. Larry Foerster – Daren, Fowler and Creighton, LLP, City Attorney



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b>
<b>Date Prepared: November 9, 2017</b>	

### Subject

This is the feasibility study for Peter Hill's property across State Highway 105 S. of the new Pizza Shack.

### Description

This is the presentation over the report that you are given at the last meeting very late, not allowing your review.

This is the property directly south of the new Pizza Shack that is partially in the ETJ of Conroe and in the city of Montgomery.

The water portion of the feasibility study states that the property will be supplied by a 12 inch water line proposed to be placed under the right-of-way of State Highway 105, this will allow a future water line loop to be constructed at the time that it doubtfully will tie into FM2854.

The sewer connection portion of the feasibility study states that the property will be served by 10 inch sanitary sewer line also boring underneath State Highway 105.

The cost for these utility improvements is \$169,000 for the water and sewer lines, \$14,607 for water impact fee and \$32,581 for wastewater impact fee. The developer estimates a full development value of \$3,500,000 this would generate approximately \$3696 per year in debt service revenue and possibly \$3,575 per year and 0 and M tax rate proceeds, , totaling \$7,271.

Montgomery City Council  
**AGENDA REPORT**

The owner, in conversations has said that he plans to put a tire shop and a health club on the portion of the property that is inside the city of Montgomery.

**Recommendation**

Consider and accept the report as presented

**Approved By**

City Administrator

Jack Yates

Date: November 9



**ANALYSIS OF FEASIBILITY FOR  
THE CITY OF MONTGOMERY  
TO PROVIDE WATER AND SANITARY SEWER SERVICE  
TO A PROPOSED 5.71-ACRE DEVELOPMENT  
“PETER HILL DEVELOPMENT”**

**OCTOBER 2017**



**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](http://www.jonescarter.com)

October 24, 2017

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

Re: Proposed 5.71-Acre Development Feasibility Study  
Peter Hill Development  
City of Montgomery/City of Conroe ETJ

Dear Mayor and Council:

On August 23, 2017 Mr. Peter Hill (the "Developer") submitted an application for utility service of lands situated partially in the East portion of the City of Montgomery (the "City") ETJ. We are pleased to present this analysis of the feasibility for the City to provide water and sanitary sewer service to the referenced 5.71-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 southeast of the intersection of SH-105 and Stewart Creek Road. Approximately 3.25-acres fall within the City's current Extraterritorial Jurisdiction ("ETJ") and 2.47-acres fall within the City of Conroe's ETJ. 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 portion of the Tract within the City ETJ will require annexation. The balance of the Tract will remain in the City of Conroe ETJ and could receive water and sanitary sewer service from the City. We are continuing to coordinate with the City of Conroe to explore other options for providing service to the Tract. The portion of the Tract to be annexed is proposed to be within zoning District B, the Commercial District upon annexation. The final land plan may affect the estimated costs and revenues associated with the development.

### **Water Production and Distribution<sup>1</sup>**

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 316,000 gpd. Inclusive of existing connections and platted developments which are in design or under construction, the City has committed approximately 803,000 gpd or 134% of existing ADF 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 water capacity requirement is approximately 5,000 gpd (150,000 gallons per month). The ADF for the City, including this Tract, is not expected to exceed the current ADF capacity until between the years 2021 and 2022 and not expected to reach the ultimate committed capacity until beyond the year 2023.





City of Montgomery  
5.71-Acre Peter Hill Feasibility  
October 24, 2017  
Page 2

Additionally, the City has authorized the design of a water plant improvements project to increase the ADF capacity of the City's water system. The project is expected to increase the City's ADF capacity to approximately 730,000 gpd. 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 12-inch waterline located within an existing 26-foot wide utility easement adjacent along the northern right-of-way ("ROW") of SH-105. An extension of this public line across SH-105 will be required to deliver water service to the Tract's boundary and allow for a future waterline loop to be constructed.

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<sup>2</sup>**

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 163,000 gpd.

Inclusive of existing connections and platted developments which are in design or under construction, the City has committed approximately 444,400 gpd or 148% of existing ADF 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 4,000 gpd (120,000 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, is not expected to exceed 75% of the permitted capacity until between the years 2020 and 2021. Additionally, the TCEQ requires the commencement of the construction phase of the expansion after 3 consecutive months of ADF exceeding 90% at the permitted amount. This is not expected to occur until beyond 2023. As the projects shown in the design/construction phase achieve full development, the City should be prepared to initiate planning for additional treatment capacity.

We evaluated two options for providing sanitary sewer service to the Tract. Our evaluation included completing a partial topographic survey of the proposed sanitary sewer locations to ensure the terrain would allow for the proposed improvements to occur. Option A includes a proposed 8-inch public sanitary sewer line across the SH-105 right-of-way to connect to an existing 10-inch public sanitary sewer line. Option B includes a proposed 10-inch public sanitary sewer line located within a proposed 26-foot wide utility easement adjacent to the northern boundary of the Tract along the southern ROW of SH-105 from FM 2854 to the Tract. Option B would be sized to accommodate the future neighboring





City of Montgomery  
5.71-Acre Peter Hill Feasibility  
October 24, 2017  
Page 3

commercial development and the cost for upsizing the line could be reimbursed to the Developer overtime as additional connections utilize the line.

The sanitary sewer from the Tract flows west along SH-105 to Lift Station No. 1 ("LS No. 1"). However, the existing 10-inch sanitary sewer line from SH-105 and to LS No. 1 is nearing, or exceeding, its design capacity. The City is planning to upsize this sanitary sewer line as part of a future lift station replacement project. Additionally, as part of our 2015 Sanitary Sewer System Analysis and Master Plan the City's wastewater facilities were inventoried in detail and analyzed for compliance with TCEQ requirements for collection, conveyance, and treatment of average dry weather flow, dry weather peak flow, and please flow with inflow and infiltration. During this assessment, we identified LS No. 1 as operating at 145% of its design capacity and in need of being improved. The City received funding for the replacement and relocation of LS No. 1 through the TWDB and we are currently completing the design.

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 private utility easements located within or along private access easements 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 and Paving**

All drainage, detention, and paving improvements interior to the development will be designated private and will require maintenance and upkeep by a Property Owners Association or similar entity. 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 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 TxDOT, 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 developments impact on the Stewart Creek tributary adjacent to the tract from the tract to the outfall to Lake Conroe. The drainage study must be submitted to the City for review and approval prior to approval of construction plans.





**Development Costs**

The Developer will need to construct on-site water, sanitary sewer, paving, drainage, and detention facilities to serve the proposed Tract. Additionally, the Developer will need to pay for the engineering and construction of the public water and sewer extensions needed to serve the 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. Only the areas within the City limits or City ETJ are subject to the impact fee. 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 a 3-inch water meter per the table.

Two options for providing water and sanitary sewer service to the tract were evaluated. Option A includes extending a public 12" waterline and public 8" sanitary sewer line across SH-105. The estimated cost to design and construct the Option A extensions is approximately \$169,000 including contingencies and engineering. Appendix E enclosed provides a cost estimate for Option A.

The second option evaluated, Option B, includes a public 12" waterline across SH-105 and a public 10" sanitary sewer line adjacent to the southern right-of-way of SH-105 from FM 2854 to the Tract. The estimated cost to design and construct Option B is approximately \$353,000 including contingencies and engineering. Appendix E enclosed provides a cost estimate for Option B. The public sanitary sewer portion of Option B would be eligible for partial reimbursement from neighboring property owners as they develop.

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

**Estimated Costs:**

• Public Water and Sanitary Sewer Extension (Option A)	\$169,000
• Water Impact Fee	\$14,607
• Wastewater Impact Fee	<u>\$32,581</u>
<b>Subtotal</b>	<b><u>\$216,188</u></b>

The estimate is based on the projected water and wastewater usage provided by the developer and assumes only 50% of the usage is within areas subject to impact fee. The actual costs will depend on the final land plan, final design, and actual construction costs.

**Financial Feasibility**

The Developer estimates the total assessed value (A.V.) the project will attain at full development to be \$3,500,000. Based on the estimated total A.V., assuming 50% is within City limits, and assuming 95% collection, the development would generate approximately \$3,696 per year in debt service revenue based on the City's \$0.2112/\$100 debt service tax rate, and approximately \$3,575 per year in maintenance and operations revenue based on the City's \$0.2043/\$100 O&M tax rate.



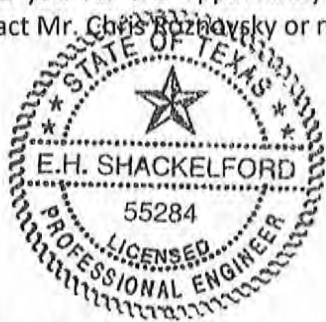
Based on the preliminary land plan provided by the Developer, approximately 5.71-acres of the Tract is located outside of the City's current boundary. The Developer will need to submit an application for annexation of the portion of land not located within the City of Conroe ETJ and the above estimated gains in revenue are predicated upon annexation of the out of City acreage.

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 5.71-acre tract lies partially within the City's ETJ and partially within the City of Conroe's ETJ. The Developer is seeking annexation of the acreage falling within the City's ETJ, that acreage equals 3.25.
- Extensions of public utilities are 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 impact fees in the amounts of \$14,607 and \$32,581 respectively for a total estimated amount of \$47,188.
- The development, specifically the portion to be annexed by the city, results in an increase in assessed valuation of \$3,500,000 and additional tax revenue to the City of approximately \$7,271 annually.

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



Sincerely,

A handwritten signature in blue ink that reads "Ed Shackelford".

Ed Shackelford, PE  
Engineer for the City

<sup>1</sup>Water production quantities and current connection counts were obtained from reports previously submitted to City Council by Gulf Utility Service, Inc.

<sup>2</sup>Wastewater Treatment Plant flow data was obtained from reports previously submitted to City Council by Gulf Utility Service, Inc. Lift Station capacities were calculated from flow data and run times provided to Jones & Carter, Inc. by Gulf Utility Service, Inc.

EHS\cvr\rmc

K:\W5841\W5841-1022-00 Peter Hill 5.7 Acre Development\2 Design Phase\Reports\Peter Hill Feasibility.doc



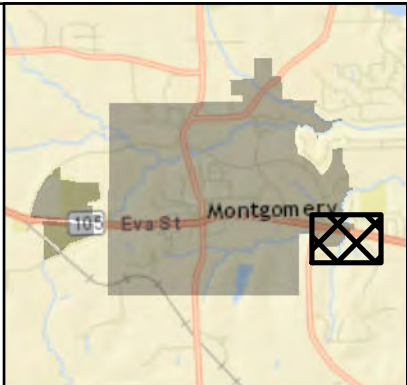
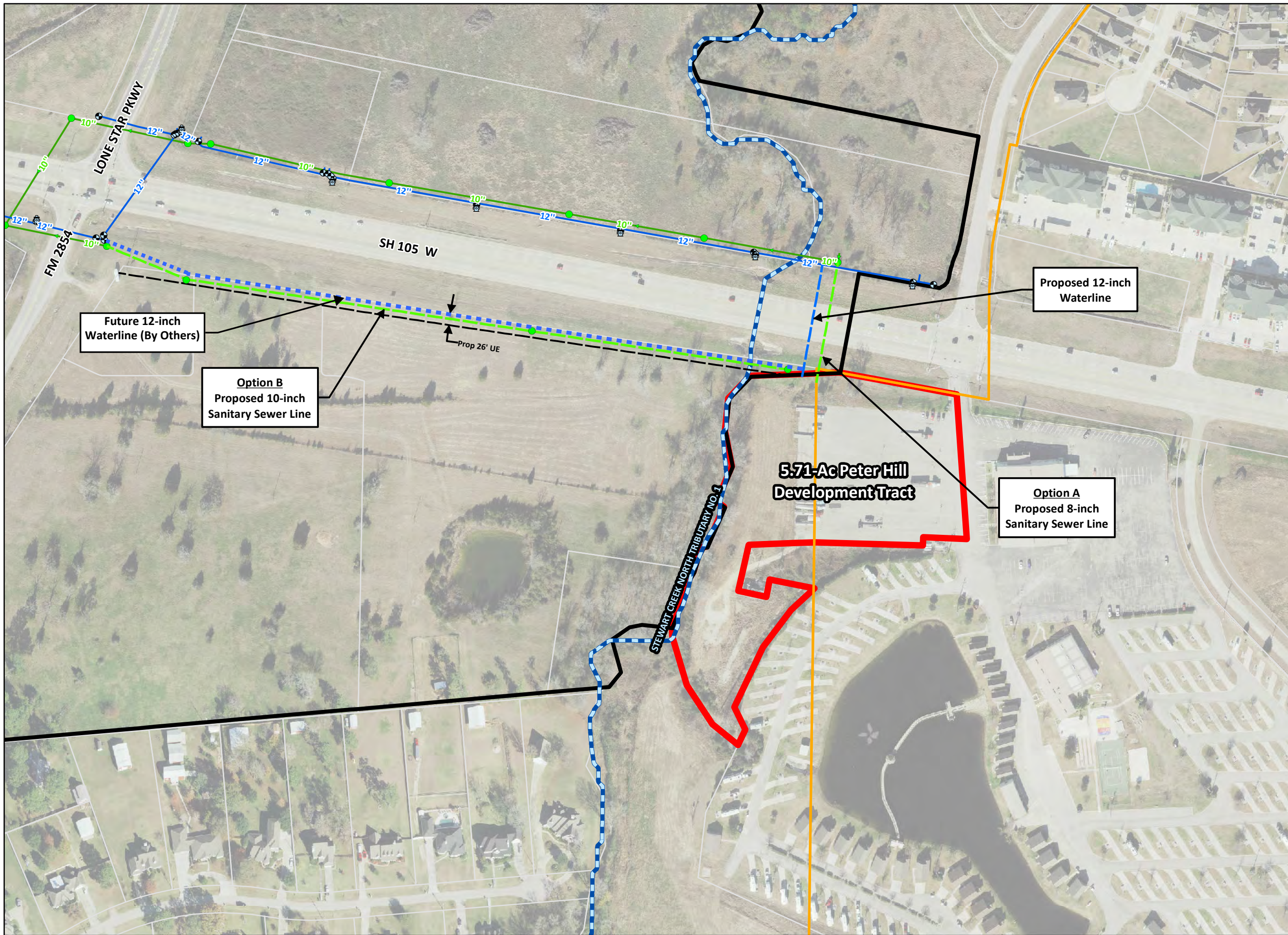
City of Montgomery  
5.71-Acre Peter Hill Feasibility  
October 24, 2017  
Page 6

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. E. Levi Love, PE – L Squared Engineering  
Mr. Peter Hill - Owner

**Appendix A**  
**Proposed 5.71-Acre Peter Hill Development**  
**Boundary Map**







**VICINITY MAP**

Scale: 1 inch equals 2 miles

**LEGEND**

- Flush Valve
- Main Valve
- Waterline
- Cleanout
- Manhole
- Lift Station
- Force Main
- Gravity Main
- Creek/Stream
- City of Montgomery City Limits
- Shared ETJ Boundary
- 5.71-Ac Tract
- MCAD Parcel

**5.71-AC PETER HILL DEVELOPMENT TRACT**

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS



1 inch equals 200 feet

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





**Appendix B**  
**Proposed 5.71-Acre Peter Hill Development**  
**Preliminary Site Plan**



**JONES | CARTER**

Texas Board of Professional Engineers Registration No. F-439

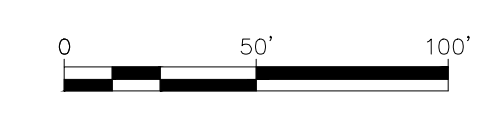
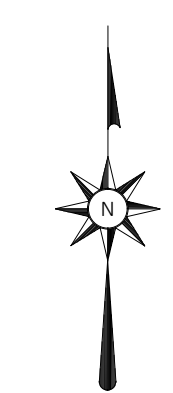


**L SQUARED ENGINEERING**  
 MUNICIPAL COMMERCIAL RESIDENTIAL  
 WWW.L2ENGINEERING.COM  
 21123 EVA STREET #200 MONTGOMERY, TEXAS 77356 OFFICE: 936-445-4200  
 8505 TECHNOLOGY FOREST PL #202 THE WOODLANDS, TEXAS 77381 OFFICE: 936-453-8111

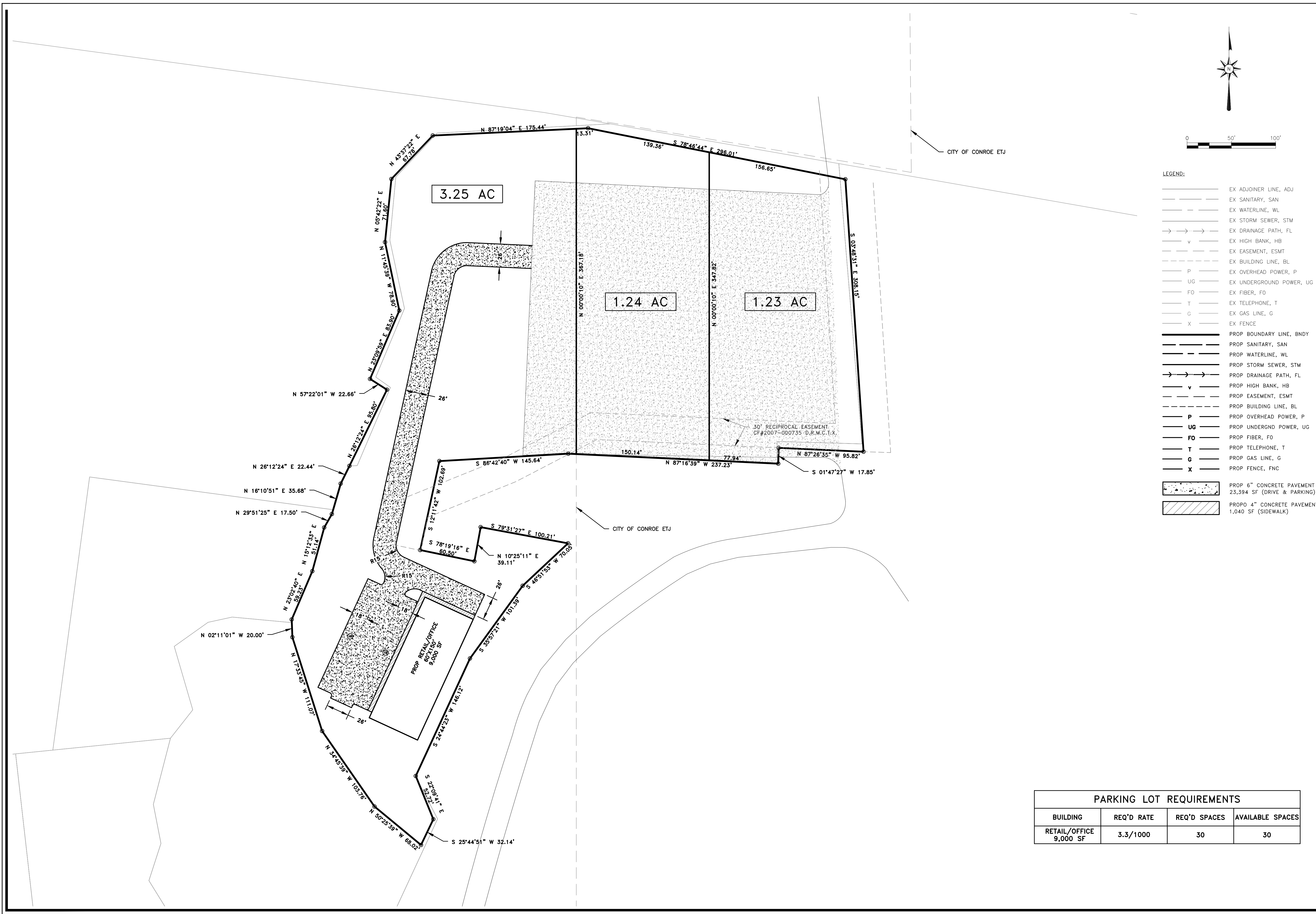
**CLIENT INFORMATION**  
 PETER HILL  
 7037 KINGSTONE COVE  
 WILLIS, TEXAS 77318  
**PROJECT ADDRESS**  
 HIGHWAY 105  
 MONTGOMERY COUNTY

# 5.71 ACRE SH 105 PETER HILL

## PROPOSED SITEPLAN



- LEGEND:**
- EX ADJOINER LINE, ADJ
  - EX SANITARY, SAN
  - EX WATERLINE, WL
  - EX STORM SEWER, STM
  - EX DRAINAGE PATH, FL
  - EX HIGH BANK, HB
  - EX EASEMENT, ESMT
  - EX BUILDING LINE, BL
  - EX OVERHEAD POWER, P
  - EX UNDERGROUND POWER, UG
  - EX FIBER, FO
  - EX TELEPHONE, T
  - EX GAS LINE, G
  - EX FENCE, X
  - PROP BOUNDARY LINE, BNDY
  - PROP SANITARY, SAN
  - PROP WATERLINE, WL
  - PROP STORM SEWER, STM
  - PROP DRAINAGE PATH, FL
  - PROP HIGH BANK, HB
  - PROP EASEMENT, ESMT
  - PROP BUILDING LINE, BL
  - PROP OVERHEAD POWER, P
  - PROP UNDERGND POWER, UG
  - PROP FIBER, FO
  - PROP TELEPHONE, T
  - PROP GAS LINE, G
  - PROP FENCE, FNC
  - PROP 6" CONCRETE PAVEMENT  
23,394 SF (DRIVE & PARKING)
  - PROP 4" CONCRETE PAVEMENT  
1,040 SF (SIDEWALK)



PARKING LOT REQUIREMENTS			
BUILDING	REQ'D RATE	REQ'D SPACES	AVAILABLE SPACES
RETAIL/OFFICE 9,000 SF	3.3/1000	30	30

DRAWING ISSUE			
#	DATE	BY	* COMMENT
1	03/28/17	ELL	FOR REVIEW ONLY

DRAWING INFORMATION			
PROJECT	FOO059	TDLR	**
DRAWN	JCP	CHECKED	ELL
SCALE	SHEET		1
1" = 50' (24x36)			
1" = 100' (11x17)			

THESE DRAWINGS WERE PREPARED UNDER THE SUPERVISION OF:  
 E. LEVI LOVE, P.E.  
 LICENSE No. 99340  
 FOR REVIEW PURPOSES ONLY  
 NOT FOR CONSTRUCTION

\*PLANS NOT RELEASED FOR CONSTRUCTION UNLESS INDICATED ABOVE

## **Appendix C**

### **Proposed 5.71-Acre Peter Hill Development**

### **Updated Development Acreages & Service Demands**



**JONES | CARTER**

Texas Board of Professional Engineers Registration No. F-439



Developments (Existing & Proposed)  (Inside & Outside City)	Development Info & Capacities							Projected Additional ESFC's						
	Acres	Current ESFC/Connections	Est. ESFC	Water		Wastewater		2017	2018	2019	2020	2021	2022	2023
				Current	Ultimate	Current	Ultimate							
<b>Commercial/Multi Family per ESFC</b>				<b>360</b>	<b>360</b>	<b>200</b>	<b>200</b>							
<b>Single Family</b>				<b>300</b>	<b>300</b>	<b>150</b>	<b>150</b>							
<b>Single Family</b>														
Buffalo Crossing	19	1	13	300	3,900	150	1,950		4	4	4			
Buffalo Springs, Section 1	15	24	24	7,200	7,200	3,600	3,600							
Buffalo Springs, Section 2	48	57	64	17,100	19,200	8,550	9,600		2	2	2	2		
Lake Creek Landing		15	15	4,500	4,500	2,250	2,250							
Lake Creek Village, Section 1	13	29	37	8,700	11,100	4,350	5,550		4	4				
Lake Creek Village, Section 2	13	14	45	4,200	13,500	2,100	6,750		7	6	6	6	6	
Estates of Lake Creek Village	8	-	22	-	6,600	-	3,300		7	7	5	3		
Hills of Town Creek, Section 2	25	6	51	1,800	15,300	900	7,650		15	10	10	10		
Hills of Town Creek, Section 3	11	-	49	-	14,700	-	7,350		7	14	7	7	7	7
Terra Vista Section 1	14	-	61	-	18,300	-	9,150		9	10	10	10	10	10
Villas of Mia Lago Section 1	8	14	14	4,200	4,200	2,100	2,100							
Villas of Mia Lago Section 2	14	-	42	-	12,600	-	6,300		12	10	10	10		
Waterstone, Section 1	32	38	53	11,400	15,900	5,700	7,950		5	5	5			
Waterstone, Section 2	22	4	89	1,200	26,700	600	13,350		5	5	5	5	5	5
West Side at the Park	4	5	11	1,500	3,300	750	1,650		5	5	4			
Miscellaneous Single Family		186	211	55,800	63,300	27,900	31,650		2	2	2	2	2	2
<b>Subtotal</b>	<b>289</b>	<b>407</b>	<b>838</b>	<b>122,100</b>	<b>251,400</b>	<b>61,050</b>	<b>125,700</b>	<b>-</b>	<b>87</b>	<b>87</b>	<b>73</b>	<b>58</b>	<b>33</b>	<b>17</b>
<b>Commercial Platted and Existing</b>														
Buffalo Run, Section 1	20	8	110	2,880	39,600	1,600	22,000			10	10	10	10	10
Summit Business Park, Phase 1	80	12	20	4,320	7,200	2,400	4,000		2	2	2	2	2	2
McCoy's Development	10	10	33	3,600	11,880	2,000	6,600		8	8	7			
Pizza Shack	3	-	15	-	5,400	-	3,000	15						
Virgin Development Tract	2	1	10	360	3,600	200	2,000		2	2	2	3		
KenRoc (Montgomery First)	21	-	111	-	40,000	-	22,200		15	15	15	15	15	15
Buffalo Springs Shopping, Ph. I	34	41	121	14,760	43,560	8,200	24,200	5	15	15	15	15	15	15
Heritage Place	1	1	4	482	1,591	268	884		1	1	1	1	1	1
Buffalo Springs Shopping, Ph. 2	19	-	135	-	48,600	-	27,000		20	20	20	20	20	35
Brookshire Brothers Center	5	4	43	1,336	15,509	742	8,616		4	4	4	4	4	4
Heritage Medical Center	2	-	10	-	3,600	-	2,000		5	5				
Lone Star Pkwy Office Building		2	5	720	1,800	400	1,000		2	1				
Villas of Mia Lago Commercial Reserve	1	-	12	-	4,320	-	2,400		6	6				
Town Creek Storage		-	1	-	360	-	200		1					
Lake Creek Village 3 Commercial	22	-	187	-	67,320	-	37,400			10	10	10	10	10
Waterstone Commercial Reserve A	11	3	81	1,170	29,160	650	16,200		10	10	10	10	10	10
Waterstone Commercial Reserve B	1	-	12	-	4,392	-	2,440		5	5	3			
Waterstone Commercial Reserve C	1	-	9	-	3,132	-	1,740			4	5			
Waterstone Commercial Reserve D	4	-	35	-	12,600	-	7,000			5	5	5	5	5
The Montgomery Shoppes	27	-	83	-	30,000	-	25,000			9	10	10	10	10
Miscellaneous Commercial				25,000	25,000	10,000	20,000							
<b>Subtotal</b>	<b>277</b>	<b>95</b>	<b>1,051</b>	<b>59,024</b>	<b>403,664</b>	<b>28,902</b>	<b>238,680</b>	<b>20</b>	<b>96</b>	<b>132</b>	<b>119</b>	<b>105</b>	<b>99</b>	<b>99</b>
<b>Multi Family</b>														
Heritage Plaza, Phase 1	17	25	50	8,856	18,000	4,920	10,000							
Mobile Home Park	6	13	15	4,500	5,400	2,500	3,000							
Town Creek Village	9	59	59	21,240	21,240	11,800	11,800							
Montgomery Supported Housing	2	8	10	2,988	3,600	1,660	2,000							
Live Oak Assisted Living	5	9	10	3,240	3,600	1,800	2,000							
<b>Subtotal</b>	<b>39</b>	<b>113</b>	<b>144</b>	<b>40,824</b>	<b>51,840</b>	<b>22,680</b>	<b>28,800</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Developments (Existing & Proposed)  (Inside & Outside City)	Development Info & Capacities							Projected Additional ESFC's						
	Acres	Current ESFC/ Connections	Est. ESFC	Water		Wastewater		2017	2018	2019	2020	2021	2022	2023
				Current	Ultimate	Current	Ultimate							
<b>Institutional (Schools, City, Church) and Irrigation</b>														
MISD Athletic Complex	70	19	19	6,995	6,840	3,886	3,800							
MISD High School Complex	68	143	143	51,329	51,480	28,516	28,600							
MISD Elementary (105/Clepper)	14	6	6	2,160	2,160	1,200	1,200							
MISD School (MLK)	20	9	9	3,330	3,240	1,850	1,800							
MISD School (149)	7	10	10	3,600	3,600	2,000	2,000							
City Hall	1	3	3	965	1,080	536	600							
Buffalo Spring Plant	1	2	2	720	720	400	400							
Living Savior Lutheran Church	1	3	5	936	1,800	520	1,000		1					
Misc. Institutional and Irrigation		70	72	25,200	25,920	14,000	14,400							
<b>Subtotal</b>	<b>277</b>	<b>262</b>	<b>267</b>	<b>94,158</b>	<b>96,120</b>	<b>50,254</b>	<b>51,200</b>	-	1	-	-	-	-	-
<b>Committed</b>	<b>881</b>	<b>876</b>	<b>2,300</b>	<b>316,106</b>	<b>803,024</b>	<b>162,886</b>	<b>444,380</b>	<b>20</b>	<b>184</b>	<b>219</b>	<b>192</b>	<b>163</b>	<b>132</b>	<b>116</b>
<b>Projected Committed Volumes:</b>							<b>Water</b>	<b>323,306</b>	<b>384,326</b>	<b>457,946</b>	<b>522,686</b>	<b>577,886</b>	<b>623,426</b>	<b>664,166</b>
							<b>Sewer</b>	<b>166,886</b>	<b>199,336</b>	<b>238,786</b>	<b>273,536</b>	<b>303,236</b>	<b>327,986</b>	<b>350,336</b>
<b>Future Development in Feasibility</b>														
80-Ac Mabry Single Family	80	-	368	-	112,140	-	73,600			10	25	25	25	25
Peter Hill 5.7 Acre Feasibility	6	-	14	-	5,000	-	4,000		4	5	5			
<b>Subtotal</b>	<b>86</b>	<b>-</b>	<b>382</b>	<b>-</b>	<b>117,140</b>	<b>-</b>	<b>77,600</b>	-	4	15	30	25	25	25
<b>Committed Plus Under Feasibility</b>	<b>967</b>	<b>876</b>	<b>2,682</b>	<b>316,106</b>	<b>920,164</b>	<b>162,886</b>	<b>521,980</b>	<b>20</b>	<b>188</b>	<b>234</b>	<b>222</b>	<b>188</b>	<b>157</b>	<b>141</b>
<b>Projected Committed Volumes Including Feasibility:</b>							<b>Water</b>	<b>323,306</b>	<b>385,766</b>	<b>464,186</b>	<b>538,226</b>	<b>600,926</b>	<b>653,966</b>	<b>702,206</b>
							<b>Sewer</b>	<b>166,886</b>	<b>200,136</b>	<b>242,586</b>	<b>283,336</b>	<b>318,036</b>	<b>347,786</b>	<b>375,136</b>

Developments (Existing & Proposed)  (Inside & Outside City)	Development Info & Capacities							Projected Additional ESFC's						
	Acres	Current ESFC/ Connections	Est. ESFC	Water		Wastewater		2017	2018	2019	2020	2021	2022	2023
				Current	Ultimate	Current	Ultimate							
<b>Potential Future Development (Within City Limits)</b>														
HEB Tract	32	-	150	-	54,000	-	30,000			20	41	20	20	20
Heritage Plaza, Phase2		-	140	-	50,400	-	28,000			30	30	30	30	20
Montgomery Forest	68	-	195	-	70,200	-	39,000			10	39	39	39	39
Summit Business Park, Phase 2		-	12	-	4,320	-	2,400		6	6				
Town Creek Village, Phase 2	35	-	72	-	26,058	-	14,476				35	37		
J. Allen Kent	140	-	400	-	144,000	-	80,000			10	20	20	20	20
Waterstone, Section 3		-	36	-	12,960	-	7,200			5	10	10	10	10
Waterstone, Section 4		-	80	-	28,800	-	16,000				5	10	10	10
Misc. Undeveloped (Commercial)	278	-	2,317	-	834,120	-	463,400		10	10	10	10	10	10
Misc. Undeveloped (Single Family)	694	-	2,892	-	1,041,120	-	578,400		10	10	10	10	10	10
Misc. Undeveloped (Industrial)	237	-	1,317	-	474,120	-	263,400		3	3	3	3	3	3
<b>Subtotal</b>	<b>1,484</b>	<b>-</b>	<b>3,402</b>	<b>-</b>	<b>2,740,098</b>	<b>-</b>	<b>1,522,276</b>	<b>-</b>	<b>29</b>	<b>104</b>	<b>203</b>	<b>189</b>	<b>152</b>	<b>142</b>
<b>Potential Future Development (ETJ)</b>														
Montgomery Ridge	125		488	-	175,680	-	97,600			10	50	50	50	50
Stewart Landing	33	-	50	-	18,000	-	10,000			5	15	20	10	
90-AC Lone Star Parkway	90	-	225	-		-	45,000			10	25	25	25	25
Misc. Undeveloped Land (ETJ)	5,200		20,800	-	7,488,000	-	4,160,000		10	10	10	10	10	10
<b>Subtotal</b>			<b>11,777</b>	<b>-</b>	<b>7,681,680</b>	<b>-</b>	<b>4,312,600</b>	<b>-</b>	<b>68</b>	<b>243</b>	<b>506</b>	<b>483</b>	<b>399</b>	<b>369</b>
<b>Potential Ultimate Totals</b>				<b>316,106</b>	<b>11,341,942</b>	<b>162,886</b>	<b>6,356,856</b>	<b>896</b>	<b>1,161</b>	<b>1,457</b>	<b>1,807</b>	<b>1,736</b>	<b>1,584</b>	<b>1,528</b>
				<b>rojected Ultimate Volumes:</b>		<b>Water</b>	<b>323,306</b>	<b>420,686</b>	<b>589,106</b>	<b>793,466</b>	<b>842,846</b>	<b>852,326</b>	<b>886,166</b>	
						<b>Sewer</b>	<b>166,886</b>	<b>219,536</b>	<b>311,986</b>	<b>425,136</b>	<b>452,436</b>	<b>457,986</b>	<b>477,336</b>	

**Appendix D**

**Proposed 5.71-Acre Peter Hill Development**

**Excerpt from Impact Fee Analysis**



**JONES | CARTER**

Texas Board of Professional Engineers Registration No. F-439



**Table 1.1 Maximum Assessable Impact Fee for Commonly Used Meters**

<b>Meter Size</b>	<b>Maximum Flow (GPM)</b>	<b>Equivalent Single Family Connection (ESFC)</b>	<b>Maximum Assessable Water Fee (\$/ESFC)</b>	<b>Maximum Assessable Wastewater Fee (\$/ESFC)</b>	<b>Maximum Assessable Fee (\$/ESFC)</b>
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

**Appendix E**  
**Proposed 5.71-Acre Peter Hill Development**  
**Cost Estimates**



**PRELIMINARY COST ESTIMATE OPTION A  
FOR  
PUBLIC WATER AND SANITARY SEWER LINE EXTENSIONS  
PROPOSED 5.71-ACRE PETER HILL FEASIBILITY COST ESTIMATE  
CITY OF MONTGOMERY  
October 24, 2017**

Item No.	Description	Unit	Quantity	Unit Price	Total
1.	Move-in and Start-up	LS	1	\$ 10,000	\$ 10,000
<b><u>Sanitary Sewer</u></b>					
2.	8-Inch Sanitary Sewer	LF	250	60	15,000
3.	16-Inch Steel Casing Installed by Trenchless Construction	LF	115	130	14,950
4.	Sanitary Sewer Manhole	EA	1	2,600	2,600
5.	Sanitary Sewer Connection	EA	1	2,000	2,000
<b><u>Water</u></b>					
6.	12-Inch 12" waterline	LF	250	70	17,500
7.	20-Inch Steel Casing Installed by Trenchless Construction	LF	115	130	14,950
8.	2-Inch Blow Off and Box	EA	2	1,000	2,000
9.	12-Inch Waterline Plug & Clamp	EA	2	1,000	2,000
10.	Fire Hydrant	EA	1	4,500	4,500
<b><u>Misc</u></b>					
11.	Traffic Control Plan	EA	1	5,000	5,000
12.	Trench Safety System	LF	270	1	270
13.	Hydro-Mulch Seeding	LS	1	5,000	5,000
14.	Storm Water Prevention Plan	LS	1	3,000	<u>3,000</u>

<p>This Document is Released for the Purpose of:  <b>Preliminary Financial Planning</b>  Under the Authority of:  Engineer: <u>Ed Shackelford, PE</u>  License No.: <u>55284</u>  It is Preliminary in Nature and not to be Used for Feasibility of</p>
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Subtotal	\$	99,000
Contingencies (20%)		20,000 <sup>(2)</sup>
Engineering Services		40,000 <sup>(3)</sup>
Reimbursable Expenses		<u>10,000</u> <sup>(4)</sup>

**Total Construction Cost \$ 169,000**

**Notes:**

<sup>(1)</sup> This estimate represents my best judgement as a design professional familiar with the construction industry. Jones|Carter has no control over the cost of labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidding or market conditions. Accordingly, we cannot and do not guarantee that bids will vary from this cost estimate.

<sup>(2)</sup> Contingencies involve a 20% cost for additional, unseen and future costs from time of estimate.

**Notes:**

- (3) Engineering, surveying, field project representative and miscellaneous additional services.
- (4) Reimbursable expenses include legal notices, reproduction, geotechnical investigation, and construction materials



**PRELIMINARY COST ESTIMATE OPTION B  
FOR  
WATER AND PUBLIC SANITARY SEWER LINE EXTENSIONS  
PROPOSED 5.71-ACRE PETER HILL FEASIBILITY COST ESTIMATE  
CITY OF MONTGOMERY  
October 24, 2017**

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
1.	Move-in and Start-up	LS	1	\$ 15,000	\$ 15,000
<b><u>Sanitary Sewer</u></b>					
2.	10-Inch Sanitary Sewer	LF	1,400	75	105,000
3.	16-Inch Steel Casing Installed by Trenchless Construction	LF	120	130	15,600
4.	Sanitary Sewer Manhole	EA	4	2,600	10,400
5.	Sanitary Sewer Connection	EA	1	2,000	2,000
<b><u>Water</u></b>					
6.	12-Inch 12" waterline	LF	250	70	17,500
7.	20-Inch Steel Casing Installed by Trenchless Construction	LF	115	130	14,950
8.	2-Inch Blow Off and Box	EA	2	1,000	2,000
9.	12-Inch Waterline Plug & Clamp	EA	2	1,000	2,000
10.	Fire Hydrant	EA	1	4,500	4,500
<b><u>Misc</u></b>					
11.	Traffic Control Plan	EA	1	5,000	5,000
12.	Well Point System	LF	1,000	35	35,000
13.	Trench Safety System	LF	1,415	1	1,450
14.	Hydro-Mulch Seeding	LS	1	7,500	7,500
15.	Storm Water Prevention Plan	LS	1	5,000	5,000

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Subtotal	\$	243,000
Contingencies (20%)		49,000 <sup>(2)</sup>
Engineering & Surveying		46,000 <sup>(3)</sup>
Reimbursable Expenses		15,000 <sup>(4)</sup>
<b>Total Construction Cost</b>	<b>\$</b>	<b>353,000</b>

**Notes:**

- (1) This estimate represents my best judgement as a design professional familiar with the construction industry. Jones|Carter has no control over the cost of labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidding or market conditions. Accordingly, we cannot and do not guarantee that bids will vary from this cost estimate.
- (2) Contingencies involve a 20% cost for additional, unseen and future costs from time of proposal.
- (3) Engineering, surveying, field project representative and miscellaneous additional services.
- (4) Reimbursable expenses include legal notices, reproduction, geotechnical investigation, and construction materials testing.

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: November 14, 2017</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: Escrow Agreement</b>
<b>Date Prepared: November 9, 2017</b>	

**Subject**

This is the approval of a escrow agreement with Huff Co for their development of the addition building at Apache Machine Shop.

**Description**

The Escrow Agreement is attached. There are no changes from your approved Agreement form

**Recommendation**

Motion to approve the Escrow Agreement.

**Approved By**

City Administrator

Jack Yates

Date: November 9

**ESCROW AGREEMENT**

**BY AND BETWEEN**

**THE CITY OF MONTGOMERY, TEXAS,**

**AND**

**Huffco Services, Inc.**

THE STATE OF TEXAS            ⊃

COUNTY OF MONTGOMERY    ⊃

This Escrow Agreement, is made and entered into as of the \_\_\_\_\_ day \_\_\_\_\_, 2017 by and between the CITY OF MONTGOMERY, TEXAS, a body politic, and a municipal corporation created and operating under the general laws of the State of Texas (hereinafter called the "City"), and Huffco Services, Inc., a \_\_\_\_\_ Texas Corporation, (hereinafter called the "Developer").

**RECITALS**

WHEREAS, the Developer desires to acquire and develop all or part of a tract of land located in Reserve "A" of Minor Plat of Mitchell Corner, a Commercial Subdivision of 7.63 acres in the John Corner Survey, A-8 and the Benjamin Rigsby Survey, A-31, Montgomery County, Texas sometimes referred to as the Apache Well Control Tract, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

WHEREAS, the City policy requires the Developer to establish an Escrow Fund with the City to reimburse the City for engineering costs, legal fees, consulting fees and administrative expenses



incurred during the preliminary and final platting phase and for construction management and inspection services to be provided for during the construction phase; and,

WHEREAS, City has determined that the estimated cost of providing such services will be approximately \$2,000.

**AGREEMENT**

ARTICLE I

**SERVICES REQUIRED**

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

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

ARTICLE II

**FINANCING AND SERVICES**

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

Plan Review	\$ 1,000
Developer Coordination	\$ 500
Construction Inspection	\$ 500
<hr/>	
TOTAL	\$2,000

Section 2.02 Developer agrees to submit payment of the Escrow Fund to City no later than ten (10) days after the execution of this Escrow Agreement.

Section 2.03 In the event the funds advanced are insufficient to cover the City's costs and expenses, Developer agrees to tender additional sums upon request to cover such costs and expenses. Any funds which may remain after the completion of the development described in this Escrow Agreement will be refunded to Developer.

ARTICLE III,  
MISCELLANEOUS

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

Section 3.02 If either party is rendered unable, wholly or in part, by *force majeure* to carry out any of its obligations under this Escrow Agreement, then the obligations of such party, to the extent affected by such *force majeure* and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided but for no longer period. As soon as reasonably possible after the occurrence of the *force majeure* relied upon, the party whose contractual obligations are affected thereby shall give notice and full particulars of such *force majeure* relied upon to the other party. Such cause, as far as possible, shall be remedied with all reasonable diligence. The term "*force majeure*," as used herein, shall include without limitation of the generality thereof, acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind

of the government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage, or accidents to machinery, which are not within the control of the party claiming such inability, which such party could not have avoided by the exercise of due diligence and care.

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

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

Section 3.05 Any notice, communication, request, reply or advice (hereafter referred to as "notice") herein provided or permitted to be given, made, or accepted by either party to the other (except bills) must be in writing and may be given or be served by depositing the same in the United States mail postpaid and registered or certified and addressed to the party to be notified, with return receipt requested, or by delivering the same to an officer of such party. Notice deposited in the mail in the manner herein above described shall be conclusively deemed to be effective, unless otherwise stated in this Escrow Agreement, from and after the expiration of seven (7) days after it is so deposited. Notice given in any other manner shall be effective only when received by the party to be notified. For the purpose of notice, the addresses of the parties shall, until changed as hereinafter provided, be as follows:

If to City, to: City Administrator  
City of Montgomery  
101 Old Plantersville Rd.  
Montgomery, Texas 77356

If to Developer, to: [Bart Huffaker  
[Huffco Services Inc.  
[103 Longview Street  
[Conroe, TX 77301

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

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

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

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

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



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

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

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

CITY OF MONTGOMERY, TEXAS

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

ATTEST:

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

Huffco Services, Inc.  
Developer

By: Bautifume  
Signature

Title: President

STATE OF TEXAS {

COUNTY OF MONTGOMERY {

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

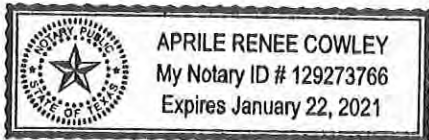
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS {

COUNTY OF Montgomery {

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 7th day of November, 2017.



April Renee Cowley  
Notary Public, State of Texas

## Prohibition on Boycotting Israel Verification

This Verification is hereby incorporated into the terms of the contract by and between \_\_\_\_\_ **[Owner]** \_\_\_\_\_ and \_\_\_\_\_ **[Contractor]** \_\_\_\_\_ entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

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

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

[Signatures on Following Page]

Prohibition on Boycotting Israel Verification [Continued]

Huffco Services Inc.

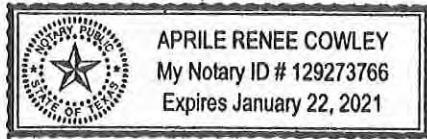
Contractor

State of Texas

County of Montgomery

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

(Personalized Seal)



Aprile Renee Cowley  
Notary Public's Signature

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

\_\_\_\_\_  
Owner



**VENDOR CONTRACTS APPROVED BY CITY COUNCIL  
AND/OR IN EXCESS OF ONE MILLION DOLLARS**

**Effective January 1, 2016** there is now a requirement for Certificates of Interested Persons (Form 1295) to be filed with the city secretaries and they in turn electronically file notice with the Texas Ethics Commission (TEC).

The TEC website is <https://www.ethics.state.tx.us/tec/1295-Info.htm>

***Summary of new law:***

1. All contracts that must be approved by the city council must be given a contract tracking number.
2. Vendors or business entities (but not other governmental entities) must be given the Form 1295 and directed to fill it out.
3. The Form 1295 must be signed by an authorized person from the business entity and notarized.
4. The Form 1295 must be submitted to the city secretary.
5. The city secretary must in turn electronically file the notice of the Form 1295 to the Texas Ethics Commission at its website:

[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)

6. The city secretary must electronically file all such forms within 30 days of the contract approval.
7. Form 1295 will be executed by the Vendor and filed with the City Secretary prior to the Contract being executed.

# **Vendor Training and Registration**

## **Form 1295:**

### **Step One - Set up Account**

**For a video detailing how you register your company for the first time with the Texas Ethics Commission go to:**

**<https://www.ethics.state.tx.us/filinginfo/videos/Form1295/FirstLogin-Business/Form1295Login-Business.html>**

### **Step Two - Create Certificate Form 1295**

**For a video detailing how to create a Form 1295, following registration go to:**

**<https://www.ethics.state.tx.us/filinginfo/videos/Form1295/CreateCertificate/CreateCertificate.html>**

**To complete your Form 1295 you will need to obtain a Contract Tracking Number from the City of Montgomery City Secretary at (936) 597-3288 or via email at [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us).**

**You will print out your completed Certificate – Form 1295 and have it notarized. The Form 1295 will then be submitted to the City of Montgomery City Secretary for acknowledgment of the Certificate.**