

NOTICE OF PUBLIC HEARING and REGULAR MEETING

June 13, 2017

MONTGOMERY CITY COUNCIL

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that a Public Hearing and Regular Meeting of the Montgomery City Council will be held on Tuesday, June 13, 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 HEARING:

Convene into Public Hearing:

1. **Alcohol Beverage Permit Application** for China Tasty Restaurant (changing name to Taste of China), to be located at 20212 Eva Street, Ste. 140, Montgomery, Texas as submitted by Liqun Lin.

Adjourn Public Hearing:

Reconvene into Regular Session:

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. City 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 Regular Meeting held on May 23, 2017.
3. Consideration and possible action regarding a request for Freedom Fest road closures of Clepper Street, Prairie Street, Mason Street, John A. Butler, and FM 149 from 9:00 a.m. to 1:00 p.m., and College Street and McCown from 9:00 a.m. to 6:00 p.m. on July 1, 2017.
4. Consideration and possible action regarding Whitley Vineyards request of road closure on College Street from McCown to FM 149 and northern most 150 feet of McCown Street from 11:00 a.m. to 6:00 pm., Sunday, June 25, 2017.

CONSIDERATION AND POSSIBLE ACTION:

5. Consideration and possible action regarding an Application for an Alcohol Beverage Permit for Taste of China Restaurant (*previously shown as China Tasty*) to be located at 20212 Eva Street, Ste. 140, Montgomery, Texas as submitted by Liqun Lin.

6. Consideration and possible action regarding Request of Surcharge to Recover Relocation Costs for Villas of Mia Lago and Lone Star Bend Road by LDC, Corporation.
7. Consideration and possible action regarding scheduling a Public Hearing to amend the 2016-2017 Utility Fund Budget.
8. Consideration and possible action regarding roof repair at Hulon House at Fernland Historic Park.
9. Presentation of status report regarding the Buffalo Springs Road Bridge from the City Engineer.
10. Consideration and possible action regarding authorization for the City Engineer to prepare a bid package and solicit bids for the cleaning and televising of the public sanitary sewer line adjacent to FM 149 between FM 1097 and SH 105.
11. Consideration and possible action regarding the award and execution of construction contract for the Heritage Plaza Medical Center 12" Waterline.
12. Report from the City Administrator regarding the following: Public Notification System, Joint Meeting with the Planning and Zoning Commission, Auditor selection process and Review Committee, surplus property sale and Groundwater Reduction Plan (GRP) rate increase.

EXECUTIVE SESSION:

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

COUNCIL INQUIRY:

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

ADJOURNMENT




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 June, 2017 at 2:30 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

Montgomery City Council
AGENDA REPORT

Meeting Date:	June 13, 2017	Budgeted Amount:	
Department:	Administration		
Prepared By:	Susan Hensley, City Secretary	Exhibits:	
Date Prepared:	June 9, 2017		

Subject

Public Hearing regarding an Alcohol Beverage Application for China Tasty Restaurant (*changing name to Taste of China*) to be located at 20212 Eva Street, Ste. 140, Montgomery, Texas as submitted by Liqun Lin.

Recommendation

Conduct Public Hearing

Discussion

This restaurant will be located beside the new Kroger Store. The permit application is for beer and wine.

Approved By		
City Secretary		Date: 06/09/17
City Administrator		Date: 6/9/17

MINUTES OF REGULAR MEETING**May 23, 2017****MONTGOMERY CITY COUNCIL****CALL TO ORDER**

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

Present: Kirk Jones Mayor
 T.J. Wilkerson City Council Place # 3
 Rebecca Huss City Council Place # 4
 Dave McCorquodale City Council Place # 5

Absent: Jon Bickford City Council Place # 1
 John Champagne, Jr. City Council Place # 2

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

INVOCATION

T.J. Wilkerson gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS**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.

There were no comments made.

CONSENT AGENDA:

1. Matters related to the approval of minutes for the May 9, 2017, Regular Meeting.

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

Discussion: Mayor Jones confirmed that there was a correction of the spelling of the name of Michelle Ellis.

Rebecca Huss stated that at some point she felt that they should probably mention to the audience that in response to the long discussion at the beginning of the last meeting regarding the Buffalo Springs Bridge and the FEMA money, the City is having a special meeting on May 30, 2017 at 7 p.m. at the Community Center across from Jim’s Hardware. Rebecca Huss said that they will be talking specifically about the bridge and a lot of the details about funding, timing, drawings and etc.

The motion carried unanimously. (3-0)

CONSIDERATION AND POSSIBLE ACTION:

2. Mayor Jones will administer the Oath of Office to the following certified unopposed and duly elected officials from the May 6, 2017, City of Montgomery Cancelled General Election:

Jon Bickford - City Council Position 1

T.J. Wilkerson – City Council Position 3

Dave McCorquodale – City Council Position 5

Mayor Jones stated that Jon Bickford was not present tonight. Mayor Jones then administered the Oath of Office to T.J. Wilkerson, City Council Place 3 and Dave McCorquodale, City Council Place 5.

3. Consideration and possible action electing the Mayor Pro Tem for the term of one (1) year as provided by Texas Local Government Code §22.037(b).

Mayor Jones announced that at this time Rebecca Huss is serving as the Mayor Pro Tem.

T.J. Wilkerson moved to nominate Rebecca Huss to serve as the Mayor Pro Tem. Dave McCorquodale seconded the motion. Rebecca Huss accepted the nomination as Mayor Pro Tem.

The motion carried unanimously. (3-0)

4. Consideration and possible action on Department Reports.

- A. Administrator's Report - Mr. Yates presented his report to City Council. Mr. Yates advised that they had discussed General Land Office Federal Flood funds that are available at the County. Mr. Yates said that Mr. Chris Roznovsky, City Engineer, is at a meeting now discussing how those funds are going to be distributed. Mr. Yates said that it was a large pot of money. Mr. Yates said that in the near future City Council would be hearing more about those funds because the City will probably need to hire a grant administrator. Mr. Yates said that he learned about those funds from the Grantworks people.

Mr. Yates said that he has been working on information regarding zoning changes in the City with the Planning and Zoning Commission. Mr. Yates said that was something that City Council will be hearing about soon because the Planning and Zoning Commission will want to have a joint meeting with City Council to discuss the Land Use Plan and Proposed Zoning Changes. Mr. Yates said that they might also have the Mobility Plan to discuss.

Rebecca Huss said that when Mr. Yates talked about getting specs on paving the parking lot, she asked if he was also including what they are using at Hodge Podge Lodge to see if that would be an appropriate use of an alternate paving technology. Mr. Yates said that he will list that as an alternate bid. Rebecca Huss asked if Hodge Podge Lodge had started laying out the materials, because she felt that it would be nice to watch it being installed before springing for it themselves.

Dave McCorquodale asked about the FEMA funds at the County level, and said that they just need to understand how they represent their case for those funds. Mr. Yates said that they were Federal funds through the General Land Office, instead of the Office of Emergency Management. Mr. Yates said that the County Emergency Management person is involved in the method of determination (“MOD”), which is the meeting that Mr. Roznovsky is attending. Mr. Yates said that they were not sure if the County or the City would be managing the funds. Rebecca Huss said that they need to remember what happened the last time they administered some disaster mitigation funds, which was less successful and the City is still paying for that today. Mr. Yates said that he understood.

- B. Public Works Report – Mr. Mike Muckleroy, Public Works Manager, presented his report to City Council. Mr. Muckleroy said that they excavated the drainage ditches on Mason and Prairie Streets, repaired sidewalk sections on Caroline and Liberty Streets and excavated and mapped waterlines at Eva and Sheppard Streets. Mr. Muckleroy advised that for the month they had 6 water taps, 5 sewer taps, 2 water leaks and no sewer stop ups. Mr. Muckleroy said that they set bollards at the Community Center entrance to protect the stone wall and hopefully alleviate future accidents that damage the stone wall. Mr. Muckleroy said that they replaced a large section of the back porch at the Simonton House that was rotten. Mr. Muckleroy said that they had also painted the Simonton House, which is not on the report. The docents reported, for the month, they had a total of 937 visitors at Fernland and they provided 68 tours.

Rebecca Huss said that she wanted to express how much she appreciated Mr. Muckleroy and his guys for being so responsive to things that come up. Rebecca Huss said that she called Mr. Muckleroy today about a stop sign that had been turned and was facing the wrong direction. Rebecca Huss said that she went by 2 hours later and it was fixed, so she appreciated how quickly they responded.

- C. Police Department Report – Chief of Police, James Napolitano presented his report to City Council. Chief Napolitano said that the only thing that was in addition to the report this month was the Racial Profiling numbers for the year that speak for

themselves and show that they are out there working and not targeting any one particular group.

Chief Napolitano congratulated Lt. Belmares and Lt. Rosario for going to a SWAT school for a week and graduating. Chief Napolitano said that he got lots of reviews on them and they all said that they did very well. Mayor Jones asked if the City of Montgomery now has a SWAT team. Chief Napolitano said they did not, the reason they send them to SWAT school is to basically get more tactical training in case they ever had an incident.

Mayor Jones asked if the Racial Profiling Report was State mandated. Chief Napolitano advised that it was, which is why he was presenting it to City Council. Chief Napolitano advised that the program that they purchased four years ago, CopSync Program, keeps those numbers for them as each officer makes a traffic stop. Chief Napolitano said that it was very easy for them to download those numbers and review them, then submit them to the State.

Rebecca Huss asked about the reserve officers, stating that the report shows that they only have one person that was active in April, so it was her understanding that a reserve officer should be operating a certain number of hours per month, especially if they are buying guns for all of them. Rebecca Huss said that if they don't actually work, the purchase of guns might not have been a useful use of City money. Chief Napolitano advised that the reserve officers use the weapons when they work, so in the month of May they all worked at the Antique Festival and they will be working next weekend for the Homecoming Parade. Chief Napolitano said that the reserves do come out and work when they need them, but some of them have jobs that take them out of town and they can't work every month, but they try to get as many hours as they can, including when they have special events. Chief Napolitano advised that the Racial Profiling numbers did not include warnings, and said that the State was very specific about that because a lot of agencies were including warnings.

Rebecca Huss asked why that number did not match the 2,402 citations filed in 2016 from the Court numbers, which is on page 40 of the pack, because it was half of what

the Court listed. Chief Napolitano said that he did not know the answer to that and said that he would have to look up that information. Rebecca Huss stated that the Court number states 2,400 and the Police number states 4,700. Chief Napolitano said that at any particular stop, the person might receive more than one citation. Rebecca Huss asked whether the Court citations should include all citations. Chief Napolitano said that he would have to ask Sergeant Lehn about that information and what the difference was in the numbers.

Chief Napolitano advised that the Racial Profiling Report came up because people were assuming that they were only stopping people because of their race or ethnicity. Dave McCorquodale said that if they take the 4,700 people stopped and look at that on average, it looks like about one person every two hours. Dave McCorquodale said that anyone with a familiarity of the City, if you drive around the City you can certainly find someone in a two hour span going way faster or more reckless than what they need to drive, so to him it looks like the posture of the City's Police Department is certainly in context with the size of the City. Dave McCorquodale said that he would think that there are a whole lot more folks that are getting through as opposed to getting stopped in the City. Chief Napolitano said that while the officer is making a stop, they are out of service so other people can go by as fast as they want.

Chief Napolitano advised that last week they had a DWI with a 3 year old in the car, so they had to get CPS involved, and then last Thursday they had a four year old left unattended at the apartment complex, which took him and Officer Hernandez out of service for 4-5 hours.

Chief Napolitano advised that he would check on the difference in the report numbers and get the information back to City Council.

- D. Court Department Report – In the absence of Ms. Rebecca Lehn – Kendall, Court Administrator, Mr. Yates presented the report to City Council. Mr. Yates stated that the Court took in \$47,163.40 during the month, and \$9,307 in warrants. Mr. Yates stated that the warrant officer resigned and decided to attend nursing school, so they

will be replacing that person and the thought is to replace that position with a full time person because it is well worth the time. Mr. Yates said that they had been splitting the salary between the Court and the Police Department, but the Police Department did not use her very much, so the new employee will be solely in the Court. Mr. Yates said that they will take the funds for the part time in the Police Department and move it to the Court, so it won't make a difference.

- E. Utility/Development Report – Mr. Yates presented the report to City Council. Mr. Yates advised that there was \$94,337 collected for utilities, which is \$15,000-\$17,000 over last year. The City collected \$32,035 for permits, and of that number \$6,542 was residential, and \$20,274 in commercial building permits.

Rebecca Huss asked Mr. Yates if he was still making progress towards our next rate analysis. Mr. Yates advised that he was going to start working on it because they would be getting ready for the budget in the next week or two.

Mr. Yates said that an item that is not on this report is the public water consumption, but it will be back on the report next month. Mr. Yates reported that the sewer plant this last month was at about 2,000 gallons after the recycling system was installed. Rebecca Huss said that was great information, because at least that unit of the City is matching the 30 percent of the City that uses the minimum amount of water. Rebecca Huss said that was well done. Mr. Yates said that the payback on that improvement will be much quicker than what had been originally thought.

- F. Water Report – Mr. Christopher Townsend, Area Manager with Gulf Utility, presented the report in the absence of Mr. Mike Williams. Mr. Townsend reported on the 8 district alerts, with 3 of them being specific to power failures at Lift Stations 4, 6 and the Wastewater Treatment Plant. Mr. Townsend advised that once Entergy was able to restore power everything was put back in place, and they did find that one pump had been damaged. Rebecca Huss asked whether that damage was caused by a spike in electricity. Mr. Townsend said that it was due to a spike in electricity. Rebecca Huss asked if Mr. Yates was adding that to the bill for Entergy. Mr. Yates

said that he was including that in the bill. Mr. Townsend said that he would have Mike Williams provide the information related to the power surge to the City.

Rebecca Huss asked if they still had an Entergy monitor on the lift station. Mr. Muckleroy said that as of this morning he did not have an answer. Rebecca Huss commented that their customer service has not improved either. Mr. Muckleroy said that they discussed this information at their weekly meeting, and Mr. Roznovsky had not received a response from Entergy either. Rebecca Huss said that it is ridiculous that the City is still dealing with this issue.

Mr. Townsend advised that due to the power failure Gulf Utility was able to negotiate with NTS to have a rental pump installed and they are currently rebuilding the other pump.

Mr. Townsend advised that on the 12th of the month they had a high wet well call out for Lift Station No. 4, and in this particular instance, the electricians that went on site found that the incoming power phases had been reversed, which is what caused the issue. Rebecca Huss asked if that was due to someone just messing around with the wires. Mr. Townsend said that he had been told by Mr. Williams, they had been doing work in the area, and when power was restored the phases were reversed and that causes the pumps to reverse. Rebecca Huss said to write that down to include on Entergy's bill. Mr. Muckleroy said that it was on Mr. Roznovsky's list to talk to them about. Rebecca Huss said those guys should not be working with electricity. Mr. Muckleroy said that normally they advise the City when they are going to change the phases, and they did not advise the City.

Mr. Townsend advised that the total flow for the sewer treatment plant was 4,100,015 gallons, and during that time they had a peak flow of 292,000 gallons on April 3, 2017. The average daily flow for the facility was 132,000 gallons, which is 33% of the permitted value. The effluent monitoring showed no excursions to report and the total rainfall for the period covered was 4.78 inches.

Mr. Townsend reviewed the water report, Well No. 2 produced 2,600,000 gallons and Well No. 3 produced 1,800,000 gallons and Well No. 4 was 3,100,000 gallons, giving the City a total of 7,600,000 gallons produced for the time period. Mr. Townsend said that of the 7,600,000 gallons, 467,000 gallons were accounted for in flushing and they sold a total of 6,900,000 gallons, for an accountability of 96%.

Rebecca Huss said that she had problems with the sewer plant totalizer that the City is using, and said that is not any more accurate than the previous one was, because they are getting such huge changes in the return numbers that are not exactly correlated with rainfall. Rebecca Huss said that the numbers do not make sense, and the last time that they did not make sense the totalizer was wrong. Rebecca Huss said if they looked at the return numbers, which this report shows 60%, 71% last report, 102% the month before, with almost an inch more in rain, and then 83% the month before that. Rebecca Huss said that the numbers are all over the place and they do not make any sense. Mr. Townsend said that he would relay the information to Mr. Williams so that he can stay on top of the matter. Mr. Townsend said the totalizer is calibrated annually. Rebecca Huss said that it was calibrated before and it still did not work correctly, so that is not an indication of accuracy, it just means that they spent money to calibrate the equipment. Mr. Muckleroy said that they did make a decision to start calibrating twice a year. Mr. Townsend said that he would ask Mr. Williams to report the next time they are scheduled for calibration. Rebecca Huss said that the totalizer was brand new in November or December. Mr. Muckleroy said that it was probably time for it to be calibrated. Mr. Townsend said that they do have the capability of monitoring the calibration and will have Mr. Williams get that information to the City.

- G. Engineer's Report – Mr. Ed Shackleford, City Engineer, presented his report to City Council. Mr. Shackleford presented City Council with a draft of the Mobility Study, and said that they have delivered copies to the Precinct Offices and have a meeting scheduled with them next week to review the comments. Mr. Shackleford asked City Council to review the information and to formulate their comments and questions, and then they will come back and present the Mobility Study in a formal presentation in June. Mr. Shackleford said that they were proceeding with the sewer plant

renewals. The Texas Capital Fund Grant for Kroger, has their final inspections ongoing. They will have inspections for Pizza Shack on the 25th of the month.

Mr. Shackleford said that they were finalizing the engineering drawings for Flagship Boulevard and should be bringing bids back at the June 13, 2017 City Council Meeting. Mr. Shackleford said that this project was under the threshold so they should be able to solicit quotes from contractors versus actually advertising for bids. Mr. Shackleford advised that the legal notice was in the paper today regarding the advertisement of bids for the medical center water line replacement, which is the section that is in front of Mr. Cheatham's building.

Mr. Shackleford stated that they have been working with Montgomery County Precinct 1 on Lone Star Parkway, Lone Star Bend and Bois d'Arc, and they have received bids on Lone Star Parkway, and there should be a preconstruction meeting shortly and they have asked to be included so they can offer guidance as to what the City would like to see constructed first and traffic control.

Mr. Shackleford said that the final plans for Lone Star Bend and Bois d'Arc have been delivered and will be bid as one package, so they are waiting to see when that will be advertised for bid. Mr. Shackleford said that one thing that they are certain of is that Lone Star Bend will be constructed first before the Bois d'Arc improvements are done. Mr. Shackleford said that he sees that they are still waiting for a final plat of the Villas of Mia Lago to get approved, which they will get with the developer to get it moving so the County is not delayed in constructing the project.

Mr. Shackleford spoke about the GLO projects, which has essentially \$23 million dollars allocated to Montgomery County, and they identified approximately 11 projects for consideration that totaled almost \$9 million dollars. These projects include water, sanitary sewer and streets and are things that would benefit low to moderate income areas of the City. Mr. Shackleford said that they have given FEMA a revised cost estimate on Plez Morgan repair and resurfacing. Mr. Shackleford advised that Mr. Bowen has taken care of his escrow accounts.

Rebecca Huss asked about the Montgomery Shoppes meeting and whether they were still planning on having a City Council person attend. Mr. Shackleford said that he was, as requested. Rebecca Huss asked if the City was ready to go on the Flagship Boulevard repairs since school is out on Friday. Mr. Shackleford said that they are ready, because they will receive bids on the 13th and asked if City Council would like to designate a person for the Shoppes at Montgomery meeting. Rebecca Huss said that she would nominate Dave McCorquodale, because he has a good eye for property and size. Rebecca Huss said that as they had discussed before, it would be better for City Council to not be completely blindsided and not hear anything about the project. Mayor Jones said that it was his position that City Council not be involved in the meetings until they can all deliberate together on the matter. Rebecca Huss said that she did not feel it that it hurt to have a Council person that has an expertise and interest in something being aware of the information and has some input. Mr. Shackleford said that they would be happy to make the date and time of the meeting known and go from there.

T.J. Wilkerson asked if there had been a decision on what would be done with Baja. Mr. Shackleford said that they had submitted a Community Development Block Grant application for funds to do some work on the drainage and streets. Mr. Shackleford said that one of the GLO projects included relocating water, rehabilitation of the sanitary sewer, fixing drainage and replacing the street. Mr. Shackleford said that they are waiting to hear whether the applications have been approved and on the CDBG it is the September/October time frame, and the GLO will probably be the same time. Mr. Shackleford said that they are trying.

- H. Financial Report and Quarterly Investment Inventory Report – Mr. Yates presented the report to City Council. Mr. Yates advised that the General Fund has reserves of \$214,000, and all funds are reserves of \$2,428,000. Mr. Yates said that the General Fund is \$168,471 revenue over expenditures for the year. Mr. Yates said that the Utility Fund is \$158,877 revenue over expenditures for the year. Mr. Yates advised that personnel wise, they allowed \$1,320,000 and they are on target for \$1,261,000.

Mr. Yates said that last month there was a question about payroll, and noted that he had responded that there were three payrolls during that month.

Rebecca Huss said that they still did not have a Groundwater Reduction Plan (“GRP”) Fund, which was something that they had discussed, because GRP monies are only to be used on certain types of projects and it would be easier to segregate the funds. Rebecca Huss asked if Mr. Yates had thought about what the auditor said at the last meeting, about the City being able to take some of our unrestricted reserves and make them restricted, which would mean that they would not count in the surplus calculation. Rebecca Huss said if they get too high on their surplus, they might have to reduce their tax rate. Rebecca Huss said that they obviously have a lot of big projects that they are saving money for, but the \$1.2 million dollars that they have in the General Fund that could cover the bridge, while they wait for the FEMA funds.

Mr. Yates said that the GRP revenue is \$77,000 for the year, so far. Mr. Yates said that he knew that they had discussed a separate fund, but he did not know that they had decided to put that into a different fund. Rebecca Huss said that she felt that legally, they needed to specifically allocate expenses that they use the revenue for that are compliant with the GRP mandate. Mr. Yates said that he did not think that it was a legal issue, but instead an accounting issue. Rebecca Huss asked Mr. Yates if he thought that since they are collecting GRP money they are not legally required to spend it on GRP activities. Mr. Yates said that he thought that was true, and that is what he thought the Capital Outlay (\$105,000 capital outlay project) and the Utility Fund (\$95,000 utility fund project). Rebecca Huss said that not all utility projects are GRP projects. Mr. Yates said he supposed so, but most of these particular projects are GRP related, but said that he would look into the matter. Rebecca Huss said that she felt it would be easier to account for as they go along, rather than someone asking a question four years from now and having to back track. Mayor Jones said that he thought the discussion early on was that the City would continue charging the fee, but would dedicate that money to water projects and he felt that a separate line item would be a good idea. Mr. Yates said he would look into it.

Rebecca Huss asked if they needed to have a legal opinion regarding restricting the funds for particular projects. Rebecca Huss asked if the City reached a certain amount of reserve funds would the tax rate election be affected. Mr. Yates said that he would check on that information. Mayor Jones said that it might be safer to identify some projects and draw down on the funds. Rebecca Huss said if there are projects like the water recycling project, you would make your money back. Mayor Jones said that the City has a bunch of lift stations that need rehabilitation, so maybe they spend \$200,000 toward that. Rebecca Huss said that was also miles of sewer lines to camera. Mr. Yates said that they would discuss this information during the budget process. Rebecca Huss said that she wanted to make sure that if they designated those funds, that they would also be able to reallocate the funds, if needed.

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

5. Consideration and possible action regarding adoption of a Proclamation in observance of May Motorcycle Safety Awareness Month.

Mayor Jones read the Proclamation into the record, as follows:

WHEREAS, the month of May marks the traditional start of riding season; motorcycles become more prevalent on our streets; the need to be aware of their presence is of the utmost urgency; and

WHEREAS, Motorcycle Awareness Month is designed to increase public awareness about motorcycles; encourage their safe and proper use among motorcycle riders; is worth special recognition; and

WHEREAS, motorcycles occupy a very important position in the history of our State and Nation; and

WHEREAS, the motorcycle is an efficient vehicle which reduces fuel consumption, has little impact on our overworked roads and highway system, is an important mode of transportation for commuting, touring and recreation; and

WHEREAS, over two-thirds of car-motorcycle crashes and nearly one-half of all motorcycle crashes are caused by car drivers, not by motorcyclists; and

WHEREAS, several organizations are committed to increasing the safe operation of motorcycles by promoting rider safety education programs and by providing safety instruction at local chapter meetings; and

WHEREAS, citizens should recognize the fact that motorcycle operators have the same rights and privileges as operators of other vehicles on all roads and highways; and

THEREFORE, it is in the best interest of our community and citizens to note the increase in the amount of motorcycle traffic, as we enter the warm weather months, to enable the reduction of accidents and injuries involving motorcyclists.

NOW, THEREFORE, BE IT PROCLAIMED that I/we, City of Montgomery, Texas City Council, do hereby recognize May 2017 as **MOTORCYCLE AWARENESS MONTH**.

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

6. Consideration and possible action to schedule a Public Hearing to be held on June 13, 2017 at 6 p.m., regarding an Alcohol Beverage Application for China Tasty Restaurant, to be located at 20212 Eva Street, Ste. 140, Montgomery, Texas as submitted by Liqun Lin.

Dave McCorquodale moved to schedule a Public Hearing to be held on June 13, 2017 at 6 p.m. regarding an Alcohol Beverage Application for China Tasty Restaurant, to be located at 20212 Eva Street, Ste 140, Montgomery, Texas, as submitted by Liqun Lin. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

7. Consideration and possible action regarding use of City Street or Community Center grounds for Farmer's Market - Historic Montgomery Business Association.

Ms. Shauna Riley, Chairperson of the HMBA, was present. Mr. Yates said that the HMBA is asking for permission to use the Community Center and to close off some streets. Mr. Yates said that in his notes he had several questions.

Mayor Jones said that he wanted to comment on Mr. Yates questions, and said they have a similar activity that occurs now and does include a Farmer's Market, and whatever rules they follow, should be applied to the HMBA efforts. Rebecca Huss said that they have persistently had problems with the Chamber sponsored version with the vendors putting stakes through the irrigation lines, even though they are not supposed to, she might actually prefer the safety of having a street closed for the infrastructure.

Rebecca Huss said that she thought this was a great idea, and she loved the idea of having an extra event in the City every month. Mr. Yates said that his recommendation is for them to decide where they want the event. Mr. Yates said that they would not charge for the event, unless they started leaving trash every week that would be an issue. Rebecca Huss said that they could charge the vendors in order to hire someone to do the cleanup, which seems to be the largest sticking point. Mr. Yates said that they did not charge the 1st Saturday vendors, so they are not going to charge these vendors. Mayor Jones said that it would be okay for HMBA to charge for their vendors. Mr. Yates said that he just wanted direction from City Council as to whether they were okay with not charging for the vendors and to have the street closing. T.J. Wilkerson asked when the Farmer's Market would occur. Ms. Riley said that they were hoping that it would be every Thursday from 5 p.m. through dark. Mrs. Riley said that they are hoping to start June 8, 2017 and they are advertising to make sure that everyone will come. Ms. Riley advised that they wanted Thursday nights because the Rancher's Daughter, Whitley Winery, Cozy Grape and the Old Montgomery Steakhouse is open and have quite a following so they should have a lot of people attending. Ms. Riley said that she has vendors identified and ready to go. Mayor Jones said that they never have had enough produce vendors or they run out of stock at the 1st Saturday.

Rebecca Huss asked the City Administrator to work this out positively. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

8. Presentation of Electric Code Amendment Ordinance regarding electrical wire.

Mr. Yates advised that City Council after recommendation from the Building Code Committee, approved amending the Electric Code Ordinance. At the time of the Code amendment discussion, it was presented by Mr. Rick Hanna, City Building Inspector, that other area cities have amended their Codes to the heavier gauge wire and that it would add slightly to the cost of a new home, but for the safety sake it was recommended.

Mr. Fultz has submitted a statement against the amendment saying that the Electric Code allows the lesser gauge wire, which he considers safe and if he had to go to the higher gauge wire it will increase his quotes on local jobs in the City. Mr. Yates said that Mr. Hanna is opposed to rescinding the ordinance and says that the stronger gauge wire is safer and other cities have adopted the same stronger wire. Mr. Yates said that if all the contractors are bidding on the same new requirement, no contractor would have an advantage over the other contractor.

Mr. Fultz advised that he has been an electrical contractor since 1995 and his primary business is residential wiring and he finds that the National Electric Code is adequate. Mr. Fultz said that for people to try to create new mandates and stuff without any knowledge or experience, he finds wrong, which is what he feels happened here. Mr. Fultz said upsizing the wiring does not make a house safer, and he feels like he has experience to prove it. Mr. Fultz said that just because another city mandates this is no reason for the City of Montgomery to do so, because it causes everything to go up. Mr. Fultz said that is why he is here to rescind that decision that was made in February.

Dave McCorquodale asked how the size of the wire mean going from the larger size to the smaller size wire. Mr. Fultz said that they have a chart with the National Electric Code book that has been there forever that tells the capacity of the wire, and said that the Code book has been in existence since 1897, and it is revised and updated every three years. Mr. Fultz explained the different ways that he calculates the wiring for homes.

Mayor Jones asked Mr. Fultz if he were to wire a whole house with 12 gauge wire, could you put more plugs or lights on that circuit. Mr. Fultz said that you probably would, based on experience you would do that. Mayor Jones asked if that would not be more of an advantage

with less breakers needed. Mr. Fultz said not really, because if you learn to do something one way and then you go do it another way, it is an over kill. Mr. Fultz said that the whole country should be regulated by the National Electric Code, but every municipality wants to tell them something different. Mayor Jones said that our Building Inspector said that all cities in the area are using the same rule, and asked if Mr. Fultz found that to be different. Mr. Fultz said that even if they were, you don't jump off a bridge just because someone else did. Mr. Fultz said that they have been wiring houses here in Montgomery for over three years, and this change will just increase the cost to build the home.

Mr. Yates said that the Building Inspector and a local electrician were on the Committee and felt that the increased gauge of wire was safer, and the cost for the increased gauge was approximately \$500 more per house. Mr. Yates said that this would provide that everyone has the same standard of wire.

Rebecca Huss said that she appreciated Mr. Fultz's understanding of it and passion, but she has a really hard time going against our inspector and Mr. Solomon, who is a local inspector, and when it comes down to talking about \$500 and safety, you are talking potentially about some child's life. Rebecca Huss said that she did not feel comfortable going against the Committee's recommendation and she feels more confident going with their perspective at this point.

Dave McCorquodale said that he would tend to agree with Rebecca Huss at this point, but he would like to sit down with Mr. Hanna and Mr. Solomon to get a better understanding of this information because he is not an electrician. Dave McCorquodale said that the safety of his family and the residents in the City are of the utmost importance, but he also wanted to make sure that they understand as best as they can what we are talking about and get their understanding of what the benefit of the larger gauge. Dave McCorquodale said that he is very sympathetic to the guys that come in and work in the City, but he wants to be open to both sides of things and get all the information. Dave McCorquodale said that it could be a five minute dialog with Mr. Hanna and Mr. Solomon. Mr. Yates asked if City Council wanted to hear the information or just have Dave McCorquodale meet with them. Rebecca Huss said that she did not need to hear the information.

T.J. Wilkerson asked if this was similar to the three prong plug versus the two prong plug. Mr. Fultz said that it was not, this is just where people think that bigger is better.

Mr. Foerster said that since this is not an action item, the Mayor could independently or as a Council continue the investigation as Dave McCorquodale has indicated, and if justified, revisit the amendment to the Electric Code. Dave McCorquodale said that he would just like to have a better understanding of why the Committee made the recommendation for the larger gauge wire, which is above and beyond what the National Electric Code recommends. Mr. Yates said that he will get a better explanation in writing and send it out to everyone.

Mayor Jones thanked Mr. Fultz for coming to City Council.

9. Consideration and possible action regarding presentation of Greg Nemeth regarding outside City development.

Mr. Yates said that Mr. Nemeth could not attend the meeting tonight, but his letter has been distributed to City Council, that requests the City to influence a possible, not yet applied for, building permit that would be issued by Montgomery County to a wedding/corporate event center located in the City's ETJ. This location is near the intersection of Dr. Martin Luther King, Jr. Drive and West FM 1097. Mr. Yates said that Mr. Nemeth's concerns are street safety, the water table being stressed with a larger well and possible contamination of water wells with installation of a septic system for this larger facility.

Rebecca Huss said that finding out what the time line is might be useful, because it sounds like Mr. Nemeth has a lot of concerns but she is not sure that he has direct knowledge of exactly what they are talking about. Rebecca Huss said that she would like to see the information on the water and sewer contamination if it is a legitimate business, the City might look at running water and sewer out there. Rebecca Huss said that there are a lot of different options, but they don't know what to do if they do not really know what is happening.

Mr. Yates said that Mr. Nemeth is concerned with someone that is going to build near him. Rebecca Huss said that she would like to know some facts before they try to tell the County how to make any decisions. Mr. Yates said that they are located in the City's ETJ.

Mr. Yates said that the City has no legal standing on outside City permits, other than subdivision platting in the ETJ. Mr. Foerster concurred with Mr. Yates and said that the City has limitations to control development in its ETJ.

Mr. Foerster said that FM 1097 West is a State maintained road. Mr. Foerster said that 2-3 years ago on FM 1097 East there was a new company that was constructing their facility and the State Highway required, at their expense, to put a turn lane in on FM 1097 East. Mr. Foerster said that if this is a wedding venue, there will be times where there will be a lot of traffic, and it might be advisable for Mr. Nemeth to contact the District Engineer to say that he has a concern. Dave McCorquodale said that, unless there is an existing driveway there, when they get a permit for a culvert that is the point in the process when TxDOT catches it and makes their requirements known. Dave McCorquodale said that he was inclined to agree he would like more information before he would be ready to do anything on any of it. Mr. Foerster said that it would not hurt for Mr. Yates to approach the property owner and ask questions, but in terms of us giving directions or ultimatums, he did not think that the City was in the position to do that.

After discussion, Rebecca Huss moved to table this item. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

10. Consideration and possible action regarding award of contract for Water Plant #2 GST Backfill Connection.

Mr. Shackelford advised that there was a letter from Jones and Carter that they received one bid, after public advertisement, they had a couple contractors show up at the pre-bid meeting. Mr. Shackelford said that the bid was about \$30,000 over the estimate. They contractors advised that there were some large projects on the street, and they felt that the City would have gotten a better price if this would have been coupled with another project.

Mr. Shackelford said that they were recommending not awarding the bid and to combine this with Water Plant No. 3 and go out for bids later in the fall, when they should see better bids at that time.

Dave McCorquodale moved to reject the bid by Black Castle General Contractor for Water Plant #2 GST Backfill Connection, and rebid the project with Water Plant No. 3 later this year. T.J. Wilkerson seconded the motion.

Discussion: Rebecca Huss asked if the power issue at Plant No. 2 impact the backfill. Mr. Shackelford said that it did a little in the sense that there is electrical work that is upgraded. Mr. Shackelford said that what is proposed is some automation as pressure changes in the water system, valves would open or close, so part of the electrical issue that they are having with Entergy could affect the functions of this proposed project. Rebecca Huss said that it could presumably increase the cost of repairs for everything. Rebecca Huss said that they are trying to do a Groundwater Reduction Plan and Entergy is standing directly in our way.

The motion carried unanimously. (3-0)

11. Consideration and possible action regarding authorize bidding of Buffalo Springs Drive Bridge Repair.

Mr. Shackelford made a presentation of drawings showing the Buffalo Springs Drive Bridge information.

Dave McCorquodale asked about the water going to the road side ditches. Mr. Shackelford advised that on the west side of the bridge they are proposing a pipe that will go into a manhole, turn and go under the asphalt pavement to the east side, drop about 20 feet straight down, where it will hit the long pipe that goes out to the canal. Rebecca Huss stated that they are basically driving the water underground rather than letting it flow over the land. Mr. Shackelford said that the two lead pipes going back up to catch the roadside ditch are 24 inch pipes, from the manhole on the east side of the road out to the canal is a 30 inch pipe. Mr. Shackelford said that the drop manholes are estimated at \$60,000 because of the depth of 30 feet.

Rebecca Huss asked what they are calculating the volume that this will be able to handle on an hourly basis versus the rainfall that we had that caused all this damage. Mr. Shackleford said that the rainfall events that they had in April and May last year are probably the worst that they have seen since the 1994 rains. Mr. Shackleford said that they sized this for a 25 year rainfall event, not a 100 year rainfall event. The reason is, the property outside the right of way is going to develop and they are going to intercept a lot of the overlay and sheet flow that will go through its own storm system. Rebecca Huss said that would be the case as long as they are directing the flow to a different location other than toward Buffalo Springs.

Mayor Jones asked if this system gets overwhelmed and water starts running over what happens. Mr. Shackleford said that there are swales along the embankment and concrete slope paving, so any water that would exceed the 24 inch pipe will still run over land, but won't be as damaging as what they saw last year. Mr. Shackleford said that another reason that the water won't infiltrate like it did last year is they are putting 3 foot deep toe walls on all the concrete slope paving so that water can't undermine the slope paving. Mr. Shackleford stated that the slope paving that failed last year did not have toe walls, the drawings did, but the actual walls did not.

Mr. Shackelford advised that the rain they received last year exceed 5 inches in one hour, and 4.75 inches in an hour is considered an extreme event. Mr. Shackleford said that the pipes are sized to receive about 2.5 inches per hour, but because once the water gets in the pipes there is nothing that will slow it down. There are larger pipes on the north side. Mayor Jones said that there is safety with the swales.

Mr. Shackleford stated that on the northeast corner there is a 3x2 box culvert, and on the northwest corner there is a 36 inch pipe, then a 54 inch pipe that is the outfall into the canal. Mr. Shackleford advised that these pipes are coming in below the pool elevation of the lake so the head pressure will push the water down the canal without any problem. Dave McCorquodale asked what would keep someone or something from entering that pipe, is there a series of grates? Mr. Shackleford said that you can put grates in front of the pipes, but then there will be a maintenance issue to keep the grates unclogged from cut grass and debris. Mr. Shackleford said that is a safety concern that they will have to think about, but they will have safety grates.

Rebecca Huss asked about the volume and the speed of the water going into the canal, and whether it was expected to cause any erosion there or push silt downstream. Mr. Shackelford said that one of his concerns has always been on how steep those slopes are, they are 2 to 1, but the bulkhead being replaced under the bridge and on either side of the bridge they are raising it 3 feet above the wood bulkhead elevation under the bridge so that they can put the slopes back at a 2 to 1 instead of what they are today. Mr. Shackelford said that the water in the canal will slow the water down as it enters the canal. Mr. Shackelford said that the bottom of the canal and the bulkhead is going to be reinforced concrete all the way across to minimize erosion from the water flowing into the canal and is necessary for the special integrity of the bulkhead. Mr. Shackelford said that the bulkhead is not flat on the bottom.

Mr. Shackelford advised that that they will go to within the right of way and then they will put a toe wall on the slope paving and then they will bury large rocks upstream and downstream to minimize any undermining of the toe walls. Rebecca Huss said that as part of the structure with the toe walls, the rock and the reinforced, she assumed that there would be a fair amount of dredging going on. Mr. Shackelford said yes, they are proposing a structural system that lines the bottom of the canal, then you have a 12 inch thick vertical wall replacing the wood bulkhead, then slope paving going up the slope. Mr. Shackelford said the contractor will have to put a dam upstream and downstream of the bridge, bypass pump around the work to clean this out to be able to install the bottom that is part of the work. Mr. Shackelford said that they have a bypass pump system that will pump around normal flow. Rebecca Huss asked if the estimated depth would equal what they hear the channel is supposed to be. Mr. Shackelford said yes it would.

Dave McCorquodale asked about the stakeholders that were getting together about a larger solution upstream. Mr. Shackelford said that there has been conversation about trying to do something with Town Creek all the way up to Lone Star Parkway, the developer that was looking at that, his engineer told him it would be between \$700,000 and \$800,000 worth of work to clean up that natural ditch. Mr. Shackelford said that they were hoping to develop a TIRS or MUD, some sort of entity that as people built and tied into Town Creek, they would pay to reimburse for the improvements. Mr. Shackelford said that the developer's plans are on hold at this time. Mr. Shackelford said that it is one of the project in the GLO package, one

was to rework portions of Town Creek, on private property with easements or right of way, and the other was a natural man made ditch.

Mr. Shackleford said that the reason he has gone over the drawings is because he is bringing City Council up to date. Last week FEMA needed a hydraulic study, and we are also going to have to go to the Corp of Engineers because we are proposing to mitigate. Mr. Shackleford said that there are two conditions that Council needs to keep in mind, one is pre-flood conditions and what it takes to put everything back to the condition it was prior to the flood and they have priced that out. Mr. Shackleford said that because they do not want to see this happen again, there is mitigation expense, and mitigation is what they need to upgrade it to a condition to minimize the chance of this ever occurring again.

Mr. Shackleford said that the pre-flood condition FEMA will pay 75% to put it back to pre-flood condition and there needs to be a local match of 25%. The City has applied through CDBG Mitigation funds for the 25%. FEMA said that they will pay 100% of the mitigation, so they are still talking \$1.2 to \$1.3 million. Mr. Shackleford said that they have revised all the cost estimates based on their comments, which they have done multiple times every time they get a phone call. Mr. Shackleford said that Mr. Roznovsky got a call today advising that Michelle Ellis' supervisor did not understand their cost estimates and they needed to be fixed, so Mr. Roznovsky was scrambling to get that done.

Mr. Shackleford said that they have done the hydraulic study and submitted it, they are now working with the environmental consultant that they brought out to the job site early on and he is giving them a proposal to do the submission to the U.S. Army Corp of Engineers for the mitigation of this work, which is the concrete lining of the canal and the rip rap that is on either side of the concrete lining. Mr. Shackleford said that he needs about two weeks before he can get started on the work and it will take about two weeks to prepare and submit to the Corp. Mr. Shackleford said that they are submitting under a Nationwide Permit, which is something that has a more defined approval process timeline that is typically a 30-45 day process with the Corp and it should go pretty smoothly. Mr. Shackleford said that FEMA will not approve funding until the City has all their approvals, and something that they threw at them this week that we have to go to TxDOT and get them to review and approve the drawings even though this is not a TxDOT bridge they do bridge inspections in their system, and this bridge is in the

system. TxDOT got assigned to the bridge because they did an inspection shortly after the disaster and said that the bridge was fine.

Mr. Shackelford said that he is recommending that the City defer advertising for bids until the City has received their Corp permit, and then from there, immediately advertise. Mr. Shackelford said that they have been told by FEMA that this project will be invoice driven, which means that the City has to pay the pay requests from the contractor and then submit for reimbursement from FEMA. This means that at any given time a pay request could be received for \$300,000 to \$500,000 for work performed. Mayor Jones asked how long the turnaround for payback is. Mr. Shackelford said that he did not know that yet, it could be 60 - 90 days. Mr. Yates said that he knew that the City could borrow the funds for this, but then you would have the issuance cost and higher interest. Rebecca Huss said that they have \$2.4 million in funds, so she would hope that they could draw from some of the other accounts that have positive fund balances. Dave McCorquodale said that it would depend on what the terms of the contract are regarding when their invoices are payable. Mr. Shackelford advised that State Law requires invoices to be paid in 30 days. Mr. Yates said that the money actually comes from the State Department of Emergency Management. Mr. Yates advised that he is also in the process of applying for what is called advanced funding, which basically says that the City can't afford the \$300,000 - \$500,000 hit to our reserve fund. Mr. Yates said that by having more time it will allow him to apply and hear from them in the next 30 days. Mr. Yates said if they are approved they will get the entire amount. Mayor Jones asked if the 25% that the City is getting for the non-mitigated amount was a lump cash sum. Mr. Yates advised that it was probably 25% of the contract payments by invoice. Rebecca Huss said that she felt that it was doable but it really makes her nervous, because it is not something that they can do for very long. Rebecca Huss said that they pay way too much in issuance costs, and asked if they were going to do an RFP for new financial advisors and bond counsel. Mr. Yates said that was correct.

Mr. Shackelford said that they are looking at bidding in August, with 4 months to construct, so you are looking at February or March 2018 before the bridge is open to the public. Mr. Jeffrey Waddell advised that there are 22 other towns that have applied for relief and asked if the City knew where they stand as far as mitigation is concerned. Dave McCorquodale said they could be waiting on the same things that the City is waiting on, and it might be something good to

know to let the citizens know that they are all in the same boat as the City. Mayor Jones asked if this would have been a different situation if this bridge would have been an emergency.

Mr. Shackelford said that in most cases of emergency, counties would find a temporary solution. Mr. Shackelford said that that FEMA requires the funding to be done within 18 months of a disaster, if they do not finish by December 11, 2017 they will exceed that deadline. Mr. Shackelford said that he is also requesting authorization to file on behalf of the City for an extension that would cover the timeline that they need to finish the project.

Rebecca Huss moved to defer bid process for Buffalo Springs Drive Bridge until the U.S. Army Corp permit is received, and authorize the City Engineers to file the request for the 18-month extension with FEMA to be accomplished by the City Administrator and City Engineers. Dave McCorquodale seconded the motion.

Discussion: Rebecca Huss said that she concurred with Mayor Jones' comment that we are backed into a corner on this, despite wanting the bridge to be under construction and to start spending money on improving people's quality of life. Rebecca Huss said that we really don't have the money to use ourselves so we are waiting for State and Federal agencies, on their time schedule, which we have to accommodate them on their schedule if we want their money. Rebecca Huss said that makes her unhappy, but she does not really see that they have a choice.

The motion carried unanimously. (3-0)

12. Consideration and possible action regarding Emergency Generator Repair at Water Plant No. 3.

Mr. Shackelford presented the additional information on this item as requested at the last City Council Meeting. Mr. Shackelford said if Council chooses to repair the radiator, the upper and lower seals of the radiator that are leaking will be repaired and there will be a one year warranty on the entire radiator.

Mr. Shackelford said if they choose to purchase a new radiator, which is a little less expensive, but takes 120 days from start to finish, during hurricane season. Mr. Shackelford said that they obtained the cost for a standby generator to be used during the 120 days that will run \$2,600

per month for 5 months for a total cost of \$12,700. Mr. Shackelford said that the estimated electrical for the standby generator to be hooked up would be another \$4,500. Mr. Shackelford said that by the time you buy a new radiator, pay for the rental of the generator and electrical the cost is at \$35,200 versus \$21,000 for the repaired radiator. Mr. Shackelford said that either option carries a one year warranty.

Mr. Shackelford said that they determined that the most cost effective and quickest option is to allow Gulf Utility to have Worldwide Power come out and pull the radiator and take it to a repair shop to be serviced and put back in place, which can occur in ten (10) days. Mr. Yates said that he agreed the best option was to repair the radiator. Mr. Shackelford said that it was a unanimous recommendation from Gulf Utility, Mr. Muckleroy, Mr. Yates and the City Engineers to repair the radiator.

Dave McCorquodale moved to refurbish the existing radiator for a cost of \$21,575.20. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

Rebecca Huss thanked Mr. Shackelford for looking into the information. Mayor Jones concurred, and said that the warranty helped seal the deal.

13. Consider authorizing the City Attorney to file a lawsuit against Barnier Construction and Sargent Plumbing Company to collect damages to a City water main on Eva Street.

Mr. Yates said that this has to do with the February 28, 2017 leak that the City feels was caused by the person doing the boring for Mr. Cheatham's property. Mr. Yates said that the City Attorney has said that the City could not sue Mr. Cheatham because he was not in control of the independent contractor at the job site. Mr. Yates said that they did send a letter to Barnier Construction and Sargent Plumbing Company and asked them to pay \$6,737.32 within 30-days, which we have not received payment.

Mr. Foerster said that the suit can be filed in the local J.P Court, Judge Mack, because it is under \$10,000 dollars. Mr. Foerster said that when they looked into the information originally, it looked like the City missed where the waterline was by 4-5 feet, which is considerable. Mr. Foerster said that if the contractor had looked at their engineer's plans, the line was identified

as 6 feet from where they were digging. Mr. Foerster said that based on that and other conversations that they had, he felt that they could show by expert testimony that they were negligent in failing to look at their own engineer's design as to where the line was located, but regardless of the fact that the City missed the line by several feet, we would still have a valid claim for their negligence. Mr. Foerster said that in negligence claims you are not entitled to get attorney's fees, you can only recover the amount of the damage and court costs. Mr. Foerster said that his costs would be somewhere around \$600 to \$700 dollars for the case.

Mr. Foerster said that Mr. Muckleroy, in his due diligence, sent him an email during the meeting, where he found a legal article that states there is a Facilities Act, that provides guidance that the Railroad Commission can have as to the lines, and they in turn looked at another public works program that generally describes a tolerance zone of 18 inches on either side of where the line would be located. Mr. Foerster said that they say that generally if the contractor is within the tolerance zone, and if he digs within that tolerance zone, then he may not be liable if they missed it by more than 18 inches. Mr. Foerster said that he has not had a chance to study this further, so what he would recommend tonight is for City Council to give him the authority, if they choose to do so, and if they want to proceed with the claim for the \$6,737.32, to make the decision as to whether this is a winnable claim, and then he will be responsible for making that decision, based on information that he will get not only from this article, but further conversation with Mr. Muckleroy and the consultants.

Rebecca Huss said that they are assuming that the 18 inch tolerance zone should just be laterally, but really if you look at it on a horizontal basis, they drove right into the pipe horizontally. The pipe was right in the middle of where they were drilling. Mayor Jones said that general workmanship practices would say if you are looking for a waterline you take little bits. Mr. Foerster said that was their position, why didn't they poke around in those areas, which is what the contractors normally do, they went outside a marked area and without doing additional checking, they ended up striking our waterline. Mr. Foerster said that the waterline was probably identified on the engineering design. Mr. Foerster said that even though there is an 18 inch tolerance line, there might be other arguments that could be made that they should have had reasonable and prudent action on the part of the contractor or his sub, Sargent Plumbing. Mr. Foerster said that their engineer, L Squared, had a pretty good idea of where the line was located, because they were right on target of the line location.

Rebecca Huss said that she would guess that Gulf Utility has a procedure manual that goes through the procedure to locate the line, and said that when they installed her landscape meter tap there was an unmarked phone line, which they felt when they were digging. Rebecca Huss said the digging people did not locate the phone line, but Gulf employees found the line. Dave McCorquodale said that he would agree with Mr. Foerster's sentiment that they give him the latitude and he would trust his judgement on recovery of the costs and whether it is worth it. Mr. Foerster said that he reached out to Chris Cheatham and he urged him to assist us in getting this matter settled without having to file a lawsuit. Mr. Foerster said that he has not heard back from Mr. Cheatham. Mr. Foerster said if City Council gives him the authority to proceed, he will contact Mr. Cheatham's attorney, Bill Fowler, tomorrow and visit with him.

Mayor Jones asked if Mr. Barnier was still working in the City. Mr. Foerster said that he assumed he was the general contractor. Rebecca Huss said that he was the one that dropped the tree on Houston Street.

Mr. Foerster said that he feels there was negligence in this case, even though the City did not properly identify where the line was, he felt that they could have avoided this action.

Dave McCorquodale moved to give the City Attorney latitude to use his best judgement on whether or not to pursue action against the General Contractor or Sub-Contractor to recoup costs. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

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.

Dave McCorquodale advised that he would be out of town June 5-24, 2017, so he would miss one Council Meeting. Rebecca Huss stated that she would be out for the second Council Meeting in June, 2017. Mr. Foerster advised that he would be out of town for the first Council Meeting in June, 2017.

ADJOURN

Dave McCorquodale moved to adjourn the meeting at 8:35 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (3-0)

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

_____ Mayor Kirk Jones

Montgomery City Council
AGENDA REPORT

Meeting Date: June 13, 2017	Budgeted Amount:
Department:	
	Exhibits: Letter from Montgomery Area Chamber of Commerce requesting Street Closure w/ map Showing street closures, Letter to Business Owner Regarding street closures.
Prepared By: Jack Yates City Administrator	
Date Prepared: June 7, 2017	

Subject

Street closures for Freedom Fest parade and event: Clepper Street, Prairie Street, Mason Street, John A. Butler, and FM 149 from 9:00 a.m. to 1:00 p.m. and College Street and McCown from 9:00 a.m. to 6:00 p.m. on July 1, 2017.

Description

The Freedom Fest group works/coordinates well with the Police Department. This is a very well attended event.

Recommendation

To approve the road closure as requested.

Approved By

City Administrator

Jack Yates

Date: June 7, 2017

Freedom Fest

July 1, 2017



Dear Property Owner,

We are celebrating Freedom Fest on July 1, 2017 in Historic Downtown Montgomery, TX. As in past events, we again ask permission to use your property to help make this event a success. Our goal is promote a down home celebration with as little inconvenience as possible.

Chief Napolitano would like to close roads leading up to the parade time which runs until 12:30pm approximately. Following that, we will open the roads back up to traffic with the exception of the "T" between College and McCown Streets for the safety of pedestrians.

His biggest concern in years past for roads has been the number of folks parking alongside the downtown streets making safety during the parade very challenging.

We desire to work alongside the downtown merchants to make this event beneficial for everyone. Please prepare your frequent customers for the traffic challenge on that Saturday so that we can all enjoy a wonderful day!

We are looking forward to a fabulous holiday celebration.

Thank you,

There's A LOT to love about Montgomery!

Shannan Reid

Montgomery Area Chamber of Commerce
Montgomery Office of Economic Development

Web | www.experiencemontgomery.com
Email | experiencemontgomery@gmail.com
Office | (936) 597-5004

Find us on Facebook, Twitter, Pinterest, Linked In, Tumblr

Freedom Fest



Overview of Events

9am – 3pm

Hosted by Montgomery Area Chamber of Commerce

Partnered with Blue Bell Ladies Garden Club

Masonic Lodge #25

Montgomery Christian Academy

FREEDOM PARADE

ABT Parade = “Anything but a Trailer” IE golf carts, walking, bikes, cars, tractor,

10am Line Up at MES

11am Start Time

Theme: Star and Stripes Over Texas

CRAFTERS MARKET

Open 9am – 3pm

Lone Star 1st Saturday and more!

Old Community Center Lot

BBQ COOK-OFF

Open to public for tastings 12:30pm

Announcements on Main Stage at 3pm

Teams will be stationed in the lot behind the stage and along the parking spaces on College St.

BAKING CONTEST

Inside Community Center

Entries submitted starting at 8am

Open to public for tastings 12:30pm

Judging: Cakes, Pies, Red, White & Blue, Open

Announcements on Main Stage at 3pm

KIDZONE

Open 9am-3pm

Family fun activities

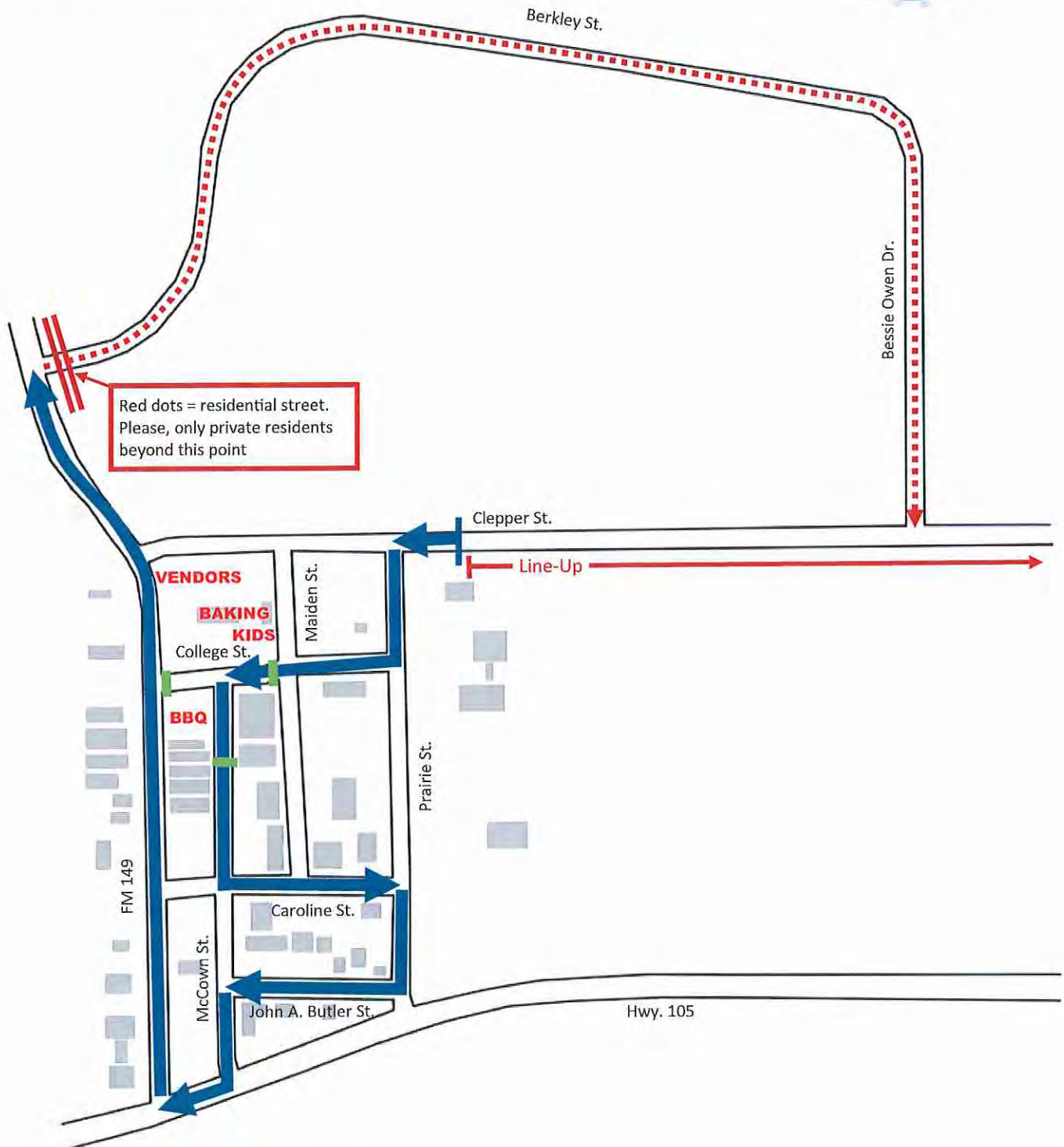
Inflatables, Pet Adoptions

Freedom Fest

July 1, 2017



PARADE ROUTE



Freedom Fest

July 1, 2017



Dear Business Owner,

We are celebrating Freedom Fest on July 1, 2017 in Historic Downtown Montgomery, TX. We are sending out this update to keep you in the loop on our preparations about the event. Our goal is promote a down home celebration with as little inconvenience as possible.

Chief Napolitano would like to close roads leading up to the parade time which runs until 12:30pm approximately. Following that, we will open the roads back up to traffic with the exception of the "T" between College and McCown Streets for the safety of pedestrians.

(Early morning we try to keep all the barricades aside so you can get to your businesses. You are more than welcome to park at your business. If you need to shift a barricade to the side while you enter, that is fine. If you do, please move it back for us. Thanks!)

His biggest concern in years past for roads is not you or your customers, but the number of folks parking alongside the downtown streets making safety during the parade very challenging.

We desire to work alongside the downtown merchants to make this event beneficial for everyone. Please prepare your frequent customers for the traffic challenge on that Saturday morning so that we can all enjoy a wonderful day! We are looking forward to a fabulous holiday celebration. BTW, all parade entries are Free! If you want to jump in the parade, we'd love that! A parade application has been included! The more, the merrier! Show off your business to our community! They need to know you are here!

There's A LOT to love about Montgomery!

Shannan Reid

Montgomery Area Chamber of Commerce
Montgomery Office of Economic Development

Web | www.experiencemontgomery.com
Email | experiencemontgomery@gmail.com
Office | (936) 597-5004 Find us on Facebook, Twitter

Freedom Fest



Overview of Events

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FREEDOM PARADE

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10am Line Up at MES

11am Start Time

Theme: United We Stand

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Open 9am – 3pm

Lone Star 1st Saturday and more!

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BBQ COOK-OFF

Open to public for tastings 12:30pm

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Open 9am-3pm

Family fun activities

Inflatables, Pet Adoptions

Montgomery City Council
AGENDA REPORT

Meeting Date: June 13, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Letter from Ms. Whitley Requesting closure, Map and pictures showing the area to be closed.
Date Prepared: June 8, 2017	

Subject

Regard Whitley Vineyards request of road closure of College Street from McCown to FM 149 and northern most 150' of McCown Street from 11:00 a.m. to 6:00 p.m. on Sunday, June 25, 2017

Description

The event is on a Sunday, the event will primarily be on Larry Jacobs parking lot area. Police Chief Napolitano has no problem with the closure. The closure on McCown would be north of mid-block, leaving access to the Montgomery Steakhouse – and on College just west of the entrance to the Community Building -- so no businesses would be affected by the closure.

Recommendation

To approve the closure..

Approved By

City Administrator

Jack Yates

Date: June 8, 2017



WHITLEY

— VINEYARDS —

Letter of Request

Gina Whitley
Whitley Vineyards – Wine Bar
401 College Street, Ste. #150
Montgomery, TX 77356
(936) 672-6736

This letter of request is on behalf of “Whitley Vineyards – Wine Bar” located at 401 College Street, Suite 150, Montgomery, TX 77356 to request authorization for street closure for our Grand Opening Event on Sunday, June 25, 2017 between 11:00 am and 6:00 pm. Our event time is from 12:00 pm to 5:00 pm.

We have reserved the community center and the city stage, which are both close proximity to our place of business. We will have a ribbon-cutting ceremony by the Montgomery Area Chamber of Commerce, Live broadcast at our location by KStar Country, live music performances, food vendors, as well as activities for children. For safety of pedestrians walking and gathering from the wine bar to the stage and food vendors we would like to request street closures for this event.

Please see attached map and photos of proposed street closures.

Gina Whitley
Gina Whitley, Owner

6/6/2017
Date





Road Closure
Proposal



Stop sign
at Liberty St.
& College St.

Road closure
proposal

Montgomery City Council
AGENDA REPORT

Meeting Date:	June 13, 2017	Budgeted Amount:	
Department:	Administration		
Prepared By:	Susan Hensley, City Secretary	Exhibits:	Beverage Application Pack
Date Prepared:	June 9, 2017		

Subject


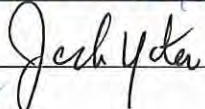
Application for an Alcohol Beverage Permit for Taste of China Restaurant (*previously shown as China Tasty*) to be located at 20212 Eva Street, Ste. 140, Montgomery, Texas as submitted by Liqun Lin.

Recommendation

Consider approval of Alcohol Beverage Permit

Discussion

This restaurant will be located beside the new Kroger Store. The application is for beer and wine.

Approved By		
City Secretary		Date: 06/09/17
City Administrator		Date:



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

China Tasty chang name

1 message

林立 <fqgame@gmail.com>

Mon, Jun 5, 2017 at 10:23 PM

To: Susan Henslev <shensley@ci.montgomery.tx.us>

Hi,Susan

I went to TABC office and learned that I just need to change the name on the document submitted to your office since I haven't handed in the application to TABC yet before having your signature. The one on Clark county doesn't need to be changed. TABC had no idea about if the notary from bank should be changed.

So I also went to the Chase bank to ask them and was told that I have to ask you if you need me to re-do the notary. In the case if you think I can still use that notary you already had, Could you please help me to change the restaurant name to Taste of China? Or I can go to your office to have it back and modify it, and then re-submit it to you. Please also let me know if you need me to do another notary.

Your assistant will be deeply appreciated

Sincerely yours,

Liqun Lin



9800 Richmond Ave.
Suite 490
Houston, TX 77042

TEL (713) 784.3790
FAX (713) 784.8931

<http://milestoneco.com>

May 4, 2017

City of Montgomery
P.O. Box 708
Montgomery, TX 77356

RE: Buffalo Springs Marketplace Shopping Center
Liquor Lin - Alcohol Beverage Application
20212 Eva Street, Suite 140

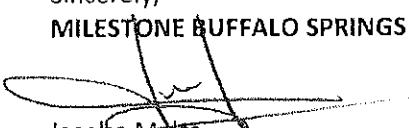
To Whom It May Concern:

Please accept this letter as the owner of the Buffalo Springs Marketplace Shopping Center's statement as required under the above mentioned application.

To the best of the knowledge of the Landlord , the building located at 20212 Eva Street where Liquor Lin's leased space Suite 140 is located is NOT within 300 feet of a school, church, or hospital.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,
MILESTONE BUFFALO SPRINGS S.C., Ltd


Jacobo Malca
President



City of Montgomery
Alcohol Beverage
License Application

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

APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE

Date Received by the City: 5/8/2017

1. Type of Alcoholic Beverage License:

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

2. Legal Description of the property for which License is sought. (Either by Lot and Block number or by a Metes and Bounds Description: SEE ATTACHED METES AND BOUNDS DESCRIPTION)

3. Exact Nature of the Business to be operated. (Must be fully described).

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

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

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

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

8. Business Owner: LIQUN LIN Phone: 936-697-9788

Address: 2012 EVA ST MONTGOMERY TX 77356

Home Address: 200 FOUNTAINS LA #9204 TX 77304 Phone: 936-697-9788

Check if you are leasing property:

9. Land Owner: MILESTONE BUFFALO SPRINGS SC. Hd Phone: 713-784-3790

Address: 9800 RICHMOND AVENUE # 1490 HOUSTON TX 77042

10. Business Partners: ZUBIN HE Phone: 626-500-8633

Address: 2012 EVA ST MONTGOMERY TX 77356

Home Address: 200 FOUNTAINS LA #9204 CONROE TX 77384 Phone: 626-500-8633

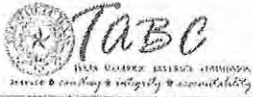
This is to certify that I, LIQUN LIN have complied with all State, County, Codes and Regulations of the City of Montgomery, Texas.

LiQun Lin

Business Owner and/or Lessee

or Zubin He

Partner if Applicable



ON-PREMISE PREQUALIFICATION PACKET

DOC# 2017051

L-ON (01/2016)

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

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

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

LOCATION INFORMATION

1. Application for: Original Add Late Hours Only License/Permit Number _____

Reinstatement License/Permit Number _____

Change of Licensed Location License/Permit Number _____

2. Type of On-Premise License/Permit

BG Wine and Beer Retailer's Permit LB Mixed Beverage Late Hours Permit

BE Beer Retail Dealer's On-Premise License MI Minibar Permit

BL Retail Dealer's On-Premise Late Hours License CB Caterer's Permit

BP Brewpub License FB Food and Beverage Certificate

V Wine & Beer Retailer's Permit for Excursion Boats PE Beverage Cartage Permit

Y Wine & Beer Retailer's Permit for Railway Dining Car RM Mixed Beverage Restaurant Permit with FB

MB Mixed Beverage Permit

O Private Carrier's Permit - For Brewpubs (BP) with a BG only

3. Indicate Primary Business at this Location

Restaurant Sporting Arena, Civic Center, Hotel

Bar Grocery/Market

Sexually Oriented Miscellaneous _____

4. Trade Name of Location
Taste of China

5. Location Address
20212 Eva ST Ste 140

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

6. Mailing Address
SAME AS ABOVE

City _____ State _____ Zip Code _____

7. Business Phone No. _____ Alternate Phone No. *936-697-9788* E-mail Address *FAGAME@GMAIL.COM*

OWNER INFORMATION

8. Type of Owner

Individual Corporation City/County/University

Partnership Limited Liability Company Other _____

Limited Partnership Joint Venture

Limited Liability Partnership Trust

9. Business Owner/Applicant
Liam LM

10. As indicated on the chart, enter the individuals that pertain to your business type:
(For additional space, use Form L-OIC)

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name LIN	First Name LIQUAN	MI	Title
Last Name ZUBIA He	First Name ZUBIN	MI	Title
Last Name	First Name	MI	Title

MEASUREMENT INFORMATION

Section 109.31 et seq.

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

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

12. Will your business be located within 300 feet of any private/public school, day care center or child care facility? Yes No

If "YES," are the facilities located on different floors or stories of the building? Yes No

NOTE: For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.

NOTE: For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.

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

13. Will your business be located within 1,000 feet of a private school? Yes No

14. Will your business be located within 1,000 feet of a public school? Yes No

60-DAY SIGN

15. As required under Section 11.391 and 61.381, enter the exact date the 60-Day sign was posted at your location.

Exact Date (mm/dd/yyyy)

ALL APPLICANTS

16. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE

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

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:	WHO MUST SIGN:
Proprietorship	Individual Owner
Partnership	Partner
Corporation	Officer
Limited Partnership	General Partner
Limited Liability Partnership	General Partner
Limited Liability Company	Officer/Manager

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

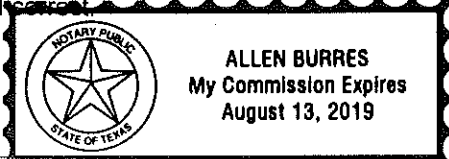
I, UNDER PENALTY OF LAW, HEREBY SWEAR THAT I HAVE READ ALL THE INFORMATION PROVIDED IN THE APPLICATION AND ANY ATTACHMENTS AND THE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND ANY FALSE STATEMENT OR REPRESENTATION IN THIS APPLICATION CAN RESULT IN MY APPLICATION BEING DENIED AND/OR CRIMINAL CHARGES FILED AGAINST ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO USE ALL LEGAL MEANS TO VERIFY THE INFORMATION PROVIDED.

PRINT NAME Li Dun Lon SIGN HERE [Signature]

TITLE OWNER

Before me, the undersigned authority, on this 20th day of April, 2017, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE [Signature]
NOTARY PUBLIC



銀行

SEAL

CERTIFICATE OF CITY SECRETARY (FOR MB, RM, V & Y)
Section 11.37

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

SIGN HERE _____, TEXAS
City Secretary/Clerk City

SEAL

CERTIFICATE OF CITY SECRETARY (FOR BG & BE)
Section 11.37 & 61.37

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

Election for given location was held for:

- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999

城市秘书

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per Section 25.14 or Section 69.17 of the TABC Code. One for beer and wine off-premise and one for mixed beverage.

- legal sale of beer and wine for off-premise consumption only
- AND EITHER:
- legal sale of mixed beverages
- OR
- legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG and BE)

SIGN HERE _____, TEXAS
City Secretary/Clerk City

SEAL

**CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT
(LB & BL)**

Chapters 29 & 70 et seq.

I hereby certify on this _____ day of _____, 20____, that one of the below is correct:

- The governing body of this city has by ordinance authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
- The governing body of this city has by ordinance authorized the sale of **beer** between midnight and _____ A.M.; or
- The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE _____, TEXAS

City Secretary/Clerk

City

SEAL

CERTIFICATE OF COUNTY CLERK (FOR MB, RM, V & Y)

Section 11.37

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

SIGN

HERE _____ COUNTY

County Clerk

SEAL

CERTIFICATE OF COUNTY CLERK (FOR BG & BE)

Section 11.37 & 61.37

I hereby certify on this 20 day of April, 2017, that the location for which the license/permit is sought is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine & Beer Retailer's Permit. *Mark Turnbull*

Election for given location was held for:

- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per 25.14 or 69.17 of the TAB Code. One for beer and wine off-premise and one for mixed beverage.

- legal sale of beer and wine for off-premise consumption only

AND EITHER:

- legal sale of mixed beverages

OR

- legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG and BE)

SIGN

HERE _____ COUNTY

County Clerk

SEAL



CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT (LB & BL)

Chapters 29 & 70 et seq

I hereby certify on this _____ day of _____, 20____, that one of the below are correct:

- The Commissioner's Court of the county has by order authorized the sale of *mixed beverages* between midnight and 2:00 A.M.; or
- The Commissioner's Court of the county has by order authorized the sale of *beer* between midnight and _____ A.M.; or
- The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE _____

County Clerk

_____ COUNTY

S E A L

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46 (b) & 61.42 (b)

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

Sales Tax Permit Number _____ Outlet Number _____

Print Name of Comptroller Employee _____

Print Title of Comptroller Employee _____

SIGN

HERE _____

FIELD OFFICE _____

S E A L

州務局 #6102

PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, BP, BG, BE, BL, V & Y)

Section 11.39 and 61.38

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

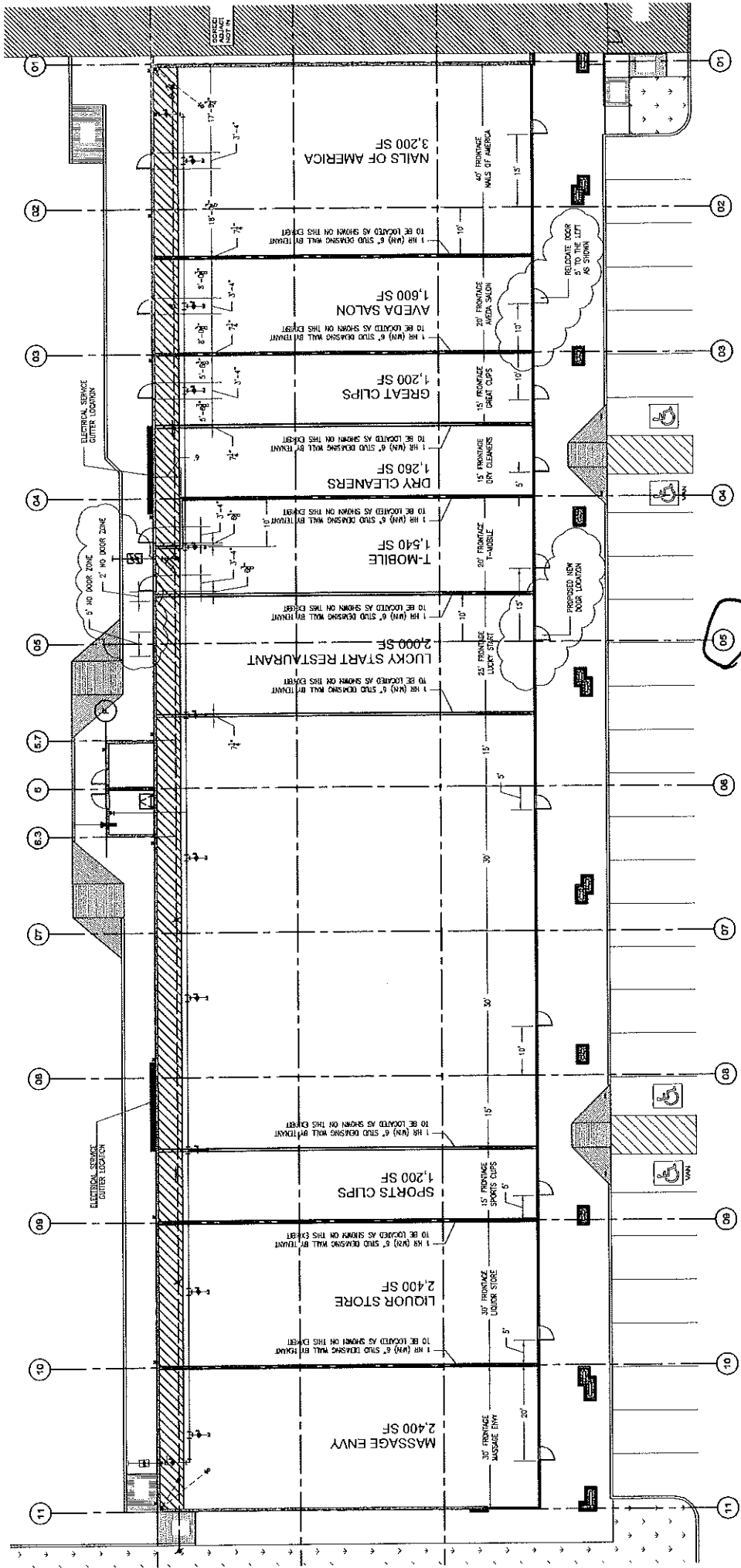


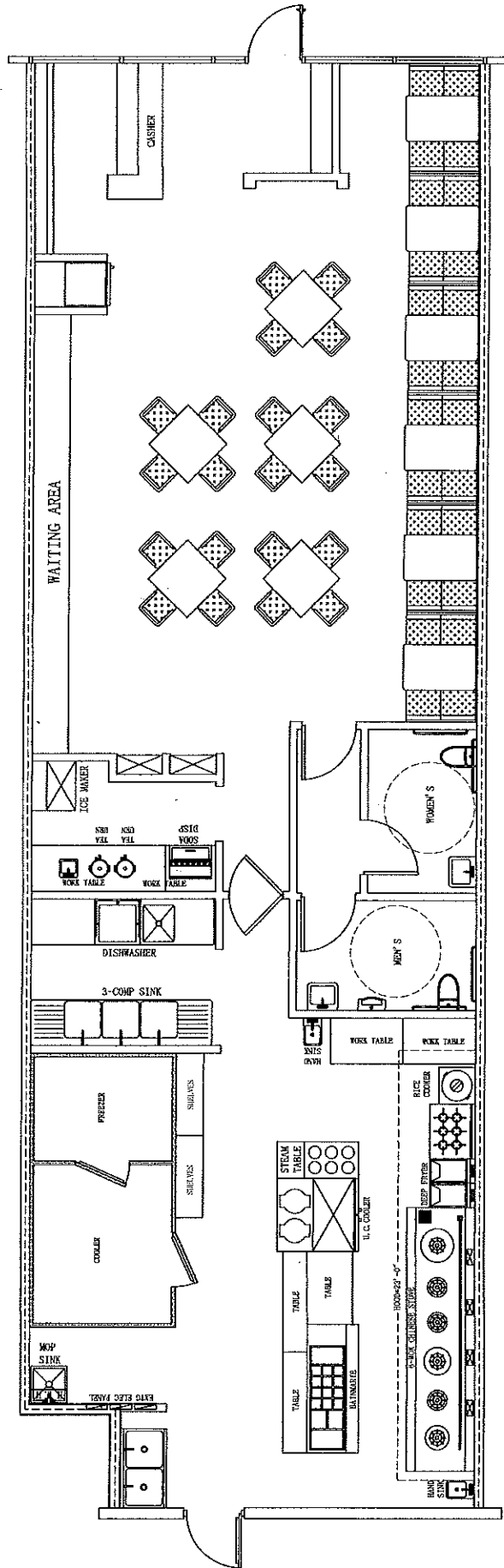
Reference Date 05/19/16

4/19/2017
 11:58 AM
 11/11/2017
 11:58 AM
 11/11/2017
 11:58 AM

Preliminary Site Plan
Montgomery East Side Development
 Montgomery, Texas







FLOOR PLAN

Taste of China has enough toilets for consumer to use.
 MEN'S Restroom Size: 9'11" X 6'
 WOMAN'S Restroom Size: 9' X 5'

Montgomery City Council
AGENDA REPORT

Meeting Date: June 13, 2017	Budgeted Amount:
Department:	
	Exhibits: Letter from LDC explaining why the item is before the City Council again, Copy of their justification for the recovery surcharge. Minutes of February Discussion, Computations regarding Recovery Costs
Prepared By: Jack Yates City Administrator	
Date Prepared: June 7, 2017	

Subject

Request from LDC, a natural gas provider in the city, to recover costs associated with removing and relocating a portion of their supply lines at the Villas of Mia Lago.

Description

LDC came to the Council in January, 2017 with this same request and it was denied by the Council. LDC then filed for the cost recovery from the Railroad Commission who told LDC that they needed to place the relocated line before they could approach the Railroad Commission for reimbursement. LDC has now completed the line at a cost of \$20,527.60
LDC will, even with your denial, ask the State Railroad Commission to consider the request.

Montgomery City Council
AGENDA REPORT

Recommendation

To deny the temporary surcharge.

Approved By

City Administrator

Jack Yates

Date: June 7, 2017

LDC, llc

A Local Distribution Company

620 Longmire Road
Conroe, Texas 77304

936-539-3500
Fax 936-539-3501

www.ldcgas.com

May 19, 2017

City of Montgomery, Texas
Attention: Jack Yates, City Manager
Via Hand Delivery

RE: Surcharge to Recover Relocation Costs, Villas of Mia Lago and Lone Star Bend Road (also known as Bois D' Arc Bend Rd)

Dear Mr. Yates

As you will recall, in January 2017 LDC requested the approval of City Council of City of Montgomery for a surcharge to recover \$20527.60 of costs associated with removing and relocating a portion of its 2" main line near Minero Lane at Villas of Mia Lago and Lone Star Bend Road (Bois D'Arc Bend Road). We have been advised by the Railroad Commission that our application was premature and should not have been submitted until the relocation work was completed.

The removal and relocation was completed on May 11, 2017 and therefore, LDC is now requesting that the City of Montgomery consider this as its formal request to approve a surcharge to recover such costs. We apologize that our previous application with the City was apparently not yet ripe and had not intended to cause the City to expend time on the matter unnecessarily.

The attached application is virtually identical to one filed this same date with the Texas Railroad Commission seeking to collect a share of such costs from environs/unincorporated customers, with the exception that the proposed tariffs are for City customers, rather than environs/unincorporated area customers.


LDC is proposing a relocation cost recovery rate of \$ 0.0461 per Ccf of gas used to its customers effective until the amount noted above is recovered.

In accordance with the Texas Railroad Commission's rules and regulations relating to such surcharges, we are including the following items to justify the surcharge in this filing package:

- (1) The requirement for the relocation (see Sworn Statement);
- (2) The entities requiring the relocation (see Exhibit A);
- (3) The costs incurred for relocation of comparable facilities (see Exhibits B-1, B-2);
- (4) Surcharge computations (see Exhibit C);
- (5) Proposed environs residential and commercial tariff riders (see Exhibit D);
- (6) Map (see Exhibit E);
- (7) The reasonable efforts made to receive reimbursement from the entities requiring relocation (see Exhibit F);

We would respectfully request that this matter be placed on the City's agenda for a city council meeting at your earliest convenience and to advise us of the date for its consideration. Michael Swaim of our company would be happy to answer any of your questions, should you have them, at (281) 288-1122.

Sincerely,



Larry D. Corley
President

ATTACHMENTS- SWORN STATEMENT
EXHIBIT A, B-1, B-2, C, D, E & F

JUSTIFICATION OF REQUEST

SWORN STATEMENT OF LARRY D. CORLEY

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

Before me, the undersigned notary public, personally appeared **Larry D. Corley**, to me known, who being first duly sworn, deposed and said:

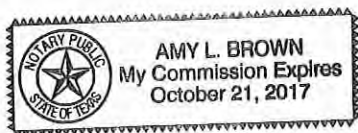
"My name is Larry D. Corley. I am of legal age, a resident of Texas, and competent to make this affidavit. The statements made herein are based on my personal knowledge of the facts pertaining to the relocation and removal of a portion of LDC, llc's 2" main line located in the City of Montgomery, Montgomery County, Texas.

I am familiar with the reason for the relocation and removal of pipe and expenses incurred by LDC, llc from May, 2016 until all work was completed and the new line was placed into service on May 11, 2017. Based on my familiarity with those matters, I and my staff have prepared the information and data that is submitted to the Commission in connection with LDC's request to implement a surcharge to recover cost. Additionally, LDC will not seek to include these costs in rate base in any future proceeding.

LDC is proposing the charge its environs/unincorporated customers the stated surcharge tariff rate. A separate application to approve a surcharge for approximately 150 customers subject to the original jurisdiction of the City of Montgomery Texas, has been made with the city. I estimate the number of environs customers affected to be 841 residential and commercial customers."

Larry D. Corley
Larry D. Corley

Subscribed and sworn before me this 19 day of May, 2017



Amy L. Brown
Notary Public

My commission expires: 10/21/17

EXHIBIT A

Entities Requiring the Relocation

- 1.) City of Montgomery
- 2.) Villas of Mia Lago Developer

EXHIBIT B-1

Cost of Comparable Work

LDC has not performed a comparable relocation of facilities similar in scope and nature to the present relocation. However, much of the work was performed by 3rd party Contractors at their usual and customary rates and by LDC personnel calculated at LDC's approved tariff rates. These include the boring and piping Contractors, as well as regular providers of materials and services to LDC. Internal costs for LDC were calculated by LDC rather than being reflected in an invoice.

SEE ATTACHED ACTUAL INVOICES AND DATA/INTERNAL CALCULATIONS

LDC, llc

INVOICE

INVOICE

620 Longmire Road
Conroe, Texas 77304
Phone (936) 539-3500
Fax (936) 539-3501

BILL To:

Customer

INVOICE NUMBER #62055

INVOICE DATE: MAY 19, 2017

QUANTITY	UNIT PRICE	DESCRIPTION	AMOUNT
		Villas of Mia Lago and Bois D'Arc Road. Expenses to relocate Gas Main	
1978.00	4.50	Labor and Equipment to Lay 2" Pipe	\$8,901.00
1978.00	0.95	2" Pipe	*\$1,879.10
1.00	1290.00	Materials, Wire and Miscellaneous Materials	\$1,290.00
196.00	12.50	Road and ditch Bore	\$2,450.00
1.00	1,800.00	Temporary Gas Service during Phase I	\$1,800.00
2.25	1,870.00	2" Removal and Disposal of 2" Pipe	\$4,207.50
		Sub	\$20,527.60
		Total:	\$20,527.60

Thank you for your business.
Total:

November 15, 2016 invoice from Secor for \$2460.52 was used to establish the price per foot of 2" pipe used on this job

EXHIBIT B-2

LDC's calculation of internal costs
(Items 1, 3, 5, and 6 of the attachment to Exhibit B-1)

Install 1978 feet of 2" pipe at approved tariff rates:	\$8901.00
Value of materials, wire and consumables used during the construction process (taken from materials in inventory):	\$1290.00
Establish, maintain and disconnect temporary gas Service during Phase I line move:	\$1800.00
Remove and dispose of 1870 feet of 2" pipe using in house staff:	\$4207.50

EXHIBIT C

COMPUTATIONS

Surcharge to Recover Relocation Costs

Numbers of Customers		Estimated Yearly Consumption/per Customer		Surcharge Time Period		Total Volume in ccf
990	X	450	X	1 year		445,500

Surcharge Calculated as Follows

990 Customers x 450 ccf x 1 year = 445,500 ccf

\$20,527.60 (Cost of Project)

445,500 ccf (Total Estimated Usage during Time Period)

Total Surcharge per ccf

\$0.0461

EXHIBIT D

LDC, LLC

RATE SCHEDULE RCR-CM-RIDER

RELOCATION COST RECOVERY RATE

A. APPLICABILITY

The Relocation Cost Recovery (RCR) rate, as set forth in Section (B) below, and pursuant to RCR-CM, shall apply to the following rate schedules for the City of Montgomery Texas:

1. Tariff #19122 – MTX09-RES
2. Tariff #19121 – MTX09-CM

B. CURRENT RCR RATE

<u>Effective Date</u>	<u>RCR Rate</u>
Meters read on and after June 30, 2017	\$0.0461 per Ccf \$0.461 per Mcf
Total RCR Rate	\$0.0461 per Ccf \$0.461 per Mcf

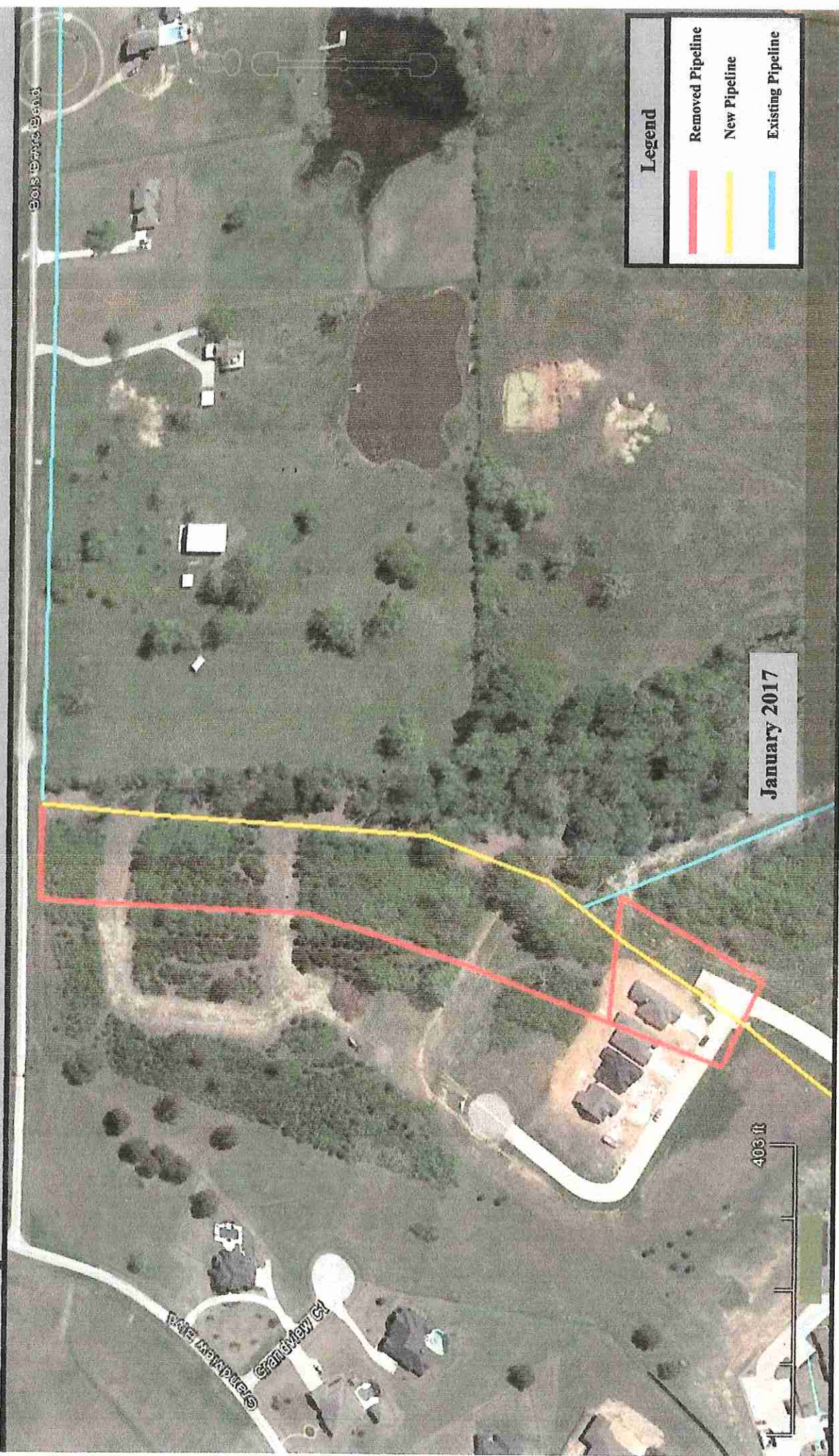
All applicable fees and taxes will be added to the above rate.

EXHIBIT E

MAP DEPICTING RELOCATION
(ATTACHED)

Exhibit E

Lone Star Bend Rd./Bois D'Arc Bend Relocate



Legend	
	Removed Pipeline
	New Pipeline
	Existing Pipeline

LDC, llc
EXHIBIT F

EFFORTS TO BE REIMBURSED

(SEE ATTACHED LETTERS)



CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

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

January 10, 2017

Mr. Bobby Brown
Operations Manager
620 Longmire Road
Conroe, Texas 77304

Dear Mr. Brown;

I wanted to let you know of the realignment of Lone Star Bend Road as it goes through the Villas of Mia Lago. The realignment is an adjustment due to not wanting to bring fairly heavy traffic through the middle of that subdivision. The realignment places the road to the east side of the subdivision.

The city of Montgomery does not believe it is the city's responsibility to provide funds for any gas lines that may have to be moved.

If you have any questions, please feel free to contact me.

Sincerely,

Jack Yates
City Administrator

Estates of Mia Lago LTD
P O BOX 1597
Montgomery, TX 77356

March 18, 2016

Mr. Bobby Brown
Operations Manager
620 Longmire Rd.
Conroe, TX 77304

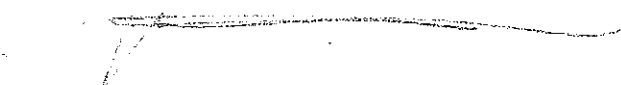
Dear Mr. Brown,

Concerning the realignment of Lone Star Bend Road as it goes through the Villas of Mia Lago and ending at Bois D' Arc Road. The realignment is due to the City and my Partners not wanting to bring heavy traffic through the middle of our development. The new realignment places the road to the east side of the subdivision.

The Villas of Mia Lago and its Partners are not willing to reimburse LDC for its cost to relocate its existing pipeline.

If you have any questions, please feel free to contact me.

Sincerely,



Nick Liberatore
Developer

Feb. 10th, 2017

Minutes Re: LDC
Recovery Request

11. Consideration and possible action regarding a letter of authorization to LDC Gas Company for implementation of a temporary surcharge to recover relocation costs due to relocation of Lone Star Bend Street, subject to the Railroad Commission approval of the surcharge.

Mr. Yates said that he was contacted by the Chairman of the LDC Gas Company, because LDC had previously placed a gas line in the location of the planned Lone Star Bend, which is off Lone Star Parkway. Mr. Yates said that the location has been changed in a preliminary plat relocation farther to the east, and a new gas line is planned to be placed in a new location on Lone Star Bend. Mr. Yates said that LDC has filed a request with the Texas Railroad Commission to institute a one-time surcharge to recover costs associated with the realignment of the gas line. The Railroad Commission has instructed LDC to seek a letter, from the City, that they have no objection to the surcharge.

Mr. Yates said that LDC has a computation showing the cost for the new line be \$20,527 and they are proposing to charge their 990 Montgomery customers .40462 cents per 1,000 cubic foot of gas used for one year, which they have estimated an average surcharge, per customer of \$20.73 for the annual cost of the surcharge.

Mr. Yates said that he spoke with Mr. Foerster, because LDC had asked Mr. Yates to approve this action. Mr. Yates said that they both thought that it should come before City Council since it was a utility rate increase.

John Champagne asked why the gas line has to be relocated. Mr. Yates said it was because Lone Star Bend was originally planned for 68 feet north of where it is going to be located because of the irrigation of the subdivision. Dave McCorquodale asked if this was a trunk line that serves existing residents. Mr. Yates said that he would call it an advance construction line. Dave McCorquodale asked if the gas that the residents in Buffalo Springs have now does not flow through this line. Mr. Yates said no it does not flow through the line in question.

Rebecca Huss said that basically they laid the gas line down in expectation of future customers, but are not willing to absorb the risk of that decision. Jon Bickford said that now that they have to move the gas line, they want the 990 Montgomery residents to pay for it. Rebecca Huss said that they do not even have 990 water taps, how could they have 990 gas customers in Montgomery. Mayor Jones said that must be their total franchise customers. Rebecca Huss said that they could not speak for people that live outside the City limits.

Jon Bickford moved to deny the temporary surcharge. John Champagne seconded the motion.

Discussion: Dave McCorquodale asked for clarification that this would mean that they could not increase rates to City residents or does that just have some bearing on their action with the State. Mr. Yates said that he believed that it only has the effect of a comment to the State. John Champagne said that the gas company can still get the rate increase, and they probably will get it. John Champagne said that he wished he had a business like that.

The motion carried unanimously. (5-0)

EXHIBIT C
COMPUTATIONS
Surcharge to Recover Relocation Costs

Numbers of Customers		Estimated Yearly Consumption/per Customer		Surcharge Time Period		Total Volume in ccf
990	X	450	X	1 year		445,500

Surcharge Calculated as Follows

990 Customers x 450 ccf x 1. year = 445,500 ccf
\$20,527.60 (Cost of Project)
445,500 ccf (Total Estimated Usage during Time Period)

Total Surcharge per ccf
\$0.0461

LDC, llc

Montgomery City Council
AGENDA REPORT

Meeting Date: June 13, 2017	Budgeted Amount:
Department:	
	Exhibits: Copy of Utility Fund Budget Page –with changes in RED
Prepared By: Jack Yates City Administrator	
Date Prepared: June 7, 2017	

Subject

Notation in Utility Fund Budget for designated GRP revenues and expenses.
Question of formal public budget amendment process?

Description

At the last Council meeting you said that you wanted an expense item in the Utility Fund to equal the expected revenue from the GRP listed item on city utility bills.

That notation can easily happen by adding the letters “GRP” behind account 26900 “Capital” in the Utility Fund and by me adding \$20,300 to that line item budget amount and reducing account 26901 “Utility Projects/Preventative Maint.” by \$20,300. This budget amount line item change is allowed in the Budget Resolution of the Council – so long as the department total does not change.

I asked the City Attorney about if the change in the wording necessitated a formal amending process. A formal amendment process requires a legal notice calling a public hearing, and a Resolution being prepared—costly and causes administrative time. The City Attorney response to my question is:

“I don't have a problem with the name change if the item is in the same department and there is no change in the appropriated amount to that department. ”

Montgomery City Council
AGENDA REPORT

Recommendation

To authorize the City Administrator to add the letters GRP to account 26900 in the Utility Fund budget.

Approved By

City Administrator

Jack Yates

Date: June 7, 2017

Fiscal Year 2016-2017
Proposed Base Budget

Water and Sewer Fund	2014 Budget	2015-16 Estimate	2015-16 Budget	2016-17 Budget	% Change
Beginning Fund Balance	220,000	147,954	147,954	67,494	
Revenue					
24000 Charges for Service	804,717	770,600	783,400	960,000	23%
24101 Taxes and Franchise Fees	5,201	5,650	5,500	5,600	2%
GRP				125,300	125300%
25000 Other Revenues	3,500	110,517	96,220	660	-1450%
<i>Income</i>	<u>813,418</u>	<u>886,767</u>	<u>885,120</u>	<u>1,091,560</u>	<u>27%</u>
Expenditures					
26001 Personnel	90,291	109,942	122,040	125,000	3%
26200 Contract Services	132,590	246,580	190,400	250,700	31%
26300 Communications	0	900	500	900	45%
26326 Permits and Licenses	14,225	16,085	0	25,000	1600%
26400 Supplies and Equipment	39,671	44,750	45,600	50,600	10%
16401 Groundwater Reduction Exp	115,942	54,300	10,000	30,000	400%
26500 Staff Development	1,442	2,750	3,150	4,000	23%
26600 Maintenance	109,418	159,000	127,000	167,000	31%
26700 Insurance	10,915	8,640	10,620	11,000	4%
26800 Utilities	74,016	94,200	79,350	82,550	4%
26900 Capital - GAP	96,583	105,400	160,000	105,000	-35%
26901 Utility Projects/Preventative Maint				95,000	70000%
27000 Misc./Contingency/GRP	619	3,500	1,000	1,000	0%
<i>Expenditures</i>	<u>685,712</u>	<u>846,047</u>	<u>749,660</u>	<u>947,750</u>	<u>21%</u>
Net Ordinary Income	<u>127,706</u>	<u>40,720</u>	<u>44,840</u>	<u>143,810</u>	<u>5000%</u>
Interfund Transfers					
Transfers In	24,340	0	0	0	0%
Net GRP Fees	0	0	0	0	0%
Transfers Out	80,000	125,300	125,300	125,300	0%
<i>Net Transfers</i>	<u>-55,660</u>	<u>-125,300</u>	<u>-125,300</u>	<u>-125,300</u>	<u>0%</u>
Net Income	<u>72,046</u>	<u>-84,580</u>	<u>-80,460</u>	<u>18,510</u>	<u>-440%</u>
Ending Fund Balance	<u>147,954</u>	<u>63,374</u>	<u>67,494</u>	<u>86,004</u>	

125,300
74,700

Montgomery City Council
AGENDA REPORT

Meeting Date: June 13, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Copy of Insurance check, Comparison of roof estimates, Redemption quote, ERS quote
Date Prepared: June 7, 2017	

Subject

Repair of Hulon House roof at Fernland Historic Park

Description

Several months ago Mike Newman came to me and said that the roof at the Hulon House had three bad leaks. I arranged two roofers and made a claim to the TML Insurance Pool in which the City has property damage insurance with. The adjuster came and the city has received, and deposited, payment in the amount of \$1,670.20 for damage on the interior and \$9,437.08 for the roof – for a total of \$11,107.28.

The City Public Works crew can do the interior work, probably for less than the insurance amount.

The two roof estimates are both of high quality shake roof appearing asphalt shingles. The comparison of their quotes is attached.

The funds will come from the line item for Fernland Park maintenance line item in the General Fund.

The ERS company is owned by Bill Simpson, and while his business is located just south of the city limits, Bill is a resident of the city.

Fernland, Inc. is glad to get the roof repaired, they have no opinion on the selection of the roofer.

Montgomery City Council
AGENDA REPORT

Recommendation

To select ERS Roofing as the contractor for the roof based on the lower quote and that the Company is owned by a city resident

Approved By

City Administrator

Jack Yates

Date: June 7, 2017

THIS CHECK IS NOT AUTHENTIC UNLESS IT CONTAINS A BLUE TOX GREEN BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WATERMARK.



Texas Municipal League
Intergovernmental Risk Pool
Joint Self Insurance Fund
1821 Rutherford Lane
Austin, TX 78754 (512) 491-2300

FROST BANK
Parkdale

30-91/1140.59

Date	Number
05/18/17	5344421
PR000000056886	
Amount	

Pay *Eleven Thousand One Hundred And Seven And 28/100 US Dollars* *
* * * * * \$11,107.28*

To City of Montgomery
PO Box 708
Montgomery, TX 77356-0708

Void After 90 Days

SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

⑈05344421⑈ ⑆114923222⑆ 29 9990348⑈

CLAIM NUMBER	PAYMENT FOR	FOR THE PERIOD	AMOUNT	ADJUSTER LINE CATEGORY
PR000000056886	Montgomery		(\$1,044.20)	PTabor Deductible
PR000000056886	Montgomery		\$12,151.48	PTabor Structure

L304725

ROOF BID COMPARISON

ACTIVITY	DESCRIPTION	REDEMPTION ROOFING	ERS ROOFING
Remove/Tear off	Remove existing shingles and underlayment	yes	yes
Shingle	Shingles	Armour Shake Shingles Limited Lifetime Warranty	Armour Shake Shingles Limited Lifetime Warranty
Underlayment	Fabric, synthetic layer beneath shingles	Certain Teed 50 yr. Shingles	RhinoRoof usual
Drip Edge	Metal drip edge, colored to match roof	Synthetic-very good product	2" x 2"
Warranty	Warranty on workmanship	5 years	5 years
Final Cleanup	Magnetic nail sweep and through cleanup of job site	yes	yes
Price	Total amount to be paid	\$11,000.00	10918 *
Financing Available	Delay in paying total bill	yes	no
<p>* Bill Simpson (ERS) said his quote is "not to exceed - worse case" but will bill less if job does not take as long as allowed for.</p>			



4/6/2017

Redemption Roofing

902 Houston St
Conroe, TX 77301

Company Representative

Adam Rod
832-820-1012

mcooper@redemptionroofing.com

Customer Info:

Jack Yates
780 Clepper Dr
Montgomery TX 77356

Payment Type

Cash/Check

Activity	Description	QTY	Unit
Remove/Tear off	Remove Tear off, haul and dispose of Wood Shake Redemption Roofing will remove all shingles and underlayment down to the rafters. Redemption Roofing will then completely redeck the home with 7/16 OSB.	22.61	SQ
Field Shingle	CertainTeed Presidential Shake, 50 Year Shingle	23.56	SQ
Hip/Ridge Shingle	High-Profile, Composition Shingle, CertainTeed - Cedar Crest These are true hip and ridge shingles, as opposed to the 3-tab shingles that are cut to fit.	47	LF
Valley Type	Open valley where W type valley metal is exposed. Is used for extra thick shingles and for roofs with a high water volume.	0	LF
Ventilation	CertainTeed Ridgevent ridgevent works in concert with your ventilated soffits to circulate air through your attic. Their are no moving parts or motors, it works off simple physics called the Venturi effect.	47	LF
Starter Strip	CertainTeed Presidential Starter is a premanufactured starter strip designed to be used with CertainTeed Presidential Shake shingles	190	LF
Underlayment	Synthetics lay flatter and do not retain moisture like a traditional Felt. Synthetics can be used to protect the roof deck without the use of any other product for up to 6 months. It is 25x stronger than the typical 15lb felt and provides a safer work environment for the crews.	22.61	SQ
Ice and Water	CertainTeed Winterguard is placed in the valleys and around any roof penetrations, it is an asphalt product that replaces the need for valley metal. Winterguard works like a self sealing screw or nail, in that it will seal itself around fasteners to prevent leaks.	0	SF
W/A Pipe Jacks	Lead pipe jacks are preferable because they do not wear or breakdown like the economy (plastic) pipe jacks. All pipe jacks are replaced by default when a roof is replaced	All	EA
Drip Edge	Kynar 500 finish 2"x2" Drip edge, color to match shingle	190	LF
Flashing	No additional Flashing work is needed at this time. Minor repairs at no additional cost and all flashings will be painted to match shingle color.	0	LF
Paint	All flashings and exhaust vents are painted to match the shingle color.	All	EA
Warranty	CertainTeed 4 Star Warranty or GAF System Plus Warranty are included at no additional charge. For CertainTeed an upgrade to the 5 Star warranty is an additional \$15/ Square and Flashings must be replaced. Redemption Roofing Warranties all roof replacements with a 5 year workmanship warranty.	1	EA
Final	Total price includes the magnetic nail sweep and thorough cleanup of jobsite. After work is completed a final inspection of the jobsite to be completed with a 25point checklist signed off by customer. Prices are good for 45 days.	1	EA

Financing available with approved credit. Typical monthly payment is approximatly

\$174.00

Sub Total

\$14,498.78

Discounts are included for cash or check payment. CC is additional 4% and financing is 9%

Sales Tax

\$0.00

Total

\$14,498.78

\$11,000

Customer Signature: _____

Date: _____



P.O. Box 173 Montgomery, Texas 77356 Office-936-448-7398 Fax-936-649-1038

May 1, 2017,

Jack Yates
City Administrator
City of Montgomery
Montgomery, Texas 77356

Fernland Inc.
Fernland Park Reroof Project
Montgomery, Texas 77356

Includes Labor and Materials

Excludes Sales Taxes

Remove existing wood shake shingles and dispose in dump container

Install OSB decking over existing wood slat system / slat replacement not included

Install shingle underlayment

Install white drip edge and chimney flashing

Install IKO Armourshake Shingles "Limited Lifetime Warranty" (see warranty sheet attached)

ERS to issue a 5 Year Workmanship Warranty

Clean area of project debris

Standard work hours M-F

Total Price - \$10,918.00

Submitted by

Bill Simpson
Vice President
Engineered Roofing Systems



P.O. Box 173 Montgomery, Texas 77356 Office-936-448-7398 Fax-936-649-1038

May 1, 2017,

Jack Yates
City Administrator
City of Montgomery
Montgomery, Texas 77356

Ferland Inc.
Ferland Park Reroof Project
Montgomery, Texas 77356

Includes Labor and Materials

Excludes Sales Taxes

Remove existing wood shake shingles and dispose in dump container

Install OSB decking over existing wood slat system / slat replacement not included

Install shingle underlayment

Install white drip edge and chimney flashing

Install IKO Cambridge Shingles "Limited Lifetime Warranty" (see warranty sheet attached)

ERS to issue a 2 Year Workmanship Warranty

Clean area of project debris

Standard work hours M-F

Total Price - \$9,083.00

Submitted by

Bill Simpson
Vice President
Engineered Roofing Systems

Additional information on ERS quote:

Underlayment –RhinoRoof, this product is approved by all asphalt shingle manufactures for use as an underlayment. This product is also safer for the crews to walk on because it is least likely to tear than the traditional felt paper. (See attached product sheet)

Valleys, Roof Penetrations – There are no valleys or penetrations on this structure. In cases that do require this detail typically metal is no longer used, a product called Ice and Water Shield or similar are used along with a weaved shingle pattern in the valleys and targets around penetrations.

Pipe Jacks - There are no pipe penetrations on this structure.

Drip Edge and Flashings – Drip Edge dimensions are 1-1/2" x 1-1/2" and 2" x 2". There are 7 prefinished Kynar galvanized colors to choose from (see attached). This is a "baked" finish which is maintenance free. Typically the color is chosen as close to shingle color or fascia color. If bare galvanized metal is used it can be painted to chosen color but realize in time it will need to be painted again. On this structure the only area that would need galvanized metal flashings is at the 2 chimneys and can be painted chosen color.

Warranty – ERS can offer a five year warranty on workmanship at no cost. This warranty will not cover any item that is caused by building movement or settlement.

Montgomery City Council
AGENDA REPORT

Meeting Date: June 13, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: June 9, 2017	

Subject

Report regarding Buffalo Springs Bridge repair

Description

This will be an update on the Bridge repair.

Recommendation

To hear and comment on the Report as appropriate

Approved By

City Administrator

Jack Yates

Date: June 9, 2017

Montgomery City Council
AGENDA REPORT

Meeting Date: June 13, 2017	Budgeted Amount: \$48,000
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo from City Engineer regarding the need for the work, Map of project area
Date Prepared: June 8, 2017	

Subject

Regards need to prepare bid package, solicit bids to clean, and televise approximately 8,300 feet of 6" and 8" sanitary sewer line, inspect 27 sewer manholes, evaluate the videos and prepare recommendations for repairs.

Description

This item has not been previously discussed but is a needed project before FM 149 has it's new surface placed. TxDOT says that they plan on bidding their project in November, 2017. So this advance work to determine possible repair work is needed now in order to make any needed repairs before the end of 2017/

The funds for this project can come from the line item of "Utility Projects/Preventative Maint." in the Utility Fund has \$74,700 budgeted with a current available of \$73,476. What I had planned for that line item was \$36,000 for GST work at Well #2, but the Council decided at its last May 23rd meeting to bid that work with work at Well #3 that will happen in the next fiscal year.

Note that 27 manholes would be inspected (at approx. \$500/manhole) . Inspection of manholes has been a recent topic—this project would remove the need to include those manholes in that larger project.

The money is available and the work is needed.

Recommendation

To approve the project as presented.

Montgomery City Council
AGENDA REPORT

Approved By		
City Administrator	Jack Yates	Date: June 8, 2017



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

June 8, 2017

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

Re: FM 149 Sanitary Sewer Line Cleaning and Televising

Dear Mayor and Council:

As you are aware, TxDOT is planning to widen FM-149 between FM-1097 and SH-105. The City has existing water and sanitary sewer lines within the TxDOT right-of-way along the project route. We met with TxDOT on May 31, 2017 to discuss the project and potential utility conflicts. Based on the preliminary drawings provided by TxDOT it appears some of the City's existing sanitary sewer lines will be located under the proposed pavement. We recommend the City proceed with an evaluation of the sanitary sewer lines along FM-149 to evaluate the condition of the sanitary sewer pipe and manholes and determine what repairs may be required. This will allow for any necessary repairs to be completed prior to construction of FM-149 to reduce the need to remove and replace new pavement to make sanitary sewer repairs over the next few years.

The estimated cost to prepare a bid package, solicit bids, clean and televise approximately 8,300 linear feet of 6" and 8" sanitary sewer line, inspect 27 sanitary sewer manholes, evaluate the cleaning and televising videos, and prepare recommendations for repairs is approximately \$48,000. Enclosed is a copy of the construction cost estimate.

We request the City's authorization to proceed with the preparation of bid package and solicit bids for the FM 149 Sanitary Sewer Line Cleaning and Televising project.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Shackelford', written over a light blue circular stamp.

Ed Shackelford, PE
Engineer for the City



City of Montgomery
FM-149 Sanitary Sewer Cleaning and Televising
Page 2
June 8, 2017

EHS/cvr

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\Letters\MEMO to Council RE FM 149 Sanitary Sewer Line Cleaning and Televising.doc

Enc: Construction Cost Estimate

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

**CONSTRUCTION COST ESTIMATE
FOR
SANITARY SEWER SYSTEM EVALUATION
CITY OF MONTGOMERY, TEXAS
June 8, 2017**

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
1.	Move-in, Bonds & Insurance	LS	1	\$ 5,000	\$ 5,000
2.	6" Sanitary Sewer Cleaning and Televising	LF	1,200	2.00	2,400
3.	8" Sanitary Sewer Cleaning and Televising	LF	7,100	2.25	16,000
4.	Manhole Inspection	EA	27	75	2,000
5.	Traffic Control Plan	LS	1	5,000	5,000
6.	Final Inspection Report	LS	1	2,000	2,000
				Subtotal	\$ 32,400
				Contingencies	3,200 ⁽²⁾
				Engineering	12,400 ⁽³⁾
				Total	\$ 48,000

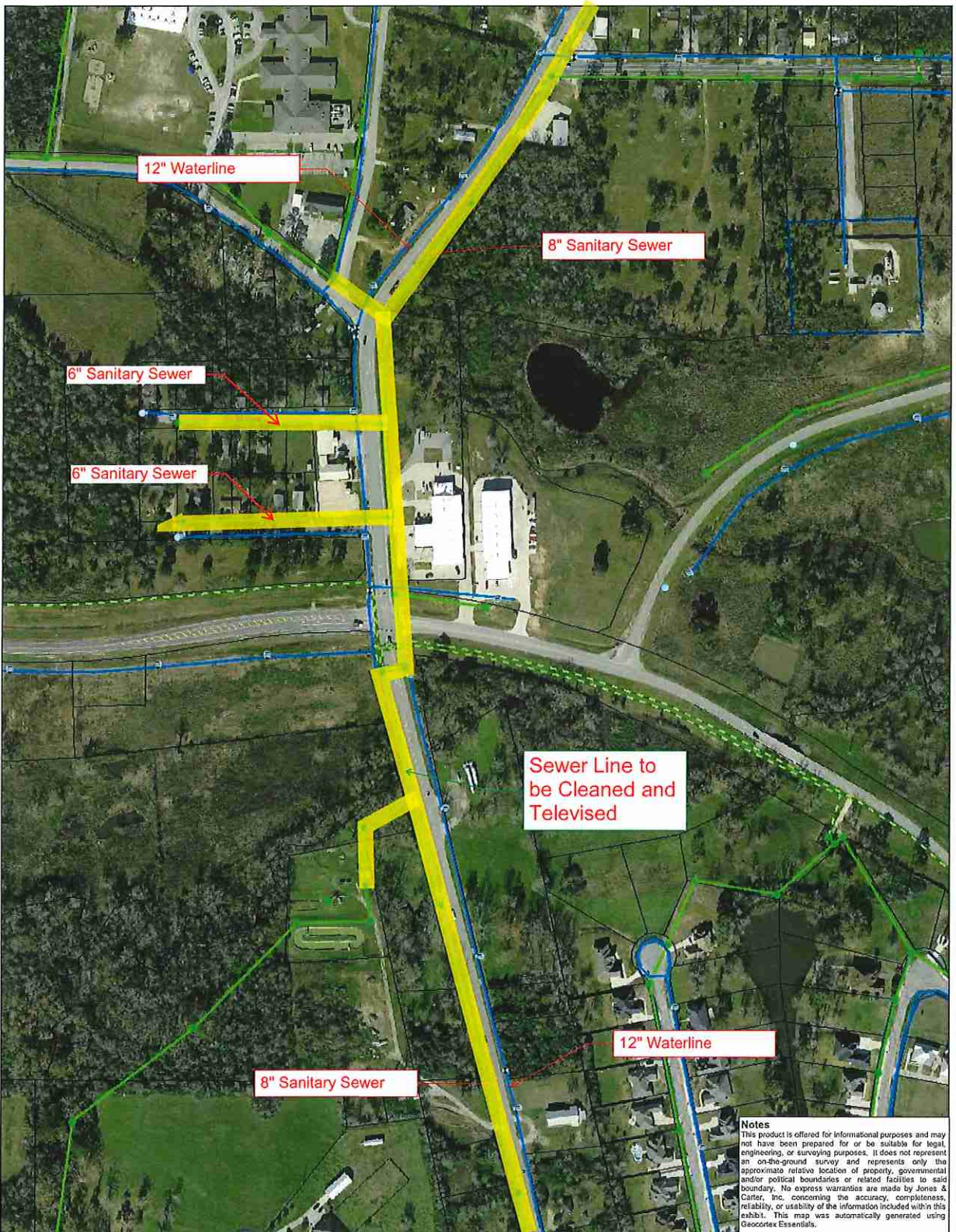
Notes:

- (1) Contingencies include a 10% cost for additional, unseen, and future costs from time of proposal.
 (2) Includes preparation of cleaning and televising bid package, construction phase services, field project representation, review of post cleaning and televising videos, preparation of recommended repairs, and reimbursable expenses.



Chris Roznovsky
6/8/17





Notes
 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 locations of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones & Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit. This map was automatically generated using Geocortex Essentials.

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		19

Legend
 MCAD Property Info



1 inch equals 292 feet



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

○ Blowoff/Plug	■ City ETJ	— 8
⊕ Flush Valve	— Distribution Line	— 10
⊕ Main Valve	— 9	— 11
⊖ Reducer	— 1	— 12
— Waterline	— 2	— 13
□ WP Boundary	— 3	— 14
● Manhole	— 4	— 15
— Sewerline	— 5	— 16
— Storm Main	— 6	— 17
— Gravity Main	— 7	— 18
		— 19
		— 20

Legend
 □ MCAD Property Info

1 inch equals 292 feet



Montgomery City Council
AGENDA REPORT

Meeting Date: June 13, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo from City Engineer, Memo from City Engineer regarding bid award w/ bid tabulation, Sketch map from City Administrator
Date Prepared: June 9, 2017	

Subject

Construction of 12" water line on SH 105 in front of Heritage Medical Center and possible 8" water line on Caroline Street.

Description

This bid came in at the (close to) expected \$65,987.50 that will be paid for by MEDC funds for the SH 105 portion of the job.

The Caroline section of the line is a new thought, since last discussed by the Council. When previously discussed the idea was to replace the section of water line on Houston Street. However, after consideration of present and lack of possible future connections it was decided that the Houston Street line could be abandoned. Thus saving the approx. estimate of \$20,000. However, Caroline Street was added as an alternate bid (alternate meaning not required to select) so that if the 12" water line is ever down that the houses in the West Park Subdivision would be served by a larger than 2" line that exists now between Houston Street and Shepard Street.

The issue is whether to spend the \$32,089 of Utility Fund Capitol Outlay for a project that is not essential to the water system while there are plenty of urgent needs in Utility Fund **versus** the thought that funds are available for this project that otherwise may never happen and if it is desired later will cost more.

Montgomery City Council
AGENDA REPORT

Recommendation

To accept the Statewide Services base bid and Alternate items A2 and A8 and authorize the Mayor to execute the contract as proposed

Approved By

City Administrator

Jack Yates

Date: June 9, 2017



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

June 9, 2017

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

Re: Construction of Heritage Medical Center 12" Waterline
City of Montgomery

Dear Mayor and Council:

On June 6, 2017, we received bids for the construction of the Heritage Place Medical Center 12" Waterline. Statewide Services submitted the lowest base bid in the amount of \$65,617.50. The base bid includes construction of a 12" waterline along State Highway 105 and the abandonment of the 6" waterline along Houston Street that will be in conflict with the Houston Street reconstruction.

We also received an alternate bid for the replacement of an existing 2" waterline along Caroline Street with an 8" waterline. The existing 2" waterline connects an existing 6" and 8" waterline between Houston Street and Sheppard Street and causes a bottleneck in the water distribution system. The replacement of this waterline will improve flow and pressure in the system and provide a reliable waterline loop. This is a \$32,089.00 addition to the contract amount. Statewide Services also submitted the lowest base bid plus the Caroline Street waterline alternate bid in the amount of \$97,706.50.

Due to postponing the Water Plant No. 2 GST Backfill Project and the waterline across the Buffalo Springs Drive bridge until next fiscal year, the City currently has funds available in the budget to pay for the additional cost for the Caroline Street waterline.

We recommend the City award the contract to Statewide Services based on their low base bid plus alternate bid items proposal in the amount of \$97,706.50 plus up to a 10% contingency to cover minor change orders should it be necessary. This is recommended for funding allocation only. Change orders would be presented to City Council for approval.

Subject to award of the contract, we recommend City Council authorize the Mayor to execute the contract subject to receipt and review of the contract by City staff.



City of Montgomery
Heritage Place Medical Center 12" Waterline
Page 2
June 9, 2017

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Shackelford', written in a cursive style.

Ed Shackelford, PE
Engineer for the City

EHS/cvr:kmf

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\Letters\MEMO to Council RE Execution of Heritage Place Medical Center Waterline Contracts.doc

Enc: Recommendation of Award

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



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

June 9, 2017

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

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

Dear Mayor and Council:

We received bids for the referenced contract in our office on June 6, 2017 at 10:00 am. Bids were publicly opened and read at that time.

Five (5) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. Statewide Services submitted the lowest Base Bid Plus Alternate Bid Item A-2 through A-8 proposal in the amount of \$97,706.50.

We have worked with Statewide Services in the past and find them to be an acceptable contractor. We recommend the referenced contract be awarded to Statewide Services on the basis of their proposal in the amount of \$97,706.50.

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

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

Enclosure

cc: Statewide Services
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



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BID TABULATION SHEET

BIDS WERE RECEIVED IN THE OFFICE OF

Construction of Heritage Place Medical Center 12" Waterline

Jones & Carter, Inc. - The Woodlands

City of Montgomery

Time: 10:00 AM

Public Bid

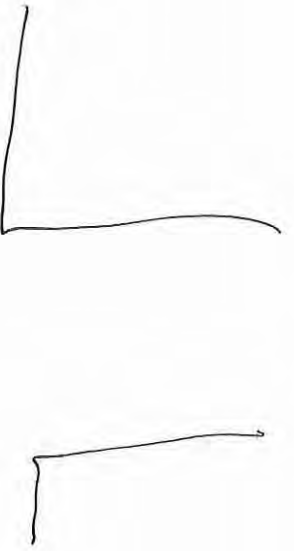
Job No. W5841-0027-00

Date: 6/6/2017

BIDDERS

	Statewide Services	MIMG Contractors, LLC	T Construction, LLC	D. Grimm, Inc.	LG&G Construction, Inc.		
Total Base Bid	\$65,617.50	\$75,925.00	\$85,469.00 *	\$89,741.58 *	\$106,037.50 *	12" on 105 by Trenchless	
Total Base Bid Minus Item 3 Plus Alternate Item A-1	\$65,987.50	\$77,695.00	\$87,879.00 *	\$90,508.64 *	\$102,187.50 *	12" on 105 open cut	
Total Base Bid Plus Alternate Items A2 and A4-A9	\$108,917.50	\$111,650.00	\$125,579.00 *	\$133,950.93 *	\$141,762.50 *	12" on 105 trenchless and 8" on Caroline open cut	
Total Base Bid Plus Alternate Items A2 A8	\$97,706.50 *	\$106,825.00 *	\$121,277.00 *	\$125,973.27 *	\$163,137.50 *	12" on 105 trenchless and 8" on Caroline trenchless	
Total Base Bid Minus Item 3 Plus Alternate Item A-1 A8	\$98,076.50	\$108,595.00	\$123,687.00 *	\$126,740.33 *	\$159,287.50 *	12" on 105 open cut and 8" on Caroline trenchless	
Total Base Bid Minus Item 3 Plus Alternate Items A1, A2, and A4-A9	\$109,287.50	\$113,420.00	\$127,989.00 *	\$134,717.99 *	\$137,912.50 *	12" and 8" open cut	
Bid Security							
HB 1295 Form							
Addendum No. 1							

* Denotes Mathematical Error by Contractor



12" water line

Heritage Medical

H O U S T O N S T.

existing 8" waterline

existing 2" line
water

Possible 8" new waterline

Cedar Grove Park



existing 6" waterline
Caroline St.

S H E P A R D S T.



Montgomery City Council
AGENDA REPORT

Meeting Date: June 13, 2017	Budgeted Amount:
Department:	
	<p>Exhibits: 1. Information about Blackboard, Swiftreach, Hyper-reach example of signup sheet for citizens,</p> <p>Auditor Selection Calendar,</p> <p>Copy of e-mail from Ed Shackelford regarding rate</p>
Prepared By: Jack Yates City Administrator	
Date Prepared: June 8, 2017	

Subject

Regards topics that I am spending time on that I want to be assured that I am in the direction that the Council desires:

- 1) Public notification system – this is a system that allows instant phone messaging to hard line telephones, cellular phones, e-mails and text messages. The system costs approx.. \$5-6,000 per year. The system would be used for water outages, weather alerts (in conjunction with County Emergency Management, police notifications of a child/adult missing, and other type of general emergency information. It is not intended to be used for notification of Festivals, regular meetings or other non-emergency items.

Notifications can be to the entire notification group, to specific areas (blocks) where water, for instance, will be off that only affects that certain area, or a specific group tht can be set up in the system (such as HMBA members), city employees.

The system basics are: selection of a Provider should be after a Request for Proposals is submitted, then review of submittals either by the Council, a subcommittee of the Council or a public review committee, with final selection by the Council. To get the system in place every hard line

telephone in the city limits would be collected by the Provider, but any other person that wants to receive notifications can complete a form (an example is attached) that would be available through the city web site, put in the water bills, given to apartment management, at businesses in the city, maybe put into sacks of groceries as a stuffer, given to school children to take home to parents, along with a press release. There may be, for example, someone who lives in California but has a rental house in Montgomery that wants to keep up on what is happening in the city. When a message is sent the process is: only 2-3 people with the city can send messages, so: if we were to have a main water break that would affect the western half of the city, I would go to the system, mark on the map where the notification needs to go to, then I would type into the message board what I would say in the recorded message, then I would record the message and send it out. The system would then dial the phone numbers involved, send the voice message over the telephone and would also e-mail and text my written message to the numbers involved. My experience is with the Blackboard Connect system, and it was easy to use. We usually got about 70-80% of success rate (the system will tell you how many of the messages sent were actually received) of our messages. What usually happened is that immediately after sending a message city hall would get about 4-10 calls from people saying that they just got a message from city hall but wanted the message explained. So, I learned to give the message just sent out to all the city hall staff so they knew what was happening, so they could properly respond..

At this point all I really need to know is if you want me to keep working on getting the quotes on the system. It probably would not be any funds spent in this fiscal year – but about \$6,000 would need to be placed in the 2017-2018 budget.

- 2) Joint meeting with Planning Commission. The Planning Commission is ready to propose a Land Use Plan for the city, to propose several city-initiated zoning changes in the city, and the Mobility Plan needs discussion by both groups so one presentation from Jones/Carter of the Plan seems efficient.

So the Planning Commission is requesting a joint meeting with the City Council to discuss these three topics in order to provide the Council with information about their plans, just to make sure they are in the direction the Council desires.

In advance of the joint meeting information regarding the Land Use Plan and proposed zoning changes will be provided.

The suggested dates for the joint meeting are either July 6th or July 13, both Thursday nights.

- 3) Selection of Auditor Process and Review Committee-- Attached is the calendar of events leading to the selection of an Auditor, Note that the July 13th date is a special Meeting (perhaps meet at 6:00 p.m. to interview three Auditors , then meet at 7:00 p.m. with Planning Commission??)
- 4) Surplus Property sale—The result of the bidding process was:

<u>Vehicle</u>	<u>Bid</u>	<u>Minimum Bid -by Council</u>	
Ranger	\$2,501	\$2,000	Sold
Dodge Charger	\$4,107	\$4,000	Sold
Expedition	\$2,204	\$3,000	
Crown Victoria	\$1,607	\$2,500	

After discussing with Chief Napolitano and considering the alternatives, My intention is to re-advertise the vehicles at little cost and to keep the same minimum bid amount.

Alternative is to have Council need to act to reduce the minimum bid through an agenda item - not necessary – we don't think. If they do not get a minimum bid after this time I wil come back to Council to get a reduced minimum bid.

- 5) The Lone Star Groundwater Conservation District just announced an intention to go from 6.0 cents per 1,000 gallons to 9.5 cents. The net effect of the increase since it does not get charged to Catahoula water is approx.. \$1,600 per year, according to Ed Shackelford. So, my thought is to write a letter of non-support for the increase, but to not attend meetings nor spend valuable engineering time to oppose the increase. If it goes up the city can do a precise calculation on the effect of a water increase necessary, but a quick calculation came up with .22 cents per customer for the year (or.018 cents per month per customer) – not enough to get concerned about considering water bills now are bringing in approximately \$50,000 per month.

Attached is an e-mail exchange between myself and Ed Shackelford regarding the rate increase.

Montgomery City Council
AGENDA REPORT

Description

--

Recommendation

To direct the City Administrator if different as proposed

Approved By

City Administrator	Jack Yates	Date: June 8, 2017
--------------------	------------	--------------------



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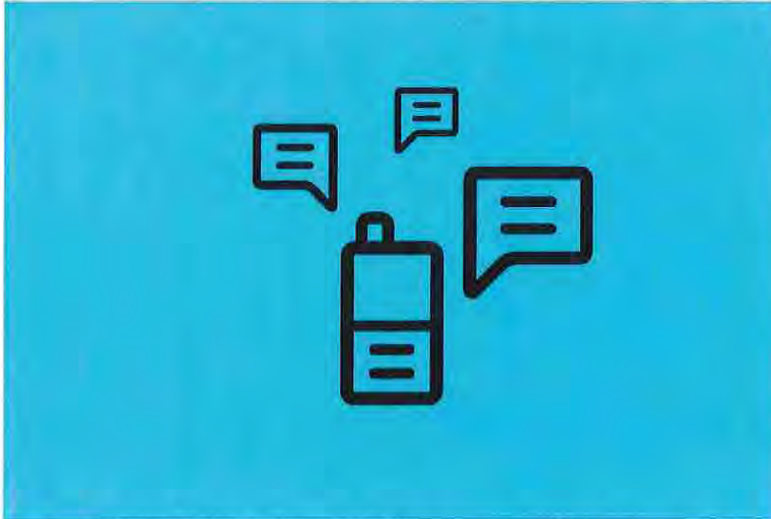
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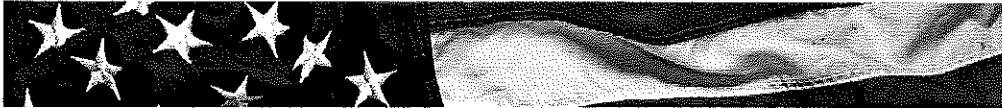
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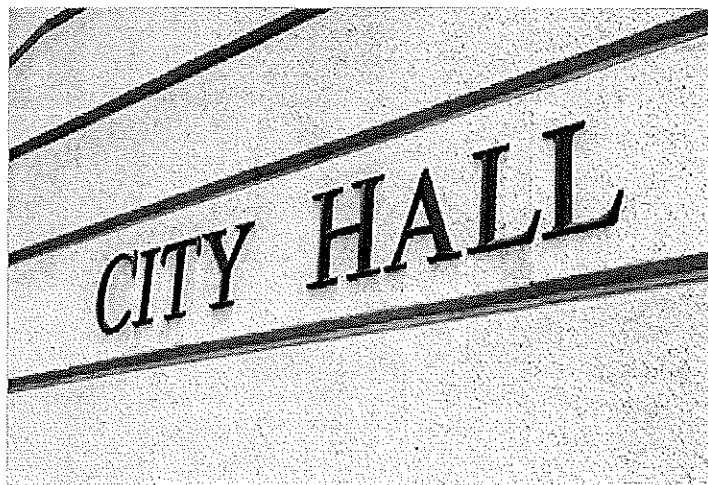
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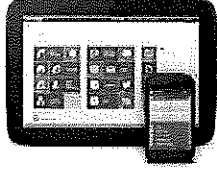


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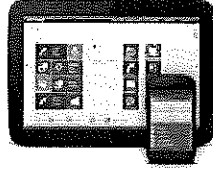
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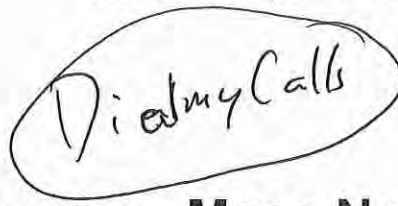
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- 03 Send & Analyze**
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Hyper-Reach will already call your home phone number(s) in the event of local emergencies or community alerts. You do not need to register your home phone number.

Submitting the additional information below will allow your cellular phone, email, and/or TDD to be notified as well.

The information provided will not be used for any purpose other than community announcements.

Please be sure that you choose the correct street address so that any Emergency Alerts affecting only your immediate area will reach you.

If you have already signed up and wish to update your information, sign up with the **SAME** phone number you entered originally and updated information.

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Municipality (NOT Postal Address)	[Please Select] ▾
Street Name Don't see your street?	[Please Select a Municipality] ▾
House Number (as in 33 Main St)	<input type="text"/>
Apartment/Unit/Suite # (if any)	<input type="text"/>
ZIP Code	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Fill in at least one of the below sections:	
Cell Phone (or TDD) Number (with Area Code)	<input type="text"/> - <input type="text"/> - <input type="text"/>
Notification Method	Voice ▾
"Text Msg" can only be sent if Phone Number above is a cellular phone with Text Messaging enabled. Standard fees may apply.	
Email Address	<input type="text"/>
Before submitting, you must accept these Terms and Conditions . Click the checkbox below to accept the terms and conditions:	
<input type="checkbox"/> I Accept	
SUBMIT	

AUDITOR SELECTION CALENDAR

May 25 – – RFP advertised May 25 and June 1

June 20 – – RFP submittal deadline 3:00 P.M.

June 20 – – RFP's opened 3:30 P.M.

June 22 – – Review Committee Narrows Choices

June 27 – – City Council Sets Interviews

July 13 – – Interviews by City Council at Special Thursday Evening Meeting

July 25 – – Auditor Selection Made by City Council

July 25 – August 3 – – Auditor Contract Prepared

August 8 – – Contract Agreed to by City Council

August 15 – – Contract Executed by Auditor and City



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

RE: Groundwater district eyes rate increase; blames legal fees, lost revenue - The Courier

1 message

Ed Shackelford <EShackelford@jonescarter.com>
To: "Yates, Jack" <jyates@ci.montgomery.tx.us>
Cc: Chris Roznovsky <CRoznovsky@jonescarter.com>

Thu, Jun 8, 2017 at 9:08 AM

Jack:

Based on the City's gulf coast aquifer wells (Wells 2 & 3) permit, which is approximately 45 million gallons per year, the increase rate, from 7.5 cents to 11 cents, the additional amount of money is \$1600 per year.]

The composite pumpage fee charged to consumers should be reviewed to determine if an increase is warranted.

Please let me know if you have any questions.

Thanks,
Ed

Ed Shackelford, PE

Senior Vice President

Senior Manager/Business Development
eshackelford@jonescarter.com

JONES | CARTER

8701 New Trails Drive, Suite 200

The Woodlands, Texas 77381

Telephone 281.363.4039

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From: Yates, Jack [mailto:jyates@ci.montgomery.tx.us]

Sent: Wednesday, June 07, 2017 10:10 AM

To: Ed Shackelford <EShackelford@jonescarter.com>

Subject: Re: Groundwater district eyes rate increase; blames legal fees, lost revenue - The Courier

So, what is the effect on MONTgomery?

Jack



On Tue, Jun 6, 2017 at 10:22 PM, Ed Shackelford <EShackelford@jonescarter.com> wrote:

Hi

Here is an article recently posted by the Courier regarding Lone Star's proposed rate increase.

Please note the rate increase does not affect Montgomery's catahoula well production.

Ed

Ed Shackelford, PE

Jones|Carter

832.754.2074

Sent from my Verizon Wireless 4G LTE Droid

----- Forwarded message -----

From: Ed Shackelford <EShackelford@jonescarter.com>

Date: Jun 6, 2017 10:17 PM

Subject: Groundwater district eyes rate increase; blames legal fees, lost revenue - The Courier

To: Ed Shackelford <EShackelford@jonescarter.com>

Cc: Chris Roznovsky <CRoznovsky@jonescarter.com>, Jessica Rafferty <JRafferty@jonescarter.com>

<http://www.yourconroenews.com/news/article/Groundwater-district-eyes-rate-increase-says-11200753.php>

Ed Shackelford, PE

Jones|Carter

832.754.2074

Sent from my Verizon Wireless 4G LTE Droid

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