

NOTICE OF PUBLIC HEARINGS and REGULAR MEETING

April 25, 2017

MONTGOMERY CITY COUNCIL

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that Public Hearings and a Regular Meeting of the Montgomery City Council will be held on Tuesday, April 25, 2017 at 6:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARINGS:

Convene into Public Hearing:

1. **Alcohol Beverage Permit Application for Stoney's Liquor - Montgomery**, located in Buffalo Springs Marketplace, 20212 Eva Street, Suite 240, Montgomery, on SH 105 at Lone Star Parkway, for a Package Store Permit, Beer Retail Dealer's Off-Premise License, Local Distributor's Permit and Package Store Tasting Permit; and
2. **Alcohol Beverage Permit Application for The Kroger Company**, located at 20168 Eva Street, Montgomery for a Wine and Beer Retailer's Off-Premise Permit.

Reconvene into Regular Session:

VISITOR/CITIZENS FORUM:

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

CONSENT AGENDA:

3. Matters related to the approval of minutes for the Public Hearing and Regular Meeting held on March 28, 2017 and Regular Meeting held on April 11, 2017.
4. Consideration and possible action to approve street closure of College, McCown, Caroline and John A. Butler Streets east of FM 149 for the Antiques Festival.

5. Consideration and possible action to schedule a public hearing regarding a zero lot line variance for 14419 Liberty Street -Monty West and Megan Stultz to be held on June 13, 2017 at 6:00 p.m.

CONSIDERATION AND POSSIBLE ACTION:

6. Consideration and possible action on Department Reports.
 - A. Administrator's Report
 - B. Public Works Report
 - C. Police Department Report
 - D. Court Department Report
 - E. Utility/Development Report
 - F. Water Report
 - G. Engineer's Report
 - H. Financial Report

7. Consideration and possible action regarding approval of Montgomery EDC funding for the following:
 - a. Houston Street Rehabilitation Project;
 - b. Water Line Placement in Houston Street; and
 - c. Water Line Placement on SH 105 at Houston Street.

8. Consideration and possible action regarding approval of an Alcohol Beverage Permit Application for Stoney's Liquor - Montgomery, located in Buffalo Springs Marketplace, 20212 Eva Street, Suite 240, Montgomery, on SH 105 at Lone Star Parkway, for a Package Store Permit, Beer Retail Dealer's Off-Premise License, Local Distributor's Permit and Package Store Tasting Permit.

9. Consideration and possible action regarding approval of an Alcohol Beverage Permit Application for The Kroger Company, located at 20168 Eva Street, Montgomery for a Wine and Beer Retailer's Off-Premise Permit.

10. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS, REGULATING LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION, ADOPTING THE TEXAS RAILROAD COMMISSION'S LP-GAS SAFETY RULES IN CONFORMITY WITH SECTION 113.054 OF THE NATURAL RESOURCES CODE; REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF PURPORTING TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION ONLY TO THE EXTENT THAT SUCH OTHER ORDINANCES OR PARTS THEREOF RELATE TO LIQUEFIED PETROLEUM GAS; AND PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.

11. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION OF THE CITY COUNCIL OF MONTGOMERY, TEXAS, IN SUPPORT OF A PROPOSAL BY ENTERGY TEXAS, INC. REGARDING THE APPLICATION OF ENTERGY TEXAS INC. TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO CONSTRUCT MONTGOMERY COUNTY POWER STATION IN MONTGOMERY COUNTY IN PUBLIC UTILITY COMMISSION OF TEXAS DOCKET NO. 46416

12. Consideration and possible action regarding approval of a Sponsorship Letter to TxDOT regarding Houston Street.
13. Consideration and possible action regarding approval of a driveway and pavement of parking area variance request for the property located at 300 Prairie Street as submitted by Jeffrey Angelo, owner.
14. Consideration and possible action regarding adopting an Encroachment and Maintenance Agreement by and between the City of Montgomery and Town Creek Storage, LLC.
15. Consideration and possible action regarding a Terms of Service Agreement regarding Cedar Crest Home Park for City Utility Service.

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.

ADJOURNMENT




Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 21st day of April 2017 at 3:00 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

Montgomery City Council
AGENDA REPORT

Meeting Date: April 25, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: April 20, 2017	

Subject

This is the public hearing regarding Stony's Liquor.

Discussion

This is the opportunity for the public to comment. Little, if any, comments from Council are appropriate.

Recomendation

Listen and consider any public comment.

Approved By

City Administrator	Jack Yates	Date: April 20, 2017
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Montgomery City Council
AGENDA REPORT

Meeting Date: April 25, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: April 20, 2017	

Subject

This is the public hearing regarding Kroger's Wine and Beer Retailers Off-Premise Permit.

Discussion

This is the opportunity for the public to comment. Little, if any, comments from Council are appropriate.

Recomendation

Listen and consider any public comment.

Approved By

City Administrator

Jack Yates

Date: April 20, 2017

MINUTES OF PUBLIC HEARING and REGULAR MEETING**March 28, 2017****MONTGOMERY CITY COUNCIL****CALL TO ORDER**

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

Present: Kirk Jones Mayor
 Jon Bickford City Council Place # 1
 John Champagne, Jr. City Council Place # 2
 T.J. Wilkerson City Council Place # 3
 Rebecca Huss City Council Place # 4
 Dave McCorquodale City Council Place # 5

Absent:

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

INVOCATION

T.J. Wilkerson gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

1. Receive the Final Report from the Planning and Zoning Commission on their Public Hearing held regarding establishing a zoning district for land to be annexed, as described: all that certain 14.5003 acre tract of land, more or less, situated in the John H. Corner Survey, Abstract No. 8, Montgomery County, Texas.

Mr. Yates advised that the Planning and Zoning Commission had met last night and conducted their Public Hearing and there were no citizens that attended to make comments. Mr. Yates said that the Commission passed a recommendation to City Council to approve the zoning for commercial usage. Jon Bickford asked if there were any restrictions on the commercial usage. Mr. Yates said that it would just be commercial usage.

Rebecca Huss moved to accept the recommendation from the Planning and Zoning Commission to zone the property commercial. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

PUBLIC HEARING:

Convene into Public Hearing:

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

2. For the purpose of giving all interested persons the right to appear and be heard regarding establishing a zoning district for land to be annexed, as described: all that certain 14.5003 acre tract of land, more or less, situated in the John H. Corner Survey, Abstract No. 8, Montgomery County, Texas.

There were no comments made during the Public Hearing.

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

Reconvene into Regular Session:

VISITOR/CITIZENS FORUM:

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

There were no comments made.

CONSENT AGENDA:

3. Matters related to the approval of minutes for the Regular Meeting held on March 14, 2017.
Dave McCorquodale moved to approve the minutes as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

4. Discussion regarding Community Policing and the capabilities and philosophies of the Montgomery County Sheriff's Department by Chief Deputy Ken Culbreath.

Chief Deputy Culbreath, with the Montgomery County Sheriff's Department, advised that their primary focus is realigning the Sheriff's Department to a precinct model. Chief Deputy Culbreath said that the traditional model has been policed by district and zones, which is divided up by certain divisions so they follow investigations based on divisions. The Sheriff has decided that he wants to do precinct model policing so they have realigned the Sheriff's Office to fit that model.

Chief Deputy Culbreath introduced Lt. Fitzgerald, the Lieutenant for this area, Captain Bryan Carlisle and Captain Franklin. Chief Deputy Culbreath said that out of the ten people on the leadership team, everyone has 20+ years of experience in their specific field.

Chief Deputy Culbreath said that the City of Montgomery is located in the West Division, and when a crime occurs that requires a follow up it will fall under the West Division Captain. The West Division allows the Captain to have control over the investigations and traffic control that should occur in their area, which allows the information to flow faster than the previous system. The Sheriff's Department is also developing a staffing analysis, where they can have uncommitted time for the deputies, with the goal of having 50 percent of their shift dedicated to uncommitted time, which will allow time with their contacts and proactive policing activities. Chief Deputy Culbreath said that the Sheriff's Department has over 850 employees so it takes a while to make the changes. The Sheriff's Department goal is to have a full Community Policing Model for the precincts by this time next year. Chief Deputy Culbreath advised that a Policing Model is a philosophy that has to come from the top down, so it will take time.

Jon Bickford asked if Captain Franklin runs the West Division. Chief Deputy Culbreath advised that Captain Franklin was over the West Division and Lt. Fitzgerald reports to him. Jon Bickford asked for the boundaries of the West Division. Chief Deputy Culbreath said that the Sheriff has taken I45 to separate the County, so they have a West and East and they have The Woodlands Township Division with 97 employees. The Sheriff's Department is

still going through their CAD system to start zoning the divisions, with roads as the boundaries so that it is easier for the deputies to identify. Jon Bickford asked how many officers would be in the West Division. Chief Deputy Culbreath advised that the goal will be in the Precinct Model to have specific deputies that would respond to zones, allowing them to increase their public contacts and get to know the merchants and people in their areas. That goal will be for the deputies to recognize when things occur in their area, identify problems and pinpoint the manpower as needed. Jon Bickford then asked about the communication plan between the Sheriff's Department and Montgomery Police Department, given that there are going to be people doing the same things, such as reaching out to businesses, local policing, etc. Chief Deputy Culbreath said that they have not had the opportunity to sit down and discuss that information. Jon Bickford asked if that would be done. Chief Deputy Culbreath said that would depend on the relationship with Montgomery and how you want to work at moving forward.

John Champagne asked how many of these presentations have been made to different municipalities. Chief Deputy Culbreath said that they have done The Woodlands and the City of Montgomery is number two. John Champagne asked if this information has been discussed with the Montgomery Police Department. Chief Deputy Culbreath said that it has not, which was why he is here to discuss this with City Council to let you know about the Sheriff's plan as they move forward throughout the County. Chief Deputy Culbreath said that all the Police Chiefs that attended the meeting in early January have heard a short version of this presentation, so it is not the first time that the local law enforcement officials and heads of agencies have heard about this plan.

Rebecca Huss stated that when they mentioned staffing and personnel, was that something that they were planning on keeping up, because it was her understanding that the Montgomery Police spend quite a bit of time out in the County. Chief Deputy Culbreath said that they frequently move personnel as it pertains to days off, vacations and work load, so that is a constant daily function that the Captain and his Lieutenant set every single day. The Sheriff's Department has almost completed their staff analysis that has been going on since the Sheriff took office. The Sheriff's goal is to try and increase personnel as it pertains to work flow and productivity for certain areas. The City of Montgomery, or this

area may be condensed with an enormous amount of people, but the crime might not be represented as it is in another section of the County. Rebecca Huss said that the City has had almost 200 calls that our police officers have been busy out in the County, so is that a staffing problem on the part of the Sheriff's Department. Chief Deputy Culbreath said that it was not a problem on their side, and said that part of his Staff Analysis Study was that he took every area of the County and the City of Montgomery from January 1 to February 28, 2017. During that time the Sheriff's Department ran about 153 calls into the City of Montgomery, and on 61 of those calls the Sheriff's Department was the primary unit. Rebecca Huss asked what that meant by "primary unit." Chief Deputy Culbreath advised that it means that they were the one that took the lead on the call for service. Rebecca Huss asked if that meant that the Montgomery Police were not available. Chief Deputy Culbreath said that he did not know because he can't see their schedule.

Dave McCorquodale asked if there was 50 percent uncommitted time for the deputies. Chief Deputy Culbreath said that their goal was to have 50 percent of the deputies' time where they are not running calls for service and they are spending time building a relationship with the community. Dave McCorquodale asked where they felt that fell into the National or State wide numbers regarding the 50 percent. Chief Deputy Culbreath stated that was National goal that most departments try to achieve, because if all the deputy does is respond to calls during their shift, they never make contact with citizens on a personal level.

Chief Deputy Culbreath said that one of the things that they already started the process is building surveys, so citizens will have a follow up survey, by a supervisor, that will follow up and check the service that their officer rendered at the time of the call. The Sheriff's Department also has the CAPS Program, where they will partner with the community to share information on what is going on, in as much real time as they can, and they are going to try and provide information to the public and allow the public access to the Sheriff's Department to identify issues that might need to be brought to their attention at the command level. Those things will be measured during the process, either through surveys or constant contact by the Captains as well as the Lieutenants. Chief Deputy Culbreath said that because The Woodlands already has the structure almost in place, that Captain in

The Woodlands has been able to use her Lieutenants and Sergeants to circle back and check the productivity of their employees.

Rebecca Huss then asked about the capabilities of the Sheriff's Department, in terms of hostage negotiation going through this area to go to Magnolia, and asked how they matched their services, because the County is so much larger, and how did those services get matched into a local police department. Chief Deputy Culbreath advised that he did not know how many personnel the City has, but trying to have your own hostage negotiation team might be problematic. Chief Deputy Culbreath advised that the Sheriff's Department has 10 full time swat deputies, with 20-25 specialists, and they have an entire group of negotiators. Chief Deputy Culbreath said that if you have to pull people off their shift, the City would lose that flexibility to have them protect the City's priorities. The City definitely has the resources has the resources to use the assets of the Sheriff's Department. Chief Deputy Culbreath said that it was not uncommon for them to go to a City to help bring a positive resolution to something that has occurred in the City.

Jon Bickford said that he would like to make a request that when they get closer to organizing thoughts and plans around how many people the City of Montgomery is going to have and what the Sheriff's Department thinks coverage needs to be for this area, that you make an appointment and share that with our Chief of Police or come back to City Council. Chief Deputy Culbreath said that he would be happy to come back to City Council.

John Champagne said that personally, he would like for the Sheriff's Department to be in touch with our Police Department. Chief Deputy Culbreath said that their partnership is increased for sure and is definitely something that needs to be worked on, but he is not sure how they get there. Jon Bickford said that it would make sense, while they are building this plan, that the Montgomery Police Department be a part of or at least aware of what is going on. Chief Deputy Culbreath said that he is here for City Council, but a portion of this plan was already unveiled to the majority of the Police Commanders in early January, and he was doing his due diligence to pass the information on tonight. Jon Bickford said

that City Council appreciated the information very much and thanked Chief Deputy Culbreath. Mayor Jones also thanked Chief Deputy Culbreath for coming to the meeting.

5. Consideration and possible action on Department Reports.

A. Administrator's Report – Mr. Yates presented his report to City Council. There were no questions regarding the report.

B. Public Works Report – Mr. Mike Muckleroy, Public Works Manager, presented his report to City Council. Mr. Muckleroy advised that they had completed drainage improvements on Harley Drive, repaired a water main break on Eva Street at Heritage Medical Complex, treated all the parks and City Hall for ants and set the historical marker at the Nat Davis Museum. There were 15 water taps, 10 sewer taps, and 2 water leaks with one being in Memory Park, 1 sewer stoppage and 5 sewer inspections. Mr. Muckleroy advised that Fernland docents reported at total of 914 visitors for the month and they provided 57 tours.

John Champagne asked about Memory Park, stating there had been some vandalism there so he took some photos, and he recommended that they might want to consider having a sign there stating that the park is closed at dark. John Champagne asked if they had implemented the charges for professional photographers. Mr. Yates advised that they have implemented the charges. John Champagne asked if they were paying with credit cards with no problem. Mr. Yates said that it actually had only been in effect for about a week so he really did not have an answer to that, but they have the capability of making credit card payments.

Mayor Jones asked Mr. Muckleroy to discuss the drainage issue on Harley. Mr. Muckleroy said that there were two different issues. The one at 162 Harley was a ditch that was flowing backwards and holding water, and to correct that problem they had to do four houses down to allow it to flow all the way around. At 123 Harley, there was no defined ditch, so when the water came down the road instead of staying in the ditch, it sheet flowed over into Mr. Burleigh's property. Mr. Muckleroy advised that they cut a ditch to keep the water flow off of the roadway and flow in front of Mr. Parker's residence. Mr. Muckleroy advised that they had rented a mini excavator. Mayor Jones asked if the ditch would fill in

itself with grass. Mr. Muckleroy advised that was correct, and said that they had checked the ditch after the rain and it was working and doing what it was supposed to do.

Mayor Jones asked why the water was off at midnight last night. Mr. Muckleroy said that they discovered a small leak at the corner of Caroline Street and FM 149 a couple days ago. Mr. Muckleroy said that after verifying that it was not the hydrant, they called in locates on the line and they dug up the leak yesterday, where they found a small crack in a six inch line, and they did not want to end up with what they ended up with last month, shutting have the City down. Mr. Muckleroy said that the leak had to be isolated to repair it, so they did some searching for valves, and could not come up with a definitive way of shutting the line down, so they decided to wait until this morning to come back in and fix it, but at 12:30 last night one of the police officers called and said that the line had blown apart and there was water everywhere. Mr. Muckleroy said that they shut down the water at 12:30 that night and made the repair. John Champagne asked about the diameter of the line, and whether everything was Schedule 40. Mr. Muckleroy advised that the line was 6 inch and the pipe was a thinner walled pipe, SDR 26, which is still rated for 160 pounds, but it is a cheaper, thinner pipe, but it did have a Schedule 40 fitting on it. John Champagne said that he just wondered why in certain areas, that might have more velocity, they might want to consider a higher Schedule pipe. Jon Bickford said that it was not the pipe that burst anyway, it was the fitting. Mr. Muckleroy said that was correct.

- C. Police Department Report - Chief James Napolitano presented his report to City Council. Chief Napolitano stated that they were able to help Mr. Muckleroy's guys while they fixed a water line break last month. Rebecca Huss said that she did not think that Mr. Muckleroy was in any danger getting run over because the last time she saw him he was five feet underground and up to his neck in water. Chief Napolitano said that they were having many people exceed the speed limit even though they had trucks out there with lights on and police vehicles. Officer Carswell wrote 11 tickets to people that could not figure out what they were doing. Chief Napolitano said that they obviously do not know that, by law, you have to slow down to 20 miles under the speed limit or change lanes.

Mayor Jones said that relative to the presentation from the Sheriff's Department, he got the feeling that we do not have a very good relationship with them, but on the other hand,

looking at it from this side, he felt that they did. Chief Napolitano said that on the contrary to what the Chief Deputy had to say, number one he would like to see his stats and it would have been nice of him to email his stats before he presented those as a professional courtesy, on his part. Chief Napolitano said that the Chief Deputy has never reached out for him to talk about the precinct issue other than at the Chiefs' Meeting, which they have once a quarter. Chief Napolitano said that he was at that meeting when they made their presentation, and they talked about it, but said that they were not quite ready to implement that particular program yet. Chief Napolitano said that the Montgomery Police Department has been doing community policing for the last three years. Chief Napolitano said that he can say that people in this town know who their police officers are and they know what shifts we work and they reach out for their Officer Bauer or Officer Bracht or whoever they want to have that relationship with and know them by their first name and work with them constantly. Chief Napolitano said that as far as the Sheriff's Office goes, here in District 5, we have a great working relationship with those guys and the reason that they go out and answer calls is because right now their manpower in District 5 can be as little as three with one supervisor, if they have the one supervisor. Chief Napolitano said that if Lt. Belmares hears that one of the Sheriff's Department officers is going to a service in progress alone, if available, he will go out and assist. Chief Napolitano said that the Chief Deputy's numbers on 150 calls inside the City, that they answered for the Montgomery Police Department, he would like to see the times and dates of those calls so that he can see where his officers were. Chief Napolitano said that there is going to be a certain time where they only have one officer on duty between midnight and 6 a.m., so if that officer makes a DWI arrest they are tied up for 5 hours taking that person to jail in Conroe, they might have to respond to a call in the City. Jon Bickford said that the Chief Deputy said there were 67 calls where they were the lead with 150 total calls, so he would assume those 67 would not mean they were backing the Montgomery officers if they were lead. Chief Napolitano said that the lead means they got to the call first, and he did not remember too many calls where they took the lead from the City on a call where the Montgomery officer showed up, because they usually hand off the call to Montgomery, which is the same thing that Montgomery Police officers do when it is in their jurisdiction and we get there first. Chief Napolitano said that the other night when dispatch put out an attempt to locate and he was at the location of South Pine Lake and SH 105. He called dispatch back and the dispatcher advised that the vehicle was already southbound on Pine Lake Road. Chief Napolitano

said the drunk driver that had hit a woman in front of April Sound on SH 105, almost killing the woman, he had chased the driver down South Pine Lake Road. When Conroe Police Department came he relieved the call to Conroe PD, but he was able to detain the subject because he was in the right place at the right time. Chief Napolitano said that if he hears a Sheriff's Department unit say he is going to go out on a call he will help them when they are in the surrounding areas of the City.

John Champagne asked Chief Napolitano if he could do a lot with statistics to make them look the way you want them to look. The Chief said that was correct. John Champagne said that he found it interesting that this was only the second presentation, after a year of this philosophy, and he was very impressed with the education, that the City of Montgomery is the only one that the Sheriff's Department thought it was important enough to present to. Chief Napolitano said that the City of Montgomery would be the first incorporated municipality because The Woodlands was not incorporated. Chief Napolitano advised that The Woodlands was actually a district of the Sheriff's Department. Jon Bickford said that it would be very nice if they bring anything else along. Chief Napolitano advised that Sheriff Henderson did not start his term until January 2017, after being elected in March, so it has only been three months. Chief Napolitano said that they have only had one meeting with the department. John Champagne asked if they had transition management change at the Sheriff's Department. Chief Napolitano said that they did have a transition period, but they are all still in that process. Jon Bickford said that the districts will go away and they will have zones instead. Chief Napolitano said that was correct, the officers will have specific zones that they will be assigned to.

Rebecca Huss said that if they were talking about statistics, it has been a year and three months since City Council has received anything approximating statistics about calls that have been received and answered in the City. Rebecca Huss said that all they are receiving to go off of is the Court Report, which shows again that citations are at the worst over the last three years. John Champagne asked what was meant by the worst. Rebecca Huss said that they were the lowest that it has been in February for the last three years, if you look at the Court Report. Rebecca Huss said that what they had received in the past was a breakdown of calls that were answered so that they knew what activity was happening in the City, which again, per statistic, and while John Champagne is stating that the statistics

from the Sheriff's Department are slanted, while we are getting no statistics from our own department. Chief Napolitano said that he had said that he would have liked to have seen the statistics prior to the Chief Deputy presenting them and since they have gone to Spillman and they are no longer on the old system, and then the Sheriff's Department pulled them off of the new system for a study, and for three weeks the Police Department could not see any calls except calls that were inside the City of Montgomery. Chief Napolitano said that he sent Chief Deputy Culbreath an email and asked what was going on and why was it happening, and the Chief Deputy said that it was happening in other areas around the County. Chief Napolitano said that he knew that the City of Shenandoah went through the same situation that they had gone through, so if there was a call outside the City, they would not be able to see the notes on that call. Chief Napolitano said that the system was back the way that it used to be, but he still can't get on a computer and pull down the stats, which is why they are trying to change things with the Strategic Plan.

John Champagne asked Rebecca Huss regarding the point of statistics, what she was looking for, such as arrests, etc. Rebecca Huss said that three months ago there was a spread sheet that had month by month, vacation checks, DUI's, vehicle burglaries, home burglaries, where there were 12-15 different categories where they saw the total number of calls and how there were answered. John Champagne asked what that report would bring to the City Council. Rebecca Huss said that if there are no vehicle burglaries, then that is an indication that they would not need a City sponsored Lo Jack Program, for example, but on the other hand you can't make any decisions about how safe the City is or whether they are staffed appropriately, or anything, if they do not know how many calls the department is taking. Mr. Yates said that report was the statistics that the County used to provide, but they stopped providing the information. Rebecca Huss said that they might need to ask the Sheriff's Department for the information, because surely they have the ability to pull the information out because they are controlling the system. Chief Napolitano stated that before the Sheriff's Department changeover with the current administration, they had asked the Sheriff's Department for the information and they stated that they were still trying to deal with Spillman. Chief Napolitano said that his Department has problems with Spillman on a daily basis, which is the Sheriff's Department system. John Champagne said that personally he did not want to see the Report, he goes back to the point that to micromanage the department heads that they have in place, he did not see that as their position or focus.

John Champagne said that they were supposed to overview and make sure that they are good stewards of the citizen's money and that they put people in place that know how to do business and know how to run departments. John Champagne said that he did not want to be flooded with statistics.

- D. Court Department Report – Rebecca Lehn, Court Administrator, presented her report to City Council. Ms. Lehn advised that the month of February was a very good month, being the second highest in warrant collection in the last three years.

Rebecca Huss stated that the number of citations filed were the worst in three years. Jon Bickford said that he did not measure lots of citations as being good, he felt that as people are learning not to speed through the City of Montgomery or run stop signs, so they are not issuing as many tickets and that is a good thing to him. Mayor Jones said that the number of tickets written were almost exactly the same as the number of warnings that were written. John Champagne said that it was always running about 50/50 for tickets and warnings. John Champagne said that these guys do a great job and they are not a speed trap.

Mayor Jones asked about the warrant roundup and whether it caused the warrant numbers to go up. Ms. Lehn advised that the warrant roundup is with Montgomery County, so they assisted with the roundup, but it was running County warrants. Ms. Lehn said that if the collection agency runs a warrant roundup, they mail out notices for the ticket holder to be notified that if they do not take care of their ticket, they are going to be subject to arrest during the warrant round up. Ms. Lehn said that the collection agency that sent out all the notices in January helped, and it is also tax season, so warrants collection number will be higher in February, March and April because people get their tax money and they want to renew their driver's license and the City has a hold on it because of their ticket. Mayor Jones said that on the round up, if it is County wide, does the City end up benefitting. Ms. Lehn said that when the County does the warrant roundup, they have their judge, the warrant roundup goes straight to the County Court, Precinct 1, Judge Mack. Ms. Lehn said that the list that they are running are based off of County warrants and not the City's warrants. Ms. Lehn said that if the City put their warrants on that list, and the County was running them, the City would have to have a judge, software program, something to go in place with the County when the people come in. Ms. Lehn said that the City of Willis had

a judge and court administrator there and they worked on the same program that the County does, so they were able to collect money or the judge would talk to the defendant and handle the case. Ms. Lehn said that the scare of going to jail during the warrant roundup works better than the officers going and collecting the fines or the people going to jail. Ms. Lehn said that the City benefits from the County warrant roundup, because the people with our tickets think that someone is going to come and get them. Mayor Jones said that the City has a roundup every day because the City has their own warrant officer. Ms. Lehn said that they do work with the County and participate. They do a mass mail out advising people with tickets of the warrant roundup during the month of February.

Jon Bickford asked about the total revenue collected, and stated that it was warrants plus what else. Ms. Lehn said that out of the \$67,000 only \$33,390 of that amount was warrants. Jon Bickford asked what the rest of it was from. Ms. Lehn said that it was anything from past citations, people that were on payment plans, things that were previous numbers. John Champagne asked who instituted payment plans. Ms. Lehn said that the Judge does, and they only do a 30-day plan.

- E. Utility/Development Report – Mr. Yates advised that he would be presenting the report tonight. Mr. Yates stated that the utility revenues were \$84,998, which was \$15,000-\$17,000 more per month than last year due to the rate increase. The revenue from permits was \$15,748 for the month. Mr. Yates noted that there were 572 active accounts. Mr. Yates said that regarding the City account consumption there were two notations. First, the Community Building went from 2,000 last month to 14,000, which is primarily due to irrigation. Second, the Buffalo Springs Sewer Plant went from 232,000 gallons to 91,000 gallons, because they had two weeks from the new recirculation going online. Mr. Mike Muckleroy advised that next month they will see the true figures. Mr. Yates said that they are expecting those numbers to go down to 13,000 or 14,000. Mayor Jones said that was great news.

Rebecca Huss asked if they were going to look at the water and sewer rates again, because last year when they set the new rates, they had stated that in the summer they would look at where the City is regarding the revenue side, but also whether they had been able to drive down any of the costs. Mr. Yates said that he had to think about the information and then

talk to City Council because the City is doing so well and said that the Utility Fund is \$116,000 revenue over expenditures and will increase as the summer months hit. Mr. Yates said that about the time that they start the budget process will be the time that they can start the review process. Mayor Jones asked if those funds included the monies that used to be the GRP fee. Mr. Yates said that was correct. Mayor Jones said that the City was going to continue to collect that fee and dedicate it. Mr. Yates said that was correct, it is dedicated to a line item for capital improvements. Rebecca Huss said regarding capital improvements, they had talked a month ago about spending some money on investigating some of the sewage and water infiltration and those types of things, and presumably anything like the lift stations, they probably need that \$116,000 and then some. Mr. Yates said that they had a proposal two weeks ago from Gulf Utility to look at every manhole in the City regarding the infiltration, which is about \$18,000 - \$19,000. Mr. Yates said that they have the City Engineer considering the proposal and other options.

Jon Bickford asked about the City account consumption and asked if it was in gallons. Mr. Yates advised that it was in thousand gallons. Jon Bickford asked that they put that in the information for the report with a parenthesis and three zeros, to clarify it for everyone. Mr. Yates said that they would take care of that. Mr. Yates said that they only had three residential building permits for \$3,042, and one commercial building permit that was \$8,190. Mr. Yates said that the total revenue for permits was \$15,748 for 42 permits this month. Mr. Yates said that they did not have any bookings at the Community Building for the month, other than non-profits.

Jon Bickford said that it ceases to amaze him how green everything is around here, and yet how little water we use everywhere else, except at Memory Park, where they use a lot of water. Mr. Muckleroy said that there were a lot of plants at Memory Park. Jon Bickford said that he has a lot of plants at his house and it has been raining every three or four days, so why do we have to keep watering Memory Park, he understands the summer. Mr. Yates said that they are guided by how much rainfall occurs. Mr. Muckleroy said that the sprinkler system that they have at Memory Park is a very sophisticated and intelligent system that calculates every day, including the humidity level and calculates the amount of run time until the next day, based on the amount of sunshine, temperature, humidity and rain fall. Mr. Muckleroy advised that Mr. Randy Burleigh checks that system every single

day and cleans out the heads of the sprinklers and redirects them when necessary. Mr. Burleigh is training one of the public works employees on how to run the system. John Champagne asked if the system was very efficient. Mr. Muckleroy said that it was very efficient, and while it uses a lot of water the numbers have dropped dramatically from last year to this year. Jon Bickford said that the usage is about half of what it was last year, because it used to be half of what the sewer plant used. Rebecca Huss said that part of this is the City's fault because every time the Memory Park people come and say they have a great idea and City Council says that is fabulous, but that comes with extra irrigation. John Champagne asked why they don't defer some of the money they make off of these professional photographers to offset some of the costs to this park, and said that in his mind they are combined. Mr. Yates said that he would look at that during budget. Jon Bickford said that they should look at doing something to combine that activity, because they talked about charging for the photographers at Fernland and asked if they should be charging for photographers at Memory Park. Mr. Yates said that they discussed that last month, and it would be hard to do because they do not have the docents at Memory Park.

- F. Water Report - Mr. Mike Williams, with Gulf Utility, presented his report to City Council. Mr. Williams advised that this month they had six district alerts during the month, including discolored water that required the lines to be flushed, Lift Station 13 power outage, sewer stoppage at the bus barn, Lift Station 3 high run time and Lift Station 3 high wet well.

Rebecca Huss asked if Lift Station 3 has had a couple of high run times recently. Mr. Williams confirmed Lift Station 3 has had high run times and it is mainly the pump that they recently had rebuilt. Mr. Williams said that Monday after the rain storms, they had some more high run times, so they had the pumps pulled and pump number 1 was shorting, which was the one that they just had rebuilt so they are taking that in and got the City a rental pump and they are going to see exactly what the problem is. Rebecca Huss asked if the vendor was paying for the rental, since we paid for the repair that did not get repaired. Mr. Williams said that it will depend on the outcome, because if it is due to a power surge they might not cover that rental. Rebecca Huss said that they could add that to the Entergy bill.

Mr. Williams advised that the flow for the month of January was 5,736,000 gallons, and the daily peak flow on January 18, 2017 was 437,000 gallons, which is 109% percent of permitted value. Mr. Williams said that the average daily flow was 179,000 gallons, which is 45% percent of the permitted value. Mr. Williams advised that the effluent line sampling report showed all samples being within range and compliance, and they had 3.9 inches of rain during the month. Mr. Williams said that on the water report it showed that the City was at 94% percent accountability.

Mr. Williams said that the totals on the Water Report that were not shown and should read: Well 2 – 14.3%; Well 3 – 52% and Well 4 – 33.7%. Mr. Williams stated that the water sold and water treated, this month they were at 102% percent returned to the sewer. Rebecca Huss said that she had spoken with Mr. Williams earlier about this, but she did not know if the measuring instrument is wrong again, but there has been a big jump in the percentage of return with actually slightly less rain, so she did not know if it was a timing issue, or the amount of rain or they need to keep an eye on that information. Rebecca Huss said that it definitely shows that they have a lot of extra water in the system if they have gone from the 40's and 50's to the 80's and 100's for percent return numbers, which is not good because that is actual real cash. Jon Bickford asked if there was any logical explanation for this problem. Mr. Williams said that it depends on a couple of factors, such as the rainfall and the intensity of the rain and in what area of town the rain occurs. Mr. Williams said that some of the newer areas in town are not going to have as much infiltration as the older sections.

Jon Bickford asked when they got the rain that washed out the bridge. Mayor Jones said that was in May 2016. Jon Bickford said that time happens to be here and on those months, 51 percent in May and 37 percent in April, and then they had 56 percent in June of 2016. Jon Bickford said that something does not make sense. Mr. Williams said that back in November they changed out the effluent totalizer at the sewer plant. Mr. Williams said that the temperature module went out on the effluent totalizer, which caused it to be inaccurate and was the cause for low flow returns to the sewer plant. Jon Bickford asked if that caused it to not measure correctly. Mr. Williams said that the unit was not correctly measuring the flow. Mr. Williams said that the device was calibrated three times in the last year, which is only required once by the State, but they noticed the fluctuations in the

unit and every time they calibrated it, it was a little off, but was brought back and read correctly. Mr. Williams said that they used three different companies just to get an opinion, but it really did not surface until the temperature module completely went out. Dave McCorquodale asked about the recirculation system, and asked if they are not running water by it once and then piping it back up to run again. Mr. Williams said that is not happening because it is pulling up the chlorine basin and then returning it back to the basin, so it is not reading the same water multiple times. Mr. Williams advised that the recirculation system is taking out the same water that it is putting back in to the system.

Mayor Jones asked about Well 4, and whether they were not running it. Mr. Williams advised that they were trying to run Well 2 more to gear up for the repair needed at Water Plant 3. Mr. Williams said that Well 4 has also been pushed back a little because there was a time where they wanted to maintain the remaining permit, but since then it has increased. Mr. Williams said that when they deal with the Entergy problem and do the control wire repair the Water Plant will need to go down for 48 hours, and they want to make sure that they could take that Water Plant down without causing an emergency situation. Mayor Jones asked to confirm that they have, as of yet, found the real balance. Mr. Williams said that once they get this problem with Entergy fixed, they can find a good balance with power consumption.

Mayor Jones asked if any progress had been made with Entergy. Mr. Williams advised that Entergy has installed a power quality meter at the plant. Mr. Chris Roznovsky, City Engineer, advised that Entergy had installed the power quality meter, and one of the issues that has made it take a little bit longer, is that currently Plant 2 is offline to make some repairs. Mr. Roznovsky said that the City did not want the data while the plant is not running to determine if they are receiving enough power. Mr. Roznovsky said that their plant should be online by the end of the week, so that they can run it and make sure that they have good data. Mr. Roznovsky said that Entergy will look at the report in order to make any modifications they need. Rebecca Huss asked Mr. Yates if he had written that letter to the PUC. Mr. Yates advised that he had not written the letter and added that the issue on FM 149 turned out not to be an Entergy issue, so they were just down to the Well 2 issue, and he has that letter drafted but he has not sent it, as of yet.

Mr. Williams advised that John Champagne had asked him to look into how much the City had paid for no power issues at the last meeting. Mr. Williams said that he looked that information up and since August of 2014 it totals about \$9,000. John Champagne asked if the invoice had been drawn up. Mr. Williams said no, the invoice had not been prepared, and said that number was just their charges, they also need to get the outsourced costs. John Champagne said that they needed to get all the charges and send an invoice. Mr. Yates said that he will talk to them.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky said that they are still finalizing the Joint Mobility Study and they expect to have the draft to City Staff and the County representatives next week. Mr. Roznovsky said that he expects to have the Wastewater Treatment Plants Permit Renewals back shortly because there have been no updates.

The Kroger project is now substantially complete and they expect to hold the final inspection in the next couple of weeks. Jon Bickford asked if Kroger had a different open date. Mr. Roznovsky said that they have not heard any updates on the opening other than what they have said August of 2017.

Mr. Roznovsky advised that the Pizza Shack extension is underway and the contractor has moved on site as of last week and will be beginning work. The Shoppes at Montgomery Feasibility Report is being prepared and will have it for the next meeting.

Mr. Roznovsky stated that they are proceeding with the Buffalo Springs Drive Bridge repair design and getting coordination between the grant administrator and FEMA. Rebecca Huss asked if any thought had been given to the stuff that Mr. Lefevre had talked about in terms of diverting water from that particular location. Mr. Ed Shackleford, City Engineer, said that he owed him a phone call and conversation. Rebecca Huss said that in theory, if the City were to have less water coming there, would there be a substantial difference in the price or the structure of what is being proposed now versus what might be feasible. Mr. Shackleford said he has been rereading some of the minutes from the last meeting, he understood what Mr. Lefevre was suggesting that there might be some reduction in cost for the drop manholes, but there might be added cost in diverting water

off of the right of way and through private property and into the canal, which is what he needs to talk to Mr. Lefevre about. Mr. Shackleford said that what they took into account was only water that was going to be in the public right of way, not what was coming off of private property. Mr. Shackleford said that they looked at a worst case scenario than the 100 year rainfall. Mr. Shackleford said that only the water that fell onto the right of way was going to go through the drop manholes, and everything else that might occur on private property, like what did occur last year. Mayor Jones asked if the water was flowing ditch to ditch downhill it will be handled. Rebecca Huss said that they had a lot of sheeting and all of that water came from private property, the amount of road and right of way surface, percentage wise of the total area that drained into that is a pretty small amount. Rebecca Huss said that they are relying on property to be developed and for them to provide the diversion. Mr. Shackleford said that was correct. Rebecca Huss said that in some ways Mr. Shackleford's plans, while very good for 100 years, don't quite cover what happened. Mr. Shackleford said that otherwise the City is spending a significant amount of money to collect water for an interim period that will ultimately be addressed through private development, so they were trying to be cognizant of the City's budget. Rebecca Huss said that basically it almost does not matter whether there is another outlet for water being diverted across that private property because that is not in the numbers that they used to calculate how big the drops had to be. Mr. Shackleford said that to answer Rebecca Huss' question, if a like event occurred after this is built, yes there would still be sheeting off the private property coming down the road, but because of how they are proposing to construct the slope paving, it would not be undermined and push out into the canal like it did last time. Mayor Jones asked if they were still on schedule with the project. Mr. Roznovsky said that they were still on schedule. Rebecca Huss asked about the mobility schedule for the bridge. Mr. Shackleford said that even though he was not present at the last meeting, he got the message loud and clear. Mr. Shackleford said that they have also conveyed the message to the engineers in our company that are working on the project.

Mr. Roznovsky advised that there was nothing new to report on the Water Distribution System Analysis and Master Plan Capital Projects, including the 12-inch water line across the bridge and the GST Backfill. Rebecca Huss asked Mr. Yates about the GST Backfill, and asked if this was no longer an important project, and stated that the pressure on the west side of town is still an issue and it has been a year since Jones and Carter prepared the

plans. Mr. Yates advised that they are probably ready for that project, partially because the Texas Water Development Board (“TWDB”), but also because the City has enough money to do the project now. Mayor Jones asked if the loan from the TWDB was imminent, like within 30-60 days, so they could start the engineering. Mr. Yates said that was correct and he needed to meet with the City Engineers to prepare a flow chart, because they will take the funds in portions as the project is ready. Mr. Yates said that they are essentially ready for all the projects and will have the funds for them.

Mayor Jones asked what Mr. Roznovsky felt was the second most important, ready project. Mr. Roznovsky said that the GST Backfill Line is not a TWDB Project, but the waterline to get to Water Plant 2 and then replacing lines along SH 105 and FM 149 is on the list, along with Water Plant 3 improvements. Mayor Jones asked about the GST Backfill Project. Mr. Roznovsky said that the GST Backfill Project will not be paid for out of the TWDB funds that is a separate project. Mr. Roznovsky advised that the engineering for the project is complete and approved, and just needs to go out for bids and then construction. Mayor Jones asked for information regarding the GST Backfill cost. Mr. Shackelford said that he thought the total was about \$130,000 - \$135,000. Mayor Jones confirmed that project was not part of the TWDB loan. Mr. Yates said that was correct, but now the City has enough money because of the rate increase to do that project. Mayor Jones asked if the water line across the Buffalo Crossing Bridge was in the TWDB funds. Mr. Roznovsky said that it was not. Mr. Yates said that as they do the bridge work that is when the water line will be replaced. Mayor Jones asked if the repair of the bridge will include the water line. Mr. Yates said that it would not, but it will be part of the bid and construction project and they will have to pay for it out of a different pocket, so to speak.

Mr. Roznovsky said that last month there was a discussion regarding what the drainage review procedure consisted of, so he has included that information in his report. Mr. Roznovsky said that it is based on the Montgomery County Drainage Criteria, or TxDOT criteria, and the City Engineer reviews to make sure the proposed development does not impede the natural flow of service water from adjacent private properties, altering the natural flow in grave quantities that result from the predevelopment, to make sure that they do not put an excess strain on the system. Rebecca Huss commented on the fact that if they are relying on development to divert water sheeting over the land that would normally

end up in our drainage ditch, would leading to Buffalo Springs Drive be going contra to that if they make them create something that pushes the water. Mr. Roznovsky said that the water is making its way down to the channel, and what was included in one of the plans was some predevelopment plans for some of the properties were already including taking water away from the bridge as part of the plans. Rebecca Huss said if there is a drainage easement, then presumably development can use that easement, even if it involves moving water in a way that it had not moved before. Mr. Roznovsky said that was correct. Mr. Roznovsky said that the final review would be whether the development would exceed capacity. Mr. Roznovsky said that with each plan set, the developer is required to submit a drainage plan and a statement from their engineer saying that they have performed an analysis and here is the analysis showing that their development condition meets the criteria of the Montgomery County Drainage Criteria, and therefore the City.

Mr. Roznovsky advised that they had received the revised plans for the Buffalo Springs Shopping Center, Phase II, which will be returned to the developer soon. The Longview Miniature Golf Course is evaluating their options of revising the site layout. Mr. Roznovsky said that the Villas of Mia Lago, Section Two is on the agenda tonight. Town Creek Storage has submitted their final plans and they have identified minor comments to be addressed, so they are recommending conditional approval. Rebecca Huss asked when they expect to start the project after they pay their bills to the City for their water leak. Mr. Roznovsky said that he did not know what their construction schedule was, but they are pushing hard to get it approved. KENROC and Lake Creek Village, Section 3 have submitted plans for review, which they are reviewing. The Montgomery Retail Center, on the northeast corner of SH 105 and FM 2854 have submitted plans for a revision to their driveway and a request for a sign and light pole encroachment agreement, which is on the Agenda tonight.

Mr. Roznovsky advised that Lone Star Bend and Lone Star Parkway Extensions have final plans that have been submitted to Montgomery County on March 14, 2017. Mr. Roznovsky said that they are still going back and forth with the County regarding final comments. Mayor Jones asked if there was any idea when Montgomery County will pull the trigger. Mr. Roznovsky said that they are ready to go out for bid on Lone Star Parkway next month, and proceed with construction contracts in the next 90 days.

Mr. Roznovsky said that the West Side at the Park had a follow up inspection on March 20, 2017 but there are still punch list items that need to be addressed. Mr. Roznovsky said that regarding Heritage Place Medical Center they are continuing to work with Montgomery County Precinct One to obtain a price to perform the required modifications to Houston Street. Mayor Jones asked what the most recent conversation with Commissioner Meador was. Mr. Roznovsky said that the County was open to the idea, they just requested additional information, which they provided specifications and an exhibit that was prepared by the developer's engineer to show what improvements they were asking the County to review and to come up with a price and approval. Rebecca Huss asked if the City was going to let the developer just use asphalt on the whole thing, even though they had said that on Shepherd it had to have a concrete improvement for the apron turnout onto SH 105. Mr. Shackelford said that right now, that is the way it is proposed as all asphalt. Rebecca Huss said that is not the City saying that this is what we need, that is saying this is the cheapest way to get it done. Mr. Shackelford said that was correct. Rebecca Huss asked whether City Council had approved MEDC's payment, and she is assuming that the developer will come to the City for the rest of the money. Mr. Yates said that none of that has happened yet, he is waiting on the County Commissioner's review and total price.

Mr. Roznovsky advised that they are still waiting for the developer to pay their deposit for their Feasibility Study. Mr. Roznovsky advised that the TWDB Funding applications totaling \$2,820,000 by the City were approved on March 9, 2017 and the expected closing date is June 30, 2017.

Mr. Roznovsky advised that they continue to host a weekly operations conference call with representatives from Gulf Utility Service, Inc. and City staff. John Champagne asked if the conference calls were still productive. Mr. Roznovsky said that they were good because they get the information they need and it is very helpful to keep everyone on the same page.

- H. Financial Report – Mr. Yates presented the report to City Council, in the absence of the Financial Consultant, Mrs. Cathy Branco. Mr. Yates advised that the General Fund - \$191,018 to the good due to lower expenses. Jon Bickford asked if the expenses were

lower because we are not getting something done that we wanted to get done. Mr. Yates said that it was due to the department heads watching their budget.

Rebecca Huss asked about the Utility Fund where it looks like tap fees for February were \$61,000, which is more than half of what we perceived for the entire year, and asked whether that was correct. Mr. Yates said that was correct. Mr. Muckleroy advised that Heritage Medical paid \$17,000 for their water tap. Mr. Yates said that McCoy's also paid their water tap fees. Mr. Yates said that MEDC funds had \$18,970 and was doing quite well. Mr. Yates said that the General Fund revenues were just about what was expected for this year.

Jon Bickford asked if they had planned not to get any tax benefit from Kroger until June or July. Mr. Yates said that last month City Council decided not to amend the budget because he had \$160,000 revenue and \$148,000 worth of expenses, plus they saved \$12,000 from not having to conduct the election. Rebecca Huss said that basically it is just a wash, with a \$12,000 gap.

Mayor Jones reminded City Council that the MEDC numbers look good right now, but MEDC is obligated for a large amount for the Pizza Shack water line and McCoy's sewer line, which is coming up soon.

Dave McCorquodale moved to accept the Departmental Reports as submitted. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

6. Consideration and possible action to postpone adoption of the Ordinances approving the sale of Certificates of Obligation to the Texas Water Development Board to a meeting to be held on April 11, 2017 at 6:00 p.m. at City Hall.

Jon Bickford moved to postpone the adoption of the ordinances until April 11, 2017 at 6:00 p.m. John Champagne seconded the motion, the motion carried unanimously. (5-0)

7. Consideration and possible action regarding approval of Town Creek Storage Construction Plans and Final Plat.

Mr. Roznovsky advised that they are recommending conditional approval of the plans and final plat subject to the final comments being addressed. Mr. Roznovsky advised that this was presented to the Planning and Zoning Commission last night and they approved the action.

Jon Bickford asked what type of access will there be to the property off of SH 105. Mr. Roznovsky said that there was no access off of SH 105, the access is off of the side street that goes to the Athletic Complex.

Rebecca Huss asked if a bill had been sent to Mr. Cheatham to account for the $\frac{3}{4}$ of a million gallons of water that he wasted, and the overtime and repairs to fix the water line that his contractor broke to get the sewage tap. Mr. Yates said that he did send the invoice. Rebecca Huss asked if the City had received that money. Mr. Yates said that they had not. Rebecca Huss said that she did not see why they should treat this any differently than they have done on Mr. Bowen's items. Rebecca Huss said that she believed that Mr. Cheatham also had some money that the City had paid out and not received in for professional services related to his developments, which is on the spreadsheet regarding the missing \$150,000. Mr. Yates said that was correct.

Rebecca Huss moved to table this item until they received payment for all three of Mr. Cheatham's outstanding items before they engage in additional items.

Dave McCorquodale asked if that was a legal action, and asked if there was anything that would prevent the City from doing that action. Mr. Foerster said that he did not have a problem with the motion, but he would have to look into the information a little further. Rebecca Huss said that is essentially what they have done to Mr. Bowen where the City said they were not willing to move forward on the next project until the issues from the previous project had been satisfied. Mayor Jones asked if Mr. Cheatham owned the property. Mr. Roznovsky advised that Mr. Cheatham does own the property.

Jon Bickford seconded the motion, and stated that he felt that they needed to get this matter resolved and be fair and hold everybody to the same standard.

Mr. Shackelford asked if City Council would consider approving this subject to payment being received, so that if it is received they can move forward with their business. Jon Bickford and John Champagne stated that they agreed with that idea and felt that it was reasonable.

Rebecca Huss moved to modify her motion subject to the comments made by the City Engineer, to approve the construction plans and final plat subject to Mr. Cheatham paying for his water loss and overtime bill, as well as the escrow account overages. Jon Bickford seconded the motion carried unanimously. (5-0)

Mayor Jones said that the property where the storage buildings will be going on had a modified drainage situation and asked if that would be acceptable, other than they did not ask permission. Mr. Roznovsky said that it was submitted showing what is there and what modifications are proposed, they provided additional modifications to protect the property from eroding, but everything that they have submitted is provided in the drainage criteria. Mr. Roznovsky advised that there is a public easement and the property owner has agreed to maintain that piece of property.

8. Consideration and possible action regarding approval of a Development Agreement by and between the City of Montgomery and the Villas of Mia Lago, Section 2.

Mr. Yates advised that Mr. Liberatore is the owner and subdivider of the property, who is asking for a development agreement basically in return for the dedication of the right of way of Lone Star Bend, which would not require a payback if it was a normal subdivision. Mr. Yates said that he thinks the City is interested in getting Lone Star Bend put in because of its connection to Bois D'Arc Road, which connects Walden to the City and makes it much easier to connect to the City.

Mr. Yates advised that the calculation in the agreement was based on \$2.10 per square foot times 97,550 square feet of Lone Star Bend Road, which equals \$204,855. Mr. Yates said that the return would be based on 50% of the maintenance and operation taxes due to be paid back to him, up to a maximum of \$204,855 based upon the assessed value. Mr. Yates said that Mr. Liberatore has asked to lengthen the term because the term in this agreement is for 10 years,

and he has asked for either 15 or 20 years because the increased time will allow him to develop the property and give him more of a chance to get back the balance of the \$204,855.

Mr. Yates said that he did not find anything in the records about a previous commitment of Mr. Liberatore to dedicate Lone Star Bend all the way to Bois d'Arc Road. Mr. Yates said that he did find several plats that were not signed showing Lone Star Bend going all the way over to Bois d'Arc Road. Mr. Yates said that the Section 1 plat for the property does not go all the way over to Bois d'Arc Road. Mr. Yates said that he would like to point out that the County Commissioner is willing and ready to pay for the cost of Lone Star Bend connection to Bois d'Arc Road and that amount is approximately \$800,000. Mr. Yates said that if City Council were not to approve the Development Agreement, he supposed an option would be that the City could condemn the property and pay whatever the going rate is at that time.

Rebecca Huss said that she had a couple of comments because Mr. Lefevre told her that five or six years ago when that property was annexed, it was annexed conditionally on the fact that the roadway was to be dedicated as a roadway easement. Mr. Yates said that it was not in the annexation agreement or the minutes. Rebecca Huss said the other comment was \$2.10 per square foot of land for something that does not really go anywhere, unless it is a road, is kind of rich, because she believed that someone else had recently sold land for 20 to 30 cents per square foot. Rebecca Huss said that she can't believe that this is brought up at City Council at the last minute where nobody has had a chance to get any information. Rebecca Huss said that the record keeping had been lax, so there is a possibility that further time will enable them to locate the records that they need to prove that the land is already dedicated. Rebecca Huss said that she just could not see paying a premium just to get a road done. Mr. Yates said that there might be an agreement about a past intention to dedicate the land, but he said that he could be safe in saying that it has not been previously dedicated to the City. Rebecca Huss said that the intention to dedicate should be about the same, because if he has always planned on having a road there he needs it there to develop the other pieces of property. Mayor Jones said that the developer does not need the road. Mr. Yates said that it is the choice of the owner as to whether he wants to subdivide the property at this time. Mayor Jones said that the owner has already moved his plat and everything assuming that the road is going in, because he had to subdivide his property for the road, so somebody intended for that road to go in, which he believed that they all did. Mayor Jones said that he did not know if the road had been agreed

upon, but there was no doubt that the existence of that road benefits the City of Montgomery and \$2.10 a square foot is not a lot for property, and it is not residential property. Rebecca Huss said that it was residential property. Mayor Jones said that on SH 105 they are getting \$20 per square foot.

Mr. Liberatore advised that several years back when they had originally designed the development, Section One had a similar agreement in place that was executed with the City. Mr. Liberatore said that he always thought that Section Two would carry on with that same agreement. They brought in the assisted living facility and annexed into the City the Estates of Mia Lago, the Villas of Mia Lago and then the assisted living facility. Mr. Liberatore said that he believed the sale price for the assisted living facility was \$4 to \$6 per foot. Mr. Liberatore said that he tries to buy land every day and the going price in Montgomery is about \$30,000 to \$50,000 per acre. Mr. Liberatore said that as far as the design of the road, when they originally designed it he thought it would be accepted under the same agreement as a Section Two, with the reimbursement for the first section, which they have never really collected any money as of today. The agreement was that Mr. Liberatore would put the road through and annex into the City, and put the utilities and road in under that agreement. Mr. Liberatore said that he always thought that this would be an extension of that original agreement. Mayor Jones asked if the original agreement was all based on the commercial frontage. Mr. Liberatore said that it was based on the commercial frontage. Mayor Jones asked if they were able to find the 380 Agreement for Section One. Mr. Yates said that it was all included in the one agreement.

Mayor Jones asked if this proposed agreement included Section One and Two. Mr. Yates advised that it only included Section Two. Mr. Liberatore said that he always thought the agreement would cover both sections of the development. Mayor Jones asked how many homes are expected to be built in Section Two. Mr. Liberatore advised that they were looking at 42 homes and they are ready to start on them.

Rebecca Huss said that she feels like they need to have numbers and see the actual agreement, and she feels really blindsided by the fact that they do not have any of the facts. Like the Mayor stated that 50 percent of the M&O and 40 houses is not even going to come close to this. Jon Bickford said that if it does not come close then they will pay it longer. Mayor Jones said that

the agreement would either have an amount to be paid or the time, whichever comes first, correct. Mr. Yates said that was correct. Jon Bickford asked what the assessment of M&O would be on 40 houses. Mr. Liberatore said it would be at \$300,000 for one house. Mr. Yates said that it would be roughly \$4,000 per year for one home. Jon Bickford asked if that would be the half. Mr. Yates said that would be the half of the M&O. Jon Bickford asked why Mr. Liberatore would be asking for this much money, because there is no way that they would get to that amount with \$4,000 per house. Mr. Liberatore said that it was just a number. Jon Bickford said that he wanted to make it a different number to reflect the actual amount. Rebecca Huss said that they could just make it easy and say that we will waive, for a certain portion, the plus 200 percent tap fee to cover, so it is not cash or a legal agreement. Mr. Shackelford said that for 15 years that number is \$113,000 based on 42 homes at \$300,000 each at a 12 cent/per \$100 valuation tax rate. Mr. Roznovsky said that for 15 years the half amount that they are coming up with is \$113,000. Mr. Shackelford said that was equivalent to a \$50,000 per acre price for the land. Rebecca Huss said that was assuming that the City would be willing to go to 15 years. Jon Bickford said that he still did not know why the amount in the agreement is set so high makes him wonder what is going on. Mr. Liberatore said that it was just a budget that the engineers came up with that was for the water and sewer extension. Rebecca Huss said that she was sort of unwilling to go with 100 percent of this if there was, at some point, a hand shake deal as part of the annexation.

Mr. Liberatore said that there was an original agreement that if he annexed and brought the assisted living in, and put the road through then dedicated the road to go to Bois d'Arc Road. Mr. Liberatore said that the original agreement is the same as what you have before you, this one is just worded differently and for a different reason. The reason that the City and he agreed on the first agreement was because they were annexing, dedicating the road to connect from Lone Star Parkway to Bois d'Arc Road, dedicating the land to do that, and the sale of the assisted living facility and annexing it into the City, building the facility and him paying for the utilities to go to the facility. Rebecca Huss said that the original agreement did include Bois d'Arc Road or the extension. Mr. Liberatore said that was correct. Mayor Jones said that has been on the table since the beginning and he did not know where it was in writing. Mr. Yates said that he thought the answer is because there is nothing to say that Mr. Liberatore has to plat his property right now. Mr. Yates said Mr. Liberatore came to the City originally to plat the property and the City was anxious to work with him. Jon Bickford asked to clarify

that what Mr. Yates was advising was this number is \$204,000, so it is \$204,000 worth of future credits if you do this platting and subdividing and do the agreement now versus waiting until it is convenient. So the City is willing to pay a particular amount of money to make it convenient for the City versus waiting for when it would be convenient for Mr. Liberatore. Mr. Yates said that was correct, and he would also throw in that the County is ready to spend the money on the extension. Jon Bickford said that there was no problem that the City is going to get access to the property. Mr. Liberatore said that they were dedicating that in the plat. Mayor Jones said that the road was important to the corner of Lone Star Parkway and SH 105. Mayor Jones said that road is important to the County as part of their Mobility Plan, and the City's part of the Mobility Plan. Mayor Jones said that these are not real big numbers in the agreement, and the developer has to perform to get them by getting the homes built and people in the homes. Jon Bickford said that having the road there will help to alleviate traffic snarls, which will help the City.

Jon Bickford moved to go forward with the proposal that they offer \$100,000 for a period of ten (10) years.

Jon Bickford amended his motion to allow Mr. Liberatore a return payment from the City based on the additional assessed property value of his subdivision, that we pay 50% percent of the maintenance and operations taxes due back to him up to a maximum of \$100,000, or twelve (12) years, whichever happens first, based upon the additional assessed property value increased in the area of the Villas of Mia Lago, Section Two. John Champagne seconded the motion.

Discussion: Mayor Jones stated that when entering into this type of agreement, Mr. Liberatore would have to agree or disagree as to whether the City was in his ballpark. Mr. Liberatore said that the amount was about \$100,000 less than the original agreement, which was based on utility extensions not on a land dedication, but he was in agreement with it, if it will move the project forward and they can get their plat approved and start construction.

Mayor Jones asked if they know the status of the original agreement, and whether it is null and void. Mr. Yates said that it was not null and void. Mayor Jones asked if it was functioning. Mr. Yates said that it was functioning. Mr. Foerster said that he thought that it expired in 2018 if he recalled correctly.

Mr. Liberatore said that they have not pursued or did the accounting with the City to get any reimbursements on it as of yet. Mr. Liberatore said that they thought Section Two would come on a little bit quicker and they would start them all at the same time. Mayor Jones said that the only thing that Mr. Liberatore had to claim was the assisted living facility. Mr. Liberatore said that the first agreement was to annex those sections into the City, and that he would put the existing Lone Star Bend Road in, which included about 3,000 foot of road. Mr. Liberatore said that the original agreement was for the utility extension, annexation into the City for the assisted living, to bring the utilities to the project and the road.

Rebecca Huss asked to clarify that this will get the City to the full amount that they need to connect Lone Star Bend and Bois d'Arc Road. Mr. Liberatore said that was correct, except for a one foot strip at the end of the road, which is a one foot reserve that the County has acquired. Mr. Roznovsky said that was the strip of land that the County purchased and is in the process of being recorded. Mr. Liberatore said that when Bowen owned that land they purchased it from Steve Bowen, and they had a way to exit out of the property. The property was platted was Grand View and had a landscape reserve on the east side and west side with a 60 foot strip to get out. Mr. Liberatore said that they had redesigned and shifted the road further east into a one foot landscape reserve that he is willing to swap. Jon Bickford stated that the bottom line was the City does not need any more property, we have everything we need and they can get to that street.

The motion carried unanimously. (5-0)

9. Consideration and possible action regarding approval of Villas of Mia Lago, Section 2 Construction Plans and Final Plat.

Mr. Roznovsky said that the plat and plans have been submitted, and the plans are subject to the recording information from Montgomery County, so they are recommending approval subject to receiving the recording information. Jon Bickford asked to clarify that there were no shrinking lots. Mr. Roznovsky said that there were 42 lots.

John Champagne moved to conditionally approve the final plat and construction plans upon all the comments being addressed. Jon Bickford seconded the motion.

Discussion: Rebecca Huss said just to be clear, they already did provide variances for lot sizes. Mr. Roznovsky said that was correct, and that there were no additional variances.

The motion carried unanimously. (5-0)

10. Consideration and possible action regarding approval of a Sign and Light Pole Encroachment Agreement by and between the City of Montgomery and the Montgomery Retail Center.

Mr. Roznovsky presented the information to City Council. Mr. Roznovsky said that City required the developer to enter into an encroachment agreement for the placement of signs and a light pole within the City's easement. Mr. Roznovsky said that they have reviewed the agreement and offer no objection to the agreement as proposed. Mr. Roznovsky said that it puts the risk of any damage to the facilities that they would have to repair or replace, etc., so all the property owners of the City would not be responsible for making repairs to signs if they are damaged.

Jon Bickford asked why they need the encroachment agreement and asked if it was located near the street. Mr. Roznovsky said that this is located along SH 105, and will have two signs proposed at the light post in an existing City easement. Jon Bickford said that he was trying to figure out if those signs and light pole closer to SH 105 than a sign such as where the Kroger sign is located, and are they going to look strange because they are going to stick out and be in a funny location. Mr. Shackelford said the signs would not look strange because the City easement is just north or outside the State right of way, so these signs and poles are within the easement that are close to the State right of way. Jon Bickford asked whether we did a similar agreement for Kroger. Mr. Shackelford said that they did not have that 26 foot easement at that location. Jon Bickford asked if this will put their signs approximately the same place as the Kroger signs. Jon Bickford said that the Kroger sign is not far from their retaining wall. Mr. Yates said that it was about 10 feet back from the edge of their property line. Jon Bickford said that if the City has to dig them up and they break, then it is on them to repair them. Mr. Shackelford said that was correct, and it also gives the City the right to review their drawings.

Mayor Jones asked if their items will be on top of City stuff. Mr. Roznovsky said that where it is proposed, there are utilities in the area. Jon Bickford asked what kind of utilities are underneath. Mr. Shackelford said that it would be the Pizza Shack water and sewer lines. Mr. Shackelford said that to give City Council some idea, there is six (6) feet of clearance from the bottom of their sign to the top of our sanitary sewer line and the waterline is out of the way.

Jon Bickford moved to approve the Sign and Light Pole Encroachment Agreement by and between the City of Montgomery and the Montgomery Retail Center, for the north east corner of Lone Star Parkway and SH 105. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

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.

No comments were made.

ADJOURN

Jon Bickford moved to adjourn the meeting at 8:05 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

Submitted by: 
Susan Hensley, City Secretary

Date Approved: _____

Mayor Kirk Jones

MINUTES OF REGULAR MEETING

April 11, 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: 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

Mayor Jones extended a special welcome to our contingent of the mature, old guys from Buffalo Springs and their coordinated sportswear, which is also donned by Councilmember Rebecca Huss. Rebecca Huss said that was her reminder to be humble.

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.

Mr. Philip Lefevre – stated that he had wanted this to be an agenda item, because he hated coming in and making a statement and then walking out, since this was an important issue. Mr. Lefevre said that he did understand that it was being looked at by the City. Mr. Lefevre said that normally when they deal with the City, they have certain expectations, which the City does fulfill quite well in many cases. Mr. Lefevre said that when they need something from Susan Hensley, she is on the ball and gets it, and if they need something from the Police, they are on the ball and they come out smiling and handle things well. Mr. Lefevre said that Mr. Mike Muckleroy's team is probably one of the best that he has ever seen in the City, and if there is a problem, Mike is up to his neck in water and if you ever want to talk to him, he comes out.

Mr. Lefevre said that they have had some issues, and it has been less than excellent, but he is not saying it is Jones and Carter's fault, he is saying that it is the system as it is structured. The engineering is the only thing that he can see that is outsourced by the City. Mr. Lefevre said that he understands when you outsource something, Jones and Carter have to send out teams and people to look at things and get billable hours. Mr. Lefevre said that over the last two or three years he has noticed increasingly, the cost of doing things in the City has gone up. Mr. Lefevre said that he is not happy with the way the charges have occurred. Mr. Lefevre said that in Section Two, they had a water leak, which they missed and their contractor missed it, and the Jones and Carter inspector missed during their inspection. Mr. Lefevre said that normally when something like that happens, Mr. Muckleroy or Jack will pick up the phone and they would say who needs to get it done. Mr. Lefevre said that in this instance, Mr. Muckleroy followed channels and called the City Engineers. Mr. Lefevre said that it should have taken a phone call to Randy Roan to fix the leak, instead they got a \$235 invoice. Mr. Lefevre said that he did not know where that justification came from, but they are disputing that invoice.

Mr. Lefevre said that what had precipitated was for him to ask for a Freedom of Information Act request from the City for all the records for all the projects, not because they distrust the City, if there are anomalies in how things are billed, it is important that they line up all the invoices in parallel to see where things are. Mr. Lefevre said that he had spoken to Mr. Bowen and he is clearly upset about stuff. Mr. Lefevre said that essentially the way that they see it is there is really no oversight from the City, and the engineer sends out whatever bills they want. Mr. Lefevre said that whenever they have invoices they pay them, because the last thing that they want is to have the City Engineer mad at them. Resulting from the \$235 invoice, which Mr. Lefevre felt was excessive, they have asked for all the information because they want to know how the invoice is created because the bills do not have any

backup materials with them. Mr. Lefevre said that when he calls the Police Department, they come out and do a good job, so he feels that something has fallen short in the City and he did not think it was helpful for Jones and Carter. Mr. Lefevre said that he did not have the full information that he had expected because he would like to see some of the other jobs that are going on. They are already seeing a lot of anomalies, but said that he was not saying that it was dishonest, but they are clearly falling through the cracks and it is not a comfortable position.

Mr. Lefevre said that he knew that Mr. Yates was looking into the information, and he had spoken to him briefly. Mr. Lefevre said that his feeling was that he feels the City has an exposure as an example, because in a roundabout way if you approve a plat and then you want to police the developer to exercise that plat because the developer has not paid an invoice to Jones and Carter, your indirectly involving the City in a fact issue between the contractor and developer. Mr. Lefevre said that the City has to verify every invoice that comes through or at some point you have to have a system where you can clearly delineate what is a proper City function and an outsource function. Mr. Lefevre said that he believed that this issue needs to be looked at a lot more closely because it is causing a lot of ill will. Mr. Lefevre thanked the City for producing some of the documents requested.

Ms. Hillary Dumas stated that unfortunately due to a spam delay, they just received the documents from the City. Ms. Dumas said that according to the detail that they received today, they were billed three hours for Jones and Carter thoroughly reading the City of Montgomery Design Criteria Manual and detail in Code Ordinances. Ms. Dumas said that she was not sure that was something that they were responsible for, whether a City function or else. Ms. Dumas stated that there were transition meetings between Glynn Fleming and other engineers that were charged during the month of July for Lake Creek Village, Section Two, with 29.5 inspection hours that they were billed for and paid without backup materials. Ms. Dumas stated that the utility line that they did to start Lake Creek Village, there are some detailed discussions between Mr. Shackelford and Bryan Fowler. Ms. Dumas said that Mr. Fowler was not representing her and she was not sure of the detail of that bill, and she was not sure that they should be responsible for the bill involving discussion with the previous City Attorney.

Ms. Dumas said that looking at their engineering bills, Section One of Lake Creek Village consisted of 37 lots and they paid just over \$6,000 in City Engineer bills. Ms. Dumas said that Section Two consisted of 45 lots and they paid \$13,000 in engineering bills, which is a pretty significant jump. Ms. Dumas said that by all accounts, she did not think that they could find anybody that would argue that their Section Two contractor was far and away superior to the contractor for Section One, so it was not the contractor, Randy Roan that would warrant more than twice the City Engineering fees. Ms. Dumas

said that they would work with City staff and go into more detail, but this was definitely something that needs some oversight. Ms. Dumas thanked City Council. Mayor Jones thanked Ms. Dumas.

CONSENT AGENDA:

1. Matters related to the approval of minutes for the Public Hearing and Regular Meeting held on March 28, 2017.

Rebecca Huss moved to table the approval of minutes for the Public Hearing and Regular Meeting held on March 28, 2017. Dave McCorquodale seconded the motion, the motion carried unanimously. (3-0)

2. Matters related to the correction of a street name dedication from Washington to McWashington.

John Champagne arrived at the meeting at 6:17 p.m.

Dave McCorquodale moved to make the correction as noted. T. J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

3. Consideration and possible action regarding authorization for Jones|Carter to do the following items:
 - a) Design Water Plant No. 3 Improvements Project;
 - b) Design SH 105 and FM 149 Waterline Replacement Project;
 - c) Design Lift Station No. 1 Replacement Project;
 - d) Design Lift Station No. 3 Force Main Re Route Project;
 - e) Design Flagship Boulevard Pavement Repairs Project; and
 - f) Advertise for bids for the Water Plant No. 2 Ground Storage Tank Backfill Project.

Rebecca Huss moved to approve items A-E pending receipt of TWDB funds, and to approve item F without contingencies. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE INITIAL ZONING OF NEWLY ANNEXED PROPERTY AS PROVIDED IN CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR THE CLASSIFICATION AND INCLUSION OF A CERTAIN TRACT OF LAND OF APPROXIMATELY 14.5003 ACRES WITHIN A ZONING DISTRICT AS DESCRIBED AND DEPICTED ON THE MAP OR PLAT OF SAME ATTACHED TO THIS ORDINANCE AS EXHIBIT "A"; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING DISTRICT MAP OF THE CITY TO REFLECT THE ZONING CLASSIFICATION OF THE TRACT AS HEREIN PROVIDED; MAKING CERTAIN FINDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION. (KENROC PROPERTY)

Mr. Yates advised that there were two public hearings held regarding this property and this ordinance is the actual zoning of the property. Mayor Jones advised that the proposed initial zoning is commercial.

Dave McCorquodale moved to adopt the ordinance as presented establishing commercial as the initial zoning classification for the property. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action regarding adoption of the following Ordinance:
Ordinance Authorizing The Issuance Of City Of Montgomery, Texas, Tax And Surplus Revenue Certificates Of Obligation, Series 2017A; Levying a Tax and Pledging Surplus Revenues of the Water and Sewer System in Payment Thereof; and Enacting Other Provisions Relating Thereto.

Mr. James Gilley, with US Capital Advisors, present on behalf of his father, advised that last week they had received final interest rates from the Texas Water Development Board for the two series of Certificates of Obligation, Series 2017-A, and Series 2017-B. Mr. Gilley advised that the interest rates on the two Series they received was an average rate of 1.357 for the Clean

Water and 1.691 for the Drinking Water. Mr. Gilley advised that these were 20 year loans, with the first interest payment on these loans would be due on September of this year and the final principal payment would be 2037. Mr. Gilley said that the City should be very happy with these interest rates, because they are respectively 1 ½ percent and 1 ¼ percent below market. Mr. Gilley commended Mr. Yates and Ms. Hensley for all the work that they put into the application. Mr. Gilley advised that if the City were to approve the Ordinances tonight Mr. Frels would send all the necessary documents off to the Texas Attorney General's Office, then approximately 30 days later they would close on the transaction, which he believed they were scheduled for May 11, 2017, so at that point the money would be in the bank and ready to spend. Mr. Gilley said that he thought the City deserves a congratulations for a successful financing.

Rebecca Huss said that was not entirely true, the funds are not in the bank ready to spend, the City has to actually submit invoices for the funds. Mr. Gilley said that was correct.

Mr. Jonathan Frels asked if there were any questions about the legal structure of the documents. Rebecca Huss asked if Mr. Frels had corrected the typo where he copied and pasted the whole thing and left the Harris County designation on the top of our certificate for the resolution. Mr. Frels advised that was there, the Ordinance is not a certificate of the resolution, but the document has been corrected. Mr. Frels said that the Ordinances have the correct certificate pages. Mr. Frels advised that May 11, 2017 would be the closing date, then the funding will go into escrow and will be held in escrow until such time as the draw requests are made through the Texas Water Development Board and then released for the City's use. Mayor Jones asked about the process, and asked if a contractor wants to get paid for work on a project, do they submit that invoice. Mr. Chris Roznovsky, City Engineer, said that it was his understanding that there are stages, a preliminary engineering stage where they relieve "x" amount of funds to get the project started and then the second stage for the initial site survey and investigation. Mr. Roznovsky said that it is not when an invoice comes in, but when you hit milestones in the project. Mr. Roznovsky said that they will release engineering funds, then after that is approved they will release funds for construction. Mayor Jones asked if that would be done for each project. Mr. Roznovsky said that was correct.

John Champagne asked if they will mandate any oversight on their part, other than to approve stages of invoicing and/or progression of work. Mr. Roznovsky said that there is additional documentation if it is a standalone project, there are more documents involved throughout the entire process. John Champagne asked if it was more paperwork than anything else, they are not going to send people out there that they are going to bill the City for. Mr. Roznovsky said that was correct it is paperwork. Mr. Shackleford said that there will be monthly reports that report the status of the project and how the funds are tracking with what was projected for the project. Mr. Shackleford said that if there is a change order, they need to see the change order first before it goes to City Council for approval, it adds a couple of days delay. Mr. Shackleford said that they did a fairly major project at Oak Ridge North recently that was funded through TWDB and the gentleman that they worked with was very cooperative and responsive, and they had no real hiccups.

Rebecca Huss asked if they were prepared, and was it included in the estimates of all the costs as required by Davis Bacon, regarding paying union wages and only purchasing steel made in America. Mr. Shackleford said that they would have the appropriate documents in the bid documents, so the contractors will have that information. Rebecca Huss asked if that was Mr. Shackleford's responsibility to go out to bid properly and then it will be the contractor's responsibility to comply. Mr. Shackleford said that was correct. John Champagne asked if there was a stipulation that the material are bought in America. Rebecca Huss said that she believed it was called the Davis Bacon. Mr. Shackleford said that Davis Bacon is the Federal Wage scale and then there is a requirement to purchase U.S. made steel. John Champagne asked when that requirement was implemented. Mr. Frels said that this has long been an obligation that the TWDB imposes when using Clean Water and Drinking Water Revolving Funds, because they are funded with federal dollars and so the requirements get passed down. Mr. Yates said that they came about during the American Recovery Act during the 2008 financial crisis. Rebecca Huss said that Davis Bacon has been an issue and one of the reasons that federal projects are so expensive, and has been in effect since the 1930's. Mayor Jones said that they have to pay the prevailing wage that is set by the Federal Government.

Mr. Frels said that the TWDB has an equivalency and a nonequivalence program, and the nonequivalence does not receive funding from the federal government, and so these requirements are not necessary. However, the nonequivalence has a smaller interest rate

subsidy so therefore the interest rate that the City would receive would be higher and therefore the City would be paying a slightly higher interest rate. Mayor Jones said that if the City want to hire a contractor that they think will do a good job, no matter what his normal wages are, they would have to comply with the wage schedule. Mr. Roznovsky said that the contractor would have to meet the minimum wage. John Champagne asked if anyone has made a comparison as to the higher interest rate without having to be obligated to hire with the wages and other requirements. Mr. Frels said that it was his understanding that the estimated cost of the projects would include the additional wages. Mr. Shackelford said that in most cases the minimum wage that is listed for skilled labor is a little bit lower that what contractors are already paying, so it is not really an issue. Mr. Shackelford said that somebody does have to go out and verify that they are paying at or above the minimum wages. John Champagne said that this is what drives him crazy when government does things, because if it was a private entity they could go out and do this particular job for much less. Rebecca Huss said that John Champagne was right, you would have to know what the numbers are to find out if it would be better to borrow less at a slightly higher rate, or borrow more at a lower interest rate.

John Champagne moved to adopt the Ordinance as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

6. Consideration and possible action regarding adoption of the following Ordinance: Ordinance Authorizing the Issuance of City of Montgomery, Texas, Tax and Surplus Revenue Certificates of Obligation, Series 2017B; Levying a Tax and Pledging Surplus Revenues of the Water and Sewer System in Payment Thereof; And Enacting Other Provisions Relating Thereto.

Rebecca Huss moved to adopt the Ordinance as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

7. Consideration and possible action regarding adoption of the following Ordinance: ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS SUSPENDING THE RATES PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS ("CENTERPOINT" OR

“COMPANY”) COMPANY’S GAS RELIABILITY INFRASTRUCTURE PROGRAM (“GRIP”) FILING MADE WITH THE CITY ON MARCH 30, 2017; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE

Mr. Foerster presented the Ordinance to City Council advising that periodically they receive utility companies like CenterPoint Energy that make requests for rate increases or fuel rate increases, and this is another such example from CenterPoint. Mr. Foerster said that the process is that the City is the place of original jurisdiction for this request, meaning that they have to go to every city in their region that they serve and get a request. Mr. Foerster said that whether the City approves the rate increase or rejects it, CenterPoint will still submit an appeal to the PUC, which is the case here.

Mr. Foerster advised that what they are looking at is CenterPoint has made a rate increase and there is a group of cities that retain a law firm to review the rates, and when appropriate they will contest the rate increase and they will fight it in Austin and get the PUC to make an ultimate ruling. Mr. Foerster said that there is no charge to the cities themselves for this service, although it is reimbursable through the rate increase and rates paid by the customers themselves. Mr. Foerster said that the Ordinance before City Council is to suspend the rates for a period of 45 days, and at that point he will be coming back to City Council with a recommendation from the law firm to possibly reject the rate increase. Mr. Foerster said that that action would automatically be appealed to the PUC.

Mr. Foerster said that he is asking City Council to pass an Ordinance that will suspend the rate increase for a period of up to 45 days.

John Champagne said that it seems like City Council always does this action and asked if it is always by Ordinance. Mr. Foerster said that it was the option of City Council, and said if they do not take action, it will be automatically be treated as approved. Mr. Foerster said that the action is always taken by adopting an Ordinance, and said that the City will probably see this request once a year.

Dave McCorquodale moved to adopt the Ordinance as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

8. Consideration and possible action regarding scheduling a Public Hearing regarding an Alcohol Beverage Permit Application for Stoney's Liquor - Montgomery, located in Buffalo Springs Marketplace, 20212 Eva Street, Suite 240, Montgomery, on SH 105 at Lone Star Parkway, for a Package Store Permit, Beer Retail Dealer's Off-Premise License, Local Distributor's Permit and Package Store Tasting Permit to be held on April 25, 2017 at 6:00 p.m.

Rebecca Huss moved to schedule the Public Hearing for the Application for Stoney's Liquor to be held on April 25, 2017 at 6:00 p.m. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

9. Consideration and possible action regarding scheduling a Public Hearing regarding an Alcohol Beverage Permit Application for The Kroger Company, located at 20168 Eva Street, Montgomery for a Wine and Beer Retailer's Off-Premise Permit to be held on April 25, 2017 at 6:00 p.m.

John Champagne moved to schedule the Public Hearing to be held on April 25, 2017 at 6:00 p.m. for The Kroger Company Alcohol Beverage Permit Application. Dave McCorquodale seconded the motion.

Discussion: Rebecca Huss said that she would like to point out that, yet again, people don't read or seem to be concerned with the accuracy of their TABC Permits. Rebecca Huss advised that Christine Wheatley was apparently born in the year 171, presumably that's A.D. rather than B.C., but it also shows Jack Cannon born in 1919, which is not completely outside the realm of possibility, but unlikely. Rebecca Huss said that these are signed affidavits to the truthfulness, distance to schools and birthdates of the people signing the document, she felt that people should be more concerned with accuracy. Rebecca Huss said that if TABC does not care, then we don't either. John Champagne said that he would submit the media in general today mistakes are prolific and nobody rereads anything anymore. John Champagne said that the point has been made, and asked what Rebecca Huss wanted to do. Rebecca Huss said that

she had spoken to Ms. Hensley earlier and she said that she would try to get the documents corrected.

The motion carried unanimously. (4-0)

10. Consideration and possible action regarding the Utility and Economic Feasibility Study for The Shoppes at Montgomery prepared by Jones|Carter.

Mr. Roznovsky presented the Study to City Council. Mr. Roznovsky advised that this was a 27 acre tract on the southwest corner of FM 2854, located across from Kroger in front of the sewer plant.

Mr. Roznovsky said that there were a couple of items to note. The developer submitted a preliminary site plan to the City Engineer, and the site plan has what appears to be a bunch of encroachments with existing City easements. Mr. Roznovsky said that they are recommending during the design process they sit down with City staff to discuss obtaining additional land from the developer and easements, and to find out what works best for the City and the development.

Rebecca Huss asked if this property backs up to where the City Engineer was suggesting that the City acquire additional land for expansion if they expand the Stewart Creek Plant. Mr. Shackelford said that was correct. Rebecca Huss said that there might be a trade possible to get them more attractive easements in exchange for land at the back by the sewer plant. Mr. Shackelford said that was correct. Rebecca Huss asked Mr. Shackelford to make a note to not let this slip, because this looks like the only opportunity to do this. Mayor Jones said that some of this information has already been discussed.

Mr. Roznovsky said that there is also the lift station, which is part of the TWDB funding, so they are currently looking at options of trying to relocate that lift station on site for operations purposes, and that will assist them with additional easements. Rebecca Huss asked about the onsite moving of the lift station. Mr. Roznovsky said that it would be

onsite to the sewer plant. Mr. Shackleford said that right now it is right out in the middle of the development.

Mr. Roznovsky advised that on the zoning, that tract is split into multiple zones, based on the zoning map, and it is his understanding that the preliminary land use is all commercial. Mr. Roznovsky said that subject to the TWDB funding, is that they recommend proceeding with the Water Plant Improvements Project to help increase the capacity so the City is not staying in the 97%. Mr. Roznovsky said that the project would be served off of existing water lines along SH 105 and Buffalo Springs.

Rebecca Huss asked what the anticipated use for the property would be. Mr. Roznovsky said that the use was mixed, and said that he has heard information about a pharmacy, restaurant and a couple pad sites, and in the back a larger retail, but that is all subject to change. Rebecca Huss asked if the water usage that they are assuming in the Study would be based on that usage. Mr. Roznovsky said that it was based on what their preliminary usage is. Rebecca Huss said that when they looked at McCoy's, they originally talked about ideas about a hotel behind and now their second preliminary plan is less water intensive, and asked if this development might have a bias to being more water intensive. Mr. Roznovsky said that from what they are submitting they are expecting to be retail and restaurants. Rebecca Huss said that if they had restaurants all in the back that could change the water use. Mr. Roznovsky said that was correct.

Mr. Roznovsky said that regarding the sewer system capacity, Lift Station 1 capacity is a concern, which is included in the TWDB projects that they are recommending proceeding with replacement. Mr. Roznovsky said that the size of the gravity line that enters that Lift Station, and said that part of the discussion with the developer would include extending and upsizing that line.

Mr. Roznovsky said that regarding drainage and paving, Stewart Creek runs through the tract, so they will be required to provide a public drainage easement for that to allow for the passing of Stewart Creek through the property, as well as design it so that would not

cause an impact. Mayor Jones asked if they might have to have detention or something else. Mr. Shackleford said that they might have to do detention, and they are also going to be looking to see if they might want to straighten or realign the stream. Mr. Shackleford said that the other aspect would be that they need to make certain that their adequate maintenance berms on either side of what the ultimate ditch might look like, so that if improvements are required ten (10) years down the road there is land to do that. Mayor Jones said that there would probably be a bridge across Stewart Creek on this property. Mr. Shackleford said that there has been some conversations, by the developer, regarding that matter. Mr. Roznovsky said that the preliminary land plan shows some type of access across Stewart Creek. Mr. Shackleford said that he did not know whether it was bridge or culverts.

John Champagne asked if they were to straighten the creek, would they have to slow the flow for people downstream, because he is assuming that the curves slow the flow. Mr. Shackleford said that the culverts under SH 105, is a little bit of a velocity reducer, and anything that they might put across Stewart Creek might be a little bit of a flow reducer. John Champagne said that whatever was downstream would have to deal with it. Mr. Shackleford said that the nice thing is, the SH 105 Bridge culverts are restrictive. Mayor Jones said that part of the advantage of this property and some of the other properties developing on those corners are close to the lake and the water gets out of there.

Rebecca Huss asked if this was at the end of the City's Regional Detention. Mr. Shackleford said that this was located at the southern end of the study that they did about a year ago. Mayor Jones asked if they need to consider that for this project. Mr. Shackleford said yes, that was something that he had discussed with Mr. Roznovsky. Mr. Shackleford said that because no formal action was taken by City Council, it is difficult to require anything, unless they choose to voluntarily do something.

Dave McCorquodale said that regarding straightening out the channel seemed to be counter to the way that the City recognizes that storm water works these days, because in Houston they are spending a lot of money to unstraighten channels that were straight. Dave

McCorquodale said that his question is, in the context of the development that goes on upstream from this site, are those parcels held to different standards because this development was first. Mr. Shackelford said that the overall message for the people upstream is, you can't raise the extreme event water surface elevation above what is on the Flood Plain Map. Mr. Shackelford said they have to mitigate whether it is on site or off site, so that there is no impact downstream, which this developer has the same obligation, they can't raise the water surface elevation downstream. Dave McCorquodale said that it seems like the answer has been for everything, at least in his recent memory, that you are good to go you don't need to dig anything at all. Mr. Shackelford said that it has mainly been north and east of SH 105 where it is more of a clear shot to the lake, but the more upstream you go, the more it impacts and they have to mitigate. John Champagne asked if the proximity of this development to the lake has a lot to do with it. Mr. Shackelford said that it has some to do with it, and said to keep in mind that the bridge is a little bit of a restrictor for them both under SH 105 and Lone Star Parkway.

Dave McCorquodale said that the last question he had was on the site plan, where there is a really large open space on the southwest corner of the tract, and asked if they were assuming allowances regarding enlarging that wastewater site plan, because it is larger than the parcel boundary shows. Mr. Roznovsky said that they are showing the easement so they control some of what building goes on, and they also show a little bit of additional space for the Wastewater Treatment Plant site, so they knew that was something that they knew the City was interested in. Mr. Roznovsky said that now that the developer has the information on where their easement are and how much of their site is encumbered by the easements, they can discuss the options. Dave McCorquodale asked if that was why the area was left so open, because that is the piece that everyone would talk about. Mr. Shackelford said that they have a sanitary control easement around the Wastewater Treatment Plant, so that is helping leave some of that space open, because TCEQ does not allow anything within that sanitary control easement, which he believed was 150 feet. Mr. Roznovsky advised that where the 2.01 acres, which is currently an easement to get to the Wastewater Treatment Plant site. Rebecca Huss said that the way that it is set up, the City needs to have the other basin set up right next to the existing basin, otherwise they might

as well build another one wherever, because there is no benefit to having that 2.01 acres. Mr. Roznovsky said that some of the thought was also for City facilities so Public Works could have more equipment storage. Rebecca Huss said that she would rather have room for a second basin than room for a metal building. Mr. Shackelford said that there was room for another basin going back towards the east, but said to keep in mind that the Sewer Master Study called for this plant to max at its current capacity. Mayor Jones said that now is the time to get the property dedicated.

Mr. Roznovsky said that regarding development costs, their water and sewer system capacity costs will be \$485,000. Mr. Roznovsky said that the final item is the estimated tax revenue from the property based on their assumed assessed value they will be looking at \$33,000 annually at the current tax rate, and 95 percent collection. Mayor Jones said that he wanted to see the sales tax estimate, which will be different.

Mr. Shackelford said that they are asking City Council to consider accepting the Feasibility Study, and then they will come back and negotiate a development agreement.

11. Dave McCorquodale moved to accept the Utility and Economic Feasibility Study for The Shoppes at Montgomery as submitted. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

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. (There are no items)

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.

Rebecca Huss stated to Mr. Yates that she felt that Mr. Lefevre had some good points, particularly she thinks that it is difficult to separate out what is the function of our increased number of ordinances and the quality of construction and the appearance to the actual ordinance, that they are doing a better job of enforcing and how much of it is increased activity and also the idea that cities do provide engineering services of some sort to their customers as part of their regular cost of doing business. Rebecca Huss said that while bigger cities have a City Engineer, that Engineer does things as part of their regular course of business that they don't charge people for and she did not know if they needed to look at that list of thing that the City does, so that they could be more like a normal City where developers do not get charged for certain activities that really are City activities.

Mr. Yates said yes, and said that he briefly looked at the charges today and found some plan review charges for plats that had already been paid. Mr. Yates said that he would be reviewing all the charges and speaking to both Mr. Lefevre and Mr. Shackelford. Mr. Yates said that he is going to start reviewing the Jones|Carter bills every month for each of the projects, then they will distribute the bills out to the developers based upon that review.

Mayor Jones said, just to understand the process, Jones|Carter sends an itemized bill to the City. Mr. Shackelford said that Jones|Carter sends an invoice per project to the City that identifies the employee classification and the hourly rate, with the number of hours. Mr. Shackelford said that Mr. Yates recently asked for itemization of those hours, and they are happy to provide that information. Mayor Jones asked if when the City invoices the developer, do we exclude all that detail and just send the total. Mr. Yates said that was correct. Mayor Jones said that within some of the detail, they might think that it applies to the project, but in reality it is general engineering and City stuff, like Ms. Dumas mentioned. Mr. Shackelford said that is separate. Mayor Jones said that Ms. Dumas brought up several things that he felt definitely should not have been charged to them. Mr. Roznovsky said that they will go into detail with Ms. Dumas on each individual item, but the two examples that she mentioned, there are codes "F", "T" or an "X" next to each charge, so for "T" the fee is transferred out, so if someone incorrectly put time on an invoice they move it out. Mr. Roznovsky said that the example that was

given as far as the training, that was not billed to them it was transferred out and was a charge to Jones|Carter that showed up on their ledger. Mr. Shackelford said that because Ms. Dumas was not reading the coding, she assumed that she was being charged for that, when in effect it was transferred to Jones|Carter's overhead costs. Mayor Jones said that staff is going to work out a better system for the billing.

ADJOURNMENT

John Champagne moved to adjourn the meeting at 7:05 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

Submitted by:



Susan Hensley, City Secretary

Date Approved: _____

Mayor Kirk Jones

Montgomery City Council
AGENDA REPORT

Meeting Date: April 25, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: letter of request, map showing street closures
Date Prepared: April 20, 2017	

Subject

This is the request of the Antiques Festival Committee to close College, McCown, Caroline and John A. Butler Streets for the Festival

Discussion

This is the same street closure as previous years, which is why it is listed on the Consent Item Agenda.

Chief Napolitano and Mike Muckleroy acknowledge and see no problem with the closure.

Recomendation

Motion to approve the street closures as presented- or include it in your Consent Item Agenda approval motion.

Approved By

City Administrator	Jack Yates	Date: April 20, 2017
--------------------	------------	----------------------

Jack Yates
City of Montgomery
PO Box 708
Montgomery, TX 77356

Dear Council,

It is our pleasure once again to bring the Antiques Festival to Historic Downtown Montgomery! As with any festival we host, logistics of street closures are necessary.

Please see our attached map of impacted road closures for the duration of our festival.

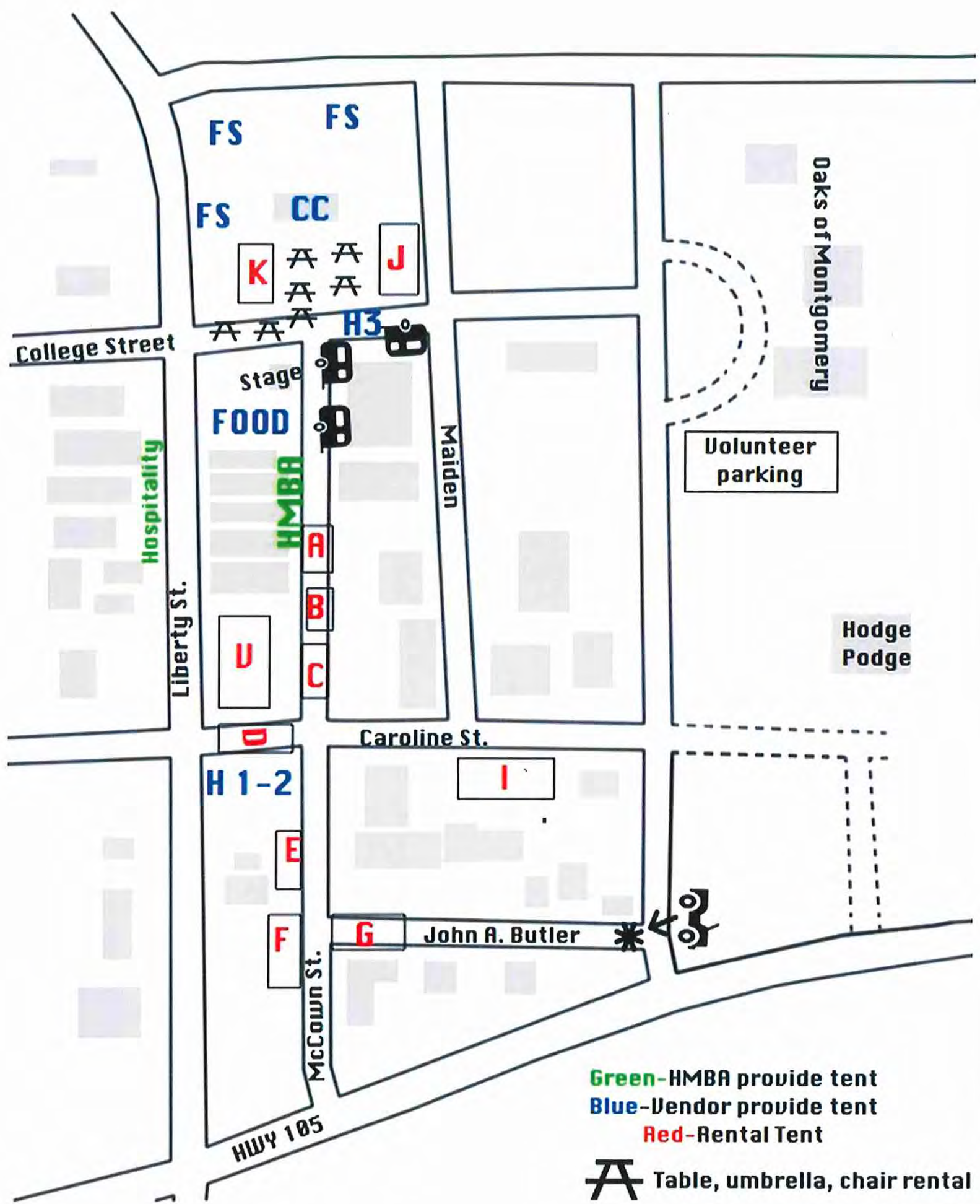
The dates of the festival are Friday, May 5th – Sunday, May 7th. We will be filling the streets with tents and vendors during this Festival weekend. We are asking permission to close the following streets to through traffic for that time: College, McCown, Caroline, John A. Butler.

To put on a festival of this magnitude, it requires an entire day of set up and unloading by our vendors. On Thursday, May 4th, our tents will be going up mainly along McCown and John A. Butler beginning at 6am, so we will work with traffic throughout the Historic District as people are trying to get to our downtown businesses. We are not requesting any road closures for Thursday, but simply making you aware of the logistics we encounter for move-in day.

We have Property Use forms and insurance for the event as we do with all our festivals, and we will be communicating with our downtown merchants regarding the plans for traffic flow and parking.

Thank you for your support!

Tiffany Lockhart
Chairman of Antique Festival



Green-HMBA provide tent
Blue-Vendor provide tent
Red-Rental Tent

A Table, umbrella, chair rental

Montgomery City Council
AGENDA REPORT

Meeting Date: April 25, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Letter of Request, Site Plan, Building plans for facades
Date Prepared: April 20, 2017	

Subject

This is a variance from the zoning code that requires side and rear yard setbacks when a "B" Commercial lot is developed adjacent to a "R-1" Single-family residential property. The request is for a zero building setback on all sides of the property.

Description

From Mr. West and Ms. Stultz is attached. The issue of partnering on Pond e Street is another issue for consideration at another time. The present action is for you to set a public hearing date. The proposed date for the hearing is June 13th, that will allow enough time for the Planning Commission's hearing.

Recommendation

Motion to set a public hearing date for June 13th for the requested variance – or include in your one motion to approve the Consent Item Agenda.

Approve By

City Administrator	Jack Yates	Date: April 20, 2017
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Westmont Square

14419 Liberty Street | 936-537-2587 | Megan@MeganStultz.com

April 18, 2017

City of Montgomery
Planning & Zoning
101 Old Plantersville Rd
Montgomery, TX 77356

Referenced Property: Montgomery Townsite 01, Tract 6 & 7, Area A

Dear City of Montgomery:

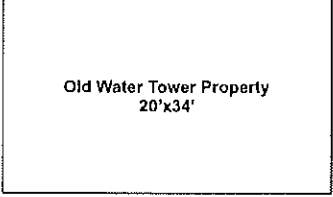
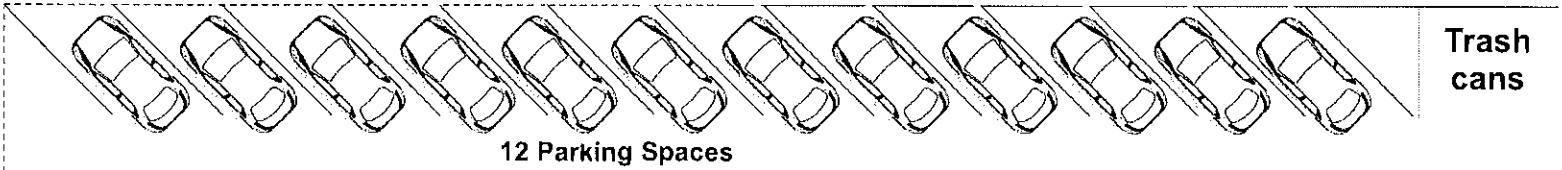
We would like to partner with the City of Montgomery and the Montgomery IDC to expand Pond Street to offer a One-Way street down the utility easement off of HWY 149 to connect with the proposed Pond Street expansion. This expansion will create additional parking for city visitors and businesses.

We would also like to request the following variance(s) located at the proposed development of Westmont Square located at 14419 Liberty Street in Montgomery, Texas on HWY 149, just North of HWY 105.

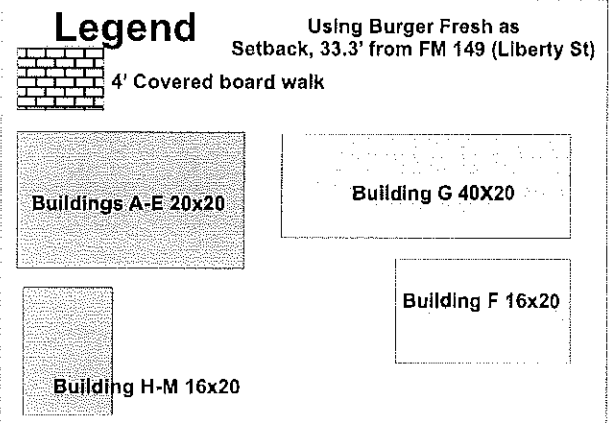
1. A zero foot build line surrounding the property. This is to accommodate a park like setting between the buildings. This would essentially extend the lawn of the community center across HWY 149 to the lawn of Westmont Square.

Sincerely,

**Monte West & Megan Stultz
Westmont Construction**



Westmont Square
unique buildings with a
Variety of Retail
shops/offices/boutiques
Buildings styles will
reflect the
Historic Old Town of
Montgomery.
Total square footage
8680



Common area,
Middle of square

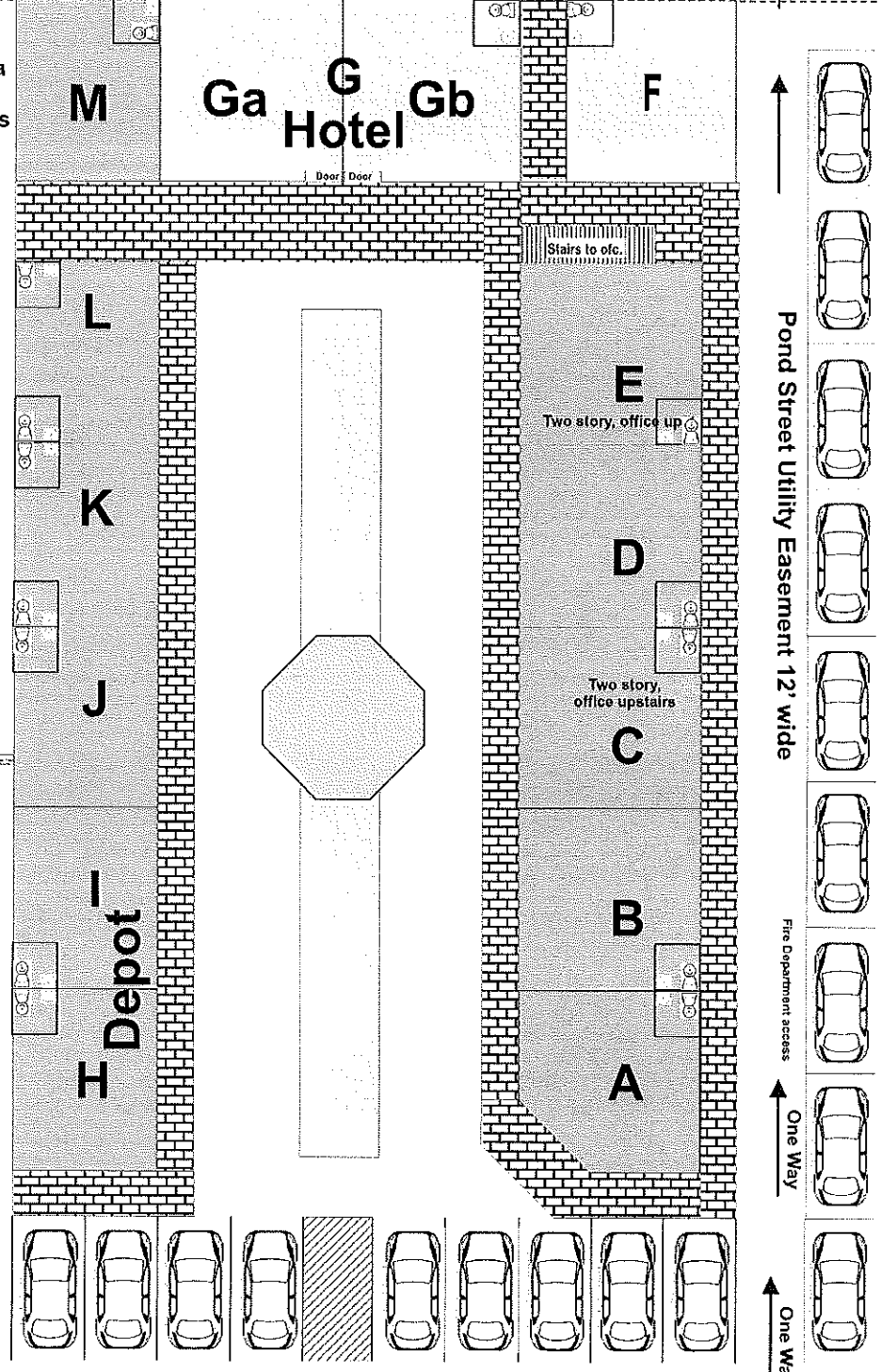
Use under stairs
as mailboxes

5,480 sqft downstairs
3,600 upstairs.

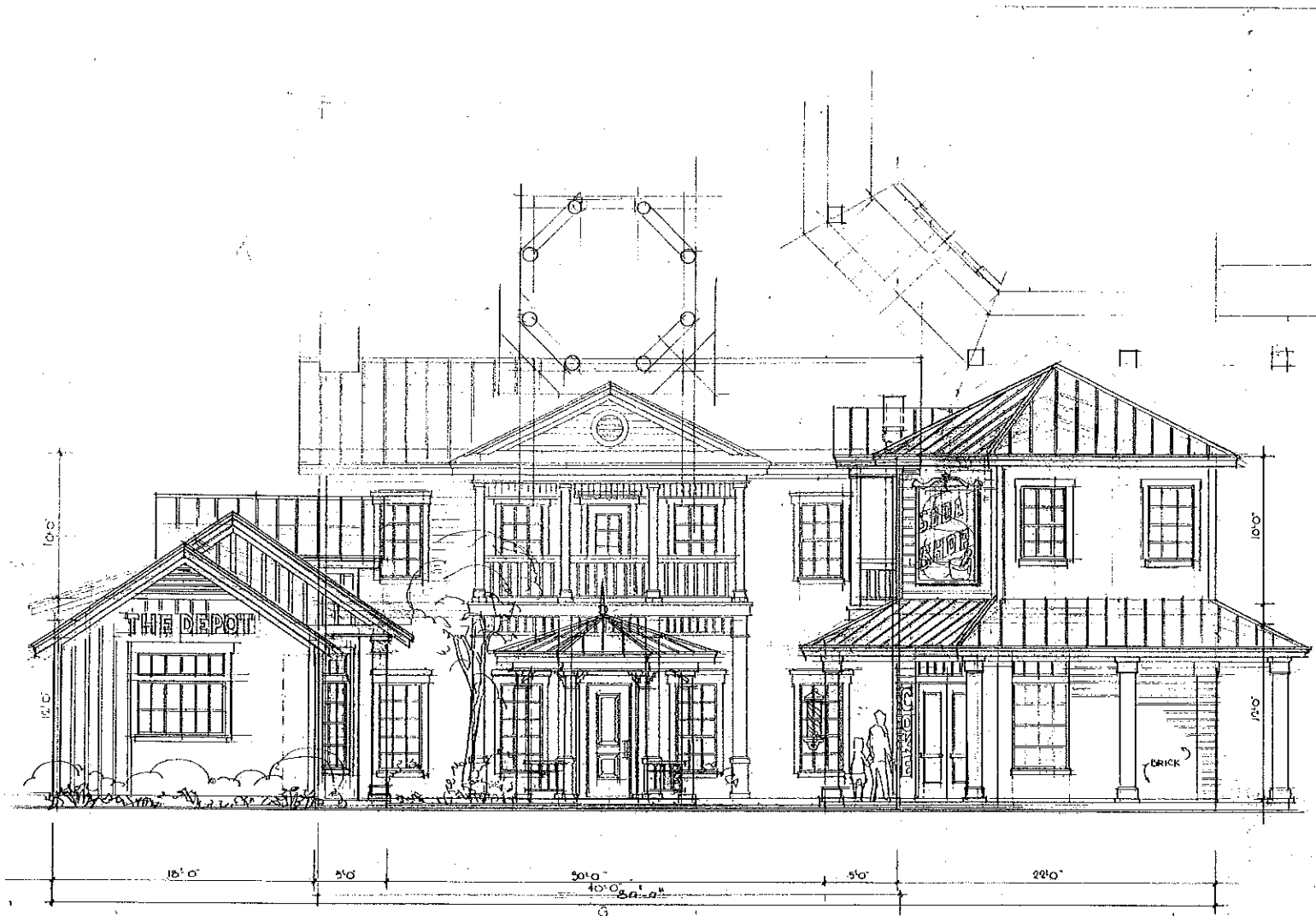
Boardwalk for porches
and pavers for com-
mon areas
10' ceilings down-
stairs, normal 8'
upstairs.

30 Total Parking Spaces
using Pond Street Extension
9 on Property Parking Spaces

Burger Fresh
30'x 50'



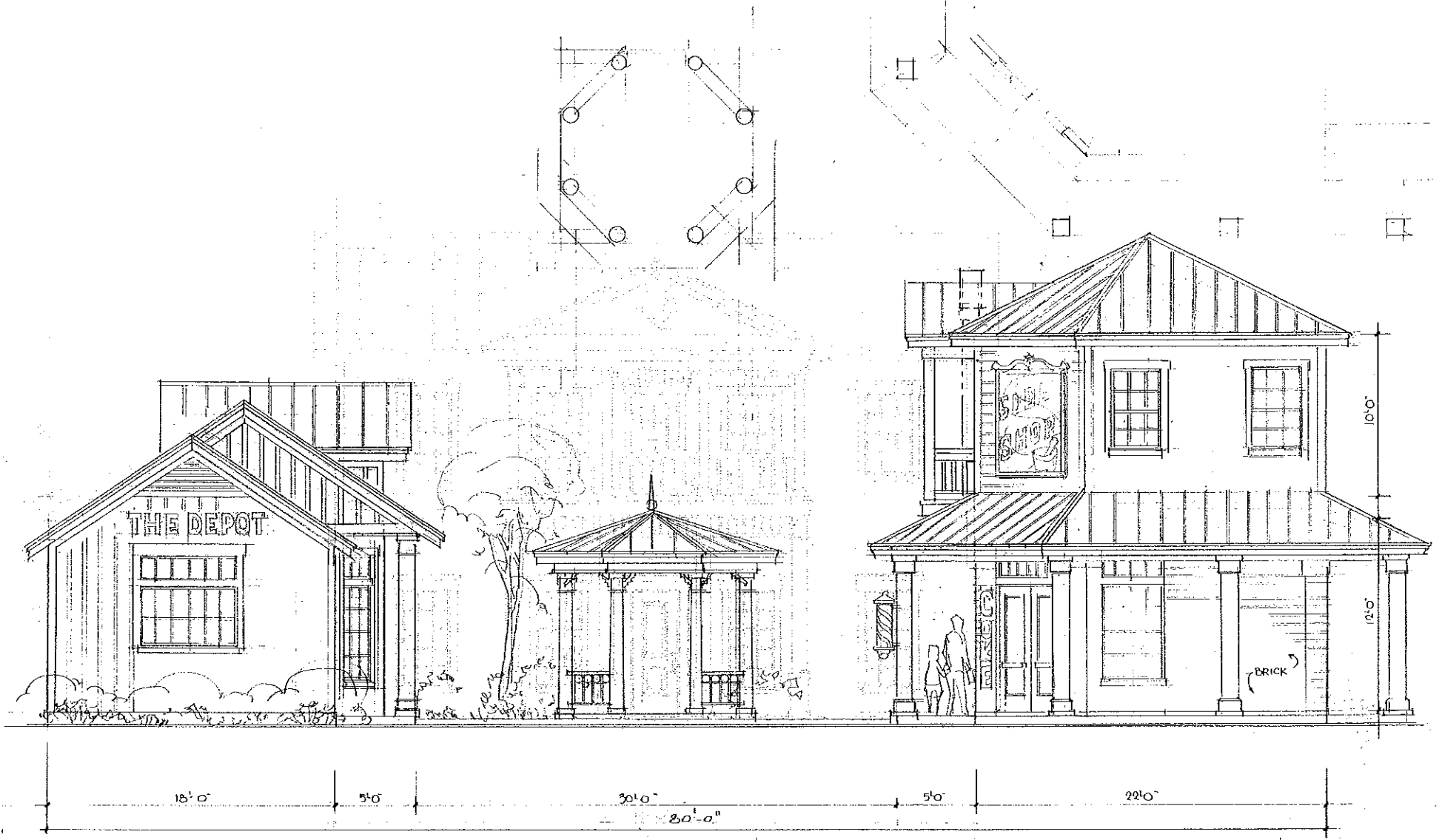




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Westmont Square A

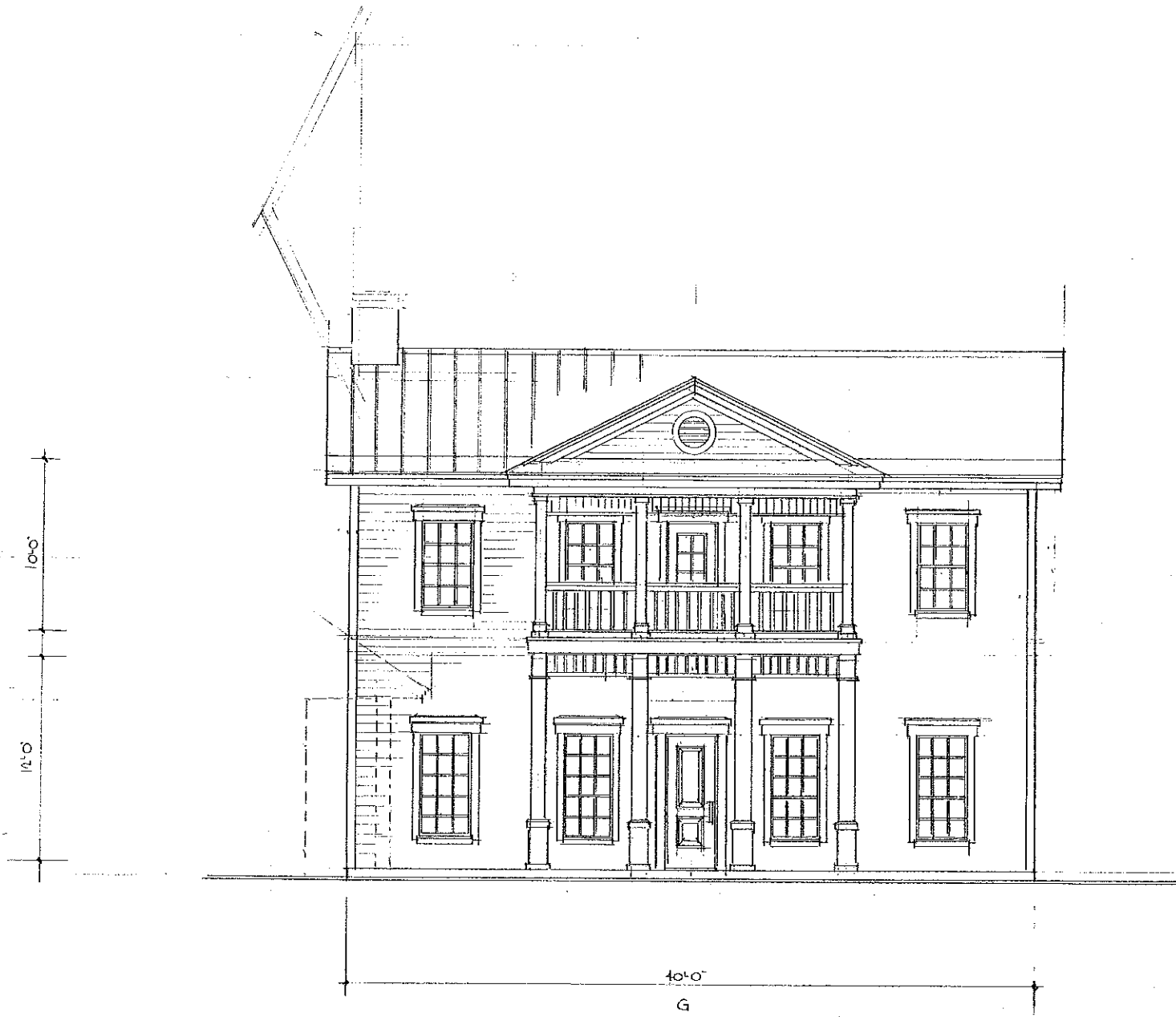
COPYRIGHT, KARL NOELKEL THE HOLEY INC.
 511 N. AUTUMNWOOD WAY
 THE WOODLAND, TEXAS 77380
 05-29-11

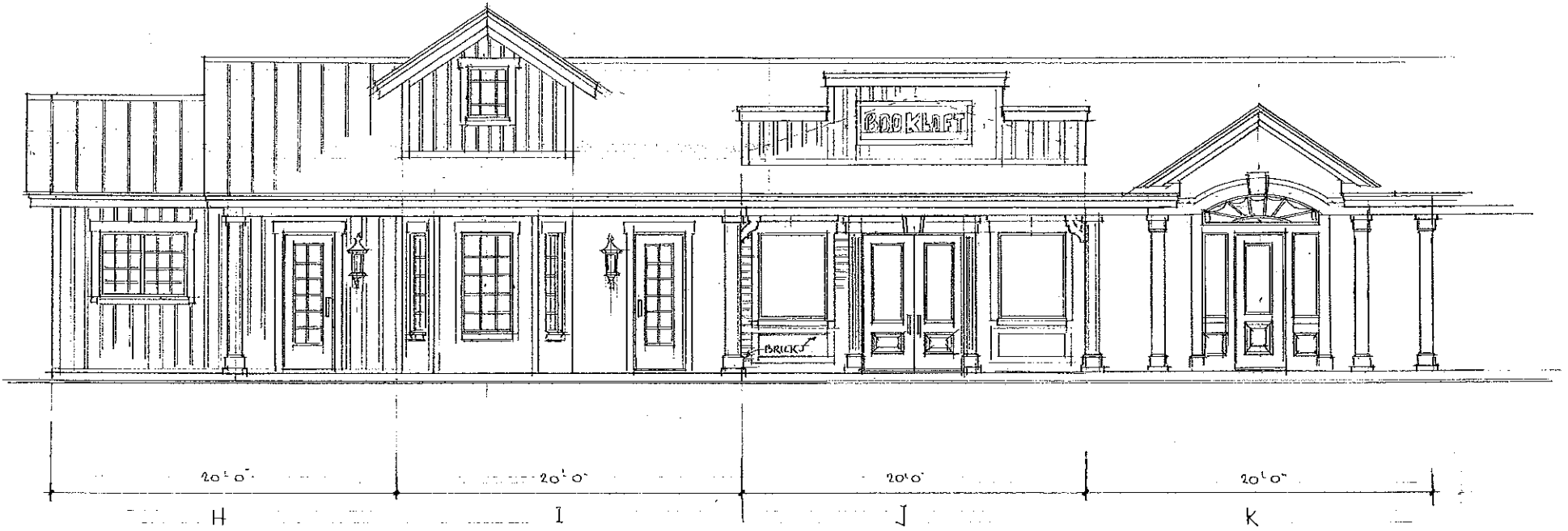
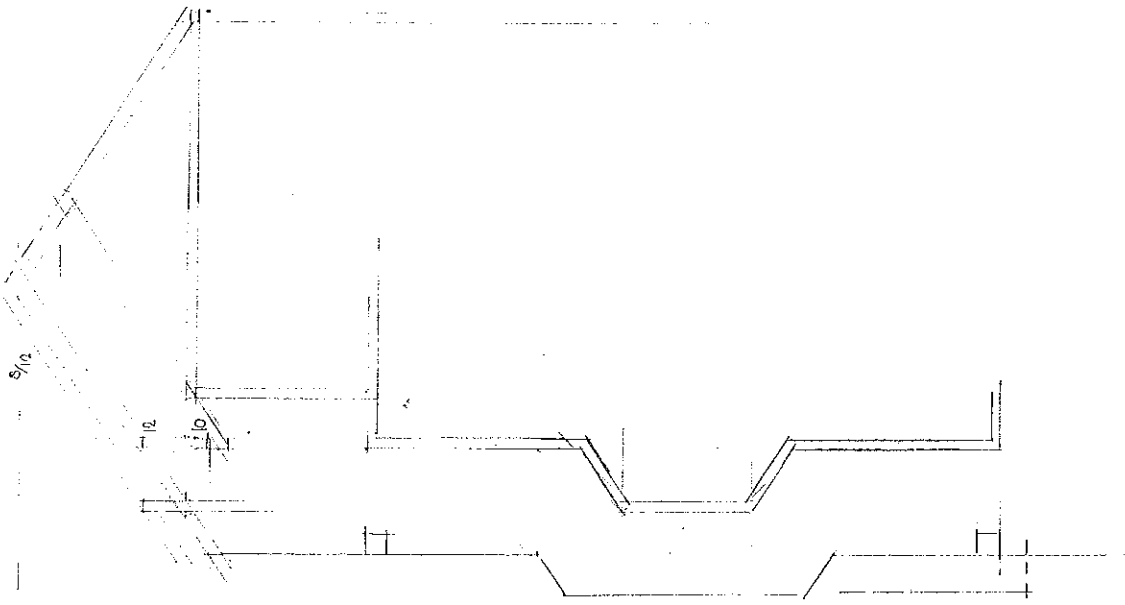


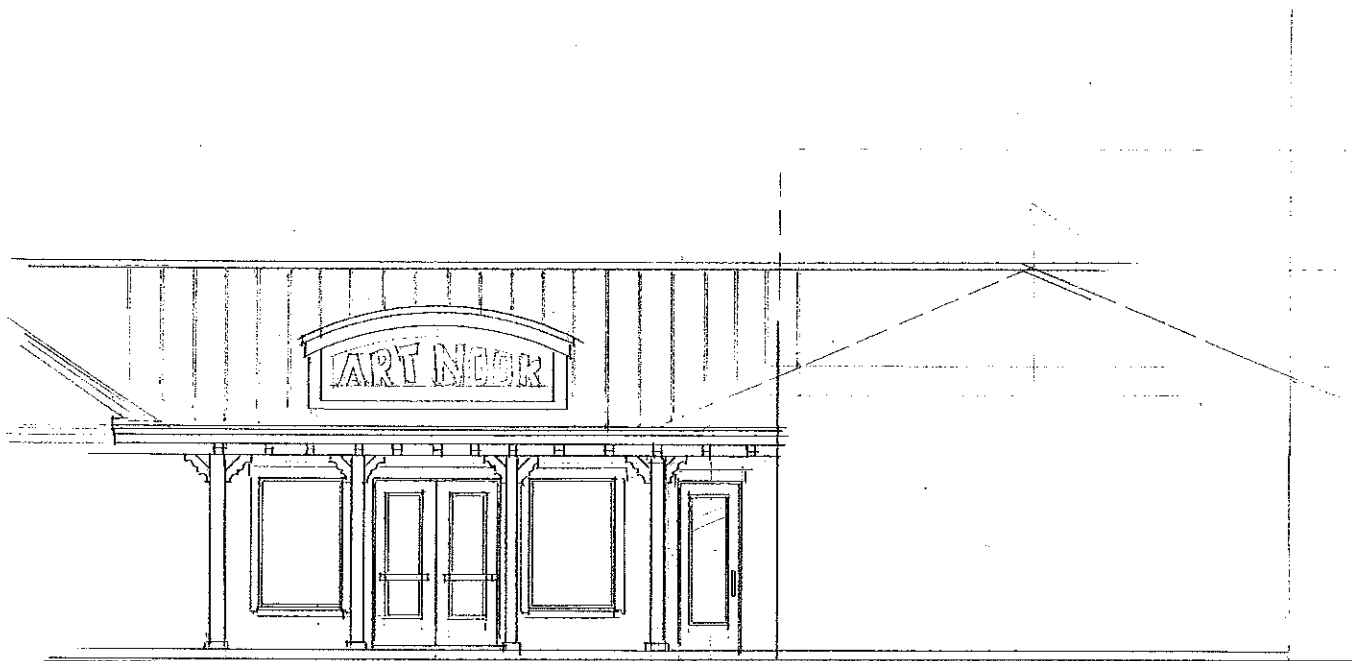
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Westmont Square A

COPYRIGHT KARL NOEVEL JMJ HOUSE INC.
 51 N. AUTUMNWOOD WAY
 THE WOODLANDS, TEXAS 77380
 03 29 17







20'0"

30'0"

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CITY ADMINISTRATOR REPORT

- Met with Planning Commission for one meeting
- Met, took minutes, of MEDC meeting
- Gave presentation regarding Montgomery growth to Rotary Club
- Attended Montgomery Area Chamber of Commerce Board of Director's meeting and the Lake Conroe Summit half-day meeting
- Met with Fernland Board. Continued contacts to repair a roof at the Hulon House, resulting in a visit from SHSU for advice. Now filing insurance claim., getting quotes on roof repair.
- Met with city engineers and city attorney several times regarding; plats, system management, upcoming projects, bridge improvements, developments throughout the city, billing for Escrow Accounts , Waterstone Section 2, Terra Vista.
- Met with several developers during the month regarding; Heritage Plaza Medical Center, Villages of Mia Lago, northeast corner of 105/Lone Star Parkway developer, Gap Property west of Pizza Shack, Waterstone, Miniature Golf
- Made several decisions during month as Zoning Administrator, including signs, code enforcement, land use plan, a will and will will demolition of dilapidated housing and working on zoning changes in cooperation with the Planning Commission
- Coordinated with FEMA and State Emergency Management staff and city engineer regarding receiving payment for flood damage in the city and with FEMA.
- Worked with city engineer, financial advisor and bond counsel on the Texas Water Development Board financing.

Public Works

March 2017 Monthly Report

- Rat poison installed at all facility generators
- Flushed A/C drain lines at City Hall
- Heavy trash weekend
- Continue to water trees at Cedar Brake and Flagship
- Painted safety bollards at City Hall
- Removed debris from Well 2 site
- Repaired barbed wire at Well 2
- Installed stop sign and stop bar at College and Maiden
- Coordinated blight removal dumpsters on Liberty
- Replaced street sign post at Eugenia and Caroline
- Assisted Gulf on valve survey
- Completed a commercial property backflow preventer survey
- Asphalt repairs made on Caroline, Maiden and Old Plantersville
- Replaced crossover culvert on Old Plantersville
- Removed tree debris from Prairie and Mason
- Coordinated tree removal at Rankin and Worsham
- Repaired water leak at Caroline and Liberty
- Completed investigative excavation of water mains on 105 and Old Plantersville
- Power washed parking lot at City Hall
- Removed stump from Rankin and Worsham
- Spread ant killer granules at Water Plants 2 and 3
- Monthly grease trap inspections
- Monthly safety meeting
- Monthly door hangers and cut offs
- Monthly AED inspections
- Monthly hydrant reads
- Monthly weed patrol list
- Weekly vehicle pre-trip inspections

- Weekly conference calls with engineer and utility operator
- Daily line locates as necessary
- 3 water taps
- 0 sewer taps
- 5 water leaks
- 0 sewer stop ups
- 1 sewer inspection

Parks and Recreation

- Replaced public restroom sign post at Community Center
- Repaired irrigation leak at Fernland
- Installed phone at Fernland
- Removed dead tree in Memory Park
- Repaired toilet at Community Center
- Power washed all sidewalks in Cedar Brake, Homecoming and Community Center
- Repaired trim on bridge at Memory Park
- Painted light posts at Fernland Park
- Pressure washed all bridges at Memory Park
- Repaired bulkhead in several spots at Memory Park
- Removed all brushed and weedeated island at Memory Park

The docents at Fernland reported a total of 1149 visitors for the month and provided 62 tours. A very busy month for our Fernland group.

Prepared by:
Mike Muckleroy
Public Works Manager
April 17, 2017

Montgomery Birthplace of the Texas Flag
TEXAS

CITY OF MONTGOMERY POLICE DEPARTMENT



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

CHIEF

JAMES F. NAPOLITANO

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POLICE DEPARTMENT REPORT

MARCH, 2017

Arrests / Charges Total Shifts A & B

Misdemeanor: 17

Felony: 7

Traffic Enforcement Total Shifts A, B & Chief

Citations: 439

Warnings: 219

CITY OF MONTGOMERY POLICE DEPARTMENT



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

SHIFT A REPORT

LT. BELMARES

MARCH 2017

Officers – Lt. Belmares, Officers; Carswell, Hernandez, Thompson.

Warrant Arrest – March 2 - Officer Flores at the PD.

March 5 - Officer Thompson – 20800 Eva

March 22 – Officer Carswell – 21600 Eva

Drug Paraphernalia- March 3 - Officer Hernandez 15100 Liberty

Possession of Controlled Substance/Possession of Marijuana – March 13 - Officer Thompson - Liberty St./ MLK

MVA – March 5 – Officer Carswell –Liberty @ FM 1097

March 13 – Officer Hernandez – Eva @ Liberty

March 28 - Officer Hernandez – 22100 Eva

March 28 – Officer Hernandez – Eva @ FM 2854

DWI – March 23 - Officer Carswell – 22500 SH 105 W

Forgery – March 20 – Officer Flores – at the PD

Fleeing Motor Vehicle /Resisting – March 6 – Officer Thompson – 2900 Spring Branch Rd

Dist/Other – March 19 m-Officer Thompson – Westway @ SH 105 W

Montgomery Birthplace of the Texas Flag
TEXAS

CITY OF MONTGOMERY POLICE DEPARTMENT



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

SHIFT A CONTINUED

Towed Vehicle – March 3 - Officer Carswell – 2700 Lone Star Pkwy.

Evading Motor Vehicle/Possession of Marijuana – March 8 - Officer Thompson - Liberty St. @
MLK

ARRESTS/CHARGES:

Misdemeanor 7

Felony 4

Traffic Enforcement :

Citations 251

Warnings 18

Montgomery Birthplace of the Texas Flag
TEXAS

CITY OF MONTGOMERY POLICE DEPARTMENT



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

SHIFT B REPORT LT. ROSARIO

MARCH 2017

During the month of March, The Montgomery Police Department B Shift Patrol Officers (Lt. Rosario, Officer Bauer, Officer Bracht, Officer Riley) generated 21 reports and responded to 73 calls for service. The reports are as follows:

Narcotics Arrest-

Mar 1st- Officer Riley- 18700 Eva
Mar 6- Officer Riley- 951 Lonestar PKWY
Mar 10 – Officer Bauer – 14449 Liberty
Mar 11 – Officer Riley – 15300 FM 1097
Mar 16 – Officer Bauer – 14100 Liberty
Mar 21 – Officer Riley – 2000 Lonestar PKWY
Mar 29 – Lt. Rosario – 20000 Eva

No DL / FMFR / Towed Vehicle

Mar 7- Lt. Rosario- 21500 Eva
Mar 16- Lt. Rosario- 200 Flagship
Mar 29- Lt. Rosario- 20000 Eva
Mar 31- Officer Riley- 11000 Liberty

Warrant Arrest-

Mar 7- Officer Bauer – 20869 Eva
Mar 10 – Officer Riley- 1000 McGinnis

MVA-

Mar 11 – Officer Bauer – 20869 Eva
Mar 21 – Officer Bauer – 21500 Eva
Mar 24 – Officer Bracht – 24420 Liberty

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101 OLD PLANTERSVILLE RD
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DWI – Mar 26 – Officer Bracht – 21100 Eva
Public Intoxication – Mar 15- Lt. Rosario – 20869 Eva
Trespasser – Mar 20 – Officer Bauer – 14600 Liberty
Resisting Arrest – Mar 21 – Officer Bracht – 21005 Eva
Assault – Mar 26 – Officer Riley – 21100 Eva

Arrests / Charges:

Misdemeanor Charges - 10
Felony Charges - 3

Traffic Enforcement

Citations Issued- 88
Warnings Issued- 201

Montgomery Birthplace of the Texas Flag
TEXAS

CITY OF MONTGOMERY POLICE DEPARTMENT



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

SHIFT C REPORT

SGT. LEHN

MARCH 2017 REPORT

March 1, 2017: Officer Flores and Sgt Lehn Lehn warrant roundup

March 3, 2017: Sgt Lehn Completed and submitted TLETS Audit to DPS

39 items (evidence) checked into the property room by Sgt. Lehn

106 Warrants disposed

\$26,961.27 collected from Warrants

15 Warrant Arrests

RESERVE OFFICERS SERVICE:

March 1, Officers Evans and Officer Lawson 8 hours each warrant roundup

March 16, Officer Miller 5 hours.

Municipal Court-Monthly Report

March 2017

4/10/2017

Becky Lehn

Court Administrator



Montgomery Municipal Court Monthly Report

March 2017

REVENUE Category	CURRENT	YEAR TO DATE October 1, 2016
<i>Total Cases Filed</i>	394	1693
Deposit – City	\$36,936.96	\$171,136.56
Deposit - State	\$19,353.81	\$108,081.67
Deposit - OMNI	\$223.98	\$1,785.28
Child Safety Fund	\$44.28	\$784.77
Judicial Efficiency	\$194.54	\$1,017.75
Court Tech Fund	\$999.55	\$5,313.17
Court Bldg. Security Fund	\$749.67	\$3,978.79
Collection Agency	\$4,489.78	\$22,721.61
<i>Total</i>	\$62,992.57	\$314,819.60

Created By: Becky Lehn
Court Administrator
April 10, 2017



Montgomery Municipal Court Monthly Warrant Report

MARCH 2017

Warrants	CURRENT	YEAR TO DATE October 1, 2016
<i>Total Money Collected</i>	\$26,961.27	\$99,812.22
Warrants Paid	70	285
Warrant Dismissals	10	80
Warrant Bonds	3	35
Warrant – Time Served	4	18
Warrants - DSC	2	4
Warrants - Deferred	2	2
Warrant Arrests	15	48
<i>Total Warrants Disposed</i>	106	472

Created By: ANGELINA C. FLORES

WARRANT OFFICER

APRIL 3RD, 2017



Comparison Chart

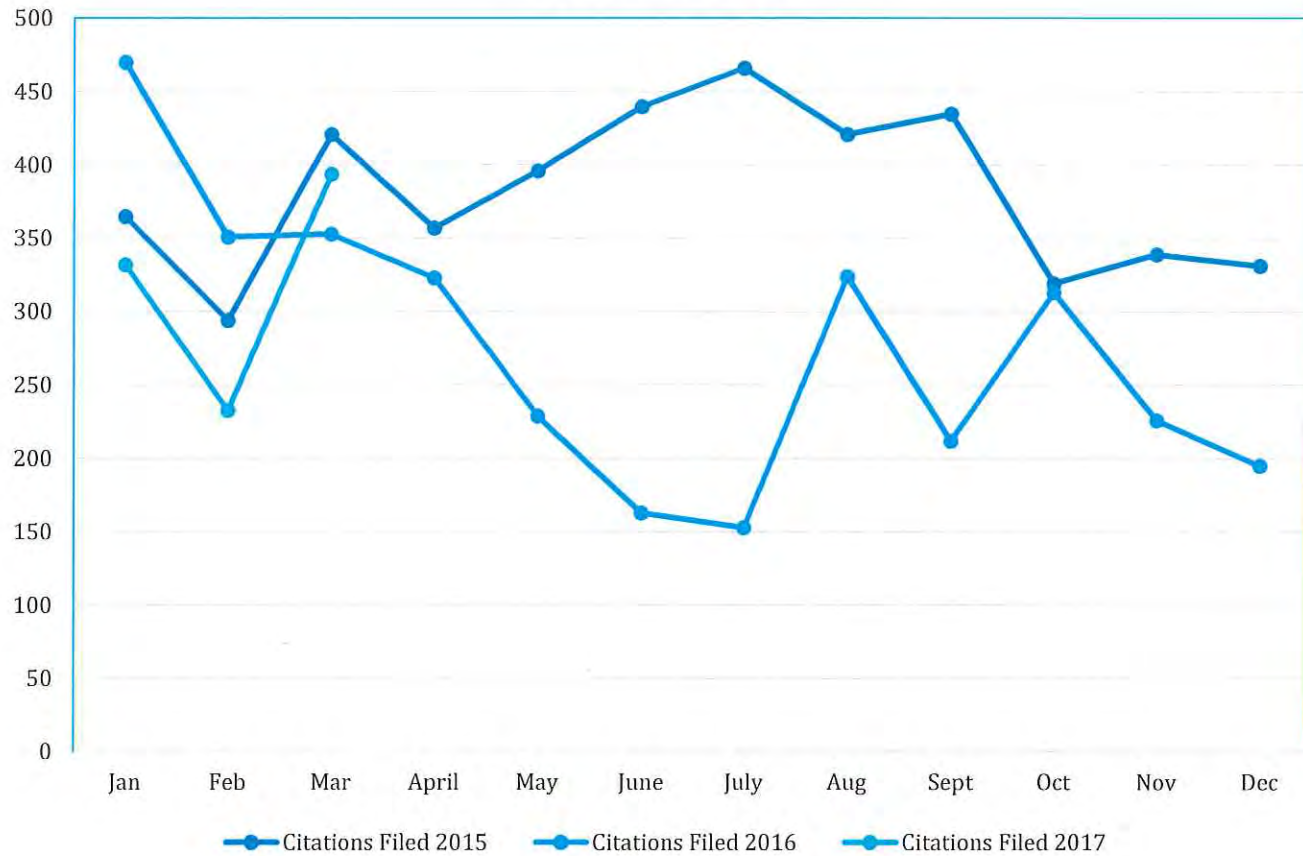
Citations/Warrants/Revenue January 2015 - Present

	<u>Citations Filed</u>			<u>Warrants Collected</u>			<u>Total Revenue Collected</u>		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
<i>Jan</i>	365	470	332	\$2,708.90	\$2,762.37	\$15,052.44	\$44,544.59	\$44,702.82	\$41,830.44
<i>Feb</i>	294	351	233	\$3,362.90	\$10,976.60	\$33,390.71	\$56,555.03	\$67,466.54	\$67,937.61
<i>Mar</i>	421	353	394	\$15,303.54	\$14,732.43	\$26,961.27	\$63,838.40	\$86,201.43	\$62,992.57
<i>April</i>	357	323		\$2,106.50	\$5,940.80		\$56,577.20	\$59,388.14	
<i>May</i>	396	229		\$3,286.10	\$3,279.10		\$48,760.60	\$50,854.90	
<i>June</i>	440	163		\$9,972.20	\$6,336.57		\$67,656.40	\$41,238.67	
<i>July</i>	466	153		\$4,858.20	\$4,291.87		\$64,193.80	\$42,990.97	
<i>Aug</i>	421	324		\$2,740.40	\$24,756.07		\$47,484.40	\$52,923.17	
<i>Sept</i>	435	212		\$6,399.30	\$12,115.60		\$61,912.50	\$44,256.40	
<i>Oct</i>	319	313		\$7,550.70	\$13,892.60		\$63,688.50	\$44,138.80	
<i>Nov</i>	339	226		\$8,581.07	\$10,515.20		\$51,170.47	\$55,221.23	
<i>Dec</i>	331	195		\$8,675.20	\$12,163.00		\$53,315.66	\$42,698.95	
Totals	2164	2402	959	\$75,545.01	\$121,762.21	\$75,404.42	\$679,697.55	\$632,082.02	\$172,760.62

Becky Lehn
 Court Administrator
 04/10/2017

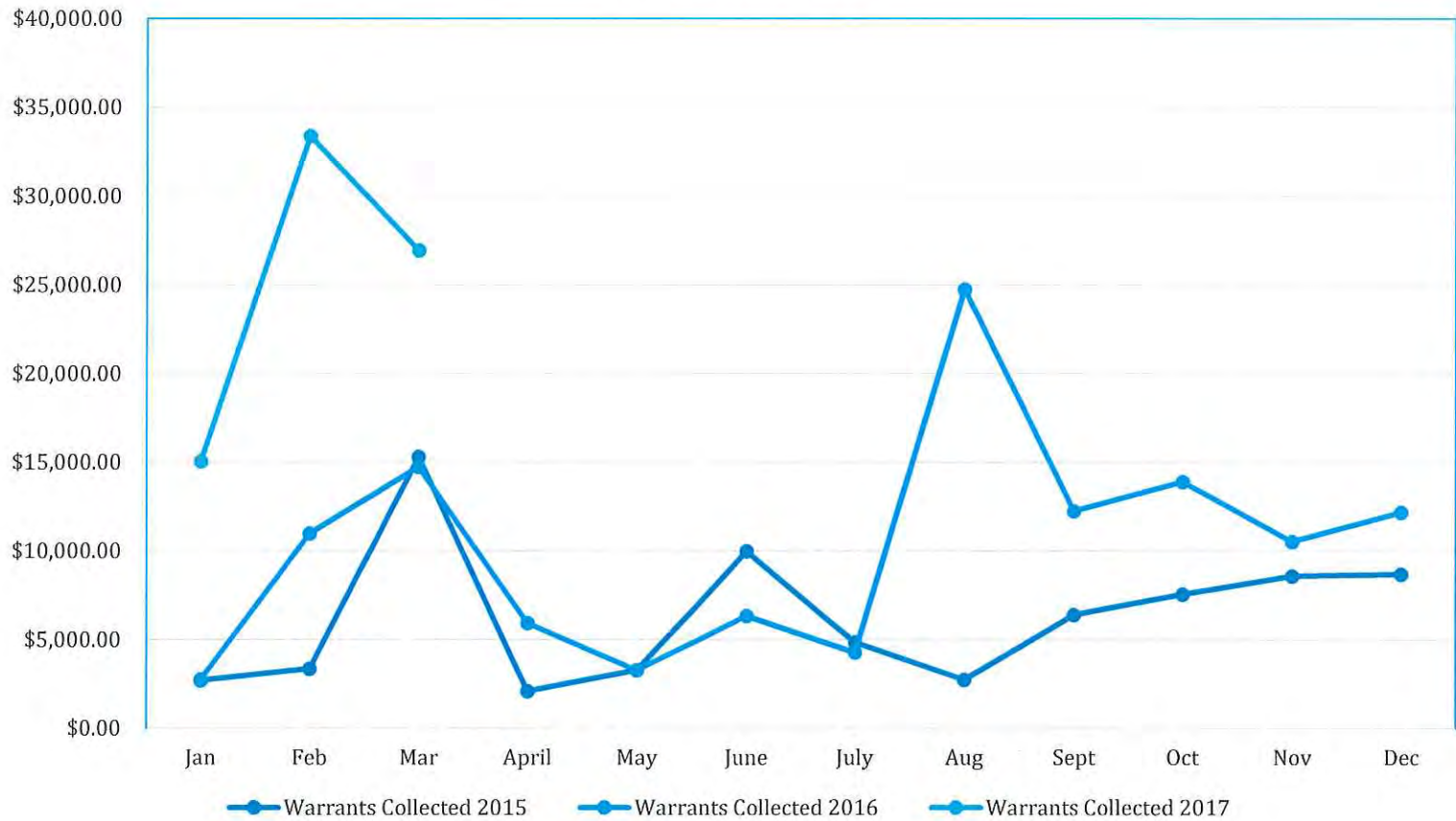
Citations Filed Yearly Comparison

2015-2017



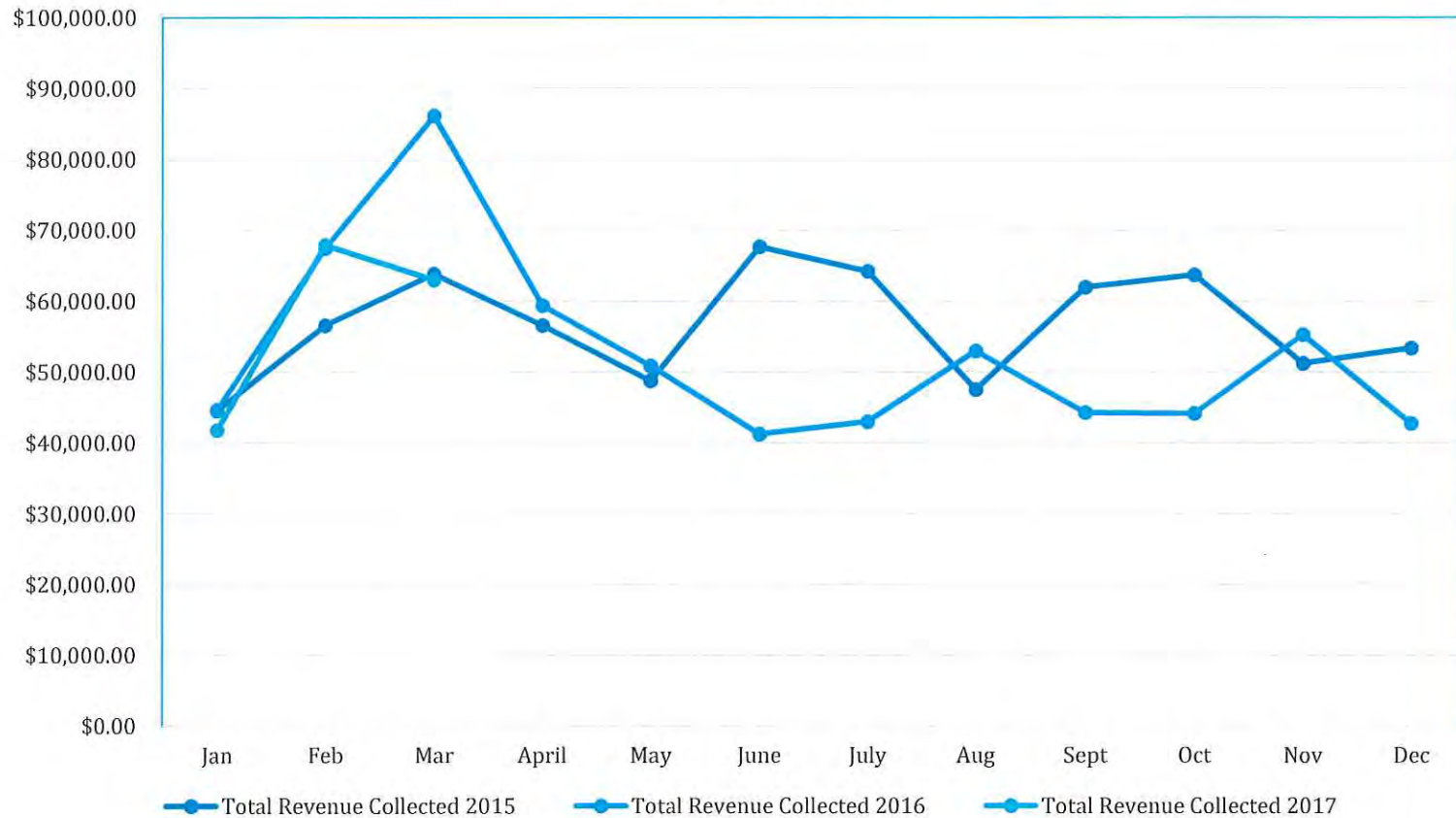
Warrants Collected Yearly Comparison

2015-2017



Total Revenue Collected Yearly Comparison

2015-2017





GULF UTILITY
SERVICE, INC.
281-355-1312

City of Montgomery

Operations Report

2/18/17-03/18/17

TAP

INTO

TECHNOLOGY

Dear City of Montgomery Council Members:

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

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

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

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

Michael Williams
Senior Area Manager
Gulf Utility Service

SUMMARY OF OPERATIONS

District Alerts

2/20/2017 & 3/15/2017 LS3 High Wet Well

Lift station light was reported on. Operator found the wet well in high level, lift pump 1 was tripped. The pump was pulled and cleaned, lift station now operating normally.

2/28/2017 Main Break

Contractor bored through the water main on SH105 at Houston St. Gulf Operator monitored pressure at water plant 3 while city staff made repairs. The lines were flushed and bac-t's were pulled and came back negative for coliform bacteria.

3/03/2017 LS10 High Wet Well

Lift station was found in high level. Pumps were pulled and cleaned, lift station now operating normally.

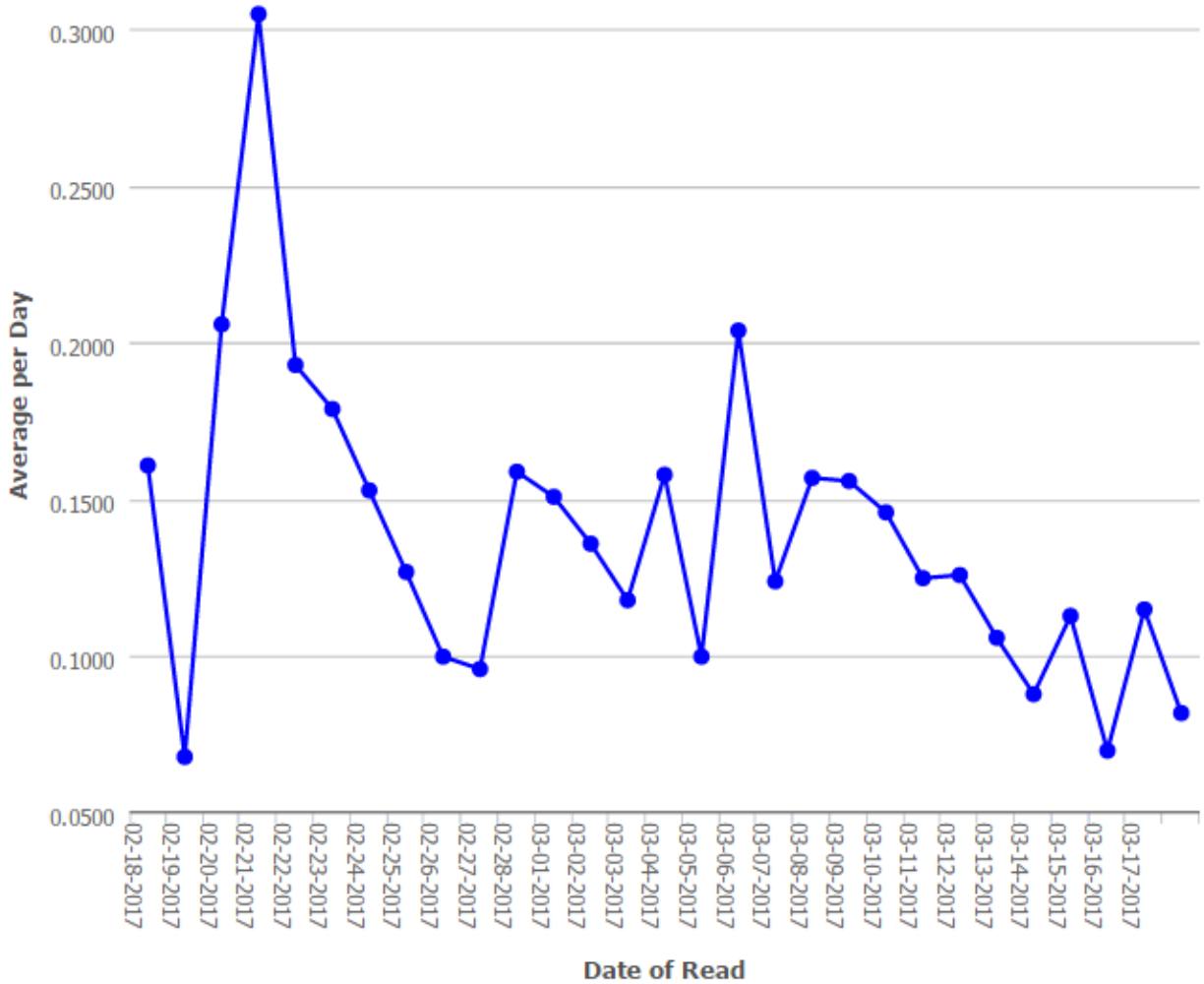
3/04/2017 Water Plant 2 Booster Pump 1 Tripped

Booster pump 1 was found tripped at the overload. The overload was reset and tripped back out. NTS was called to investigate further, the pump was pulled and taken in for repairs.

3/06/2017 Town Creek Apartments Water Quality Complaint

Resident reported discolored water, lines were flushed until clear.

OPERATIONS DETAIL



- Flow for the month of February was 4,022,000 gallons
- Daily peak flow February 21, 2017 was 305,000 gallons
 - 76% of permitted value
- Average Daily Flow 139,000 gallons
 - 35% of permitted value

*Average per day is a non-weighted average.

This data is available on our website. <http://www.gulfutility.net/commercial-accounts/>

WATER DISTRIBUTION AND MONITORING

The operator will collect a sample from the City on a daily basis. The purpose is to ensure that a good chlorine residual is maintained throughout the water distribution system. There is a total of seven sample locations that have been carefully selected to provide a fair representation of the entire district. The operator will rotate the sample locations taking a sample from the location that has the oldest prior sample date. Kardia will display the next sample location for the operator. Kardia can display the date of the latest sample and result or list the historical sample dates and results by location.

Flushing

A flushing program has been carefully created to ensure that the City's residents are provided with clean, clear and disinfected water.

COLLECTION SYSTEM

GUS operates and maintains 12 lift stations for the City. Our operator will inspect each location for problems. The access hatches will be opened and a visual inspection will be performed. If the control panel includes an ETM, the hours will be entered into Kardia. Auto dialers are verified weekly.

WASTEWATER TREATMENT PLANT

During each plant visit a visual inspection of the entire facility is performed. All flow meters and ETM values will be recorded in Kardia along with totalizer readings. The operator will also note erratic flow, upset or cloudy effluent, chlorine residual, chemical inventory, sludge blanket depths, mixed liquor sets, temperature and rainfall. All data is entered into Kardia. The City and consultants are able to view the data by logging into our website. The data can also be provided in electronic format. The operator will also record the staff gauge reading, Kardia returns the calculation for instantaneous flow. The calculated result is compared to the instant flow reading per the totalizer. The operator is looking for the readings to be within 80% - 120% of each other. Consistently different results would indicate a problem with totalizer calibration or with the transducer. The operator will also coordinate with the lab company. The permit values are maintained in Kardia and compared to sample results.

Permit Information – Stewart Creek

The current permit expires 06/01/2017

Discharge Limitations

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

Lab results

Gulf has contracted with RC & Joy Laboratories to pull scheduled monthly samples from the effluent and the aeration basin. The samples are required by the state and are used to ensure that the plant has complied with all permitted limits.


Aeration

It is extremely important that the samples are taken where the operator has indicated. The operator is not always present when the samples are taken. The operator routinely communicates with the lab company and the lab technician taking the samples. The operator has marked the sample locations.

Effluent

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

Buffalo Springs WWTP Effluent Monitoring Report

Effluent Permitted Values	Parameter		Measured	Excursion
Average Monthly T.S.S.	15	MGD	4.39	no
Average Monthly NH3	2	mg/l	.10	no
Minimal CL2 Residual	1	mg/l	1.05	no
Max CL2 Residual	4	mg/l	3.39	no
Rainfall for the Month			1.42	inches

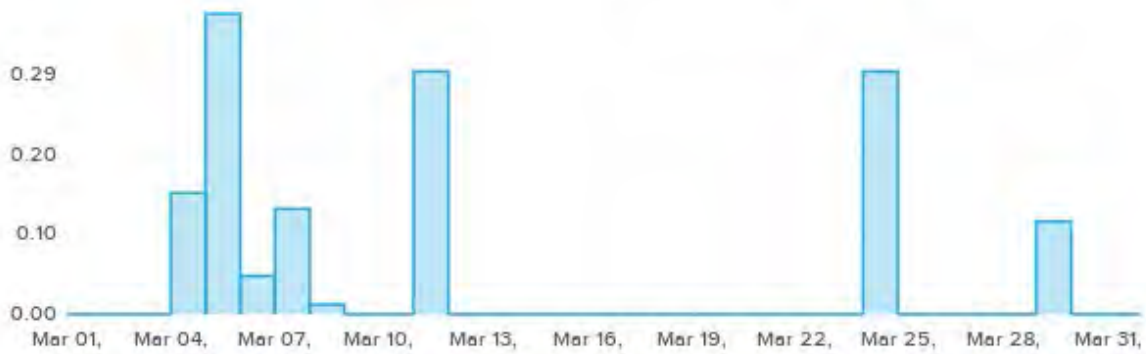
There were no excursions for the month of March

Measured by netatmo.com

MAR 2017

RAIN - RAIN GAUGE

Accumulated over the period: 1.42 in

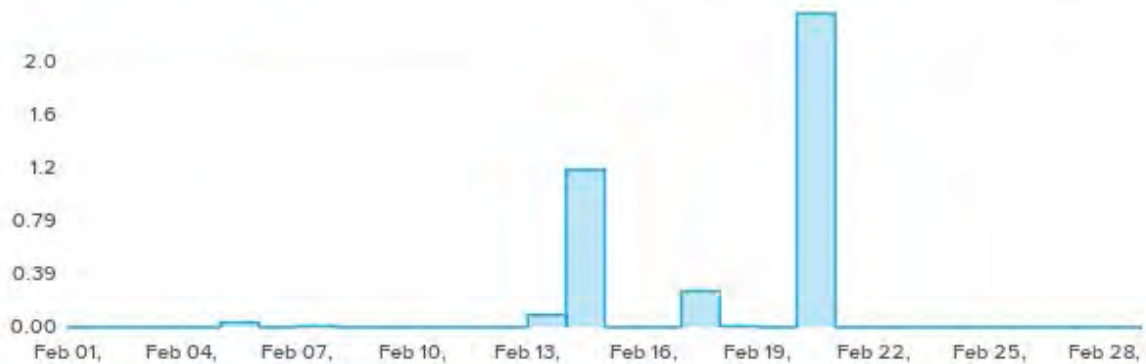


Measured by netatmo.com

FEB 2017

RAIN - RAIN GAUGE

Accumulated over the period: 3.9 in



Water Report

2/18/2017 – 03/18/2017

Well Name	City Recorded	GULF Recorded	% of Total	Rating g/Day	g/pMonth
Well 2	2.489	2.489	23.0%	0.864	25.92
Well 3	1.465	1.465	67.8%	0.864	25.92
Well 4	2.617	2.617	09.2%	2.160	64.80
Total	6.571	6.571	100.00%	3.888	116.64
Flushing	.910	.910			
Subtotal	5.661	5.661			
Sold	5.626	5.626			
Percentage Accounted	99%	99%			

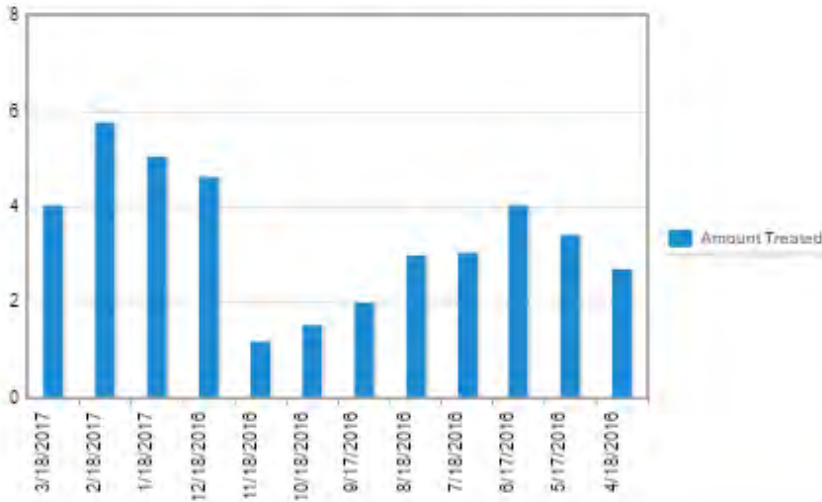
Well Run Times

Well Name	Total Hrs	% Total	Peak Day
2	085.5	53.3%	03/01/2017
3	043.4	27.1%	03/01/2017
4	031.5	19.6%	03/01/2017
Total	160.4	100%	

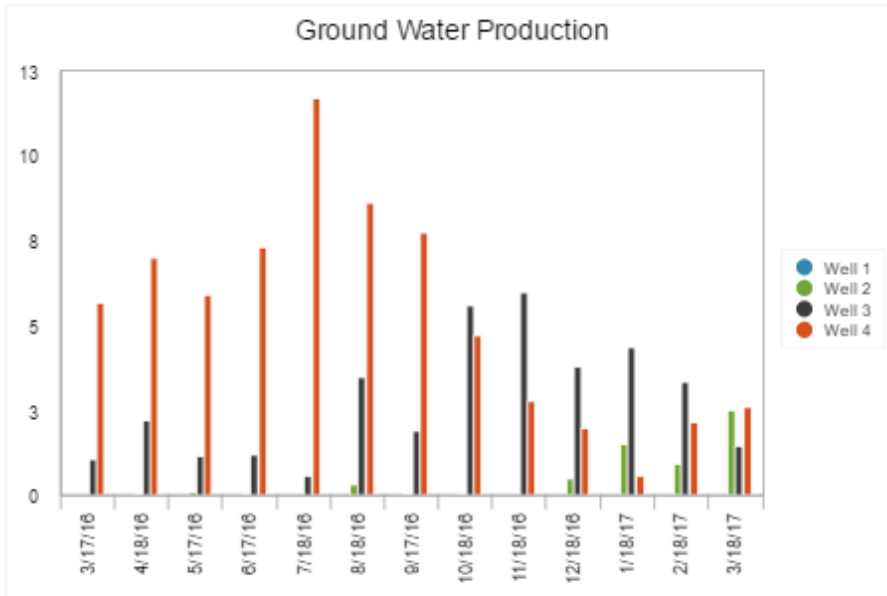
WATER PRODUCTION

Connections	
School	7
Commercial Inside	90
Commercial Outside	1
Residential Inside	383
Residential Outside	24
Church	10
City	16
Hydrant	5
Irrigation	49
Total	585

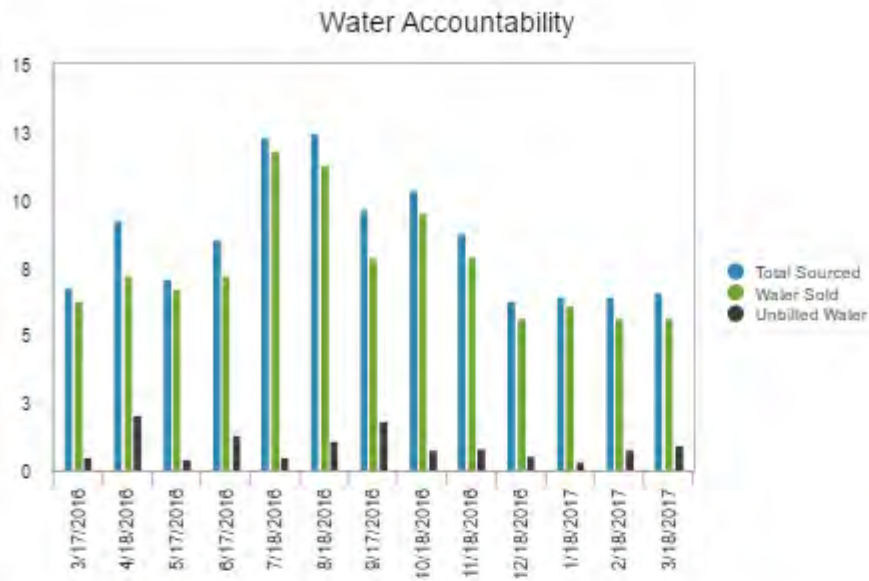
WATER TREATED BY MONTH



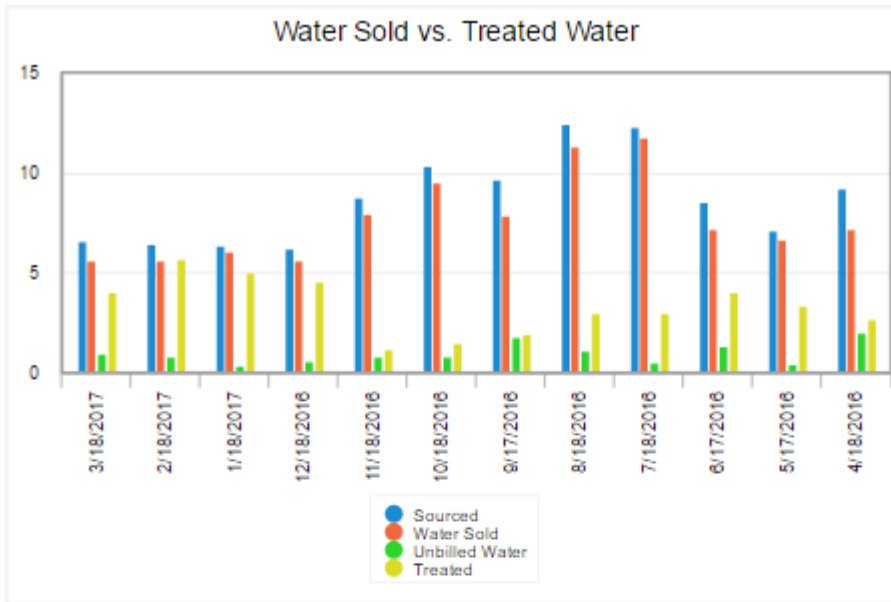
MONTH ▼	FLOW	RAIN (INCHES)
3/18/17	4.022	1.420
2/18/17	5.736	3.900
1/18/17	5.040	4.540
12/18/16	4.601	5.800
11/18/16	1.164	5.380
10/18/16	1.515	0.580
9/17/16	1.888	6.430
8/18/16	2.880	5.160
7/18/16	3.012	3.940
6/17/16	4.021	5.870
5/17/16	3.408	14.500
4/18/16	2.678	7.500
3/17/16	2.494	8.500
AVERAGE		5.191
TOTAL		140.160



DATE	TOTAL	WELL 1	WELL 2	WELL 3	WELL 4
AVG	8.258	0.000	0.512	2.723	5.023
3/18/17	6.571	0.000	2.489	1.465	2.617
2/18/17	6.418	0.000	0.916	3.340	2.162
1/18/17	6.407	0.000	1.476	4.341	0.590
12/18/16	6.228	0.000	0.486	3.769	1.973
11/18/16	8.770	0.000	0.020	5.976	2.774
10/18/16	10.342	0.000	0.036	5.576	4.730
9/17/16	9.649	0.000	0.028	1.873	7.748
8/18/16	12.432	0.000	0.304	3.482	8.646
7/18/16	12.284	0.000	0.013	0.577	11.694
6/17/16	8.522	0.000	0.026	1.179	7.317
5/17/16	7.107	0.000	0.073	1.137	5.897
4/18/16	9.247	0.000	0.062	2.193	6.992
3/17/16	6.769	0.000	0.005	1.077	5.687
TOTAL	214.704	0.000	13.304	70.804	130.596



DATE ▼	TOTAL SOURCED	WATER SOLD	UNBILLED WATER	FLUSHING/LEAKS	UNACCOUNTED	ACCTBLTY
3/18/17	6.571	5.626	0.945	0.910	0.035	99%
2/18/17	6.418	5.626	0.792	0.421	0.371	94%
1/18/17	6.407	6.064	0.343	0.160	0.183	97%
12/18/16	6.228	5.653	0.575	0.433	0.142	98%
11/18/16	8.770	7.930	0.840	0.411	0.429	95%
10/18/16	10.342	9.541	0.801	0.295	0.506	95%
9/17/16	9.649	7.840	1.809	0.090	1.719	82%
8/18/16	12.432	11.315	1.117	0.466	0.651	95%
7/18/16	12.284	11.764	0.520	0.225	0.295	98%
6/17/16	8.522	7.194	1.328	1.199	0.129	98%
5/17/16	7.107	6.688	0.421	0.390	0.041	99%
4/18/16	9.247	7.218	2.029	1.585	0.464	95%
3/17/16	6.789	6.265	0.504	0.231	0.273	98%



DATE ▼	SOURCED	WATER SOLD	UNBILLED WATER	TREATED WATER	RETURN %	RAIN
3/18/17	6.571	5.626	0.945	4.022	71%	1.420
2/18/17	6.418	5.626	0.792	5.736	102%	3.900
1/18/17	6.407	6.064	0.343	5.04	83%	4.540
12/18/16	6.228	5.653	0.575	4.601	81%	5.800
11/18/16	8.770	7.930	0.840	1.164	15%	5.390
10/18/16	10.342	9.541	0.801	1.515	16%	0.560
9/17/16	9.649	7.840	1.809	1.986	25%	6.430
8/18/16	12.432	11.315	1.117	2.98	26%	5.160
7/18/16	12.284	11.764	0.520	3.012	26%	3.940
6/17/16	8.522	7.194	1.328	4.021	56%	5.670
5/17/16	7.107	6.686	0.421	3.409	51%	14.500
4/18/16	9.247	7.218	2.029	2.678	37%	7.500

This data is available on our website. <http://www.gulfutility.net/commercial-accounts/>



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

April 21, 2017

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

Re: Engineering Report
Council Meeting: April 25, 2017
City of Montgomery

Dear Mayor and Council:

The following information summarizes our activities on your behalf since the March 28, 2017 Council Meeting:

Status of Previously Authorized Projects:

a) Joint Mobility Study

We are scheduling a meeting with City staff and representatives of Precincts 1 and 2 to review their comments to the Joint Mobility Study. We plan to deliver the completed study and accompanying report after the meetings are held and final comments are addressed.

b) TPDES Wastewater Treatment Plant Permit Renewals

Both permit renewal packages have been submitted to the State for review. Review and issuance of new permits typically takes approximately 180 days.

c) Texas Capital Fund Grant (Kroger)

We received and recommend approval of Progress Payment Request Nos. 3 & 4 in the total amount of \$382,196.35 from Key Construction, Inc. The contractor has substantially completed the work. We held a final inspection with the contractor on March 22nd. The contractor is addressing the punch list items identified at the final inspection.

d) Texas Capital Fund Grant (Pizza Shack)

We received and recommend approval Progress Payment Request No. 1 in the amount of \$156,420.00 from Big State Excavation, Inc. The contractor is nearing completion of the project.

e) Buffalo Springs Drive Bridge Repair

We are proceeding with the design of the repairs to the Buffalo Springs Drive Bridge. We will have the design completed and request the City's authorization to advertise for bids at the May 23rd meeting of the City Council. Additionally, we are prepared to assist the City's Grant Administrator in preparing the necessary documentation to facilitate and Community Block Development Grant for assistance with the City's FEMA assistance match.



Status of Previously Authorized Projects (cont.):

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

As a reminder, the City authorized us to advertise for bids at the April 11th meeting of the City Council. We expect to present bids at the May 23rd meeting.

g) Water Distribution System Analysis and Master Plan-CP No. 2, 12-inch Waterline Across Town Creek Bridge

As a reminder, this project will be included as an alternate bid item in the Buffalo Springs Drive Bridge Repair project.

h) Water Distribution System Analysis and Master Plan – CP No. 9 - Water Plant No. 3 Improvements

As a reminder, this project is included in the TWDB DWSRF loan the City is expected to close on May 11th. The City authorized us to proceed with the design of the project at the April 11th meeting of the City Council. The project includes the addition of a 600 gallon per minute (“GPM”) cooling tower, replacement of the existing 100,000 gallon ground storage tank with a 210,000 gallon ground storage tank, the addition of a 10,000 gallon hydropneumatics tank, the addition of a 1,000 GPM booster pump, and associated electrical and piping work. The total estimated project cost including construction, engineering, and contingencies for the Water Plant No. 3 Improvements is approximately \$970,000. We expect to complete the design and receive plan approval in November 2017 and we expect construction to begin in January 2018.

i) Water Distribution System Analysis and Master Plan – CP No. 2 – Downtown and SH-105 Waterline Replacement

As a reminder, this project is included in the TWDB DWSRF loan the City is expected to close on May 11th. The City authorized us to proceed with the design of the project at the April 11th meeting of the City Council. The project includes the installation of approximately 4,300 linear feet of 12-inch waterline. The total estimated project cost including construction, engineering, and contingencies for the Downtown and SH-105 Waterline Replacement project is approximately \$705,000. We expect to complete the design and receive plan approval in October 2017 and we expect construction to begin in December 2017.

j) Sanitary Sewer System Analysis and Master Plan – CP No. 10 – Lift Station No. 3 Force Main Re-Route

As a reminder, this project is included in TWDB Clean Water State Revolving Fund (“CWSRF”) loan the City is expected to close on May 11th. The City authorized us to proceed with the design of the project at the April 11th meeting of the City Council. The project includes the re-routing of the Lift Station No. 3 force main from FM-149 to Flagship Boulevard in order to prepare for the future widening of FM-149. The project includes the installation of approximately 2,500 linear feet of 6-inch sanitary sewer force main. The total estimated project cost including construction, engineering, and contingencies for the Lift Station No. 3 Force Main Re-Route project is approximately \$200,000. We expect to complete the design and receive plan approval in August 2017 and we expect construction to begin in October 2017.



Status of Previously Authorized Projects (cont.):

k) Sanitary Sewer System Analysis and Master Plan – CP No. 3b – Lift Station No. 1 Replacement

As a reminder, this project is included in the TWDB CWSRF loan the City is expected to close on May 11th. The City authorized us to proceed with the design of the project at the April 11th meeting of the City Council. The Lift Station No. 1 Replacement is to replace the existing lift station with a lift station that matches the capacity of the wastewater treatment plant. The City is also evaluating the option of constructing the proposed lift station on the City's wastewater treatment plant site in lieu of in its existing location. We met with the developer for the surrounding property this month to discuss the relocation of the lift station, the construction of a gravity sanitary sewer line, and acquiring additional property for the City's wastewater treatment plant. We plan to meet with the developer again next month to further discuss the project. The total estimated project cost including construction, engineering and contingencies is approximately \$810,000. We will provide an updated cost estimate for the gravity sanitary sewer extension option once more information is available. We recommend postponing the design of the project until a decision is reached on the lift station relocation. Upon reaching a decision it will take approximately 6 months to complete the design and receive approvals.

l) Flagship Boulevard Pavement Repair (FEMA)

The City authorized us to proceed with the design of the project at the April 11th meeting of the City Council. We are proceeding with the preparation of the bid package and expect to present bids at the May 23rd meeting of the City Council.

Plan/Plat Reviews: The following plan and plat reviews are in progress.

a) Plan Reviews

- i. Buffalo Springs Shopping Center, Phase II-Drainage and Paving Facilities** – We did not receive revised plans this month.
- ii. Buffalo Springs Shopping Center, Phase II-Public Water and Sanitary Sewer** – We returned plan review comments for the proposed revisions on April 3rd.
- iii. Longview Miniature Golf Course** – We returned approved plans to the developer on April 4th.
- iv. Villas of Mia Lago, Section Two** – We plan to return approved plans to the developer next week.
- v. Town Creek Storage** – We are working the developer to address final plan review comments. We are prepared to approve the plans once all comments have been addressed.



Plan Reviews (cont.)

- vi. **Montgomery First (KenRoc)** – We returned plan review comments on April 3rd and met with the developer and his engineer on April 6th to discuss the plan review comments and the results of the feasibility study.
- vii. **Lake Creek Village, Section 3** – We returned plan review comments on April 7th.
- viii. **Montgomery Retail Center Driveway Revisions** - We expect to receive revised plans for approval next week.
- ix. **Living Savior Lutheran Church** – We received plans for review on April 7th and expect to return comments next week.

b) Plat Reviews

- i. **Villas of Mia Lago, Section Two** – We are prepared to approve the final plat once all comments have been addressed.
- ii. **Town Creek Storage** – The owner of the tract is proposing to install a fence along to top of the public drainage easement. The owner has agreed to maintain the ditch at his expense and not hold the City responsible for the fence. One of the conditions of approval of the final plat was for the owner to enter into an Encroachment and Maintenance Agreement with the City. The agreement delineates the terms and conditions which the City will allow the proposed fence, defines and requires routine maintenance of the public drainage ditch and requires the Owner to notify the City should there be a change of tract ownership. We have reviewed the proposed agreement prepared by the City Attorney and recommend approval of the agreement.

Agenda Item – Consideration and possible action regarding adopting an Encroachment and Maintenance Agreement by and between the City of Montgomery and Town Creek Storage, LLC.

Meetings and Ongoing Activities:

- a) **Lone Star Bend Extension** – We met with the County Engineer’s office to discuss plan review comments. We expect to submit the final plan set for approval by May 1st.
- b) **Lone Star Parkway (East) Improvements** – Montgomery County will receive bids for the Lone Start Parkway Improvements project on April 28th.
- c) **Terra Vista, Section One** – The Certificate of Acceptance has not been released to the owner due to an outstanding balance due to the City by the developer.
- d) **Waterstone, Section Two** – The Certificate of Acceptance has not been released to the owner due to an outstanding balance due to the City by the developer.

Meetings and Ongoing Activities (cont.):

- e) **West Side at the Park** – We received the requested additional information and are in the process of completing our review. Once all comments and punch list items are addressed we will recommend the City accept the infrastructure.
- f) **The Montgomery Shoppes** – We met with the City Staff, the developer, and his engineer on April 18th to discuss the results of the feasibility study, the City’s desire for additional land at the wastewater treatment plant, and the relocation of existing easements, sanitary sewer lines, and Lift Station No. 1. We plan to meet again next month to further discuss the development.
- g) **Heritage Place Medical Center** – We were advised by Montgomery County Precinct One they will provide the asphalt surfacing for the Houston Street Improvements project at no cost to the City. We met with City Staff and the developer on April 10th to discuss the improvements to Houston Street. It is proposed that the developers engineer will prepare the plans for the Houston Street widening and rehabilitation and the City will obtain a contractor to complete the work. Upon completion of the preparation work, Precinct Ones’ contractor will complete the asphalt surfacing.

Agenda Item - Consideration and possible action regarding approval of Montgomery EDC funding for Houston Street Rehabilitation.

Agenda Item - Consideration and possible action regarding Support Letter to TxDOT regarding Houston Street.

- h) **Heritage Place Medical Center Waterline Replacement** – We met with City Staff and the developer on April 10th to discuss the waterline relocation required for the developer to complete his sanitary sewer tap. The City is planning to replace the waterline in front of the tract as part of the TWDB project. It is within the City’s and developers best interest to complete this portion of the waterline replacement now to reduce the City’s cost to restore the site in the future and minimize the disruption to the developer. The City should also relocate the waterline along Houston Street that will be located underneath the pavement of the widened road section. Enclosed is a cost estimate for the proposed waterline replacement project. We request the City’s authorization to complete the design of the waterline relocation project and advertise for bids.

Agenda Item – Consideration and possible action regarding Montgomery EDC funding for Waterline Placement in Houston Street.

Agenda Item – Consideration and possible action regarding approval of State Highway 105 Waterline Placement.

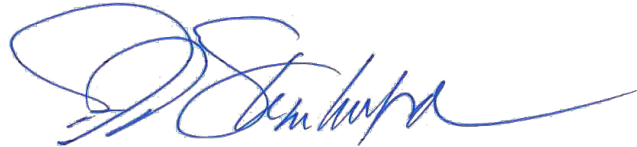
- i) **McCoy’s Offsite Sanitary Sewer Extension** – The installation of the offsite sanitary sewer line is expected to be complete this month.

Meetings and Ongoing Activities (cont.):

- j) **LeFevre Property Drainage Improvements** – It is our understanding the Developer intends to deliver a formal presentation to Council upon completion of preliminary engineering design.
- k) **Weekly Operations Conference Call** – We continue hosting a weekly conference call with representatives from Gulf Utility Service, Inc. and City Staff. Items of note discussed during the previous month included warranty repair of Cooling Tower Fan Motor No. 1 at Water Plant No. 3, and incoming current imbalance affecting well operation at Water Plant No. 2.

Please contact Chris Roznovsky or myself if you have any questions.

Sincerely,



Ed Shackelford, P.E.
Engineer for the City

EHS/cvr:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\Engineer's Reports\Engineer's Report 4-25-17.docx

Enclosures: Texas Water Development Board Project Schedule
Heritage Medical Center Waterline Relocation Cost Estimate

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

PRELIMINARY CONSTRUCTION COST ESTIMATE
FOR
HERITAGE MEDICAL WATERLINE
CITY OF MONTGOMERY, TEXAS
 April 21, 2017

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Total</u>
1.	Move-in, Bonds & Insurance	LS	\$ 5,000	1	\$ 5,000
<u>Waterline Replacement</u>					
2.	6" Waterline	LF	30	460	13,800
3.	12" Waterline	LF	50	310	15,500
4.	12" Gate Valve	EA	2,000	3	6,000
5.	6" Waterline Connection	EA	1,500	3	4,500
6.	8" Waterline Connection	EA	4,000	2	8,000
7.	12" x 12" Tee with Blind Flange	EA	2,500	1	2,500
8.	Relocate Existing Hydrant	EA	2,000	1	2,000
<u>Additional Items</u>					
9.	Power Pole Bracing	EA	2,250	1	2,250
10.	Trench Safety System	LF	1	450	450
11.	Site Restoration	LS	1,000	1	<u>1,000</u>

Subtotal	\$ 71,000
Contingencies (10%)	7,100 ⁽¹⁾
Engineering	<u>11,900</u> ⁽²⁾
TOTAL	\$ 90,000



Chris Roznovsky
 4/21/2017

Notes:

- ⁽¹⁾ Contingencies include a 10% cost for additional, unseen, and future costs from time of proposal.
- ⁽²⁾ Includes engineering, surveying, construction administration, field project representation, reproduction, and geotechnical testing.
- ⁽³⁾ This estimate represents my best judgement as a design professional familiar with the construction industry. Jones|Carter has no control over the cost of labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidding or market conditions. Accordingly, we cannot and do not

\\jonescarter.corp\cfs\Projects\W5841\W5841-0027-00 Heritage Place Medical and Houston Stree\2 Design Phase\Heritage Medical Waterline and St Imp.xls

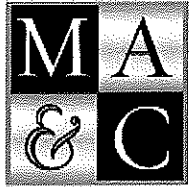


JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439 | Texas Board of Professional Land Surveying Registration No. 10046106

CITY OF MONTGOMERY
ACCOUNT BALANCES
For Meeting of April 25, 2017

	<u>CHECKING ACCT BALANCES</u>	<u>PRIOR MONTH END INVESTMENTS</u>	<u>TOTAL FUNDS AVAILABLE</u>
<u>GENERAL FUNDS</u>			
OPERATING FUND #1017375	\$ 353,872.10		\$ 353,872.10
TEMP GRANT FUNDS - COPS UNIVERSAL #103289	\$ 10.00		\$ 10.00
ESCROW FUND #1025873	\$ -		\$ -
PARK FUND #7014236	\$ -		\$ -
POLICE DRUG & MISC FUND #1025675	\$ 10,675.64		\$ 10,675.64
INVESTMENTS - GENERAL FUND		\$ 300,000.00	\$ 300,000.00
TEXPOOL - GENERAL FUND # 00003		\$ 204,035.60	\$ 204,035.60
TEXPOOL - RESERVE FUND # 00005		\$ -	\$ -
TOTAL GENERAL FUND	\$ 364,557.74	\$ 504,035.60	\$ 868,593.34
<u>CONSTRUCTION FUND</u>			
BUILDING FUND #1058528	\$ 519.58		\$ 519.58
CONSTRUCTION ACCOUNT #1058544			\$ -
TEXPOOL - CONST # 00009		\$ 570.63	\$ 570.63
INVESTMENTS - CONSTRUCTION		\$ -	\$ -
TOTAL CONSTRUCTION FUND	\$ 519.58	\$ 570.63	\$ 1,090.21
<u>DEBT SERVICE FUND</u>			
DEBT SERVICE FUND #7024730	\$ 29,748.92		\$ 29,748.92
TEXPOOL DEBT SERVICE # 00008	\$ -	\$ 24,308.57	\$ 24,308.57
TOTAL DEBT SERVICE FUND	\$ 29,748.92	\$ 24,308.57	\$ 54,057.49
COURT SECURITY FUND #1058361	\$ 4,287.72	\$ -	\$ 4,287.72
COURT TECHNICAL FUND #1058361	\$ 22,418.23	\$ -	\$ 22,418.23
<u>GRANT FUND</u>			
HOME GRANT ACCOUNT #1059104	\$ 10.00		\$ 10.00
GRANT ACCOUNT #1048479	\$ 287.74		\$ 287.74
TOTAL GRANT FUND	\$ 297.74	\$ -	\$ 297.74
HOTEL OCCUPANCY TAX FUND #1025253	\$ 9,399.90	\$ -	\$ 9,399.90
<u>MEDC</u>			
CHECKING ACCOUNT #1017938	\$ 244,887.13		\$ 244,887.13
TEXPOOL - MEDC # 00003		\$ 234,284.81	\$ 234,284.81
INVESTMENTS - MEDC		\$ 250,000.00	\$ 250,000.00
TOTAL MEDC	\$ 244,887.13	\$ 484,284.81	\$ 729,171.94
POLICE ASSET FORFEITURES #1047745	\$ 4,272.25		\$ 4,272.25
<u>UTILITY FUND</u>			
UTILITY FUND #1017383	\$ 356,035.98		\$ 356,035.98
CUSTOMER DEPOSITS FUND #1017417	\$ -		\$ -
WATER WORKS & SAN SEWER #7013840	\$ -		\$ -
TEXPOOL - UTILITY FUND # 00002		\$ 17,908.00	\$ 17,908.00
TOTAL UTILITY FUND	\$ 356,035.98	\$ 17,908.00	\$ 373,943.98
TOTAL ALL FUNDS	\$ 1,036,425.19	\$ 1,031,107.61	\$ 2,067,532.80
<u>INVESTMENTS</u>			
TEXPOOL - GENERAL FUND			\$ 204,035.60
INVESTMENTS - GENERAL FUND			\$ 300,000.00
TEXPOOL - CONST # 00009			\$ 570.63
TEXPOOL - DEBT SERVICE # 00008			\$ 24,308.57
TEXPOOL - MEDC			\$ 234,284.81
INVESTMENTS - MEDC			\$ 250,000.00
TEXPOOL - UTILITY			\$ 17,908.00
TOTAL ALL INVESTMENTS			\$ 1,031,107.61



MUNICIPAL ACCOUNTS
& CONSULTING, L.P.

City of Montgomery

Bookkeeper's Report

April 25, 2017

City of Montgomery
Account Balances

As of April 20, 2017

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
Fund: Operating					
Certificates of Deposit					
ALLEGIANCE BANK (XXXX3545)	02/11/2017	05/12/2017	0.40 %	100,000.00	
GREEN BANK (XXXX0365)	03/21/2017	06/19/2017	0.40 %	100,000.00	
GREEN BANK (XXXX4168)	04/12/2017	07/11/2017	0.40 %	100,000.00	
Money Market Funds					
TEXPOOL (XXXX0003)	08/01/2005		0.62 %	204,035.60	
Checking Account(s)					
FIRST BANK N.A. (XXXX7375)			0.00 %	353,872.10	Checking Account
FIRST BANK N.A. (XXXX5675)			0.00 %	10,675.64	Police Drug & Misc Fund
FIRST BANK N.A. (XXXX5873)			0.00 %	0.00	Escrow
FIRST BANK N.A. (XXXX2895)			0.00 %	10.00	COPS Universal Award
FIRST BANK N.A. (XXXX4236)			0.00 %	0.00	Park
Totals for Operating Fund:				\$868,593.34	
Fund: Capital Projects					
Money Market Funds					
TEXPOOL (XXXX0009)	12/27/2012		0.62 %	570.63	
Checking Account(s)					
FIRST BANK N.A. (XXXX8528)			0.00 %	0.00	Building Fund
FIRST BANK N.A. (XXXX8544)			0.00 %	519.58	Const Ckg-W&S Proj 1058544
Totals for Capital Projects Fund:				\$1,090.21	
Fund: Debt Service					
Money Market Funds					
TEXPOOL (XXXX0008)	12/27/2012		0.62 %	24,308.57	
Checking Account(s)					
FIRST BANK N.A. (XXXX4730)			0.00 %	29,748.92	Checking Account
Totals for Debt Service Fund:				\$54,057.49	
Fund: CT Security					
Checking Account(s)					
FIRST BANK N.A. (XXXX0580)			0.00 %	4,287.72	Cash In Bank
Totals for CT Security Fund:				\$4,287.72	
Fund: CT Tech					
Checking Account(s)					
FIRST BANK N.A. (XXXX8361)			0.00 %	22,418.23	Cash In Bank
Totals for CT Tech Fund:				\$22,418.23	
Fund: Grant					
Checking Account(s)					
FIRST BANK N.A. (XXXX8479)			0.00 %	287.74	Grant Account
FIRST BANK N.A. (XXXX9104)			0.00 %	10.00	Checking Account
Totals for Grant Fund:				\$297.74	

City of Montgomery
Account Balances

As of April 20, 2017

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
Fund: Hotel Occupancy Tax					
Checking Account(s)					
FIRST BANK N.A. (XXXX5253)			0.00 %	9,399.90	Cash In Bank
Totals for Hotel Occupancy Tax Fund:				\$9,399.90	
Fund: MEDC					
Certificates of Deposit					
ALLIANCE BANK (XXXX2047)	02/20/2017	05/21/2017	0.45 %	100,000.00	
ICON BANK (XXXX7731)	01/27/2017	01/27/2018	0.90 %	150,000.00	
Money Market Funds					
TEXPOOL (XXXX0006)	08/01/2005		0.62 %	234,284.81	
Checking Account(s)					
FIRST BANK N.A. (XXXX7938)			0.00 %	244,887.13	MEDC Checking
Totals for MEDC Fund:				\$729,171.94	
Fund: Policy Asset Forfeiture					
Checking Account(s)					
FIRST BANK N.A. (XXXX7745)			0.00 %	4,272.25	Cash In Bank
Totals for Policy Asset Forfeiture Fund:				\$4,272.25	
Fund: Utility					
Money Market Funds					
TEXPOOL (XXXX0002)	08/01/2005		0.62 %	17,908.00	
Checking Account(s)					
FIRST BANK N.A. (XXXX7383)			0.00 %	356,035.98	Water & Sewer Fund
FIRST BANK N.A. (XXXX7417)			0.00 %	0.00	Customer Deposit Acct
FIRST BANK N.A. (XXXX3840)			0.00 %	0.00	Water Works
Totals for Utility Fund:				\$373,943.98	
Grand total for City of Montgomery:				\$2,067,532.80	

City of Montgomery - General
Cash Flow Report - Checking Account

As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$532,928.80
Receipts				
	Court Revenue CL 3/17		51,315.77	
	Court Revenue OS 3/17		6,499.30	
	Misc Revenue CL 3/17		18,266.86	
	Misc Revenue OS 3/17		1,512.50	
	Tax Revenue CL 3/17		7,177.41	
	Interest		13.56	
Total Receipts				84,785.40
Disbursements				
27033	Card Service Center	First Financial Credit Card Account XXXX 0869 -	(3,516.27)	
27034	Dan Miller	Court Baliff - 3/16/17	(75.00)	
27035	Entergy	Part Utilities per spreadsheet Acct #140207580 2/	(1,102.27)	
27036	Gabriel N. Bonilla / Gabriel Tree Service	Tree Removal and Clean up - 601 Worsham St.	(500.00)	
27037	Gordon B. Dudley, Jr.	Prosecutor Fee 3/16/17	(450.00)	
27038	Laurel Paving	Street repairs - Inv 1108	(3,875.00)	
27039	Miguel Rosario	Reimbursement for Fans for TLETS Room	(23.69)	
27040	Pavers Supply Company	Inv 92413, 92346	(477.94)	
27041	Perdue, Brandon, Fielder, Collins, & Mott	Collections-Fines and Fees - 2/17	(7,251.21)	
27042	Rick Hanna, CBO	Inv 16906, 16907	(3,247.50)	
27043	TAPCO	Street Signs-Inv 1557726	(501.45)	
27044	Texas Top Cop Shop	Inv 5226,5295,6116,6390,7820,8616,10217,10288,1	(1,328.73)	
27045	Tyler Technologies, Inc	Inv 25-184527, 184014	(295.68)	
27046	Valero Marketing & Supply Company-2	Acct 7137-8863 - Invoices 2/27-3/6/17	(738.23)	
27047	Waller County Asphalt	Patch N Pave - Inv 12018	(592.20)	
27048	Daspit, Laurence F	Payroll 3/31/17	(114.70)	
27049	TMRS	0877, 00877	(16,711.23)	
27050	City of Montgomery - Utility Fund	Water Usage @ Parks, City Hall, Com Center - 2/1	(584.82)	
27051	Construction Code Consultants, LLC	Commercial Building Code plan review service- #	(271.20)	
27052	Documation, Inc.	Contract 25366376 / 25378940 Account 124715 -	(1,474.45)	
27053	Home Depot Credit Services	Acct # ***-4458 Inv 153861, 3170310	(1,846.05)	
27054	Innovative Outdoors	Mowing Contract - 3/17	(6,666.67)	
27055	Montgomery County Radio Shop	RC-RSA Token MDC Charge - Inv 106429	(49.40)	
27056	Texas Specialties/Lone Star Signs	8 Banners - Birthplace of Texas Flag Inv. 10840	(384.00)	
27057	Thomas Lundsten	Cedar Brake Park Garden Maintenance - 3/17	(65.00)	
27058	TML-Multistate Intergovernmental	Health, Life & AD&D Insurance Mar 2017 - 5501	(10,268.83)	
27059	Valero Marketing & Supply Company	Acct #62249487 - Fuel 2/15-3/13/17 (police)	(2,043.38)	
27060	EFTPS	Payroll Liabilities 3/31/17	(11,231.64)	
27060	Office of the Attorney General	0012541428, 0012011313, 0013412154, 001180485	(2,218.54)	
27061	Christopher Carswell	Reimbursement of Expense for - Conference 8/11	(766.31)	
27062	Consolidated Communications	Telephone Service Per Spreadsheet 4/17	(896.72)	
27063	Construction Code Consultants, LLC	Commercial Building Code plan review service- #	(250.00)	
27064	Documation of East Texas, Inc	Contract 8628-01 - Overage thru 2/28/17 Inv 459	(39.12)	
27065	Entergy	Part Utilities per spreadsheet - 3/17	(1,236.23)	
27066	GTIN	Fee per service agreement for 4/17 - Inv 6103	(3,130.00)	
27067	James F. Napolitano	Reimbursement of Expense - Travel and renewal of	(644.00)	
27068	MCCI	Software Inv 00010924 - Annual Support Renewal	(5,233.80)	
27069	Miguel Rosario	Reimburse of expenses - Registration for PD Tahoe	(17.11)	
27070	Montgomery County Tax Assessor and Collec	2016 Tax Payment Due for Adams Park Lease, 210	(3,364.70)	
27071	Municipal Accounts & Consulting, L.P.	Bookkeeping 3/17 Inv 46174	(7,662.57)	
27072	O'Reilly Auto Parts	Acct# 700907 Inv 1838316618,7109,9288	(134.94)	

City of Montgomery - General
Cash Flow Report - Checking Account
As of April 20, 2017

Num	Name	Memo	Amount	Balance
Disbursements				
27073	Office Depot Business Credit	Supplies Inv 3/17 - #916582256001	(15.96)	
27074	Pathmark Traffic Products of Texas, Inc.	Street Signs - Inv 022177	(37.39)	
27075	Personalized Communications, Inc.	Answering Service - 4/17 - 18253-040517	(175.36)	
27076	Red Wing Shoes	Inv 00001-628 - Ticket #5849 - Ryan Thomas	(171.00)	
27077	Rick Hanna, CBO	Inspections 3/15/17-3/30/17-Inv 16946	(3,550.00)	
27078	Robert Rosenquist	Municipal Court Judge - 03/17	(1,500.00)	
27079	Sam's Club	Acct #040241083268-7 Inv 005720, 008222	(281.61)	
27080	TML-IRP	Contract #6827 - Ins Premium 4/17	(3,675.64)	
27081	Attorney General, State of Texas	Series 2017A Certificate of Obligation Transcript Re	(1,090.00)	
27082	Attorney General, State of Texas	Series 2017B Certificate of Obligation Transcript Re	(1,730.00)	
27083	Daspit, Laurence F	Payroll 4/13/17	(152.38)	
27084	Henderson, Lisa T.	Payroll 4/13/17	(223.72)	
27085	Office of the Attorney General	0012541428, 0012011313, 0013412154, 001180485	(2,235.95)	
27086	City of Montgomery - Utility Fund	Water Usage @ Parks, City Hall, Com Center - 2/1	(1,581.34)	
27087	Construction Code Consultants, LLC	Commercial Building Code plan review service- #	(1,231.38)	
27088	Darden,Fowler & Creighton, L.L.P.	Legal Fees 3/17	(2,726.49)	
27089	Easley Enterprises of Texas, Inc.	City Hall General Cleaning 3/17	(375.00)	
27090	G & K Services, Inc.	Uniforms - Inv 1165791161,7304,5803444,9601,58	(539.50)	
27091	Houston Chronicle	Advertising invoices 3/17	(347.92)	
27092	Iron Mountain	Document Shredding -NRN2423	(170.74)	
27093	LDC	CM100017 & CM100032 - Gas Service 101 Planter	(53.92)	
27094	NAPA Auto Parts	Acct # 3413 - #371642	(30.00)	
27095	Northwest Pest Patrol	Mosquito fogging - 3/17	(725.00)	
27096	Omnibase Services of Texas, LP	1st Qtr Activity - 2017 - Dispositions #OBS17100	(840.00)	
27097	State Comptroller	State Criminal Costs and Fees Qtr Ending 3/31/17	(49,550.56)	
27098	Tammy J. McRae	Amount needed to cover Offset refunds during Ma	(13,073.39)	
27099	The Mail Stop	Statement Period thru 3/27/17- Register Chg 1423	(128.84)	
27100	Verizon Wireless	521590387-00001	(1,386.60)	
27101	Weisinger Materials, Inc	Wholesale Decomposed Granite #053584	(260.00)	
27102	EFTPS	Payroll Liabilities 4/13/17	(11,234.18)	
27103	Tammy J. McRae	Police Vehicle Registration Renewal 2013 Chev LL	(14.25)	
27104	Flores, Angelina C.	Payroll 4/13/17	(1,391.95)	
DD	Bauer, Timothy M	Payroll 3/31/17	(1,258.22)	
DD	Belmares, Jose N.	Payroll 3/31/17	(1,920.92)	
DD	Bickford, Dana N	Payroll 3/31/17	(94.19)	
DD	Bracht, James C.	Payroll 3/31/17	(1,725.04)	
DD	Carswell, Christopher M	Payroll 3/31/17	(1,141.95)	
DD	Duckett, Kimberly T.	Payroll 3/31/17	(1,085.33)	
DD	Flores, Angelina C.	Payroll 3/31/17	(1,391.94)	
DD	Gonzalez, Krystal	Payroll 3/31/17	(1,118.16)	
DD	Hensley, Susan L	Payroll 3/31/17	(1,525.86)	
DD	Hernandez, George J.	Payroll 3/31/17	(1,018.70)	
DD	Kohl, Julie J	Payroll 3/31/17	(342.01)	
DD	Kowarsch, Robert D	Payroll 3/31/17	(129.29)	
DD	Lehn, Rebecca L.	Payroll 3/31/17	(1,825.13)	
DD	Muckleroy, Micha D.	Payroll 3/31/17	(1,755.01)	
DD	Napolitano, James F	Payroll 3/31/17	(2,523.36)	
DD	Raica, Carol D	Payroll 3/31/17	(222.14)	
DD	Rather, Regina S.	Payroll 3/31/17	(347.45)	
DD	Riley, James A.	Payroll 3/31/17	(1,614.19)	
DD	Rosario III, Miguel A.	Payroll 3/31/17	(1,346.29)	
DD	Rosendo, Jose A	Payroll 3/31/17	(1,187.35)	

City of Montgomery - General
Cash Flow Report - Checking Account

As of April 20, 2017

Num	Name	Memo	Amount	Balance
Disbursements				
DD	Slaughter, Ashley A.	Payroll 3/31/17	(1,137.04)	
DD	Standifer, Eric L.	Payroll 3/31/17	(1,324.60)	
DD	Thomas, Ryan A	Payroll 3/31/17	(1,234.51)	
DD	Thompson, Kevin A.	Payroll 3/31/17	(757.23)	
DD	Yates, Jack R	Payroll 3/31/17	(3,250.79)	
DD	Belmares, Jose N.	Payroll 4/13/17	(1,920.92)	
DD	Bickford, Dana N	Payroll 4/13/17	(381.65)	
DD	Bracht, James C.	Payroll 4/13/17	(1,725.03)	
DD	Carswell, Christopher M	Payroll 4/13/17	(1,049.22)	
DD	Duckett, Kimberly T.	Payroll 4/13/17	(1,067.12)	
DD	Gonzalez, Krystal	Payroll 4/13/17	(1,092.43)	
DD	Hensley, Susan I.	Payroll 4/13/17	(1,525.85)	
DD	Hernandez, George J.	Payroll 4/13/17	(972.30)	
DD	Kohl, Julie J	Payroll 4/13/17	(11.55)	
DD	Kowarsch, Robert D	Payroll 4/13/17	(147.76)	
DD	Lehn, Rebecca L.	Payroll 4/13/17	(1,825.12)	
DD	Muckleroy, Micha D.	Payroll 4/13/17	(1,755.01)	
DD	Napolitano, James F	Payroll 4/13/17	(2,523.35)	
DD	Raica, Carol D	Payroll 4/13/17	(265.60)	
DD	Rather, Regina S.	Payroll 4/13/17	(434.92)	
DD	Redman, Leslie A.	Payroll 4/13/17	(174.11)	
DD	Riley, James A.	Payroll 4/13/17	(1,451.76)	
DD	Rosario III, Miguel A.	Payroll 4/13/17	(1,346.30)	
DD	Rosendo, Jose A	Payroll 4/13/17	(1,187.34)	
DD	Slaughter, Ashley A.	Payroll 4/13/17	(1,162.75)	
DD	Standifer, Eric L.	Payroll 4/13/17	(1,384.71)	
DD	Thomas, Ryan A	Payroll 4/13/17	(1,234.50)	
DD	Thompson, Kevin A.	Payroll 4/13/17	(774.67)	
DD	Yates, Jack R	Payroll 4/13/17	(3,250.78)	
DD	Bauer, Timothy M	Payroll 4/13/17	(1,258.21)	
DM	ETS Corporation	Credit Card Fees 02/17	(738.11)	
POJ.	United States Treasury	ID #74-2063592, form 941, Tax period 12/31/16	(123.68)	
Total Disbursements			(263,842.10)	(263,842.10)
BALANCE AS OF 04/20/2017				\$353,872.10

City of Montgomery - General
Cash Flow Report - Police Drug & Misc Fund Account
 As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$10,675.64
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 04/20/2017				<u>\$10,675.64</u>

City of Montgomery - General
Cash Flow Report - COPS Universal Award Account
 As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 04/20/2017				<u><u>\$10.00</u></u>

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

Accrual Basis

March 2017

	Mar 17	Budget	\$ Over Bu...	Oct '16 - ...	YTD Bud...	\$ Over Bu...	Annual B...
Ordinary Income/Expense							
Income							
14000.1 · Taxes & Franchise Fees							
14103 · Beverage Tax	0.00	1,000.00	-1,000.00	3,025.35	2,000.00	1,025.35	4,000.00
14111 · Franchise Tax	1.02	5,833.34	-5,832.32	9,064.52	34,999.96	-25,935.44	70,000.00
14320 · Ad Valorem Taxes	-5,895.98	37,768.00	-43,663.98	307,932.71	264,376.00	43,556.71	339,912.00
14330 · Penalties & Interest on Adv Tax	0.00	125.00	-125.00	677.60	1,500.00	-822.40	2,500.00
14331 · Rendition Penalties	0.00	16.67	-16.67	0.00	99.98	-99.98	200.00
14600 · Sales Tax	104,419.24	138,500.00	-34,080.76	693,967.36	825,000.00	-131,032.64	1,650,000.00
Total 14000.1 · Taxes & Franchise Fees	98,524.28	183,243.01	-84,718.73	1,014,667.54	1,127,975.94	-113,308.40	2,066,612.00
14000.2 · Permits & Licenses							
14105 · Building Permits	18,319.81	10,833.34	7,486.47	90,214.76	64,999.96	25,214.80	130,000.00
14146 · Vendor Permits	0.00	8.34	-8.34	0.00	49.96	-49.96	100.00
14611 · Sign Fee	100.00	125.00	-25.00	512.00	750.00	-238.00	1,500.00
14612 · Misc Permit Fees(plats & Zoning)	52.00	166.67	-114.67	1,892.66	999.98	892.68	2,000.00
Total 14000.2 · Permits & Licenses	18,471.81	11,133.35	7,338.46	92,619.42	66,799.90	25,819.52	133,600.00
14000.4 · Fees for Service							
14380 · Community Bldg Rental	280.00	483.34	-203.34	1,885.00	2,899.96	-1,014.96	5,800.00
14381 · Kiosk Revenue	0.00	2.50	-2.50	0.00	15.00	-15.00	30.00
14385 · Right of Way Use Fees	14.28	229.17	-214.89	563.06	1,374.98	-811.92	2,750.00
Total 14000.4 · Fees for Service	294.28	715.01	-420.73	2,448.06	4,289.94	-1,841.88	8,580.00
14000.5 · Court Fines & Forfeitures							
14101 · Collection Fees	4,489.78	2,000.00	2,489.78	22,721.61	12,000.00	10,721.61	24,000.00
14102 · Asset Forfeitures	0.00	91.67	-91.67	0.00	549.98	-549.98	1,100.00
14104 · Bond Fees (Dedicated)	0.00	0.00	0.00	0.00	-500.00	500.00	-500.00
14106 · Child Belt/Safety (Dedicated)	44.28	166.67	-122.39	784.77	999.98	-215.21	2,000.00
14110 · Fines	51,113.27	41,666.67	9,446.60	276,036.58	249,999.98	26,036.60	500,000.00
14118 · OMNI	223.98	166.67	57.31	1,785.43	999.98	785.45	2,000.00
14120 · State - (Dedicated)	0.00	16,666.67	-16,666.67	0.00	99,999.98	-99,999.98	200,000.00
14125 · Warrant Fees	0.00	0.00	0.00	0.00	25.00	-25.00	50.00
14126 · Judicial Efficiency (Dedicated)	194.54	166.67	27.87	1,017.01	999.98	17.03	2,000.00
14130 · Accident Reports	24.00	16.67	7.33	96.00	99.98	-3.98	200.00
Total 14000.5 · Court Fines & Forfeitures	56,089.85	60,941.69	-4,851.84	302,441.40	365,174.86	-62,733.46	730,850.00
14000.6 · Other Revenues							
15380 · Unanticipated Income	10.00			6,332.53			
15391 · Interest Income	13.56	41.67	-28.11	259.65	249.98	9.67	500.00
15392 · Interest on Investments	239.04	83.34	155.70	804.67	499.96	304.71	1,000.00
Total 14000.6 · Other Revenues	262.60	125.01	137.59	7,396.85	749.94	6,646.91	1,500.00
15350 · Proceeds from sales	0.00	0.00	0.00	0.00	10,000.00	-10,000.00	10,000.00
15393 · Police Grant Revenue	0.00			2,301.88			
Total Income	173,642.82	256,158.07	-82,515.25	1,421,875.15	1,574,990.58	-153,115.43	2,951,142.00
Expense							
16000 · Personnel							
16353.1 · Health Ins.	7,958.40	8,213.34	-254.94	46,956.65	49,279.96	-2,323.31	98,560.00
16353.4 · Unemployment Ins.	498.15	413.35	84.80	3,798.77	2,479.90	1,318.87	4,960.00
16353.5 · Workers Comp.	1,441.99	1,659.18	-217.19	10,936.33	9,954.92	981.41	19,910.00
16353.6 · Dental & Vision Insurance	1,083.04	950.01	133.03	4,657.50	5,699.94	-1,042.44	11,400.00
16353.7 · Life & AD&D Insurance	111.51	120.85	-9.34	303.94	724.90	-420.96	1,450.00
16560 · Payroll Taxes	10,933.15	6,832.52	4,100.63	48,346.79	40,994.88	7,351.91	81,990.00
16600 · Wages	130,183.02	86,713.34	43,469.68	529,968.57	520,279.96	9,688.61	1,040,560.00
16600.1 · Overtime	2,531.55	1,625.01	906.54	14,496.36	9,749.94	4,746.42	19,500.00
16620 · Retirement Expense	7,721.66	3,543.35	4,178.31	27,473.09	21,259.90	6,213.19	42,520.00
Total 16000 · Personnel	162,462.47	110,070.95	52,391.52	686,938.00	660,424.30	26,513.70	1,320,850.00
16001 · Communications							
16338 · Advertising/Promotion	579.24	583.34	-4.10	3,658.59	5,499.96	-1,841.37	9,000.00

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

Accrual Basis

March 2017

	Mar 17	Budget	\$ Over Bu...	Oct '16 - ...	YTD Bud...	\$ Over Bu...	Annual B...
Total 16001 · Communications	579.24	583.34	-4.10	3,658.59	5,499.96	-1,841.37	9,000.00
16002 · Contract Services							
16102 · General Consultant Fees	520.83	5,100.01	-4,579.18	6,417.33	30,599.94	-24,182.61	61,200.00
16220 · Omni Expense	840.00	291.67	548.33	1,595.45	1,749.98	-154.53	3,500.00
16242 · Prosecutors Fees	450.00	958.34	-508.34	4,500.00	5,749.96	-1,249.96	11,500.00
16280 · Mowing	6,666.67	7,083.34	-416.67	38,281.68	42,499.96	-4,218.28	85,000.00
16299 · Inspections/Permits	6,797.50	4,583.34	2,214.16	30,559.75	27,499.96	3,059.79	55,000.00
16310 · Judge's Fec	1,500.00	1,500.00	0.00	9,000.00	9,000.00	0.00	18,000.00
16320 · Legal	2,726.49	3,166.67	-440.18	12,418.47	18,999.98	-6,581.51	38,000.00
16321 · Audit Fees	0.00	9,000.00	-9,000.00	0.00	19,000.00	-19,000.00	19,000.00
16322 · Engineering	0.00	6,250.01	-6,250.01	38,332.00	37,499.94	832.06	75,000.00
16326 · Collection Agency Fees	0.00	2,500.00	-2,500.00	21,367.73	15,000.00	6,367.73	30,000.00
16333 · Accounting Fees	7,662.57	6,583.34	1,079.23	46,097.07	39,499.96	6,597.11	79,000.00
16335 · Repairs & Maintenance							
16335.1 · Maintenance - Vehicles & Equip							
16334 · Gas/Oil	0.00	2,458.34	-2,458.34	11,109.37	14,749.96	-3,640.59	29,500.00
16343 · Tractor & Mower	0.00	166.67	-166.67	30.11	999.98	-969.87	2,000.00
16357 · Auto Repairs	1,798.80	1,458.34	340.46	8,044.95	8,749.96	-705.01	17,500.00
16373 · Equipment repairs	30.00	541.67	-511.67	1,565.53	3,249.98	-1,684.45	6,500.00
16374 · Building Repairs-City Hall/Comm	70.75	1,541.67	-1,470.92	1,391.20	9,249.98	-7,858.78	18,500.00
16375 · Street Repairs - Minor							
16375.1 · Streets-Preventive Maintenance	0.00	1,500.00	-1,500.00	10,975.00	9,000.00	1,975.00	18,000.00
16375 · Street Repairs - Minor - Other	5,062.18	1,250.00	3,812.18	10,968.01	7,500.00	3,468.01	15,000.00
Total 16375 · Street Repairs - Minor	5,062.18	2,750.00	2,312.18	21,943.01	16,500.00	5,443.01	33,000.00
16335.1 · Maintenance - Vehicles & Equip ...	0.00			7.50			
Total 16335.1 · Maintenance - Vehicles & Eq...	6,961.73	8,916.69	-1,954.96	44,091.67	53,499.86	-9,408.19	107,000.00
16335 · Repairs & Maintenance - Other	1,600.00	1,775.00	-175.00	4,372.08	10,650.00	-6,277.92	21,300.00
Total 16335 · Repairs & Maintenance	8,561.73	10,691.69	-2,129.96	48,463.75	64,149.86	-15,686.11	128,300.00
16337 · Street Signs	538.84	541.67	-2.83	4,947.21	3,249.98	1,697.23	6,500.00
16340 · Printing & Office supplies	58.69	666.68	-607.99	2,714.73	3,999.92	-1,285.19	8,000.00
16342 · Computers/Website	1,041.67	1,233.35	-191.68	9,242.60	7,399.90	1,842.70	14,800.00
16350 · Postage/Delivery	0.00	441.68	-441.68	1,340.30	2,649.92	-1,309.62	5,300.00
16351 · Telephone	2,077.11	2,658.34	-581.23	9,802.62	15,949.96	-6,147.34	31,900.00
16360 · Tax Assessor Fees	0.00	0.00	0.00	1,514.87	4,500.00	-2,985.13	4,500.00
16370 · Election	0.00	0.00	0.00	0.00	0.00	0.00	16,000.00
17030 · Mobil Data Terminal	1,395.99	666.67	729.32	7,972.40	3,999.98	3,972.42	8,000.00
17031 · Police Officer Scheduling Serv	0.00	0.00	0.00	376.29	2,000.00	-1,623.71	2,000.00
17040 · Computer/Technology	1,562.50	1,166.68	395.82	8,467.21	6,999.92	1,467.29	14,000.00
17510 · State Portion of Fines/Payouts	49,550.56	16,666.67	32,883.89	100,489.31	99,999.98	489.33	200,000.00
Total 16002 · Contract Services	91,951.15	81,750.15	10,201.00	403,900.77	461,999.10	-58,098.33	914,500.00
16003 · Supplies & Equipment							
16244 · Radio Fees	0.00	416.67	-416.67	0.00	2,499.98	-2,499.98	5,000.00
16328 · Uniforms & Protective Gear	1,347.41	1,333.34	14.07	6,126.14	7,999.96	-1,873.82	16,000.00
16358 · Copier/Fax Machine Lease	1,474.45	833.35	641.10	8,809.54	4,999.90	3,809.64	10,000.00
16460 · Operating Supplies (Office)							
16460.1 · Streets and Drainage	0.00	291.67	-291.67	1,114.19	1,749.98	-635.79	3,500.00
16460.2 · Cedar Brake Park	55.40	333.34	-277.94	1,720.45	1,999.96	-279.51	4,000.00
16460.3 · Homecoming Park	55.41	500.00	-444.59	185.62	3,000.00	-2,814.38	6,000.00
16460.4 · Fernland Park	55.42	250.00	-194.58	511.98	1,500.00	-988.02	3,000.00
16460.5 · Community Building	0.00	416.67	-416.67	1,496.69	2,499.98	-1,003.29	5,000.00
16460.6 · Tools, Etc	195.24	166.67	28.57	829.74	999.98	-170.24	2,000.00
16460.7 · Memory Park	55.41	250.00	-194.59	1,381.33	1,500.00	-118.67	3,000.00
16460 · Operating Snpplies (Office) - Other	511.79	2,300.01	-1,788.22	8,547.74	13,799.94	-5,252.20	27,600.00
Total 16460 · Operating Snpplies (Office)	928.67	4,508.36	-3,579.69	15,787.74	27,049.84	-11,262.10	54,100.00
16503 · Code Enforcement Expenses	0.00	83.34	-83.34	0.00	499.96	-499.96	1,000.00
17010 · Emergency Equipment	0.00	250.00	-250.00	0.00	1,500.00	-1,500.00	3,000.00
17050 · Radios	0.00	2,166.67	-2,166.67	22,915.29	12,999.98	9,915.31	26,000.00

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

Accrual Basis

March 2017

	Mar 17	Budget	\$ Over Bu...	Oct '16 - ...	YTD Bud...	\$ Over Bu...	Annual B...
17100 · Capital Purchase Furniture	3,613.15	0.00	3,613.15	6,579.43	23,200.00	-16,620.57	23,200.00
16003 · Supplies & Equipment - Other	56.91	583.34	-526.43	331.51	3,499.96	-3,168.45	7,000.00
Total 16003 · Supplies & Equipment	7,420.59	10,175.07	-2,754.48	60,549.65	84,249.58	-23,699.93	145,300.00
16004 · Staff Development							
16241 · Police Training/Education	1,700.90	583.34	1,117.56	2,431.15	3,499.96	-1,068.81	7,000.00
16339 · Dues & Subscriptions	339.00	166.67	172.33	1,526.16	3,999.98	-2,473.82	5,000.00
16341 · Community Relations (Education)	0.00	266.68	-266.68	174.21	1,599.92	-1,425.71	3,200.00
16354 · Travel & Training (Travel)	4,519.74	1,541.68	2,978.06	11,954.16	9,249.92	2,704.24	18,500.00
16004 · Staff Development - Other	0.00			25.00			
Total 16004 · Staff Development	6,559.64	2,558.37	4,001.27	16,110.68	18,349.78	-2,239.10	33,700.00
16005 · Maintenance							
16228 · Park Maint-Memory Pk	0.00	708.34	-708.34	889.11	4,249.96	-3,360.85	8,500.00
16229 · Park Maint - Fernland	260.00	816.67	-556.67	593.00	4,899.98	-4,306.98	9,800.00
16230 · Park Maint-Cedar Brake Park	65.00	416.67	-351.67	3,486.69	2,499.98	986.71	5,000.00
16231 · Park Maint. - Homecoming Park	0.00	208.34	-208.34	584.95	1,249.96	-665.01	2,500.00
Total 16005 · Maintenance	325.00	2,150.02	-1,825.02	5,553.75	12,899.88	-7,346.13	25,800.00
16006 · Insurance							
16353.2 · Liability Ins.	1,792.16	1,385.01	407.15	10,752.96	8,309.94	2,443.02	16,620.00
16353.3 · Property Ins.	441.49	383.35	58.14	2,648.98	2,299.90	349.08	4,600.00
Total 16006 · Insurance	2,233.65	1,768.36	465.29	13,401.94	10,609.84	2,792.10	21,220.00
16007 · Utilities							
16351.1 · Utilities - Memory Park -Water	0.00			3,077.54			
16351.2 · Utilities-Fernland Pk-Water	0.00			149.86			
16352.0 · Electronic Sign-City	0.00	41.67	-41.67	197.15	249.98	-52.83	500.00
16352.1 · Street Lights	0.00	1,083.34	-1,083.34	5,771.86	6,499.96	-728.10	13,000.00
16352.2 · Traffic Lights	0.00	100.00	-100.00	140.18	600.00	-459.82	1,200.00
16352.3 · Cedar Brake Park	141.64	266.67	-125.03	1,205.74	1,599.98	-394.24	3,200.00
16352.4 · Homecoming Park	82.72	100.00	-17.28	615.43	600.00	15.43	1,200.00
16352.5 · Fernland Park	502.41	258.34	244.07	1,830.36	1,549.96	280.40	3,100.00
16352.6 · Utilities - City Hall	412.58	666.67	-254.09	4,110.37	3,999.98	110.39	8,000.00
16352.7 · Utilities - Gas	53.92	100.00	-46.08	417.67	600.00	-182.33	1,200.00
16352.8 · Utilities - Comm Center Bldg	566.96	625.00	-58.04	2,676.75	3,750.00	-1,073.25	7,500.00
16352.9 · Utilities-Memory Pk	309.06	1,250.00	-940.94	309.06	7,500.00	-7,190.94	15,000.00
16007 · Utilities - Other	0.00			73.42			
Total 16007 · Utilities	2,069.29	4,491.69	-2,422.40	20,575.39	26,949.86	-6,374.47	53,900.00
16008 · Capital Outlay							
16233 · Cap Outlay- Com Building Proj							
16233.1 · Irrigation System	0.00			134.84			
16233 · Cap Outlay- Com Building Proj - Ot...	0.00	166.67	-166.67	0.00	999.98	-999.98	2,000.00
Total 16233 · Cap Outlay- Com Building Proj	0.00	166.67	-166.67	134.84	999.98	-865.14	2,000.00
17070 · Capital Outlay - Police Cars							
17070.1 · Emergency Lights, Decals	3,965.61	2,083.34	1,882.27	3,965.61	12,499.96	-8,534.35	25,000.00
17070.3 · Vid Tec - In Car	0.00	1,000.00	-1,000.00	0.00	6,000.00	-6,000.00	12,000.00
17070 · Capital Outlay - Police Cars - Other	0.00	0.00	0.00	49,404.35	63,000.00	-13,595.65	63,000.00
Total 17070 · Capital Outlay - Police Cars	3,965.61	3,083.34	882.27	53,369.96	81,499.96	-28,130.00	100,000.00
17071 · Cap Purchase - Computers/Equip							
17071.1 · Copsync	0.00	541.67	-541.67	5,483.88	3,249.98	2,233.90	6,500.00
17071.2 · Radar	0.00	333.34	-333.34	319.00	1,999.96	-1,680.96	4,000.00
17071.4 · Laser Fish (Software Equip)	0.00	0.00	0.00	0.00	1,000.00	-1,000.00	1,000.00
17071.6 · Investigative and Testing Equip	0.00	0.00	0.00	0.00	3,000.00	-3,000.00	3,000.00
17071.7 · Ballistic Vests & Shields	0.00	0.00	0.00	0.00	5,000.00	-5,000.00	5,000.00
17071 · Cap Purchase - Computers/Equip - Ot...	41.00	1,250.00	-1,209.00	10,399.54	15,200.00	-4,800.46	22,700.00
Total 17071 · Cap Purchase - Computers/Equip	41.00	2,125.01	-2,084.01	16,202.42	29,449.94	-13,247.52	42,200.00
17071.5 · Patrol Weapons	0.00	333.34	-333.34	0.00	1,999.96	-1,999.96	4,000.00
17072 · Capital Outlay-PWarks Items	2,720.00	5,033.34	-2,313.34	56,168.84	30,199.96	25,968.88	60,400.00

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

Accrual Basis

March 2017

	Mar 17	Budget	\$ Over Bu...	Oct '16 - ...	YTD Bud...	\$ Over Bu...	Annual B...
17080 · Capital Outlay-Improvements	0.00	833.34	-833.34	35,105.15	4,999.96	30,105.19	10,000.00
Total 16008 · Capital Outlay	6,726.61	11,575.04	-4,848.43	160,981.21	149,149.76	11,831.45	218,600.00
16009 · Miscellaneous Expenses							
16590 · Misc. Expense	738.11	300.02	438.09	3,477.74	1,799.88	1,677.86	3,600.00
16009 · Miscellaneous Expenses - Other	0.00			-2,874.51			
Total 16009 · Miscellaneous Expenses	738.11	300.02	438.09	603.23	1,799.88	-1,196.65	3,600.00
16010 · Contingency	0.00	0.00	0.00	0.00	100.00	-100.00	100.00
16500 · Leases - Parks and Recreation							
16504 · Adams Park	0.00	0.00	0.00	3,364.70	0.00	3,364.70	2,800.00
Total 16500 · Leases - Parks and Recreation	0.00	0.00	0.00	3,364.70	0.00	3,364.70	2,800.00
17500 · Sales Tax Rebatement	0.00	12,333.34	-12,333.34	0.00	73,999.96	-73,999.96	148,000.00
Total Expense	281,065.75	237,756.35	43,309.40	1375637.91	1506031.90	-130,393.99	2897370.00
Net Ordinary Income	-107,422.93	18,401.72	-125,824.65	46,237.24	68,958.68	-22,721.44	53,772.00
Other Income/Expense							
Other Income							
14000.3 · Transfers In							
14620.2 · Admin Transfer from MEDC	0.00	9,375.00	-9,375.00	9,375.00	18,750.00	-9,375.00	37,500.00
14620.4 · Admin Trf from Court Security	0.00	850.00	-850.00	0.00	1,700.00	-1,700.00	3,400.00
Total 14000.3 · Transfers In	0.00	10,225.00	-10,225.00	9,375.00	20,450.00	-11,075.00	40,900.00
Total Other Income	0.00	10,225.00	-10,225.00	9,375.00	20,450.00	-11,075.00	40,900.00
Net Other Income	0.00	10,225.00	-10,225.00	9,375.00	20,450.00	-11,075.00	40,900.00
Net Income	-107,422.93	28,626.72	-136,049.65	55,612.24	89,408.68	-33,796.44	94,672.00

City of Montgomery - Capital Projects
Cash Flow Report - Const CkgW&S Proj 1058544 Account
 As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$519.58
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 04/20/2017				<u><u>\$519.58</u></u>

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

Accrual Basis

March 2017

	Mar 17	Budget	% of ...	Oct '1...	YTD Bud...	% of ...	Annual Bu...
Ordinary Income/Expense							
Income							
43956 · Proceeds of Sale - TWDB 2017	0.00	0.00	0.0%	0.00	2,667,000.00	0.0%	2,667,000.00
45391 · Interest Earned	0.31	8.34	3.7%	1.94	49.96	3.9%	100.00
Total Income	0.31	8.34	3.7%	1.94	2,667,049.96	0.0%	2,667,100.00
Expense							
43890 · Engineering -Series 2012							
43890.1 · Eng-Catahoula Aquifer WW	0.00			0.00	0.00	0.0%	0.00
43890.2 · Eng-WP #3 Improvements	0.00	11,786.67	0.0%	0.00	35,359.98	0.0%	106,080.00
43890.4 · Eng - Waterline replacement	0.00	9,626.67	0.0%	0.00	28,879.98	0.0%	86,640.00
43890.5 · Eng-Carwile LS & Force Main	0.00	14,133.34	0.0%	0.00	42,399.96	0.0%	127,200.00
43890 · Engineering -Series 2012 - Other	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 43890 · Engineering -Series 2012	0.00	35,546.68	0.0%	0.00	106,639.92	0.0%	319,920.00
44000 · Wastewater System							
44000.1 · Wastewater-Lift Station Repair	0.00			0.00	0.00	0.0%	0.00
44002 · Cap Outlay-SS Diversion/Permit	0.00			0.00	0.00	0.0%	0.00
44006 · LS #1 Expansion	0.00	108,114.26	0.0%	0.00	108,114.26	0.0%	756,800.00
44007 · LS#3 Forcemain Reroute	0.00	25,142.84	0.0%	0.00	25,142.84	0.0%	176,000.00
Total 44000 · Wastewater System	0.00	133,257.10	0.0%	0.00	133,257.10	0.0%	932,800.00
45000 · Water System- Capital Proj							
43976.1 · SH 105 Water Lines	0.00	90,765.70	0.0%	0.00	90,765.70	0.0%	635,360.00
43992.1 · Water Plant #3 -Cat Well Improv	0.00	111,131.42	0.0%	0.00	111,131.42	0.0%	777,920.00
Total 45000 · Water System- Capital Proj	0.00	201,897.12	0.0%	0.00	201,897.12	0.0%	1,413,280.00
46000 · Roadway System Improvements							
46000.1 · Water - Meters	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
46000 · Roadway System Improvements - Other	0.00			0.00	0.00	0.0%	0.00
Total 46000 · Roadway System Improvements	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
48000 · Cap Outlay-Fac, Equip. & PIng							
48000.1 · Water-Buffalo Sp Bridge Proj	0.00			0.00	0.00	0.0%	0.00
48000.2 · Kroger Project	0.00			0.00	0.00	0.0%	0.00
48000 · Cap Outlay-Fac, Equip. & PIng - Other	0.00			0.00	0.00	0.0%	0.00
Total 48000 · Cap Outlay-Fac, Equip. & PIng	0.00			0.00	0.00	0.0%	0.00
Total Expense	0.00	370,700.90	0.0%	0.00	441,794.14	0.0%	2,666,000.00
Net Ordinary Income	0.31	-370,692.56	-0.0%	1.94	2,225,255.82	0.0%	1,100.00
Net Income	0.31	-370,692.56	-0.0%	1.94	2,225,255.82	0.0%	1,100.00

City of Montgomery - Debt Service
Cash Flow Report - Checking Account

As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$29,748.38
Receipts				
	Interest		0.54	
Total Receipts				0.54
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 04/20/2017				<u>\$29,748.92</u>

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04/20/17

Accrual Basis

City of Montgomery - Debt Service
Profit & Loss Budget Performance
March 2017

	Mar 17	Budget	\$ Over Bu...	Oct '16 - ...	YTD Budget	\$ Over Bu...	Annual Bu...
Income							
34000 · Taxes & Franchise Fees							
34320 · Ad Valorem Taxes	0.00	12,500.00	-12,500.00	454,950.05	322,125.90	132,824.15	348,091.00
34330 · Penalty & Interest	0.00	546.91	-546.91	711.12	1,306.23	-595.11	3,300.00
Total 34000 · Taxes & Franchise Fees	0.00	13,046.91	-13,046.91	455,661.17	323,432.13	132,229.04	351,391.00
34100 · Transfers							
34301.4 · Transfers in-MEDC Fund	0.00	0.00	0.00	63,750.00	63,750.00	0.00	127,500.00
34301.5 · Transfers in - Utility Fund	0.00	0.00	0.00	0.00	62,800.00	-62,800.00	125,600.00
Total 34100 · Transfers	0.00	0.00	0.00	63,750.00	126,550.00	-62,800.00	253,100.00
34200 · Proceeds-Bond Series Refundings							
35000 · Other Revenues							
35390 · Interest on Checking	0.00	0.00	0.00	12.03	27.83	-15.80	40.00
35391 · Interest on Investments	13.38	122.00	-108.62	70.07	728.00	-657.93	1,460.00
Total 35000 · Other Revenues	13.38	122.00	-108.62	82.10	755.83	-673.73	1,500.00
Total Income	13.38	13,168.91	-13,155.53	519,493.27	450,737.96	68,755.31	605,991.00
Expense							
37000 · Debt Service							
37360 · Interest Payments On Note	0.00	8,261.25	-8,261.25	8,261.25	8,261.25	0.00	46,022.91
37363 · Paying Agent Fees	0.00	0.00	0.00	250.00	1,250.00	-1,000.00	2,500.00
37365 · Interest 2012 Series Premium	0.00	98,096.88	-98,096.88	98,096.88	98,096.88	0.00	193,343.76
37395 · Principal Note Payments	0.00	305,000.00	-305,000.00	305,000.00	305,000.00	0.00	305,000.00
Total 37000 · Debt Service	0.00	411,358.13	-411,358.13	411,608.13	412,608.13	-1,000.00	546,866.67
37370 · Expenses-Refunding Bond Act							
37440 · Payment to Refunding Bond Agent	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expense	0.00	411,358.13	-411,358.13	411,608.13	412,608.13	-1,000.00	546,866.67
Net Income	13.38	-398,189.22	398,202.60	107,885.14	38,129.83	69,755.31	59,124.33

City of Montgomery - Ct Security Fund
Cash Flow Report - Checking Account
 As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$4,287.72
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 04/20/2017				\$4,287.72

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

Accrual Basis

March 2017

	Mar 17	Budget	\$ Over ...	Oct '16 ~...	YTD B...	\$ Over ...	Annual ...
Ordinary Income/Expense							
Income							
84110 · Court Fines & Forfeitures							
84110.1 · Court Security Fees	0.00	458.34	-458.34	2,554.44	2,749.96	-195.52	5,500.00
Total 84110 · Court Fines & Forfeitures	0.00	458.34	-458.34	2,554.44	2,749.96	-195.52	5,500.00
84120 · Other Revenues							
84120.1 · Interest Income	0.00	0.42	-0.42	1.18	2.48	-1.30	5.00
Total 84120 · Other Revenues	0.00	0.42	-0.42	1.18	2.48	-1.30	5.00
Total Income	0.00	458.76	-458.76	2,555.62	2,752.44	-196.82	5,505.00
Expense							
86000 · Contracted Services							
86463 · Cap Outlay - Bldg Sec Equip	0.00			16,770.00			
Total 86000 · Contracted Services	0.00			16,770.00			
86005 · Miscellaneous Expenses	0.00	100.00	-100.00	0.00	400.00	-400.00	1,000.00
Total Expense	0.00	100.00	-100.00	16,770.00	400.00	16,370.00	1,000.00
Net Ordinary Income	0.00	358.76	-358.76	-14,214.38	2,352.44	-16,566.82	4,505.00
Other Income/Expense							
Other Expense							
86560 · Interfund Transfers							
86551 · Baliff Transfer to General Fund	0.00	850.00	-850.00	0.00	1,700.00	-1,700.00	3,400.00
Total 86560 · Interfund Traufers	0.00	850.00	-850.00	0.00	1,700.00	-1,700.00	3,400.00
Total Other Expense	0.00	850.00	-850.00	0.00	1,700.00	-1,700.00	3,400.00
Net Other Income	0.00	-850.00	850.00	0.00	-1,700.00	1,700.00	-3,400.00
Net Income	<u>0.00</u>	<u>-491.24</u>	<u>491.24</u>	<u>-14,214.38</u>	<u>652.44</u>	<u>-14,866.82</u>	<u>1,105.00</u>

City of Montgomery - Ct Tech Fund
Cash Flow Report - Checking Account
 As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$22,418.03
Receipts				
	Interest		0.20	
Total Receipts				0.20
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 04/20/2017				\$22,418.23

**City of Montgomery - Ct Tech Fund
Actual to Budget Performance**

March 2017

Accrual Basis

	<u>Mar 17</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct '16 -...</u>	<u>YTD Bu...</u>	<u>\$ Over ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
74100 · Court Fines and Forfeitures							
74110 · Court Technology Fees	0.00	500.00	-500.00	3,412.28	3,000.00	412.28	6,000.00
Total 74100 · Court Fines and Forfeitures	0.00	500.00	-500.00	3,412.28	3,000.00	412.28	6,000.00
74200 · Other Revenues							
74291 · Interest Income	0.20	0.17	0.03	1.71	0.98	0.73	2.00
Total 74200 · Other Revenues	0.20	0.17	0.03	1.71	0.98	0.73	2.00
Total Income	0.20	500.17	-499.97	3,413.99	3,000.98	413.01	6,002.00
Expense							
76200 · Contract Services							
76362 · Computer/Website Services	0.00	0.00	0.00	0.00	1,200.00	-1,200.00	4,800.00
Total 76200 · Contract Services	0.00	0.00	0.00	0.00	1,200.00	-1,200.00	4,800.00
Total Expense	0.00	0.00	0.00	0.00	1,200.00	-1,200.00	4,800.00
Net Ordinary Income	0.20	500.17	-499.97	3,413.99	1,800.98	1,613.01	1,202.00
Net Income	0.20	500.17	-499.97	3,413.99	1,800.98	1,613.01	1,202.00

City of Montgomery - Grant
Cash Flow Report - Grant Account Account
 As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$287.74
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 04/20/2017				\$287.74

City of Montgomery - Grant
Cash Flow Report - Checking Account
 As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 04/20/2017				\$10.00

City of Montgomery - Hotel Occupancy Tax Fund
Cash Flow Report - Checking Account
 As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$9,399.90
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 04/20/2017				<u>\$9,399.90</u>

City of Montgomery - MEDC
Cash Flow Report - MEDC Checking Account
As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$263,796.71
Receipts				
	No Receipts Activity		<u>0.00</u>	
Total Receipts				0.00
Disbursements				
1798	City of Montgomery- Utility Fund	Cost of Sewer Tap per const. drawings	(15,000.00)	
1799	Houston Press	D-10121523, 10121669	(415.35)	
1800	Montgomery Area Chamber of Commerce	Moravec attendance - Economic Development Co	(100.00)	
1801	Waste Management of Texas, Inc.	1411871-1792-6, 1411904-1792-5	(827.56)	
1802	Montgomery Area Chamber of Commerce	Partnership Grant for Director Services & Office S	<u>(2,566.67)</u>	
Total Disbursements				<u>(18,909.58)</u>
BALANCE AS OF 04/20/2017				<u><u>\$244,887.13</u></u>

City of Montgomery - MEDC
Actual to Budget Performance

March 2017

	Mar 17	Budget	\$ Over ...	Oct '16 - ...	YTD Bud...	\$ Over Bu...	Annual Bu...
Income							
55000 · Taxes & Franchise Fees							
55400 · Sales Tax	34,806.41	38,784.53	(3,978.12)	231,322.47	267,956.13	(36,633.66)	557,000.00
Total 55000 · Taxes & Franchise Fees	34,806.41	38,784.53	(3,978.12)	231,322.47	267,956.13	(36,633.66)	557,000.00
55300 · Other Revenues							
55391 · Interest Income	123.72	41.67	82.05	746.91	249.98	496.93	500.00
Total 55300 · Other Revenues	123.72	41.67	82.05	746.91	249.98	496.93	500.00
Total Income	34,930.13	38,826.20	(3,896.07)	232,069.38	268,206.11	(36,136.73)	557,500.00
Expense							
56000 · Pub Infrastructure - Category I							
56000.6 · DowntownDev Improvments	0.00	0.00	0.00	24,382.00	23,333.33	1,048.67	35,000.00
56000.8 · Utility Extensions	15,000.00	16,666.67	(1,666.67)	15,000.00	99,999.98	(84,999.98)	200,000.00
56000.9 · Flagship Dev Improvements	0.00	833.34	(833.34)	0.00	4,999.96	(4,999.96)	10,000.00
56430 · Tsf to Debt Service	0.00	0.00	0.00	63,750.00	63,750.00	0.00	127,500.00
Total 56000 · Pub Infrastructure - Category I	15,000.00	17,500.01	(2,500.01)	103,132.00	192,083.27	(88,951.27)	372,500.00
56001 · Business Dev & Ret -Category II							
56001.8 · Sales Tax Reimbursement	0.00	0.00	0.00	0.00	67,000.00	(67,000.00)	67,000.00
56423 · Economic Development Grant Prog	0.00	0.00	0.00	0.00	20,000.00	(20,000.00)	20,000.00
Total 56001 · Business Dev & Ret -Category II	0.00	0.00	0.00	0.00	87,000.00	(87,000.00)	87,000.00
56002 · Quality of Life - Category III							
56404 · Seasonal Decorations	0.00	0.00	0.00	1,399.34	3,000.00	(1,600.66)	3,000.00
56420.2 · Christmas Lighting(Civic Assn)	0.00	0.00	0.00	2,543.42	1,600.00	943.42	1,600.00
56423.1 · Walking Tours	0.00	0.00	0.00	0.00	6,000.00	(6,000.00)	6,000.00
56424.1 · Heritage Village Det. Pond Imp	0.00	0.00	0.00	10,450.00	10,000.00	450.00	10,000.00
56429 · Removal of Blight	5,227.56	0.00	5,227.56	18,091.87	0.00	18,091.87	25,000.00
56433 · Downtown Signs	0.00	0.00	0.00	0.00	1,000.00	(1,000.00)	1,000.00
56435 · Fermland Improvements	0.00	0.00	0.00	0.00	5,000.00	(5,000.00)	5,000.00
56439 · Downtown Enhancement Projects	0.00	2,500.00	(2,500.00)	0.00	12,500.00	(12,500.00)	25,000.00
Total 56002 · Quality of Life - Category III	5,227.56	2,500.00	2,727.56	32,484.63	39,100.00	(6,615.37)	76,600.00
56003 · Marketing & Tourism-Category IV							
56408.1 · Promotional Video	0.00	0.00	0.00	1,900.00	0.00	1,900.00	1,000.00
56409 · Antique Show & Fest	0.00	0.00	0.00	10,000.00	10,000.00	0.00	10,000.00
56413 · Brochures/Printed Literature	0.00	0.00	0.00	1,072.65	4,500.00	(3,427.35)	8,000.00
56414 · Wine & Music Fest	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
56415 · Texian/Heritage Festival	0.00	0.00	0.00	8,000.00	0.00	8,000.00	8,000.00
56418 · Christmas in Montgomery	0.00	0.00	0.00	5,000.00	5,000.00	0.00	5,000.00
Total 56003 · Marketing & Tourism-Category IV	0.00	0.00	0.00	25,972.65	19,500.00	6,472.65	42,000.00
56004 · Administration - Category V							
56004.1 · Admin Transfers to Gen Fund	0.00	0.00	0.00	18,750.00	18,750.00	0.00	37,500.00
56004.2 · MACC Administration & Office	2,566.67	2,666.67	(100.00)	15,400.02	15,999.98	(599.96)	32,000.00
56004.3 · Miscellaneous Expenses	230.75	0.00	230.75	2,807.11	2,000.00	807.11	6,000.00
56004.4 · Staffing (1 Pt Time/1 Interim)	0.00	3,750.00	(3,750.00)	0.00	22,500.00	(22,500.00)	45,000.00
56327 · Consulting (Professional servi)	0.00	1,250.00	(1,250.00)	1,030.00	7,500.00	(6,470.00)	15,000.00
56354 · Travel & Training Expenses	100.00	0.00	100.00	1,902.04	1,750.00	152.04	3,500.00
Total 56004 · Administration - Category V	2,897.42	7,666.67	(4,769.25)	39,889.17	68,499.98	(28,610.81)	139,000.00
Total Expense	23,124.98	27,666.68	(4,541.70)	201,478.45	406,183.25	(204,704.80)	717,100.00
Net Income	11,805.15	11,159.52	645.63	30,590.93	(137,977.14)	168,568.07	(159,600.00)

City of Montgomery - Police Asset Forfeiture
Cash Flow Report - Checking Account
 As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$4,272.25
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 04/20/2017				<u><u>\$4,272.25</u></u>

City of Montgomery - Water & Sewer
Cash Flow Report - Water & Sewer Fund Account
As of April 20, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 03/23/2017				\$299,415.39
Receipts				
	WS Rev CL 3/17		101,907.80	
	W&S Rev OS 3/17		4,851.48	
	Fees OS 3/17		65.00	
	Fees Rev CL 3/17		1,255.00	
	Interest		6.41	
Total Receipts				108,085.69
Disbursements				
13407	Accurate Utility Supply, LLC	Repairs Inv 136278	(68.15)	
13408	Consolidated Communications	936-597-4774 - New Summit Business Park Auto	(37.73)	
13409	Entergy	PartUtilities per spreadsheet 2/17	(1,287.29)	
13410	Magna Flow Environmental, Inc	Sludge Hauling #46083	(2,805.76)	
13411	Neil Technical Services, Inc	WP #2 - Investigate Booster Pump Tripping Inv 72	(505.00)	
13412	R & C Joy, Inc.	Testing Inv 5990	(614.00)	
13413	Consolidated Communications	936-597-4826 - New Summit Business Park Auto	(37.73)	
13414	Motik Custom Homes	Deposit Refund 107 Abner Lane	(77.10)	
13415	Consolidated Communications	936-597-8846/0 - Stewart Creek WWTP 4/17	(38.85)	
13416	DXI Industries Inc.	Chemicals - WP #3 -Inv. 055004591-17	(201.60)	
13417	Entergy	PartUtilities per spreadsheet 3/17	(10,543.54)	
13418	Municipal Accounts & Consulting, L.P.	Accounting Service Inv 46174 3/17	(400.00)	
13419	Neil Technical Services, Inc	72780, 72747	(8,037.50)	
13420	TML - IRP	Insurance Premiums 4/17	(1,188.43)	
13421	Accurate Utility Supply, LLC	Repairs Inv 136631	(1,111.64)	
13422	City of Montgomery - Utility Fund	Water Usage Buffalo Spring Sewer Plant - 2317	(26.72)	
13423	Darden, Fowler & Creighton, L.L.P.	Legal Fees 3/17	(1,580.00)	
13424	DataProse, Inc.	DP1700859 - 3/17	(459.28)	
13425	Deborah Mattern	Deposit refund - 914 College	(77.10)	
13426	Entergy	PartUtilities per spreadsheet 3/17	(521.57)	
13427	Gulf Utility Service, Inc.	Operations - Inv 15245 3/17	(9,533.38)	
13428	LDC	Generator - 149 South #1 Gen & 105 West #2 Ge	(84.10)	
13429	Milestone Buffalo Springs	Deposit refund 20212 EVA St Hydro	(907.35)	
13430	Neil Technical Services, Inc	LS #3 Inv 72955	(470.00)	
13431	State Comptroller	TIN 1-74-2063592-6 sales tax - 1st Qtr Fees 2017	(1,999.32)	
13432	Texas Excavation Safety System, Inc.	Monthly Message Fees for 3/17 - Inv 17-03528	(73.15)	
13433	Timothy Richardson	Deposit refund 15205 Liberty	(177.10)	
13434	Tyler Technologies	Insite Transaction Fees - Utility Billing #025-1856	(51.25)	
13435	Waste Management	Residential Garbage Collection billing 3/17	(7,359.40)	
DM	ETS Corporation	To record Credit Card Fees 3/17	(990.39)	
DM	Return Deposit	Returned deposit items	(194.67)	
DM	ETS Corporation	To record Charge Back Fees for Returned Items 3/	(6.00)	
Total Disbursements				(51,465.10)
BALANCE AS OF 04/20/2017				\$356,035.98

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

March 2017

	Mar 17	Budget	\$ Over B...	Oct '16 - ...	YTD Bud...	\$ Over B...	Annual Bu...
Ordinary Income/Expense							
Income							
24000 · Charges for Service							
24100 · Water Revenue	32,353.69	40,939.00	(8,585.31)	230,240.13	245,626.00	(15,385.87)	491,260.00
24118 · Surface Water Revenue	381.99	416.67	(34.68)	2,784.04	2,499.98	284.06	5,000.00
24119 · Application Fee	60.00	0.00	60.00	60.00	100.00	(40.00)	200.00
24120 · Disconnect Reconnect	450.00	266.67	183.33	2,550.00	1,599.98	950.02	3,200.00
24200 · Sewer Revenue	26,321.79	25,833.34	488.45	195,143.71	154,999.96	40,143.75	310,000.00
24310 · Tap Fees/Inspections	20,113.75	0.00	20,113.75	122,936.74	25,000.00	97,936.74	50,000.00
24319 · Grease Trap Inspections	850.00	833.34	16.66	5,000.00	4,999.96	0.04	10,000.00
24330 · Late Charges	1,168.70	865.84	302.86	7,559.82	5,194.96	2,364.86	10,390.00
24333 · Returned Ck Fee	0.00	0.00	0.00	230.00	0.00	230.00	0.00
25403 · Solid Waste Revenue	8,160.74	6,666.67	1,494.07	48,530.01	39,999.98	8,530.03	80,000.00
Total 24000 · Charges for Service	89,860.66	75,821.53	14,039.13	615,034.45	480,020.82	135,013.63	960,050.00
24101 · Taxes and Franchise Fees							
24110 · Sales Tax Rev for Solid Waste	664.40	466.67	197.73	3,950.52	2,799.98	1,150.54	5,600.00
Total 24101 · Taxes and Franchise Fees	664.40	466.67	197.73	3,950.52	2,799.98	1,150.54	5,600.00
24121 · Groundwater Reduction Revenue	9,004.05	10,441.67	(1,437.62)	65,623.80	62,649.98	2,973.82	125,300.00
25000 · Other Revenues							
25391 · Interest Income	6.41	8.34	(1.93)	60.37	49.96	10.41	100.00
25392 · Interest earned on Investments	9.45	12.50	(3.05)	43.88	75.00	(31.12)	150.00
25399 · Miscellaneous Revenue	85.00	30.00	55.00	568.50	180.00	388.50	360.00
Total 25000 · Other Revenues	100.86	50.84	50.02	672.75	304.96	367.79	610.00
Total Income	99,629.97	86,780.71	12,849.26	685,281.52	545,775.74	139,505.78	1,091,560.00
Expense							
26001 · Personnel							
26353.1 · Health Ins.	994.80	1,005.25	(10.45)	5,929.76	6,031.50	(101.74)	12,063.00
26353.4 · Unemployment Ins	0.00	29.17	(29.17)	0.00	174.98	(174.98)	350.00
26353.5 · Workers Comp.	125.34	154.17	(28.83)	950.61	924.98	25.63	1,850.00
26353.6 · Dental Insurance	93.28	87.09	6.19	547.20	522.46	24.74	1,045.00
26353.7 · Life & AD&D Insurance	27.80	28.34	(0.54)	166.80	169.96	(3.16)	340.00
26501 · Retirement Expense	0.00	383.34	(383.34)	866.24	2,299.96	(1,433.72)	4,600.00
26560 · Payroll Taxes	0.00	625.00	(625.00)	1,604.51	3,750.00	(2,145.49)	7,500.00
26600 · Wages	0.00	8,104.17	(8,104.17)	20,974.03	48,626.98	(27,652.95)	97,252.00
Total 26001 · Personnel	1,241.22	10,416.53	(9,175.31)	31,039.15	62,500.82	(31,461.67)	125,000.00
26200 · Contract Services							
26320 · Legal Fees	1,580.00	1,666.67	(86.67)	8,146.49	9,999.98	(1,853.49)	20,000.00
26322 · Engineering	0.00	2,908.34	(2,908.34)	51,714.78	17,449.96	34,264.82	34,900.00
26323 · Operator	3,300.00	3,333.34	(33.34)	19,400.00	19,999.96	(599.96)	40,000.00
26324 · Billing and Collections	242.75	541.67	(298.92)	4,373.76	3,249.98	1,123.78	6,500.00
26328 · Testing	1,067.75	666.67	401.08	5,722.21	3,999.98	1,722.23	8,000.00
26331 · Sales Tax for Solid Waste	1,999.32	1,750.00	249.32	3,983.62	3,500.00	483.62	7,000.00
26333 · Accounting Fees	400.00	400.00	0.00	2,400.00	2,400.00	0.00	4,800.00
26336 · Sludge Hauling	2,805.76	2,833.34	(27.58)	7,249.43	16,999.96	(9,750.53)	34,000.00
26350 · Postage	267.78	275.00	(7.22)	1,584.15	1,650.00	(65.85)	3,300.00
26351 · Telephone	113.19	183.34	(70.15)	919.70	1,099.96	(180.26)	2,200.00
26370 · Tap Fees & Inspections	900.00	0.00	900.00	1,350.00	0.00	1,350.00	0.00
26399 · Garbage Pickup	7,944.85	7,500.00	444.85	47,122.52	45,000.00	2,122.52	90,000.00
Total 26200 · Contract Services	20,621.40	22,058.37	(1,436.97)	153,966.66	125,349.78	28,616.88	250,700.00
26300 · Communications							
26338 · Advertising/Promotion	0.00	350.00	(350.00)	470.93	350.00	120.93	900.00
Total 26300 · Communications	0.00	350.00	(350.00)	470.93	350.00	120.93	900.00
26326 · Permits & Licenses	0.00	200.00	(200.00)	13,030.53	13,400.00	(369.47)	23,000.00
26371 · Dues & Subscriptions	0.00	0.00	0.00	545.00	2,000.00	(1,455.00)	2,000.00
26400.1 · Supplies & Equipment							
26342 · Chemicals	583.10	1,333.34	(750.24)	8,279.71	7,999.96	279.75	16,000.00
26358 · Copier/Fax Machine Lease	0.00	326.67	(326.67)	0.00	1,959.98	(1,959.98)	3,920.00
26460 · Operating Supplies	4,089.88	1,833.34	2,256.54	36,414.12	10,999.96	25,414.16	22,000.00
26485 · Uniforms	269.75	158.34	111.41	1,406.23	949.96	456.27	1,900.00

	Mar 17	Budget	\$ Over B...	Oct '16 - ...	YTD Bud...	\$ Over B...	Annual Bu...
27040 · Computer Technology Equipment	0.00	283.34	(283.34)	137.44	1,699.96	(1,562.52)	3,400.00
26400.1 · Supplies & Equipment - Other	303.93	281.67	22.26	1,059.96	1,689.98	(630.02)	3,380.00
Total 26400.1 · Supplies & Equipment	5,246.66	4,216.70	1,029.96	47,297.46	25,299.80	21,997.66	50,600.00
26401 · Groundwater Rednction Expenses	0.00	2,500.00	(2,500.00)	35,476.00	15,000.00	20,476.00	30,000.00
26500 · Staff Development							
26354 · Travel & Training (Travel)	0.00	316.67	(316.67)	425.00	1,899.98	(1,474.98)	3,800.00
26355 · Employee Relations (Edncation)	0.00	0.00	0.00	0.00	200.00	(200.00)	200.00
Total 26500 · Staff Development	0.00	316.67	(316.67)	425.00	2,099.98	(1,674.98)	4,000.00
26600.2 · Maintenance							
26335 · Repairs & Maintenance	12,969.78	13,500.00	(530.22)	110,584.72	81,000.00	29,584.72	162,000.00
26335.1 · Vehicle Rep. & Maint.	0.00	0.00	0.00	52.11	500.00	(447.89)	1,000.00
26349 · Gas & Oil	0.00	333.34	(333.34)	1,518.79	1,999.96	(481.17)	4,000.00
Total 26600.2 · Maintenance	12,969.78	13,833.34	(863.56)	112,155.62	83,499.96	28,655.66	167,000.00
26700 · Insurance Expense							
26353.2 · Liability Ins.	176.50	176.67	(0.17)	1,059.00	1,059.98	(0.98)	2,120.00
26353.3 · Property Ins.	886.59	740.00	146.59	5,319.54	4,440.00	879.54	8,880.00
Total 26700 · Insurance Expense	1,063.09	916.67	146.42	6,378.54	5,499.98	878.56	11,000.00
26800 · Utilities Expense							
26352.1 · Utilities - Gas for Generators	84.10	35.17	48.93	298.45	210.98	87.47	422.00
26352.2 · Utilities-Water Plants	4,832.03	5,000.00	(167.97)	29,142.09	30,000.00	(857.91)	60,000.00
26352.3 · Utilities-WW Treatment Plants	5,464.08	1,666.67	3,797.41	18,768.67	9,999.98	8,768.69	20,000.00
26352.4 · Utilities - Lift Stations	757.98	166.67	591.31	7,604.91	999.98	6,604.93	2,000.00
26352.5 · Utilities - Security Light	11.02	10.67	0.35	68.98	63.98	5.00	128.00
26800.1 · Buffalo Springs STP- Water Usag	26.72			7,505.96			
Total 26800 · Utilities Expense	11,175.93	6,879.18	4,296.75	63,389.06	41,274.92	22,114.14	82,550.00
26900 · Capital Outlay	0.00	8,750.00	(8,750.00)	10.00	52,500.00	(52,490.00)	105,000.00
26901 · Util Projects/Prev Maintenance	0.00	7,916.67	(7,916.67)	1,223.00	47,499.98	(46,276.98)	95,000.00
27000 · Miscellaneous Expenses							
26359 · Misc Expense	996.39	83.34	913.05	2,140.62	499.96	1,640.66	1,000.00
Total 27000 · Miscellaneons Expenses	996.39	83.34	913.05	2,140.62	499.96	1,640.66	1,000.00
Total Expense	53,314.47	78,437.47	(25,123.00)	467,547.57	476,775.18	(9,227.61)	947,750.00
Net Ordinary Income	46,315.50	8,343.24	37,972.26	217,733.95	69,000.56	148,733.39	143,810.00
Other Income/Expense							
Other Expense							
27001 · Other Expenses							
27001.2 · Transfer to Debt Service	0.00	10,466.67	(10,466.67)	0.00	62,799.98	(62,799.98)	125,600.00
Total 27001 · Other Expenses	0.00	10,466.67	(10,466.67)	0.00	62,799.98	(62,799.98)	125,600.00
Total Other Expense	0.00	10,466.67	(10,466.67)	0.00	62,799.98	(62,799.98)	125,600.00
Net Other Income	0.00	(10,466.67)	10,466.67	0.00	(62,799.98)	62,799.98	(125,600.00)
Net Income	46,315.50	(2,123.43)	48,438.93	217,733.95	6,200.58	211,533.37	18,210.00

City of Montgomery
District Debt Service Payments

04/01/2017 - 04/20/2018

Paying Agent	Series	Date Due	Date Paid	Principal	Interest	Total Due
Debt Service Payment Due 09/01/2017						
Amegy Bank of Texas	2012	09/01/2017		0.00	57,087.50	57,087.50
Amegy Bank of Texas	2012R	09/01/2017		0.00	38,159.38	38,159.38
First National Bank of Huntsville	2015R	09/01/2017		0.00	7,761.25	7,761.25
		Total Due 09/01/2017		0.00	103,008.13	103,008.13
Debt Service Payment Due 03/01/2018						
Amegy Bank of Texas	2012	03/01/2018		120,000.00	57,087.50	177,087.50
Amegy Bank of Texas	2012R	03/01/2018		105,000.00	38,159.68	143,159.68
First National Bank of Huntsville	2015R	03/01/2018		80,000.00	7,761.25	87,761.25
		Total Due 03/01/2018		305,000.00	103,008.43	408,008.43
		District Total		\$305,000.00	\$206,016.56	\$511,016.56

City of Montgomery
Summary of Pledged Securities

As of April 20, 2017

Financial Institution: ALLEGIANCE BANK		
Total CDs, MM:	\$200,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
Financial Institution: FIRST BANK N.A. (Depository Bank)		
Total CDs, MM, and Checking Accounts:	\$1,036,425.19	Collateral Security Required: Yes
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: Yes
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	0.00 %	
Financial Institution: GREEN BANK		
Total CDs, MM:	\$200,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
Financial Institution: ICON BANK		
Total CDs, MM:	\$150,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
Financial Institution: TEXPOOL		
Total CDs, MM:	\$481,107.61	Collateral Security Required: No
Less FDIC coverage:	\$0.00	Collateral Security Agreement On File: Yes
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	

Meeting Date: April 25, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: April 20, 2017	

Subject

This item is to approve the MEDC's participation regarding replacing a 12" Water line improvements SH 105 adjacent to heritage Medical Plaza II and to authorize funds for water line placement to come from Utility Fund Capital Outlay line item

Discussion

At the February MEDC meeting the Board agreed to fund \$120,000 for resurfacing and widening Houston Street as part of the support of the Heritage Medical Plaza II, which is being built at the northeast corner of SH105 and Houston Street. Since February two things have occurred that affect that decision:

Agenda Item a

First, Houston Street Rehabilitation: County Commissioner Mike Meador has agreed to place and pay for the asphalt to be placed on Houston Street. That reduces the cost of Houston Street from the estimated \$160,000 down to \$80,000 (the cost of curb and gutter placement and site preparation not covered under the Commissioner's pavement only offer). There is an estimated \$5,000 to be paid for the design of the road - making the Houston Street total \$85,000.

The Houston Street improvements will be the entire length from SH 105 north to Caroline with curbs and gutters with asphalt pavement. The City Engineers have reviewed and approved the plans for Houston Street.

The MEDC, at their April 17th meeting, re-considered the effect of the County's participation and the need for improvements to Houston Street, as it relates to traffic patterns/safety in the wake of the Heritage Medical Plaza II and its need

for improvement simply as a City street and voted to participate with Houston Street and water line projects up to \$120,000. Mr. Cheatham's participation in Houston Street Rehabilitation, to be based on the 20.3% participation rate by Mr. Cheatham as in the original \$160,000 estimate to the now \$85,000 cost, as follows:

	\$85,000	Total Cost of Houston Street Rehabilitation
-	<u>17,255</u>	Paid by Cheatham – 20.3 % of Total
=	\$67,745	MEDC portion

Agenda Item b and c

Second, Water Lines:

SH 105 water line: The water line in front of Heritage Medical Plaza II will need to be lowered to accommodate the sewer connection needed by this development. The cost of this line is estimated to be \$60,000. This section of water line is part of the major water line replacement program, which will replace the existing 6" water line with a 12" line as part of the TWDB projects. The plans are not ready for this segment of the new line, and will not be ready until early fall. The section of the new 12" line can be placed now in front of the Heritage Medical Plaza and connected to the new replacement line when that work is done, during this coming winter months.

Mr. Cheatham requires the water line to be lowered now. The City would prefer to use our own Contractor and not to spend any funds that would be wasted if the line not lowered now using the 12" new portion. The city has a \$17,288 tap fee that has already been paid by Mr. Cheatham.

Houston Street water line: Also, the City Engineer has recommended replacing the existing water line on Houston Street rather than place new pavement over an old water line that might need replacing and/or have leaks and then have to tear up the new pavement. The cost of a new water line in Houston Street is estimated at \$20,000. The total water line cost breakdown is as follows:

	\$20,000	SH 105 water line
+	<u>60,000</u>	Houston Street water line
=	\$80,000	Total Cost of Water Line Work
-	<u>52,255</u>	Balance of MEDC original \$120,000 commitment
=	\$27,745	Utility Fund portion (from Capital Outlay line item in existing budget)

There is the peripheral issue concerning the Escrow Account amounts involving Mr. Cheatham. He has two listed Escrow Accounts. One has a balance of \$1,689.55 listed as Cheatham Development Agreement for the period of October 31, 2011 to June 30, 2013. There is no written Agreement, nor the implied agreement of any payment to the Escrow Account from Mr. Cheatham. A Second Escrow Account has a balance of \$4,328.93 listed as Heritage Medical Plaza for the period of March 31, 2016 to February 28, 2017. There is no written Agreement, nor the implied agreement of any payment to the Escrow Account of Mr. Cheatham.

The Escrow Accounts, with no agreement, were set up by Cathy Branco, based on a notation on the invoice from the City Engineer stating the name of the development. There are two other such account situations, Kroger and Villas of Mia Lago. So, the payments were made from the City Utility Fund or the General Fund and not billed to the Developer, because there was no initial Escrow Account balance and through administrative oversight.

The City Attorney and I have had brief, not complete, discussions regarding the ability of the City to collect the Escrow Accounts that do not have a written nor implied agreement by making a payment to the Escrow account. We are reviewing the ordinances and minutes of the City to determine a method of requiring payment. I am also reviewing the City Engineer billings to determine appropriateness of the charges. At present that review is not complete and a request for payment has not been made to Mr. Cheatham or to the other Escrow Accounts that are in the same position.

Also, the subject of what services the City will deny those with outstanding balances in those accounts has not happened yet, but I have been going on the basis, in agreement with the City Attorney, to not deny any inspections, plat approvals, or any interim issues, but not to grant any Certificate of Occupancy Certificates – while determining the city's legal position as to collection.

In any case I have sent Mr. Cheatham a letter requesting him to place a \$3,000 deposit for an Escrow Account balance for further City involvement regarding Heritage Medical Plaza II. A new billing system for Escrow Accounts will assure that the City is not spending funds that are not already in an Escrow Account.

My recommendation on the matter of Houston Street and the water lines financing is to not take any formal action of denial based on back payment on the existing Escrow Accounts until a collection method is agreed to by the City

Montgomery City Council
AGENDA REPORT

Attorney and I, which may also need City Council determination. This is not to say that there will not be a collection of the Escrow Account balances , just not now with the legal aspects of the city denying an action based on collection of funds that we may not be able to substantiate.

Another issue with Mr. Cheatham is the billing for the February 28th water line break caused by Mr. Cheatham's General Contractor's plumber. A billing was sent to Mr. Cheatham on March 7th with a Statement included in the amount of \$4,025 with a payment due date given of thirty days after the date of the letter. Mr. Cheatham has not paid the amount and has let me and the City Attorney that he does not believe he is responsible for the payment, that the City should contact either the plumber who bore into the water line or perhaps his General Contractor.

The City Attorney has advised me to send a Statement to the General Contractor and to the plumber who actually did the bore into the water line. The City Attorney has advised me that if we do not get payment in the thirty day period to let him know and he will determine who, if not all three, we can sue in Small Claims Court in order to collect.

Recomendation

- a. Motion to approve the MEDC \$120,000 cost share of Houston Street Rehabilitation and
- b. Motion to approve water line replacement as described and
- c. Motion to authorize the use of \$27,745 from existing Utility Fund Capital Outlay line item.

Approved By

City Administrator

Jack Yates

Date: April 20, 2017

Montgomery City Council
AGENDA REPORT

Meeting Date:	April 25, 2017	Budgeted Amount:	N/A
Department:	Administration		
		Exhibits:	
Date Prepared:	April 21, 2017		

Subject

Alcohol Beverage Permit Application for Stoney's Liquor - Montgomery

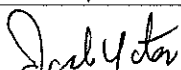
Recommendation

Staff is recommending approval of the application for Stoney's Liquor – Montgomery, located in Buffalo Springs Marketplace, Montgomery on SH 105 at Lone Star Parkway for a Package Store Permit, Beer Retail Dealer's Off-Premise License, Local Distributor's Permit and Package Store Tasting Permit.

Discussion

The notices were published and letter of notification sent to all property owners within 200 feet. There have been no comments received regarding this application.

Approved By

City Secretary	Susan Hensley	Date: April 21, 2017
City Administrator		Date: April 21, 2017

March 9, 2017

Central Texas Consultants
John Vela
509 Westend Drive
McGregor, Texas 76657

Ms. Susan Hensley

As per our conversation today in regards to DBA - Stoney's Liquor – Montgomery owners Falls Capital, Inc. and Luke R. Wornat going in at 20212 Eva Street, Suite 240, Montgomery, Texas 77356. They are applying for the following: Luke Randall Wornat is applying for a Package Store Permit and Falls Capital, Inc. is applying for a Beer Retail Dealer's Off-Premise License, Local Distributor's Permit and Package Store Tasting Permit. These permits will allow the sale of Alcoholic Beverages for Off – Premise consumption and Package Store Tasting. As per our knowledge there is not a church, school or hospital within 300 feet.

As per two entities applying at the same address with the same DBA please see Chapter 22 of the Texas Alcoholic Beverage Commission Code Book Section 22.04 - Limitation on Package Store Interests and Section 22.05 - Consolidation of Permits.

Sincerely,

John Vela
Central Texas Consultants
509 Westend Drive
McGregor, Texas 76657
254/716-3319
ctcl@grandecom.net

Rowd 03/10/17 JV

*Rec'd.
addit docs on 03/28/17*

ALCOHOLIC BEVERAGE CODE

TITLE 3. LICENSES AND PERMITS

SUBTITLE A. PERMITS

CHAPTER 22. PACKAGE STORE PERMIT

Sec. 22.04. LIMITATION ON PACKAGE STORE INTERESTS. (a) No person may hold or have an interest, directly or indirectly, in more than five package stores or in their business or permit.

(b) For the purpose of this section:

(1) a person has an interest in any permit in which his spouse has an interest; and

(2) as to a corporate permittee, the stockholders, managers, officers, agents, servants, and employees of the corporation have an interest in the permit, business, and package stores of the corporation.

(c) The limitations prescribed in this section do not apply to an original or renewal package store permit issued before May 1, 1949, and in effect on that date. The commission or administrator shall renew each permit of that type on proper application if the applicant is otherwise qualified. If a person who holds or has an interest in more than five package store permits under the authority of this subsection has one of the permits cancelled, voluntarily or for cause, he may not obtain an additional permit in lieu of the cancelled permit. No person who has more than five package store permits may place any of the permits in suspense with the commission.

(d) This section does not apply to the stockholders, managers, officers, agents, servants, or employees of a corporation operating hotels, with respect to package stores operated by the corporation in hotels.

Acts 1977, 65th Leg., p. 420, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Falls Capital, Inc.
Stoney's Liquor
207 Craik Street • Marlin, TX 76661



(254) 803-9636
Office

(254) 883-2776
Fax

March 2, 2017

City of Montgomery
Attn: Susan Hensley, City Secretary
101 Old Plantersville Rd.
Montgomery, TX 77316

Reference: Alcohol Permit Application

Ms. Hensley,

Falls Capital, Inc. is applying for a Beer Retail Dealer's Off-Premise License, Local Distributor's Permit and Package Store Tasting Permit. Luke Wornat is applying for a Package Store Permit. All permits will be under the dba of Stoney's Liquor, in the City of Montgomery. The site is located in the Buffalo Springs Marketplace on State Highway 105 @ Lone Star Parkway. The site will be in the adjacent retail space adjoining the Kroger grocery store.

Thank you,



Larry Wornat
President, Falls Capital Inc.



City of Montgomery
Alcohol Beverage
License Application

City of Montgomery, Texas
P.O. Box 708
Montgomery, Texas 77366
936-597-3288
www.montgomerytexas.gov

APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE

Date Received by the City: 03/10/17

1. Type of Alcoholic Beverage License:

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

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

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

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 soale.

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: Luke R. Wornat Phone: 254-803-9637
Address: 207 CRAIK STREET MARLIN TX 76661
Home Address: 522 CR 118 Riesel TX 76682 Phone: 254-640-2841
Check if you are leasing property:

9. Land Owner: _____ Phone: 713-784-3790
Address: 10497 TOWN & Country Way STE. 820 Houston TX 77024

10. Business Partners: Falls Capital Inc. Phone: 254-803-9637
Address: 207 CRAIK STREET MARLIN TX 76661
Home Address: 522 CR 118 Riesel TX 76682 Phone: 254-640-2841

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

[Signature] or _____
Business Owner and/or Lessee Partner if Applicable



OFF-PREMISE PREQUALIFICATION PACKET

L-OFF
(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

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

Reinstatement

License/Permit Number _____

Change of Licensed Location

License/Permit Number _____

2. Type of Off-Premise License/Permit

BQ Wine and Beer Retailer's Off-Premise Permit

LP Local Distributor's Permit

BF Beer Retail Dealer's Off-Premise License

E Local Cartage Permit

P Package Store Permit

ET Local Cartage Transfer Permit

Q Wine Only Package Store Permit

PS Package Store Tasting Permit

3. Indicate Primary Business at this Location

Grocery/Market

Convenience Store without Gas

Liquor Store

Miscellaneous _____

Convenience Store with Gas

4. Trade Name of Location

Stoney's Liquor - Montgomery

5. Location Address

20212 EVA STREET STE. 240

City

Montgomery

County

Montgomery

State

TX

Zip Code

771356

6. Mailing Address

207 Craik Street

City

Marlin

State

TX

Zip Code

76661

7. Business Phone No.

Applied for

Alternate Phone No.

254-640-2841

E-mail Address

skohring@fallscap.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

Luke Randall Wornat

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 <i>Wornat</i>	First Name <i>Luke</i>	MI <i>R</i>	Title <i>owner</i>
Last Name	First Name	MI	Title
Last Name	First Name	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? Yes No

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

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

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

ALL APPLICANTS

15. CHECK HERE IF NOT IN CITY LIMITS

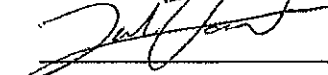
I, the applicant, have confirmed I am not located in the city limits of any city and therefore all city certificates are not required.

WARNING AND SIGNATURE

If Applicant is/ Must Sign	Individual/Individual Owner	Corporation/Officer
Partnership/Partner	Limited Liability Company/Officer or Manager	
Limited Partnership/General Partner		

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

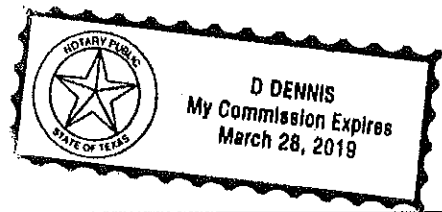
BY SIGNING YOU ARE SWEARING TO ALL INFORMATION AND ATTACHMENTS TO THIS PACKET.

PRINT NAME Luke R. Wornat SIGN HERE 

TITLE owner

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

SIGN HERE 
NOTARY PUBLIC



SEAL

CERTIFICATE OF CITY SECRETARY (FOR P, Q, BF & BQ)

Sections 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.

SIGN HERE _____, TEXAS
City Secretary/Clerk City

SEAL

CERTIFICATE OF COUNTY CLERK (FOR P, Q & BF)

Sections 11.37 & 61.37

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 BQ)

Section 11-37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought as the place of business is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine and Beer Retailer's Off-Premise Permit.

Most current election for given location was held for:

- legal sale of all alcoholic beverages for off-premise consumption
- 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 mixed beverages
- legal sale of mixed beverages in restaurants by food and beverage certificate holders
- legal sale of wine on the premises of a holder of a winery permit
- legal sale of beer/wine (17%) on-premise or beer/wine off-premise **AFTER** Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise or beer/wine off-premise **BEFORE** Sept. 1, 1999

SIGN

HERE _____

County Clerk

_____ COUNTY

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Sections 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 _____

SEAL

PUBLISHER'S AFFIDAVIT (FOR BQ, BF, P & Q)

Sections 11-39 & 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		

SEAL

Falls Capital, Inc.
Stoney's Liquor
207 Craik Street • Marlin, TX 76661



(254) 803-9636
Office

(254) 883-2776
Fax

March 2, 2017

City of Montgomery
Attn: Susan Hensley, City Secretary
101 Old Plantersville Rd.
Montgomery, TX 77316

Reference: Alcohol Permit Application

Ms. Hensley,

Falls Capital, Inc. is applying for a Beer Retail Dealer's Off-Premise License, Local Distributor's Permit and Package Store Tasting Permit. Luke Wornat is applying for a Package Store Permit. All permits will be under the dba of Stoney's Liquor, in the City of Montgomery. The site is located in the Buffalo Springs Marketplace on State Highway 105 @ Lone Star Parkway. The site will be in the adjacent retail space adjoining the Kroger grocery store.

Thank you,



Larry Wornat
President, Falls Capital Inc.



City of Montgomery
Alcohol Beverage
License Application

City of Montgomery, Texas
P.O. Box 708
Montgomery, Texas 77366
936-597-3288

www.montgomerytexas.gov

APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE

Date Received by the City: 03/10/17

*Partial Applic
w/forward addit. Info*

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):

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

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: FALLS CAPITAL Phone: 254-803-9637
Address: 207 CRAIK STREET MARLIN TX 76661
Home Address: 522 CR 118 RIESEL TX 76682 Phone: 254-640-2841
Check if you are leasing property:

9. Land Owner: Phone: 713-784-3790
Address: 10497 TOWN & COUNTRY WAY STE 820 HOUSTON TX 77024

10. Business Partners: LUKE R. WORNAT Phone: 254-803-9637
Address: 207 CRAIK STREET MARLIN TX 76661
Home Address: 522 CR 118 RIESEL TX 76682 Phone: 254-640-2841

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

Business Owner and/or Lessee or Partner if Applicable



OFF-PREMISE PREQUALIFICATION PACKET

L-OFF
(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.

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

Reinstatement

License/Permit Number _____

Change of Licensed Location

License/Permit Number _____

2. Type of Off-Premise License/Permit

BQ Wine and Beer Retailer's Off-Premise Permit

LP Local Distributor's Permit

BF Beer Retail Dealer's Off-Premise License

E Local Cartage Permit

P Package Store Permit

ET Local Cartage Transfer Permit

Q Wine Only Package Store Permit

PS Package Store Tasting Permit

3. Indicate Primary Business at this Location

Grocery/Market

Convenience Store without Gas

Liquor Store

Miscellaneous _____

Convenience Store with Gas

4. Trade Name of Location

Stoney's Liquor - Montgomery

5. Location Address

20212 EVA STREET STE, 240

City

Montgomery

County

Montgomery

State

TX

Zip Code

77356

6. Mailing Address

207 Craik Street

City

Marlin

State

TX

Zip Code

76661

7. Business Phone No.

Applied for

Alternate Phone No.

254-803-9637

E-mail Address

skohring@fallscap.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

Falls Capital, Inc.

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 <i>Wornat</i>	First Name <i>Larry</i>	MI <i>R</i>	Title <i>Pres/Sec</i>
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

MEASUREMENT INFORMATION

Section 109.01 et seq.

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

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

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

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

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

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

ALL APPLICANTS

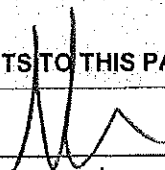
15. CHECK HERE IF NOT IN CITY LIMITS

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

WARNING AND SIGNATURE	If Applicant Is/Must Sign	
	Individual/Individual Owner	Corporation/Officer
	Partnership/Partner	Limited Liability Company/Officer or Manager
	Limited Partnership/General Partner	

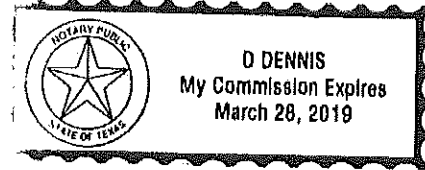
WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable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

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

PRINT NAME Larry Wornat SIGN HERE 
 TITLE President

Before me, the undersigned authority, on this 9th day of March, 2017, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE 
 NOTARY PUBLIC



SEAL

CERTIFICATE OF CITY SECRETARY (FOR P, Q, BF & BQ)

Sections 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.

SIGN HERE _____, TEXAS
 City Secretary/Clerk City

SEAL

CERTIFICATE OF COUNTY CLERK (FOR P, Q & BF)

Sections 11.37 & 61.37

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 BQ)

Section 11-37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought as the place of business is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine and Beer Retailer's Off-Premise Permit.

Most current election for given location was held for:

- legal sale of all alcoholic beverages for off-premise consumption
- 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 mixed beverages
- legal sale of mixed beverages in restaurants by food and beverage certificate holders
- legal sale of wine on the premises of a holder of a winery permit
- legal sale of beer/wine (17%) on-premise or beer/wine off-premise **AFTER** Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise or beer/wine off-premise **BEFORE** Sept. 1, 1999

SIGN

HERE _____

County Clerk

_____ COUNTY

S E A L

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Sections 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

PUBLISHER'S AFFIDAVIT (FOR BQ, BF, P & Q)

Sections 11-39 & 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

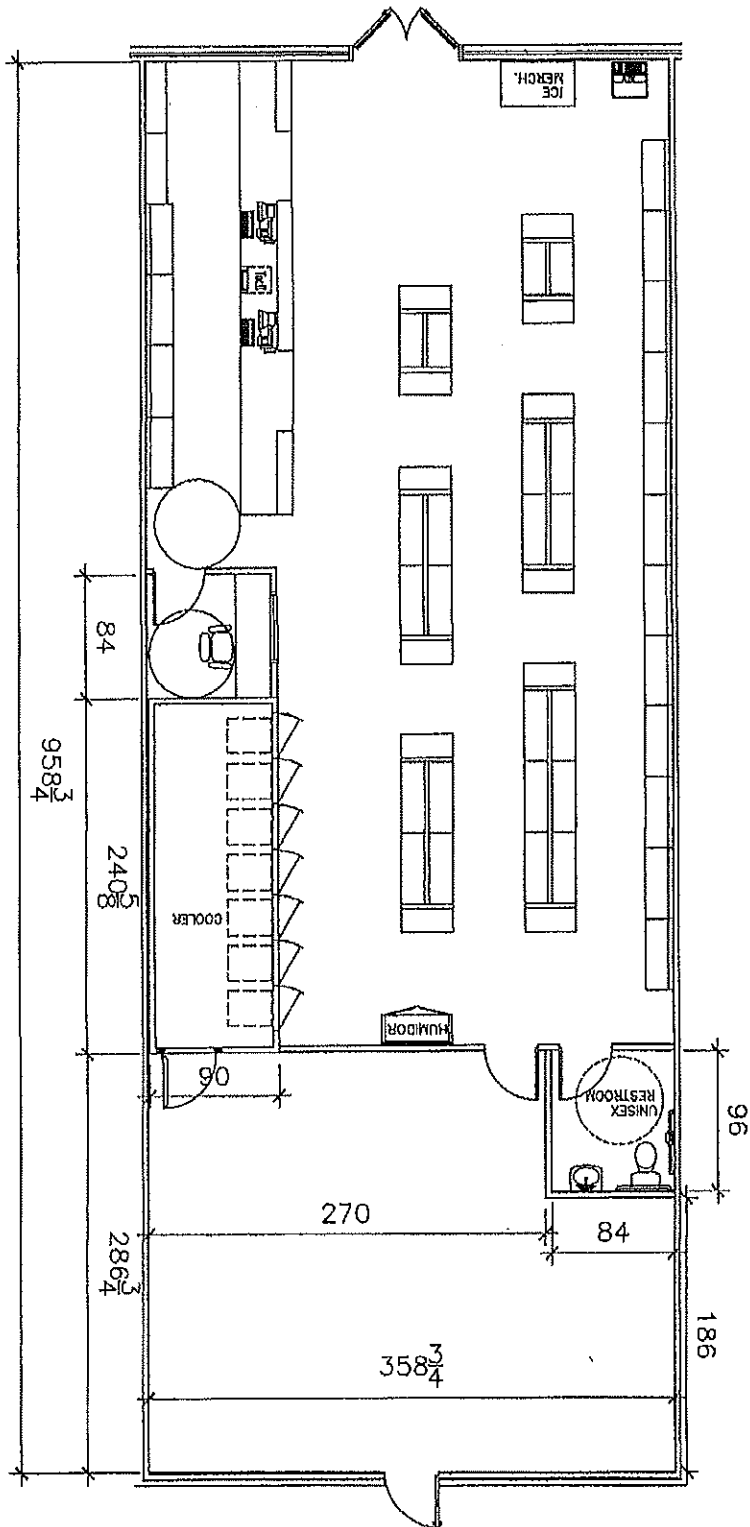
From: Steve Kohring skohring@fallscap.com
Subject: Montgomery Floorplan
Date: Mar 28, 2017, 12:38:01 PM
To: <ctcl@grandecom.net> ctcl@grandecom.net

John – See attached preliminary floorplan you can use for the alcohol application with the city. I previously sent over the sign details as well. Thank you sir and sorry for the delay. I just got it this morning.

Steve Kohring
CFO
Falls Capital, Inc.
PTP Construction Services, LLC
Wornat Land & Cattle, LLC
207 Craik St.
Marlin, TX 76661
Office 254-803-9636
Cell 254-640-2838
Fax 254-883-2776
skohring@fallscap.com

pdf

9781 Mont...r Store.pdf
102 KB



APPROVED BY: _____
DATE: _____

PROJECT	09/22/17
DATE	5/22/17
SCALE	1/8" = 1'
NO. OF SHEETS	1 of 1

Montgomery Liquor Store

11301 MOSER VALLEY ROAD
DALLAS, TX 76040
PHONE: (817) 287-4010
FAX: (817) 858-0601
EMAIL: allen@allen-commercial.com
WWW: www.allen-commercial.com



DESIGN PROFESSIONAL SEAL
I, the undersigned, being a duly licensed and qualified professional engineer, do hereby certify that I am the author of the design and construction of the above described project, and that I am a duly licensed and qualified professional engineer in the State of Texas.
I hereby certify that the design and construction of the above described project complies with the applicable provisions of the Texas State Building Code, and that I am a duly licensed and qualified professional engineer in the State of Texas.
I hereby certify that the design and construction of the above described project complies with the applicable provisions of the Texas State Building Code, and that I am a duly licensed and qualified professional engineer in the State of Texas.

EXHIBIT "B"
BUFFALO SPRINGS MARKETPLACE
METES AND BOUNDS DESCRIPTION

RESTRICTED RESERVE "B"
TRACT 1
BUFFALO SPRINGS SHOPPING CENTER
IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

Being a 1.80 acre (78,547 square feet) parcel situated in the John Corner Survey, Abstract 8, Montgomery County, Texas, out of a called 3.66 acre tract conveyed to Milestone Pecan Street Development by Special Warranty Deed recorded under Clerk's File No. 2013045234 of the Official Public Records of Montgomery County, Texas, out of Reserve "B" of Buffalo Springs Shopping Center according to the map or plat thereof recorded under Cabinet _____, Sheet ___ of the Map Records of Montgomery County, Texas, said 1.80 acre parcel more particularly described by metes and bounds as follows with all bearings based on Texas State Plane Coordinate System, Central Zone, North American Datum 1983;

BEGINNING, at a 5/8-inch iron rod found with cap (stamped "4833 Town & Country") for the northwest corner of Restricted Reserve "A2", for the southwest corner of said Restricted Reserve "B", and the herein described parcel;

THENCE, North 07°54'30" East, 504.83 feet along the west line of said Restricted Reserve "B" to a point for a northwesterly corner of Restricted Reserve "C" of Buffalo Springs Shopping Center, for the northwest corner of said Restricted Reserve "B", and the herein described parcel;

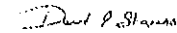
THENCE, South 82°05'30" East, 103.80 feet along a southerly line of said Restricted Reserve "C", and the north line of said Restricted Reserve "B" to a point for the northeast corner, and the beginning of a non-tangent curve to the right;

THENCE, departing the southerly line of said Restricted Reserve "C", and the north line of said Restricted Reserve "B", along the arc of said curve to the right with a radius of 960.00 feet, an arc length of 248.24 feet, through a delta of 14°48'57", and a chord bearing South 16°44'13" East, 247.55 feet to a point in a northerly line of said Restricted Reserve "C", and a southerly line of said Restricted Reserve "B", for an easterly corner of the herein described parcel;

THENCE, North 82°05'30" West, 56.03 feet along a northerly line of said Restricted Reserve "C", and a southerly line of said Restricted Reserve "B" to a 5/8-inch iron rod set with cap (stamped "4833 Town & Country") for an interior angle of said Restricted Reserve "C", said Restricted Reserve "B", and the herein described parcel;

THENCE, South 07°54'30" West, 279.83 feet along a westerly line of said Restricted Reserve "C", and an easterly line of said Restricted Reserve "B" to a 5/8-inch iron rod found with cap (stamped "4833 Town & Country") in the north line of said Restricted Reserve "A2", for a southwesterly corner of said Restricted Reserve "C", and a southeasterly corner of the herein described parcel;

THENCE, North 82°05'30" West, 151.00 feet along the north line of said Restricted Reserve "A2", and the south line of said Restricted Reserve "B" to the POINT OF BEGINNING, CONTAINING 1.80 acre (78,547 square feet) of land in Montgomery County, Texas.



David J. Strauss, R.P.L.S. 4833
Town & Country Surveyors, LLC
25307 North Freeway, Ste. 100
The Woodlands, Tx. 77380
Ph. (281) 465-8730
Fax (281) 465-8733
www.tcsurveying.com



Job No. 2590-0003

EXHIBIT "B-1"
BUFFALO SPRINGS MARKETPLACE
METES AND BOUNDS DESCRIPTION

RESTRICTED RESERVE "B"
TRACT 2
BUFFALO SPRINGS SHOPPING CENTER
IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

Being a 0.87 acre (37,789 square feet) parcel situated in the John Corner Survey, Abstract 8, Montgomery County, Texas, out of a called 3.66 acre tract conveyed to Milestone Pecan Street Development by Special Warranty Deed recorded under Clerk's File No. 2013045234 of the Official Public Records of Montgomery County, Texas, out of Reserve "B" of Buffalo Springs Shopping Center according to the map or plat thereof recorded under Cabinet _____, Sheet ___ of the Map Records of Montgomery County, Texas, said 0.87 acre parcel more particularly described by metes and bounds as follows with all bearings based on Texas State Plane Coordinate System, Central Zone, North American Datum 1983:

COMMENCING, at a 5/8-inch iron rod found with cap (stamped "4833 Town & Country") for the northwest corner of Restricted Reserve "A2", for the southwest corner of said Restricted Reserve "B";

THENCE, North 07°54'30" East, 504.83 feet along the west line of said Restricted Reserve "B" to a point for a northwesterly corner of Restricted Reserve "C" of Buffalo Springs Shopping Center, for the northwest corner of said Restricted Reserve "B";

THENCE, South 82°05'30" East, 103.80 feet along a southerly line of said Restricted Reserve "C", and the north line of said Restricted Reserve "B" to a point for the northwest corner and POINT OF BEGINNING, of the herein described parcel;

THENCE, South 82°05'30" East, 219.45 feet along a southerly line of said Restricted Reserve "C", and the north line of said Restricted Reserve "B" to a 5/8-inch iron rod set with cap (stamped "4833 Town & Country") for an interior corner of said Restricted Reserve "C", for the northeast corner of said Restricted Reserve "B", and the herein described parcel;

THENCE, South 07°54'30" West, 90.00 feet along a westerly line of said Restricted Reserve "C", and an easterly line of said Restricted Reserve "B" to a 5/8-inch iron rod set with cap (stamped "4833 Town & Country") for an interior point of said Restricted Reserve "C", and an angle point in the easterly line of said Restricted Reserve "B", and the herein described parcel;

THENCE, South 82°05'30" East, 10.00 feet to a 5/8-inch iron rod set with cap (stamped "4833 Town & Country") for an interior point of said Restricted Reserve "C", and an angle point in the easterly line of said Restricted Reserve "B", and the herein described parcel;

THENCE, South 07°54'30" West, 135.00 feet to a 5/8-inch iron rod set with cap (stamped "4833 Town & Country") for an interior point of said Restricted Reserve "C", and an angle point in the easterly line of said Restricted Reserve "B", and the southeast corner of the herein described parcel;

THENCE, North 82°05'30" West, 126.22 feet along a northerly line of said Restricted Reserve "C", and a southerly line of said Restricted Reserve "B" to a point for the southwest corner of the herein described parcel, beginning a non-tangent curve to the left;

EXHIBIT "B-2"
BUFFALO SPRINGS MARKETPLACE
METES AND BOUNDS DESCRIPTION

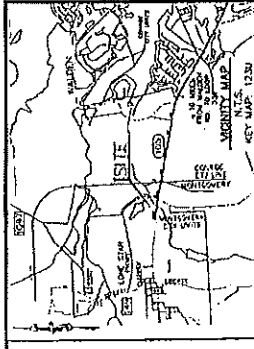
THENCE, along the arc of said curve to the left with a radius of 960.00 feet, an arc length of 248.24 feet, through a delta of $14^{\circ}48'57''$, and a chord bearing North $16^{\circ}44'13''$ West, 247.55 feet to the POINT OF BEGINNING, CONTAINING 0.87 acre (37,789 square feet) of land in Montgomery County, Texas.

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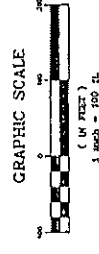


Job No. 2590-0003



OWNER/DEVELOPER:
 THE MILESTONE COMPANIES
 10497 TOWN & COUNTRY WAY
 SUITE 200
 HOUSTON, TEXAS 77024
 PH: (713) 784-3780
 FAX: (713) 784-8931
 EMAIL: pherry@milestone.com

ENGINEER:
 DEVELOPMENT SERVICES, INC.
 2300 TOWN & COUNTRY LANE
 SUITE 200
 HOUSTON, TEXAS 77024
 PH: (713) 647-9211
 FAX: (713) 647-9211
 EMAIL: info@development-services.com



FINAL PLAT BUFFALO SPRINGS SHOPPING CENTER

PHASE I
 A COMMERCIAL SUBDIVISION OF
 33.52 ACRES
 (1,460,125 SQ. FT.)
 IN THE
 JOHN CORNER SURVEY, A-8
 MONTGOMERY COUNTY, TEXAS
 1 BLOCK 8 RESERVES
 JUNE 2015

FILE NO. 2015-073 594 SHEET 1 OF 2

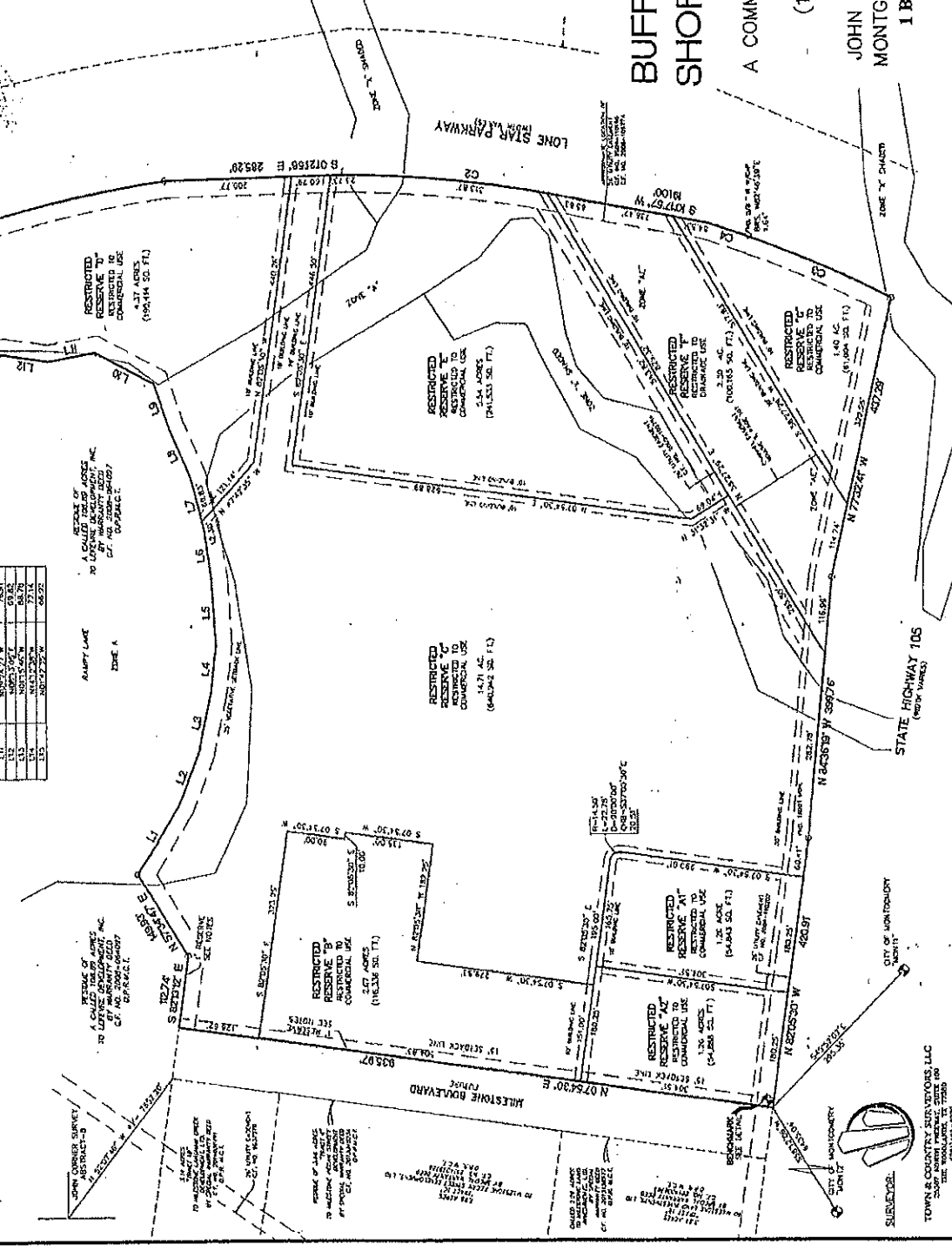
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD DIS.	CHORD
C1	589.74	1050.00	164.91°	513.52	341.71
C2	179.20	340.00	110.45°	587.45	378.59
C3	48.65	182.25	103.57°	527.25	330.69
C4	48.65	182.25	103.57°	527.25	330.69

LINE TABLE

LINE	BEARINGS	LENGTH
L1	S 07° 13' 00" W	471.5
L2	S 07° 13' 00" W	471.5
L3	S 07° 13' 00" W	471.5
L4	S 07° 13' 00" W	471.5
L5	S 07° 13' 00" W	471.5
L6	S 07° 13' 00" W	471.5
L7	S 07° 13' 00" W	471.5
L8	S 07° 13' 00" W	471.5
L9	S 07° 13' 00" W	471.5
L10	S 07° 13' 00" W	471.5
L11	S 07° 13' 00" W	471.5
L12	S 07° 13' 00" W	471.5
L13	S 07° 13' 00" W	471.5
L14	S 07° 13' 00" W	471.5
L15	S 07° 13' 00" W	471.5

- NOTES**
1. D.B.A. SACT, owner, County Public Records of Montgomery County, Texas
 2. SURVEY, owner, Map Booked, Montgomery County, Texas
 3. P.O. Box 2015-073 594
 4. P.L. contains platting data
 5. D.C. contains platting information
 6. U.C. contains utility information
 7. S. contains block number
 8. This platting is for a 100' wide right-of-way. Zone A, Zone B, Zone C, Zone D, Zone E, Zone F, Zone G, Zone H, Zone I, Zone J, Zone K, Zone L, Zone M, Zone N, Zone O, Zone P, Zone Q, Zone R, Zone S, Zone T, Zone U, Zone V, Zone W, Zone X, Zone Y, Zone Z, Zone AA, Zone AB, Zone AC, Zone AD, Zone AE, Zone AF, Zone AG, Zone AH, Zone AI, Zone AJ, Zone AK, Zone AL, Zone AM, Zone AN, Zone AO, Zone AP, Zone AQ, Zone AR, Zone AS, Zone AT, Zone AU, Zone AV, Zone AW, Zone AX, Zone AY, Zone AZ, Zone BA, Zone BB, Zone BC, Zone BD, Zone BE, Zone BF, Zone BG, Zone BH, Zone BI, Zone BJ, Zone BK, Zone BL, Zone BM, Zone BN, Zone BO, Zone BP, Zone BQ, Zone BR, Zone BS, Zone BT, Zone BU, Zone BV, Zone BW, Zone BX, Zone BY, Zone BZ, Zone CA, Zone CB, Zone CC, Zone CD, Zone CE, Zone CF, Zone CG, Zone CH, Zone CI, Zone CJ, Zone CK, Zone CL, Zone CM, Zone CN, Zone CO, Zone CP, Zone CQ, Zone CR, Zone CS, Zone CT, Zone CU, Zone CV, Zone CW, Zone CX, Zone CY, Zone CZ, Zone DA, Zone DB, Zone DC, Zone DD, Zone DE, Zone DF, Zone DG, Zone DH, Zone DI, Zone DJ, Zone DK, Zone DL, Zone DM, Zone DN, Zone DO, Zone DP, Zone DQ, Zone DR, Zone DS, Zone DT, Zone DU, Zone DV, Zone DW, Zone DX, Zone DY, Zone DZ, Zone EA, Zone EB, Zone EC, Zone ED, Zone EE, Zone EF, Zone EG, Zone EH, Zone EI, Zone EJ, Zone EK, Zone EL, Zone EM, Zone EN, Zone EO, Zone EP, Zone EQ, Zone ER, Zone ES, Zone ET, Zone EU, Zone EV, Zone EW, Zone EX, Zone EY, Zone EZ, Zone FA, Zone FB, Zone FC, Zone FD, Zone FE, Zone FF, Zone FG, Zone FH, Zone FI, Zone FJ, Zone FK, Zone FL, Zone FM, Zone FN, Zone FO, Zone FP, Zone FQ, Zone FR, Zone FS, Zone FT, Zone FU, Zone FV, Zone FW, Zone FX, Zone FY, Zone FZ, Zone GA, Zone GB, Zone GC, Zone GD, Zone GE, Zone GF, Zone GG, Zone GH, Zone GI, Zone GJ, Zone GK, Zone GL, Zone GM, Zone GN, Zone GO, Zone GP, Zone GQ, Zone GR, Zone GS, Zone GT, Zone GU, Zone GV, Zone GW, Zone GX, Zone GY, Zone GZ, Zone HA, Zone HB, Zone HC, Zone HD, Zone HE, Zone HF, Zone HG, Zone HH, Zone HI, Zone HJ, Zone HK, Zone HL, Zone HM, Zone HN, Zone HO, Zone HP, Zone HQ, 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Zone QF, Zone QG, Zone QH, Zone QI, Zone QJ, Zone QK, Zone QL, Zone QM, Zone QN, Zone QO, Zone QP, Zone QQ, Zone QR, Zone QS, Zone QT, Zone QU, Zone QV, Zone QW, Zone QX, Zone QY, Zone QZ, Zone RA, Zone RB, Zone RC, Zone RD, Zone RE, Zone RF, Zone RG, Zone RH, Zone RI, Zone RJ, Zone RK, Zone RL, Zone RM, Zone RN, Zone RO, Zone RP, Zone RQ, Zone RR, Zone RS, Zone RT, Zone RU, Zone RV, Zone RW, Zone RX, Zone RY, Zone RZ, Zone SA, Zone SB, Zone SC, Zone SD, Zone SE, Zone SF, Zone SG, Zone SH, Zone SI, Zone SJ, Zone SK, Zone SL, Zone SM, Zone SN, Zone SO, Zone SP, Zone SQ, Zone SR, Zone SS, Zone ST, Zone SU, Zone SV, Zone SW, Zone SX, Zone SY, Zone SZ, Zone TA, Zone TB, Zone TC, Zone TD, Zone TE, Zone TF, Zone TG, Zone TH, Zone TI, Zone TJ, Zone TK, Zone TL, Zone TM, Zone TN, Zone TO, Zone TP, Zone TQ, Zone TR, Zone TS, Zone TT, Zone TU, Zone TV, Zone TW, Zone TX, Zone TY, Zone TZ, Zone UA, Zone UB, Zone UC, Zone UD, Zone UE, Zone UF, Zone UG, Zone UH, Zone UI, Zone UJ, Zone UK, Zone UL, Zone UM, Zone UN, Zone UO, Zone UP, Zone UQ, Zone UR, Zone US, Zone UT, Zone UY, Zone UV, Zone UW, Zone UX, Zone UY, Zone UZ, Zone VA, Zone VB, Zone VC, Zone VD, Zone VE, Zone VF, Zone VG, Zone VH, Zone VI, Zone VJ, Zone VK, Zone VL, Zone VM, Zone VN, Zone VO, Zone VP, Zone VQ, Zone VR, Zone VS, Zone VT, Zone VU, Zone VV, Zone VW, Zone VX, Zone VY, Zone VZ, Zone WA, Zone WB, Zone WC, Zone WD, Zone WE, Zone WF, Zone WG, Zone WH, Zone WI, Zone WJ, Zone WK, Zone WL, Zone WM, Zone WN, Zone WO, Zone WP, Zone WQ, Zone WR, Zone WS, Zone WT, Zone WU, Zone WV, Zone WW, Zone WX, Zone WY, Zone WZ, Zone XA, Zone XB, Zone XC, Zone XD, Zone XE, Zone XF, Zone XG, Zone XH, Zone XI, Zone XJ, Zone XK, Zone XL, Zone XM, Zone XN, Zone XO, Zone XP, Zone XQ, Zone XR, Zone XS, Zone XT, Zone XU, Zone XV, Zone XW, Zone XX, Zone XY, Zone XZ, Zone YA, Zone YB, Zone YC, Zone YD, Zone YE, Zone YF, Zone YG, Zone YH, Zone YI, Zone YJ, Zone YK, Zone YL, Zone YM, Zone YN, Zone YO, Zone YP, Zone YQ, Zone YR, Zone YS, Zone YT, Zone YU, Zone YV, Zone YW, Zone YX, Zone YY, Zone YZ, Zone ZA, Zone ZB, Zone ZC, Zone ZD, Zone ZE, Zone ZF, Zone ZG, Zone ZH, Zone ZI, Zone ZJ, Zone ZK, Zone ZL, Zone ZM, Zone ZN, Zone ZO, Zone ZP, Zone ZQ, Zone ZR, Zone ZS, Zone ZT, Zone ZU, Zone ZV, Zone ZW, Zone ZX, Zone ZY, Zone ZZ



FILE NO. 2015-073 594 SHEET 1 OF 2

EXHIBIT "D"
SIGN CRITERIA
BUFFALO SPRINGS MARKETPLACE

1. Sign Requirements:

Tenant shall install (or cause to be installed) the exterior fascia and other signs in accordance with the following specifications:

- A. All signs and sign contractors shall be approved by Landlord.
1. The Landlord recommends the Tenant use a sign contractor listed on Page 4 of this exhibit for strict uniformity of all signs within the center. Said companies are licensed by the City of Houston, and carries the required liability and Worker's Compensation (provide Certificate of Insurance) insurance. The sign contractors shall be held liable, and shall bear all costs for removal and/or correction of signs that do not conform to this sign criteria.
 2. Three (3) sets of detailed shop drawings (plans and specifications) bearing the name, address, and telephone number of the sign manufacturer, Tenant's name and address shall be submitted to the Landlord's office for written acknowledgement and approval of the plans.
 3. Fabrication and installation shall not commence prior to approval by Landlord.
 4. Fabrication and installation shall be in accordance with the approved shop drawings and this criteria.
- B. The following shall NOT be permitted:
1. Exposed neon, exposed lamps, moving character (animated), flashing action, intermittent (blinking) illumination, scintillating, audible signs, panel, flat cut-out letters, or cabinet signs.
 2. Identification tags, marking signs, designations, or other descriptive placements which identify the manufacturer or fabricator of the sign, whether such tags are on Tenant's sign(s) (unless located on the top of the sign letter "non-readable" from Shopping Center's common areas), on the building structure, or elsewhere on the Shopping Center.

2. Sign Controls:

A. Exterior "Sign Band" Signs:

All signs shall be internally illuminated individual channel letters as follows:

- B. Tenant's logo, hallmark, insignia, or trade identification will be respected (under the "color", "style" control) if practicable at the sole discretion of the Landlord.
1. Location:
 - a. Centered on the "Sign Band" and centered within the lease premises frontage.
 - b. Height: All signs (one line of copy) shall have a vertical height of 36" upper case. If two lines of copy are required, the letters shall have a vertical height of 24" (maximum upper line of copy), upper case, and 18" (maximum lower line of copy) with a 4" open space between the lines.
 - c. Signs shall be level vertically and be centered on the "Sign Band".

- d. Horizontal Length: The Length shall not exceed 80% of the lease premise frontage.
 - e. Letter Depth: Channel letters shall have a 5" return.
 - f. All letters shall be on a single raceway of Aluminum construction with 1" square tube minimum frame and 0.063 minimum Aluminum sheet covers. A single line of copy will be on 6" (deep) x 6" tall raceway and the letters shall be centered vertically on this raceway. Further, if there are two (2) lines of copy, they will be on individual raceways 6" (deep) x 6" (tall). Raceways will be painted to specifications of existing raceways.
Color: " " TO MATCH FASCIA
2. Color; Style: Faces are to be 3/16" thick WHITE #7328, Trucast plexiglass or equivalent.
3. Fabrication:
- a. Channel letters are to be Wrisco Dark Bronze pre-finished aluminum with 1" Dark Bronze Jewelite trim.
 - b. Electrical wiring and connections shall comply with the National Electrical Codes in addition to bearing the Underwriters Laboratory Label or be built to comply with Underwriters Laboratory Requirements. Internal illumination shall be evenly distributed. The number of lines of LED Modules shall be sufficient number to evenly illuminate each letter; only white LED illuminating, 60W/12V LED Power Supply(s) shall be used.
 - c. Thickness of plexiglass face shall be 3/16 inch.
4. Installation:
- a. All external materials such as fasteners, screws, bolts, rivets, washers, etc. used in manufacture and installation of signs shall be of non-corrosive (non-ferrous) materials. Light shall not be visible from or around any of the preceding materials. Letter and electrical connections shall have 1/4" thick spacers of "Quick Connection Nuts".
 - b. All wiring, conduit, transformers, accessories, etc. are to be concealed in an approved manner subject to Landlord's approval (Refer to diagram attached hereto). No exposed wires or conduit is permitted. All electrical components must meet U.L. specifications. Wiring and hook-up of the sign shall be at Tenant's expense. Access to suspended sheetrock ceiling will be by removable panel only.
 - c. All sign letters and their supports shall be designed to withstand a minimum allowable resultant wind pressure of thirty (30) pounds per square foot and shall be constructed (built), installed and erected in accordance with the requirements of all applicable laws and/or ordinances.
- C. Front Door Entrance, Transom Signs:
- Non-illuminated letters and/or logos will be permitted on the store front entry door(s) or transom (s). Size and material shall be at Tenant's choice, but must be submitted to Landlord for approval prior to fabrication and installation. Color shall be the same as Tenant's sign band sign. Maximum projection from store front entry door(s) shall be 1 inch; for transom signs, maximum projection from face of door shall be 2 inches.

D. Rear Delivery Door Identification (Exposed to Service Area Only):

Porcelain enamel on steel or vinyl cut letters on European aluminum sign plaques (bearing Tenant's name only) shall be affixed with non-corrosive attachments. Letters shall be 4 inches. Top of plaque shall be 5 feet measured to the bottom of the door

3. Sign Maintenance:

- A. Tenant shall maintain all sign(s) LED Modules & Power Supply(s), sign accessories supports or associated materials in good condition and repair. If Landlord determines that any sign presents a threat of injury to person or property, or causes obstruction to the use of the sidewalk, parking, roadway, or interferes with the operation of any municipal departments (fire, police, etc.), other Tenant's, or Landlord's activities, it shall be the responsibility (at Tenant's sole cost and expense), of Tenant or Tenant's agents to remove, install, or repair the same properly, immediately upon notice from any such municipal departments, or from Landlord (or Landlord's representative).
- B. If Landlord deems it necessary to remove any of Tenant's signs in order to paint, redecorate, or make repairs, alterations or improvements in or to the leased premises or any part of the building to which Tenant's sign(s) may be affixed, Landlord shall have the right to do so, provided the same be removed and replaced at Landlord's initial cost and expense, unless the necessity therefore shall have been occasioned through the acts of Tenant or others. Landlord shall have the right, without notice to Tenant, to remove any sign installed by Tenant in violation of this Exhibit "D", Article XV "Signs" of the Lease Agreement or Exhibit "F", Rules and Regulations of SPRING MARKETPLACE and to charge Tenant the cost of such removal, storage and/or destruction, and/or repairs necessitated thereby, without liability to the Tenant for any damage caused by such removal. Tenant shall pay Landlord the cost immediately thereof upon presentation to Tenant by Landlord of a statement showing the costs so incurred by the Landlord. Tenant shall indemnify and hold Landlord harmless from any claims arising from such removal.

4. Amendment to Sign Criteria:

No "Sign Criteria" other than the preceding shall be furnished by the Tenant to any Sign Contractor. This criteria may be modified, changed, or added to, from time to time by notice from Landlord or Landlord's authorized representative.

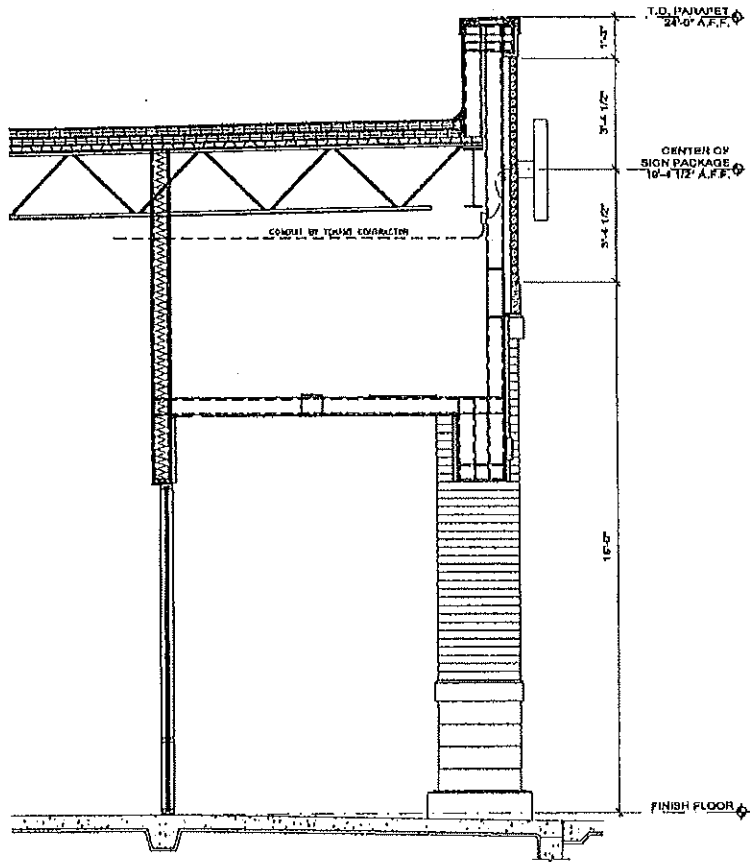
5. Landlord agrees that Tenant may have any sign company who meets these requirements bid and build Tenant's sign per this sign criteria. Landlord's List of Approved Sign companies:

Brite Lite Sign Service Co.
9901 Regal Row
Houston, TX 77040

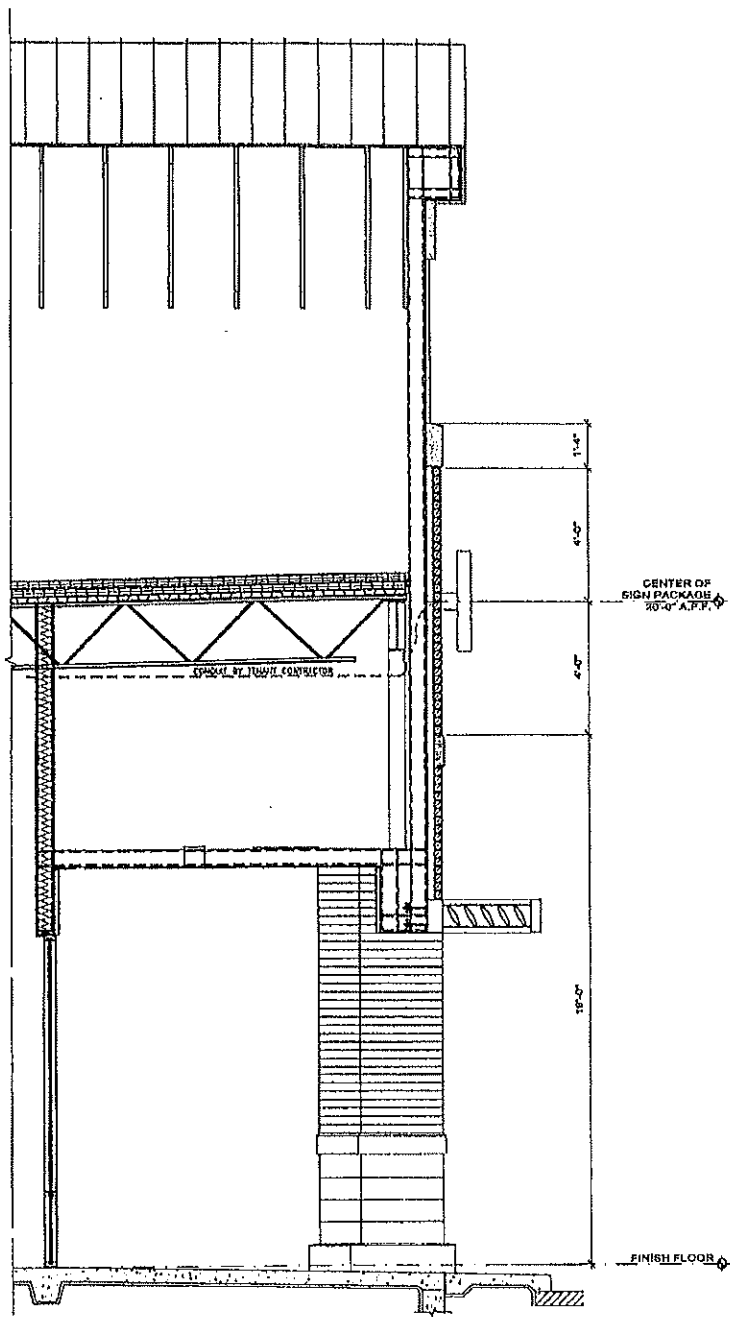
(713) 849-5545
Gloria Baker

Gulf Coast Signs & Graphics
7323 Domino Lane
Houston, Texas 77076

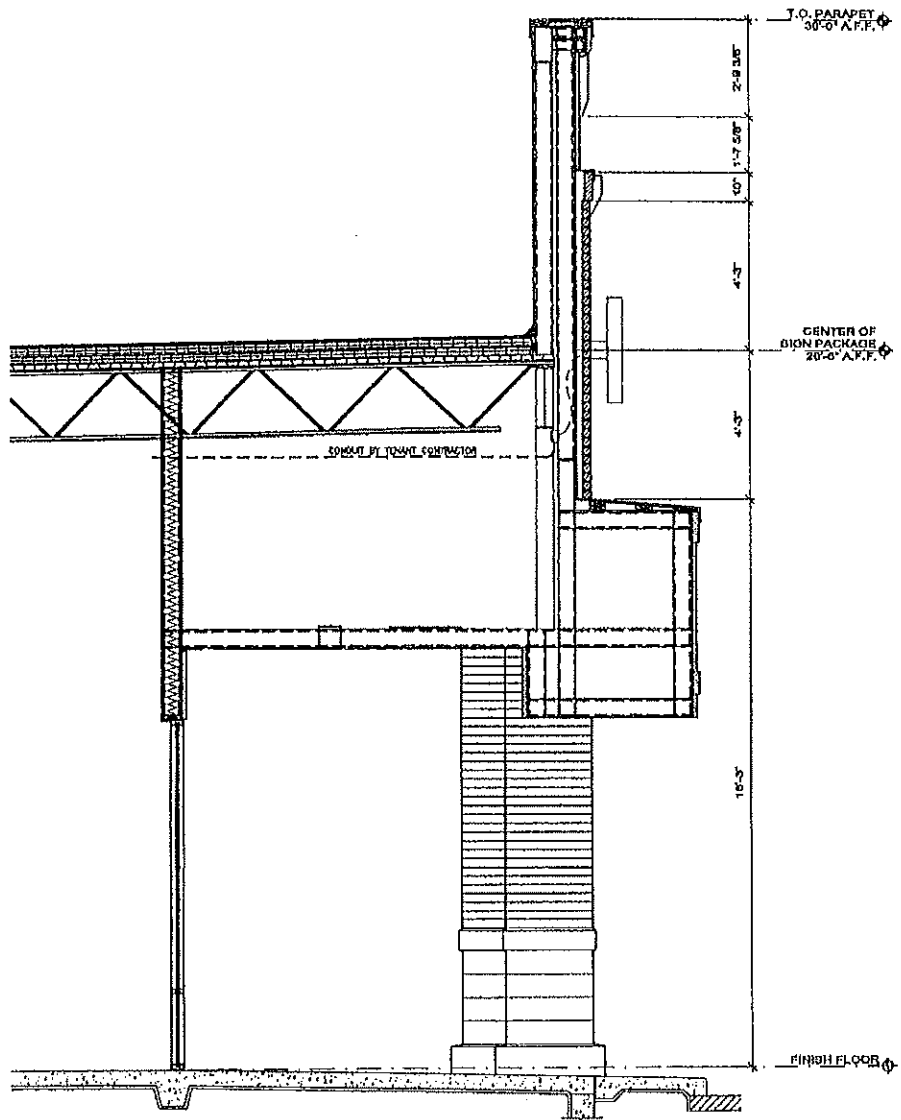
(281) 888-7062
Kelly Cottingham



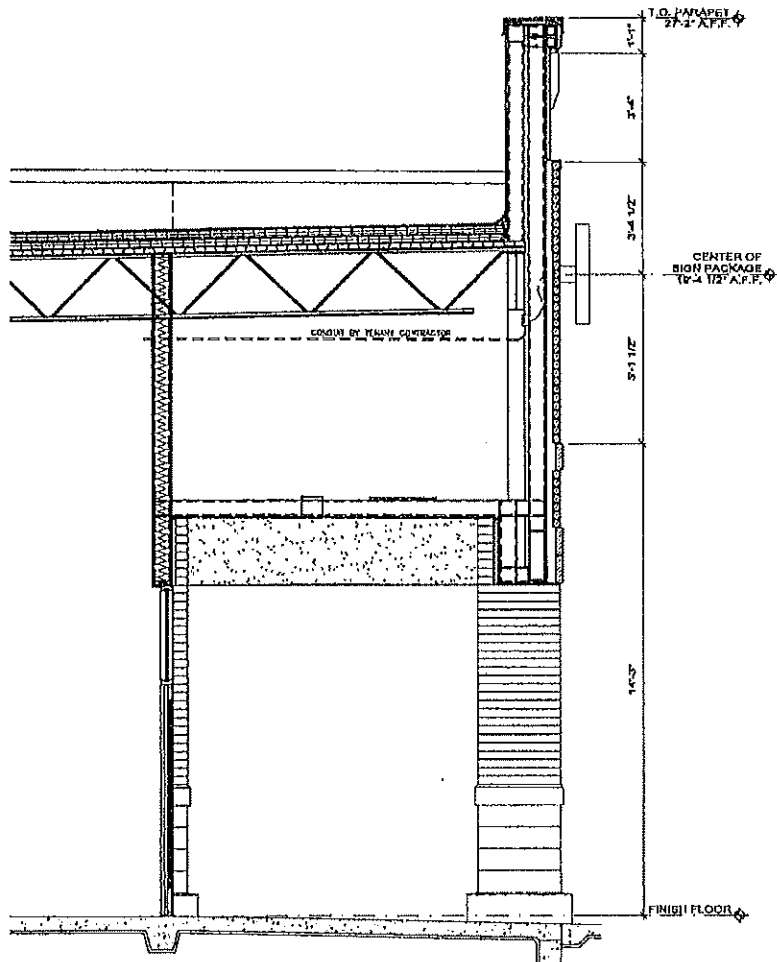
① SECTION - TYPICAL
 SCALE: 1/4" = 1'-0"



2 SECTION - WEST TOWER
SCALE: 1/4" = 1'-0"



3 SECTION - CENTER TOWER
 SCALE: 1/4" = 1'-0"



④ SECTION - EAST TOWER
SCALE: 1/4" = 1'-0"

3/21/2017

Mail :: Inbox: Montgomery

Date: Tue, 21 Mar 2017 14:41:53 -0500 (02:41:53 PM CDT)

From: Steve Kohring <skohring@fallscap.com>

To: cld@grandecom.net

Subject: Montgomery

Part(s): 2 BuffaloSpringsSIGNCRITERIA.PDF 608 KB

1 unnamed 3.19 KB

John – See attached sign specs for the lease space, particularly the last 4 pages. We can submit this to the city with the floorplan. I should have the floorplan by Friday morning. Thanks

Steve Kohring

CFO

Falls Capital, Inc.

PTP Construction Services, LLC

Wornat Land & Cattle, LLC

207 Craik St.

Marlin, TX 76661

Office 254-803-9636

Cell 254-640-2838

Fax 254-883-2776

skohring@fallscap.com

1.1 unnamed 0.44 KB

EXHIBIT "D"
SIGN CRITERIA
BUFFALO SPRINGS MARKETPLACE

1. Sign Requirements.

Tenant shall install (or cause to be installed) the exterior fascia and other signs in accordance with the following specifications:

- A. All signs and sign contractors shall be approved by Landlord.
1. The Landlord recommends the Tenant use a sign contractor listed on Page 4 of this exhibit for strict uniformity of all signs within the center. Said companies are licensed by the City of Houston, and carries the required liability and Worker's Compensation (provide Certificate of Insurance) insurance. The sign contractors shall be held liable, and shall bear all costs for removal and/or correction of signs that do not conform to this sign criteria.
 2. Three (3) sets of detailed shop drawings (plans and specifications) bearing the name, address, and telephone number of the sign manufacturer, Tenant's name and address shall be submitted to the Landlord's office for written acknowledgement and approval of the plans.
 3. Fabrication and installation shall not commence prior to approval by Landlord.
 4. Fabrication and installation shall be in accordance with the approved shop drawings and this criteria.
- B. The following shall NOT be permitted:
1. Exposed neon, exposed lamps, moving character (animated), flashing action intermittent (blinking) illumination, scintillating, audible signs, panel, flat cut-out letters, or cabinet signs
 2. Identification tags, marking signs, designations, or other descriptive placements which identify the manufacturer or fabricator of the sign, whether such tags are on Tenant's sign(s) (unless located on the top of the sign letter "non-readable" from Shopping Center's common areas), on the building structure, or elsewhere on the Shopping Center.

2. Sign Controls:

A. Exterior "Sign Band" Signs:

All signs shall be internally illuminated individual channel letters as follows:

- B. Tenant's logo, hallmark, insignia, or trade identification will be respected (under the "color" "style" control) if practicable at the sole discretion of the Landlord.
1. Location:
 - a. Centered on the "Sign Band" and centered within the lease premises frontage.
 - b. Height: All signs (one line of copy) shall have a vertical height of 36" upper case. If two lines of copy are required, the letters shall have a vertical height of 24" (maximum upper line of copy), upper case, and 18" (maximum lower line of copy) with a 4" open space between the lines.
 - c. Signs shall be level vertically and be centered on the "Sign Band".

- d. Horizontal Length: The Length shall not exceed 80% of the lease premise frontage.
 - e. Letter Depth: Channel letters shall have a 5" return.
 - f. All letters shall be on a single raceway of Aluminum construction with 1" square tube minimum frame and 0.063 minimum Aluminum sheet covers. A single line of copy will be on 6" (deep) x 6" tall raceway and the letters shall be centered vertically on this raceway. Further, if there are two (2) lines of copy, they will be on a individual raceways 6" (deep) x 6" (tall). Raceways will be painted to specifications of existing raceways.
Color: " " TO MATCH FASCIA
2. Color; Style: Faces are to be 3/16" thick WHITE #7328, Trucast plexiglass or equivalent.
 3. Fabrication:
 - a. Channel letters are to be Wrisco Dark Bronze pre-finished aluminum with 1" Dark Bronze Jewelle trim.
 - b. Electrical wiring and connections shall comply with the National Electrical Codes in addition to bearing the Underwriters Laboratory Label or be built to comply with Underwriters Laboratory Requirements. Internal illumination shall be evenly distributed. The number of lines of LED Modules shall be sufficient number to evenly illuminate each letter; only white LED illuminating, 60W/12V LED Power Supply(s) shall be used.
 - c. Thickness of plexiglass face shall be 3/16 inch.
 4. Installation:
 - a. All external materials such as fasteners, screws, bolts, rivets, washers, etc. used in manufacture and installation of signs shall be of non-corrosive (non-ferrous) materials. Light shall not be visible from or around any of the preceding materials. Letter and electrical connections shall have 1/4" thick spacers of "Quick Connection Nuts"
 - b. All wiring, conduit, transformers, accessories, etc. are to be concealed in an approved manner subject to Landlord's approval (Refer to diagram attached hereto). No exposed wires or conduit is permitted. All electrical components must meet U.L. specifications. Wiring and hook-up of the sign shall be at Tenant's expense. Access to suspended sheetrock ceiling will be by removable panel only.
 - c. All sign letters and their supports shall be designed to withstand a minimum allowable resultant wind pressure of thirty (30) pounds per square foot and shall be constructed (built), installed and erected in accordance with the requirements of all applicable laws and/or ordinances.

C. Front Door Entrance, Transom Signs

Non-illuminated letters and/or logos will be permitted on the store front entry door(s) or transom (s). Size and material shall be at Tenant's choice, but must be submitted to Landlord for approval prior to fabrication and installation. Color shall be the same as Tenant's sign band sign. Maximum projection from store front entry door(s) shall be 1 inch; for transom signs, maximum projection from face of door shall be 2 inches.

D. Rear Delivery Door Identification (Exposed to Service Area Only):

Porcelain enamel on steel or vinyl cut letters on fluropan aluminum sign plaques (bearing Tenant's name only) shall be affixed with non-corrosive attachments. Letters shall be 4 inches. Top of plaque shall be 5 feet measured to the bottom of the door

3. Sign Maintenance.

- A. Tenant shall maintain all sign(s) LED Modules & Power Supply(s), sign accessories supports or associated materials in good condition and repair. If Landlord determines that any sign presents a threat of injury to person or property, or causes obstruction to the use of the sidewalk, parking, roadway, or interferes with the operation of any municipal departments (fire, police, etc.), other Tenant's, or Landlord's activities, it shall be the responsibility (at Tenant's sole cost and expense), of Tenant or Tenant's agents to remove, install, or repair the same properly, immediately upon notice from any such municipal departments, or from Landlord (or Landlord's representative).
- B. If Landlord deems it necessary to remove any of Tenant's signs in order to paint, redecorate, or make repairs, alterations or improvements in or to the leased premises or any part of the building to which Tenant's sign(s) may be affixed, Landlord shall have the right to do so, provided the same be removed and replaced at Landlord's initial cost and expense, unless the necessity therefore shall have been occasioned through the acts of Tenant or others. Landlord shall have the right, without notice to Tenant, to remove any sign installed by Tenant in violation of this Exhibit "D", Article XV "Signs" of the Lease Agreement or Exhibit "F", Rules and Regulations of SPRING MARKETPLACE and to charge Tenant the cost of such removal, storage and/or destruction, and/or repairs necessitated thereby, without liability to the Tenant for any damage caused by such removal. Tenant shall pay Landlord the cost immediately thereof upon presentation to Tenant by Landlord of a statement showing the costs so incurred by the Landlord. Tenant shall indemnify and hold Landlord harmless from any claims arising from such removal.

4. Amendment to Sign Criteria.

No "Sign Criteria" other than the preceding shall be furnished by the Tenant to any Sign Contractor. This criteria may be modified, changed, or added to, from time to time by notice from Landlord or Landlord's authorized representative.

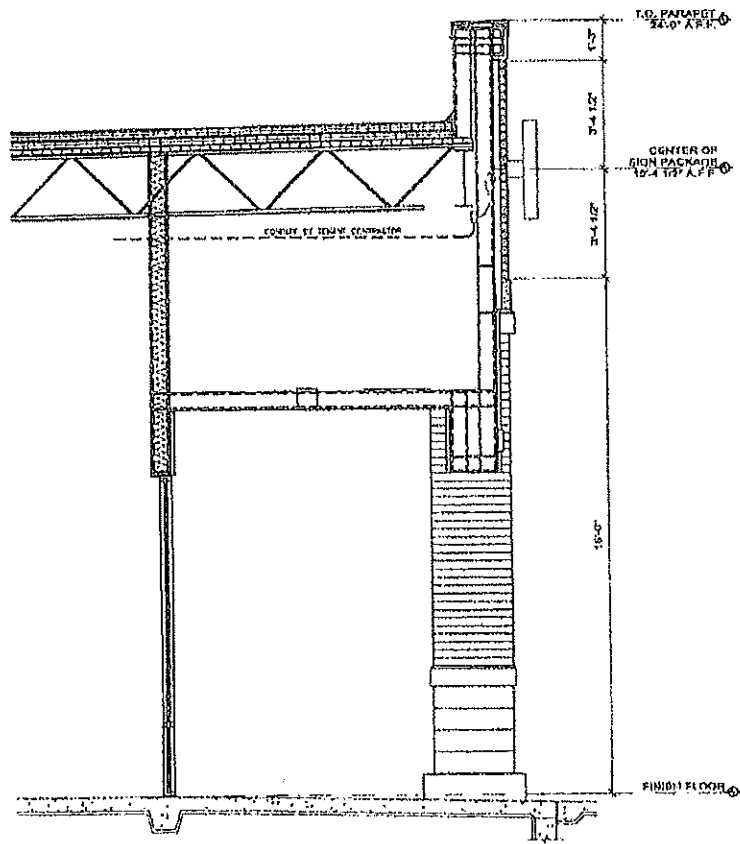
5. Landlord agrees that Tenant may have any sign company who meets these requirements bid and build Tenant's sign per this sign criteria. Landlord's List of Approved Sign companies:

Brite Lite Sign Service Co.
9901 Regal Row
Houston, TX 77040

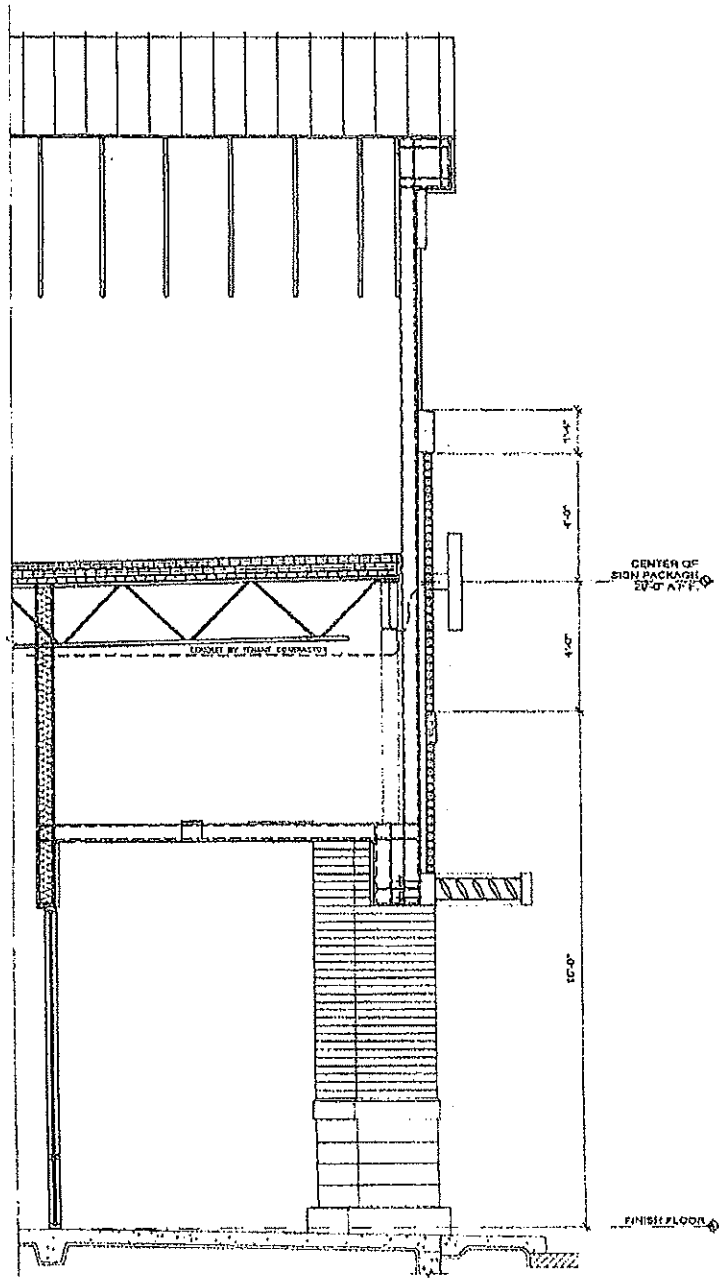
(713) 849-5545
Gloria Baker

Gulf Coast Signs & Graphics
7323 Domino Lane
Houston, Texas 77076

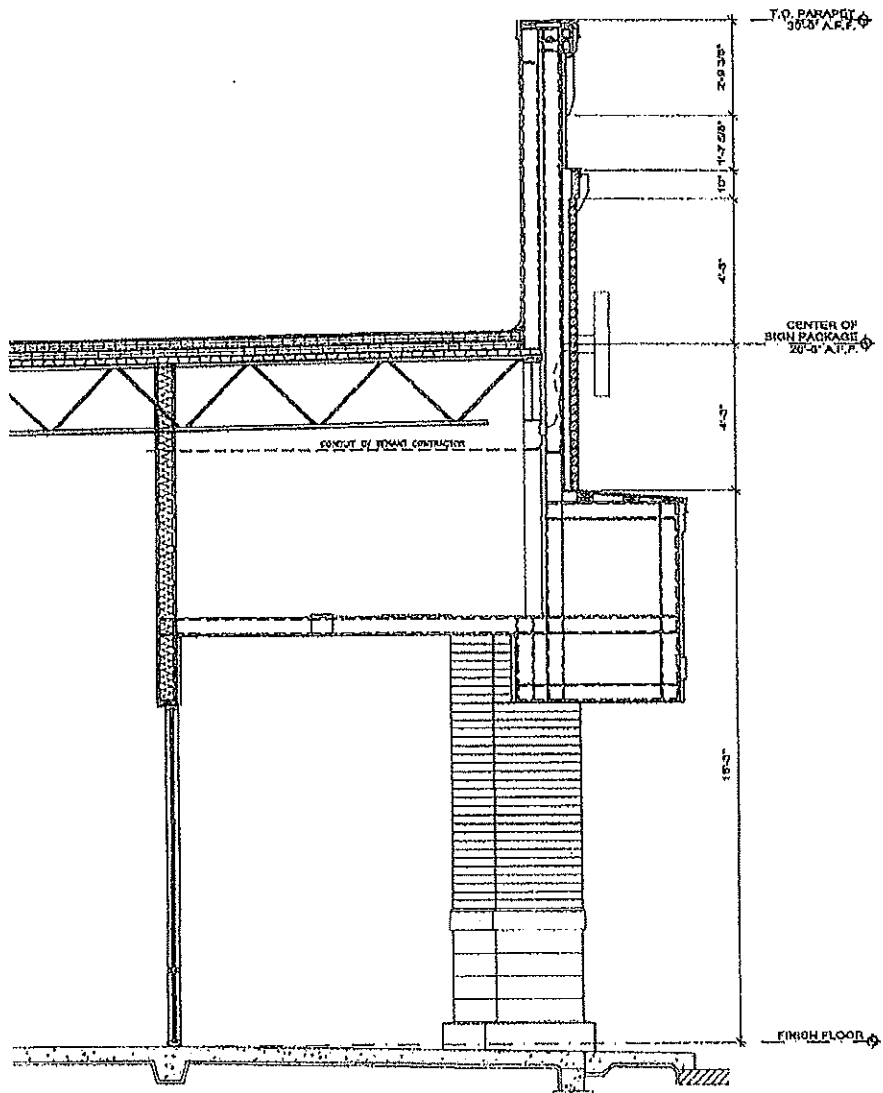
(281) 888-7062
Kelly Cottingham



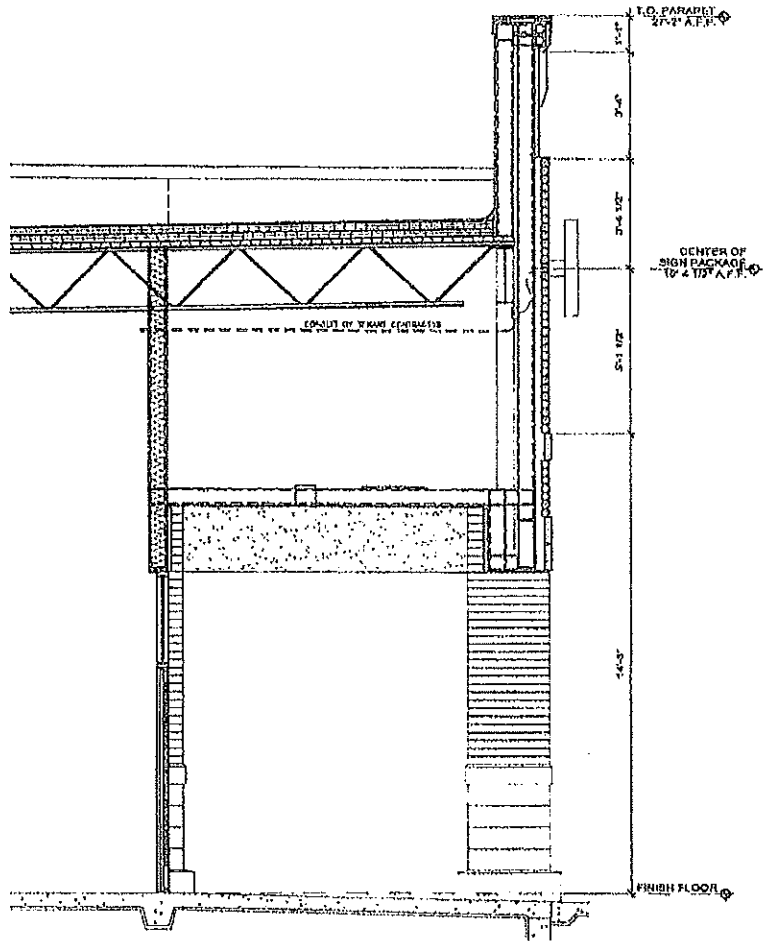
① SECTION - TYPICAL
SCALE: 1/4" = 1'-0"



2 SECTION - WEST TOWER
 SCALE: 1/4" = 1'-0"



3
SECTION - CENTER TOWER
 SCALE: 1/4" = 1'-0"



4 SECTION - EAST TOWER
SCALE: 1/4" = 1'-0"

Montgomery City Council
AGENDA REPORT

Meeting Date:	April 25, 2017	Budgeted Amount:	N/A
Department:	Administration		
		Exhibits:	
Date Prepared:	April 21, 2017		

Subject

Alcohol Beverage Permit Application for The Kroger Company

Recommendation

Staff is recommending approval of the application for the Kroger Company, located at 20168 Eva Street, Montgomery, for a Wine and Beer Retailer's Off-Premise Permit Alcohol Beverage Permit

Discussion

The notices were published and letter of notification sent to all property owners within 200 feet. There have been no comments received regarding this application.

Approved By

City Secretary	Susan Hensley	Date: April 21, 2017
City Administrator	<i>Josh Yates</i>	Date: <i>April 21, 2017</i>



City of Montgomery
Alcohol Beverage
License Application

City of Montgomery, Texas
P.O. Box 708
Montgomery, Texas 77366
936-597-3288

www.montgomerytexas.gov

APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE

Date Received by the City: 4/6/17

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)

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.
6am-1am - COULD CHANGE TO 24 hrs.

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: HENPIL, INC. Phone: 713-507-6086
Address: 19245 DAVID MEMORIAL DR., SHENANDOAH, TX 77385
Home Address: _____ Phone: _____
Check if you are leasing property: []

9. Land Owner: THE KRGOER COMPANY Phone: 513-762-4000
Address: 1014 VINE ST., CINCINNATI, OH 45202

10. Business Partners: SEE ATTACHED Phone: _____
Address: _____
Home Address: _____ Phone: _____

This is to certify that I, JAMES E. ROONEY-VP have complied with all State, County, Codes and Regulations of the City of Montgomery, Texas.

HENPIL, INC. or _____
Business Owner and/or Lessee Partner if Applicable

AFFIDAVIT OF ANY FACT

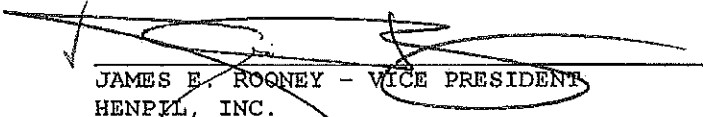
STATE OF TEXAS)
COUNTY OF HARRIS)

BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS DAY PERSONALLY APPEARED JAMES E, ROONEY, WHO DOES DEPOSE AND SAY:

THAT, HENPIL, ICN. ARE APPLICANTS FOR A BEER AND WINE REATILER'S OFF-PREMISE PERMIT TO BE ISSUED TO KROGER #142, LOCATED AT 20168 EVA, MONTGOMERY, MONTGOMERY COUNTY, TX.

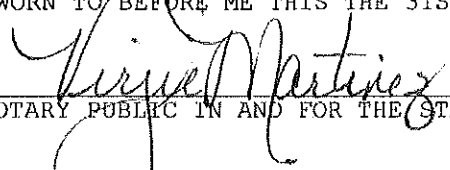
STATE THAT THE BUILDING FOR THE ABOVE ADDRESS IS NOT WITHIN 300 FEET OF A CHURCH, SCHOOL OR HOSPITAL AND THE BUILDING IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER FOR SEPERATE AND ADEQUATE TOILET FACILITIES FOR MEN AND WOMEN. AND

THAT, THE ABOVE STATEMENT IS TRUE AND CORRECT.



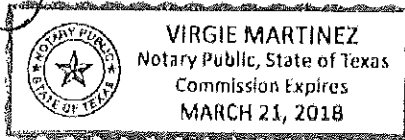
JAMES E. ROONEY - VICE PRESIDENT
HENPIL, INC.

SWORN TO BEFORE ME THIS THE 31ST, DAY OF MARCH, 2017.



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

S E A L



ATTACHMENT TO QUESTION #10



CORPORATION

L-C
(05/2016)

This Corporation form should be completed for original applications or for changes of officers, directors, stockholders, trustees, and beneficiaries holding ownership in this business. This form is included in the Business Packet (L-B) for new applicants. License/Permit holders reporting changes use Business Packet for Reporting Changes (L-BRC).

For more information contact your local TABC office or visit us at: www.tabc.texas.gov

ENTITY INFORMATION

1. Federal Employer Identification Number (FEIN)

74-6044519

2. Business Entity Name

Henpil, Inc.

3. Filing Number

126485

4. Date Filed (mm/dd/yyyy)

06/14/1955

State

TX

Class and Number of Shares Issued

980 Common

CORPORATE OWNERSHIP INFORMATION

 Officer Director Stockholder Trustee/BeneficiarySSN Out of Country

161-56-7681

Issuing State/DL No.

OH RG288722

Date of Birth (mm/dd/yyyy)

02/27/171

Class & No. of Shares

-0-

Last Name

Wheatley

First Name

Christine

MI

S

Title

Pres./Secy.

 Officer Director Stockholder Trustee/BeneficiarySSN Out of Country

296-82-4807

Issuing State/DL No.

OH RT142521

Date of Birth (mm/dd/yyyy)

08/06/1969

Class & No. of Shares

-0-

Last Name

Foley

First Name

Todd

MI

A

Title

V.Pres./Treas.

 Officer Director Stockholder Trustee/BeneficiarySSN Out of Country

196-36-4276

Issuing State/DL No.

TX 13524105

Date of Birth (mm/dd/yyyy)

01/18/1947

Class & No. of Shares

-0-

Last Name

Rooney

First Name

James

MI

E

Title

V.President

 Officer Director Stockholder Trustee/BeneficiarySSN Out of Country

460-64-7892

Issuing State/DL No.

TX 05050803

Date of Birth (mm/dd/yyyy)

12/22/1943

Class & No. of Shares

-0-

Last Name

Rutledge

First Name

Patsy

MI

J

Title

V.President

CORPORATE OWNERSHIP INFORMATION CONTINUED

<input checked="" type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Stockholder <input type="checkbox"/> Trustee/Beneficiary				
SSN <input type="checkbox"/> Out of Country	Issuing State/DL No.	Date of Birth (mm/dd/yyyy)	Class & No. of Shares	
281-66-6658	TX 15043731	09/16/1958	-0-	
Last Name		First Name	MI	Title
Storch		Kimberly		V. President
<input checked="" type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Stockholder <input type="checkbox"/> Trustee/Beneficiary				
SSN <input type="checkbox"/> Out of Country	Issuing State/DL No.	Date of Birth (mm/dd/yyyy)	Class & No. of Shares	
454-26-1634	TX 01581315	05/07/1919	-0-	
Last Name		First Name	MI	Title
Cannon		Jack	L	V. President
<input checked="" type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Stockholder <input type="checkbox"/> Trustee/Beneficiary				
SSN <input type="checkbox"/> Out of Country	Issuing State/DL No.	Date of Birth (mm/dd/yyyy)	Class & No. of Shares	
218-74-6367	OH RW309656	11/01/1961	-0-	
Last Name		First Name	MI	Title
Bradley		Joseph	W	Asst. Treas.
<input type="checkbox"/> Officer <input type="checkbox"/> Director <input checked="" type="checkbox"/> Stockholder <input type="checkbox"/> Trustee/Beneficiary				
SSN <input type="checkbox"/> Out of Country	Issuing State/DL No.	Date of Birth (mm/dd/yyyy)	Class & No. of Shares	
Last Name		First Name	MI	Title
Rocket Newco, Inc.		FEI# 76-0542912		Stockholder
<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Stockholder <input type="checkbox"/> Trustee/Beneficiary				
SSN <input type="checkbox"/> Out of Country	Issuing State/DL No.	Date of Birth (mm/dd/yyyy)	Class & No. of Shares	
Last Name		First Name	MI	Title
<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Stockholder <input type="checkbox"/> Trustee/Beneficiary				
SSN <input type="checkbox"/> Out of Country	Issuing State/DL No.	Date of Birth (mm/dd/yyyy)	Class & No. of Shares	
Last Name		First Name	MI	Title
<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Stockholder <input type="checkbox"/> Trustee/Beneficiary				
SSN <input type="checkbox"/> Out of Country	Issuing State/DL No.	Date of Birth (mm/dd/yyyy)	Class & No. of Shares	
Last Name		First Name	MI	Title

IF YOU NEED MORE SPACE USE ADDITIONAL COPIES OF THIS PAGE



OFF-PREMISE PREQUALIFICATION PACKET

COPY
L-OFF
(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

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

Reinstatement

License/Permit Number _____

Change of Licensed Location

License/Permit Number _____

2. Type of Off-Premise License/Permit

BQ Wine and Beer Retailer's Off-Premise Permit

LP Local Distributor's Permit

BF Beer Retail Dealer's Off-Premise License

E Local Cartage Permit

P Package Store Permit

ET Local Cartage Transfer Permit

Q Wine Only Package Store Permit

PS Package Store Tasting Permit

3. Indicate Primary Business at this Location

Grocery/Market

Convenience Store without Gas

Liquor Store

Miscellaneous _____

Convenience Store with Gas

4. Trade Name of Location

Kroger # 142

5. Location Address

20168 Eva Street

City

Montgomery

County

Montgomery

State

TX

Zip Code

77356

6. Mailing Address

19245 David Memorial Dr.

City

Shenandoah

State

TX

Zip Code

77385

7. Business Phone No.

PENDING

Alternate Phone No.

(615) 232-7725

E-mail Address

business.license@kroger.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

Henpil, Inc.



OWNERSHIP INFORMATION
Continued for Prequalification Packet

COPY L-OIC
(01/2016)

LOCATION INFORMATION

1. Trade Name of Location
Kroger # 142

2. Location Address
20168 Eva Street

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

OWNER INFORMATION

3. Type of Owner

<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> City/County/University
<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Other _____
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Joint Venture	
<input type="checkbox"/> Limited Liability Partnership	<input type="checkbox"/> Trust	

Last Name	First Name	MI	Title
Rutledge	Patsy	J	V.President
Storch	Kimberly		V.President
Bradley	Joseph	W	Asst. Treas.
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
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Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

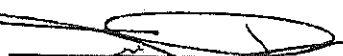
COPY

WARNING AND SIGNATURE

If Applicant Is/ Must Sign	
Individual/Individual Owner	Corporation/Officer
Partnership/Partner	Limited Liability Company/Officer or Manager
Limited Partnership/General Partner	

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

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

PRINT NAME JAMES E. ROONEY SIGN HERE 

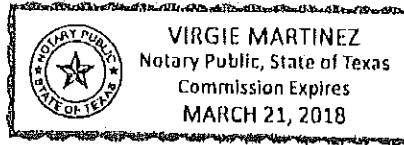
TITLE VICE PRESIDENT

Before me, the undersigned authority, on this 28 day of MARCH, 2017, the

person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE 
NOTARY PUBLIC

SEAL



CERTIFICATE OF CITY SECRETARY (FOR P, Q, BF & BQ)

Sections 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.

SIGN HERE _____, TEXAS
City Secretary/Clerk City

SEAL

CERTIFICATE OF COUNTY CLERK (FOR P, Q & BF)

Sections 11.37 & 61.37

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

COPY

CERTIFICATE OF COUNTY CLERK (FOR BQ)

Section 11:37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought as the place of business is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine and Beer Retailer's Off-Premise Permit.

Most current election for given location was held for:

- legal sale of all alcoholic beverages for off-premise consumption
- 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 mixed beverages
- legal sale of mixed beverages in restaurants by food and beverage certificate holders
- legal sale of wine on the premises of a holder of a winery permit
- legal sale of beer/wine (17%) on-premise or beer/wine off-premise **AFTER** Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise or beer/wine off-premise **BEFORE** Sept. 1, 1999

SIGN

HERE _____

County Clerk

_____ COUNTY

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Sections 11:46(b) & 61:42(b)

This is to certify on this 30 day of March, 2017, 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 17460445194

Outlet Number 00026

Print Name of Comptroller Employee Alf Cates

Print Title of Comptroller Employee S.O

SIGN

HERE _____

FIELD OFFICE

ZUR

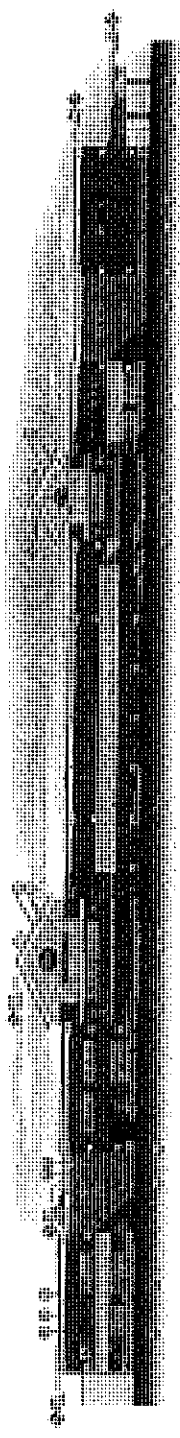
SEAL

PUBLISHER'S AFFIDAVIT (FOR BQ, BF, P & Q)

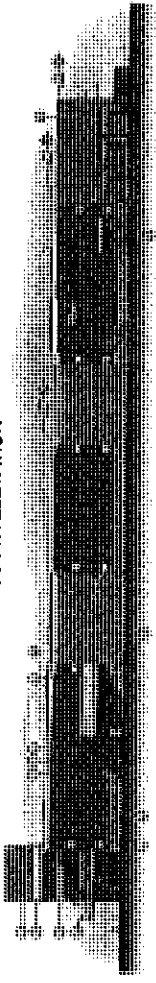
Sections 11:39 & 61:38

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		

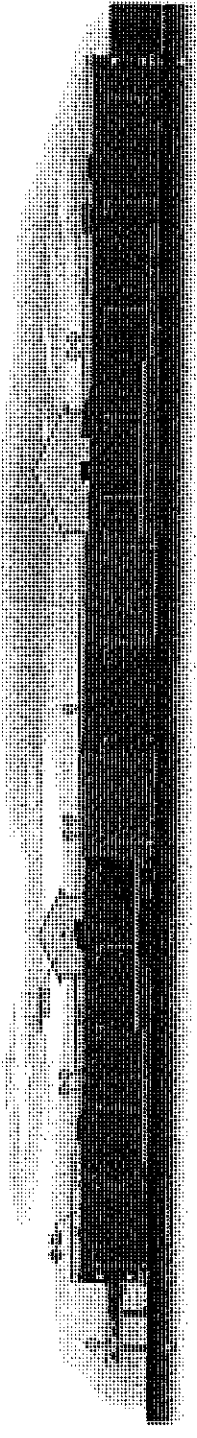
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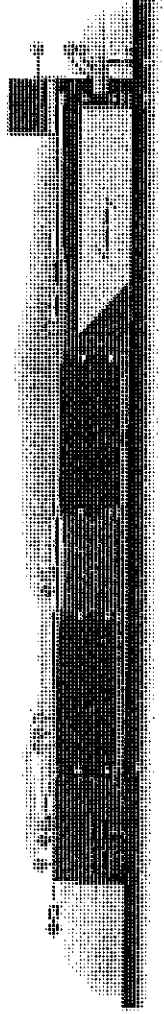
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

- Existing
- New
- Demolition
- Other



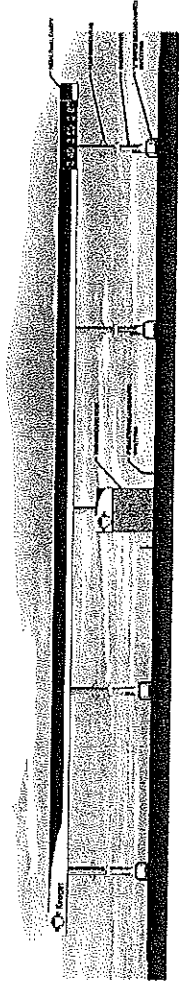
Kroger Store SW142

Montgomery, TX

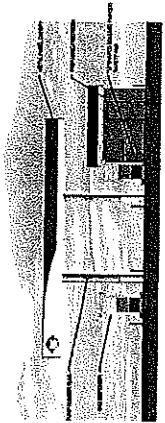
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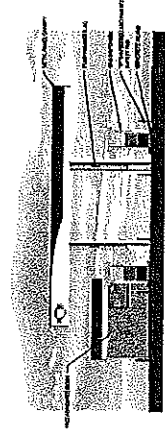
July 9, 2014



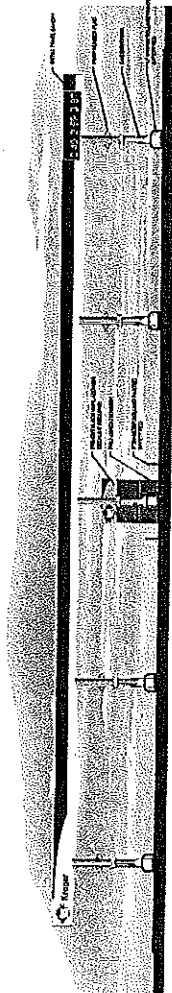
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

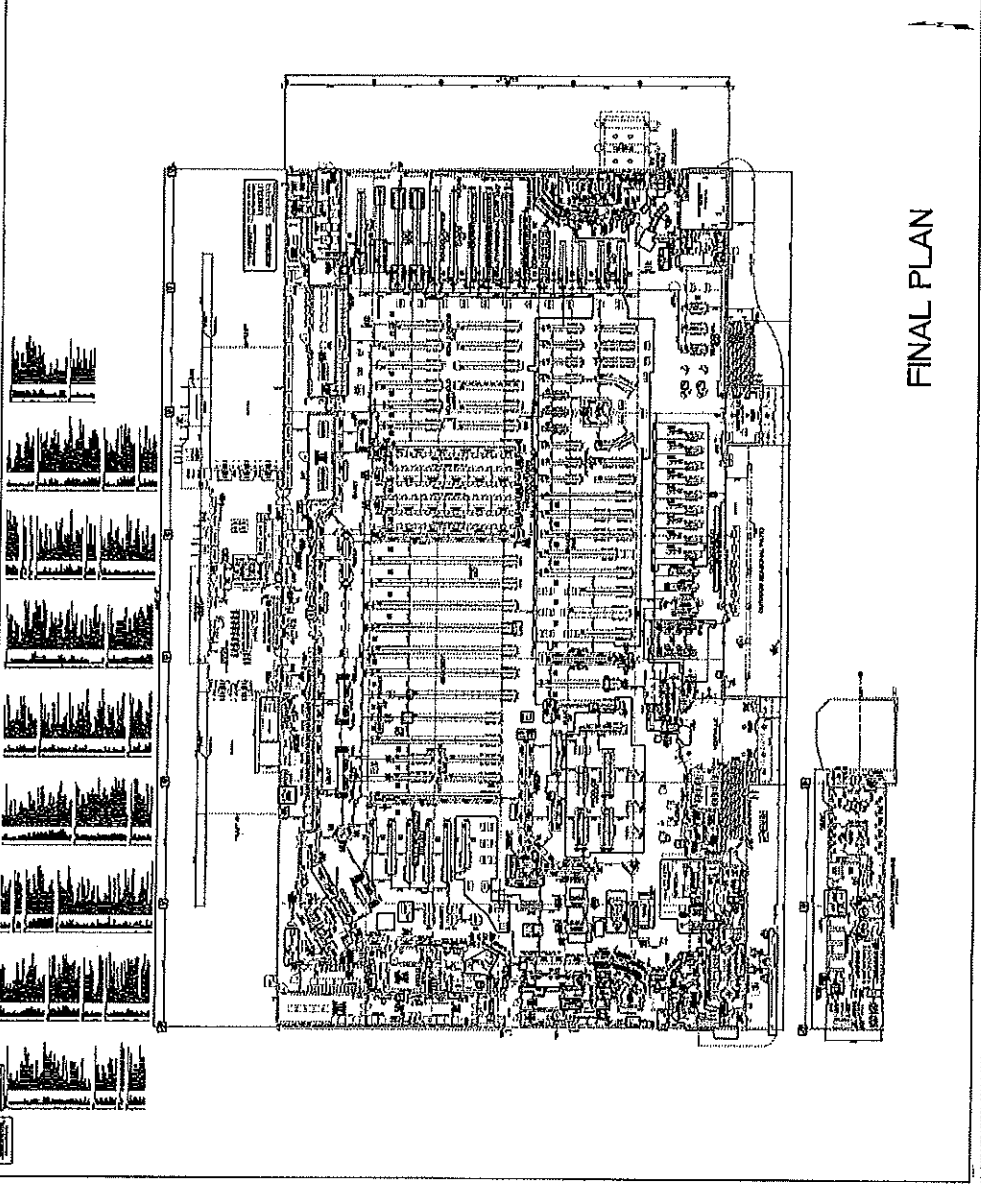


June 27, 2014

Kroger SW142
Montgomery, TX



<p>PROJECT NO. HO-142 DATE: 11/15/2011 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>HOUSTON BANNER</p>		<p>NEW STORE HO-142 MNC HWY 105 + FM 2854 MONTGOMERY, TX</p>	<p>11 BOEY FI</p>
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SCOPE OF WORK
FABRICATE AND INSTALL ONE DOUBLE FACED MONUMENT SIGN

- ① CAP: ALL ALUMINUM FRAME CONSTRUCTION
 - E.F.I.S. FINISH
- ① HEADER: ALL ALUMINUM FRAME CONSTRUCTION
 - E.F.I.S. FINISH
- ① TENANT CABINET: ALL ALUMINUM CONSTRUCTION
 - ONE TENANT FACE: 7328 WHITE ACRYLIC
 - INTERNALLY ILLUMINATED BY T12 DRO LAMPS
 - ALUMINUM RETAINERS
 - ALUMINUM ANGLE FRAME
 - NO VISIBLE FASTENERS ON FACE
- ① COUNTER SUNK SCREWS ON ENDS
- ① BRICK POLE COVER: QUIK-BRICK TO MATCH BUILDING
- ① BASE: SPLIT-FACE CHALK TO MATCH BUILDING
- ① CAST STONE CAP TO MATCH BUILDING
- ① PAD: 3" BIGGER ALL AROUND THAN SECTION ABOVE
- ① MIN 3" ABOVE GRADE
- ① SUPPORTS: TWO (2) 6" SQ TUBES .375 WALL
- ① WELDED TO SIGN FRAME
- ① FOUNDATION: TWO (2) 18" DIA X 5'-0" DEEP CONCRETE FILLED PIERS

- FINISH: P1
- FINISH: P1
- FINISH: P3
- FINISH: P3

PAINT COLORS - SATIN FINISH

- P1: EFS MONASTERY BROWN
- P2: EFS OYSTER SHELL
- P3: PTM BLACK

VINYL COLORS

- P1: 3M 3630-137 EUROPEAN BLUE
- P2: 3M 3630-126 DARK EMERALD GREEN

APPROVED BY: _____



9901 REGAL ROW HOUSTON, TX 77040
 (M) 713.849.5545 (F) 713.849.5547
 WWW.BRITELITESIGN.COM

CUSTOMER:
 BUFFALO SPRINGS S/C
 PHASE 1

ADDRESS:
 20212 EVA ST
 MONTGOMERY, TX 77356

CITY OF JURISDICTION: CITY COUNTY ELECTRIC TOLL RD

MONTGOMERY

DATE CREATED: 06-09-15

DESIGNER: JC

DRWG. NUMBER: BLS15-00545 P&B

SALES PERSON: CB

FILE PATH:

REVISIONS

R1:12-11-15 JC REVISED FROM PYLONS TO MONUMENTS

R2:05-13-16 JC ADDED SOME ART BUT NEED PRODUCTION ART

R3:05-16-16 JC ADDED ARTWORK MADE BRICK WIDER ON ENDS

R4:05-17-16 JC ADDED LOGO DIAMONDS

R5:06-24-16 JC CORRECTED ADDRESS ADD LED DETAILS

R6:06-27-16 JC REVISED ALL SIGNS TO BE SAME WIDTH

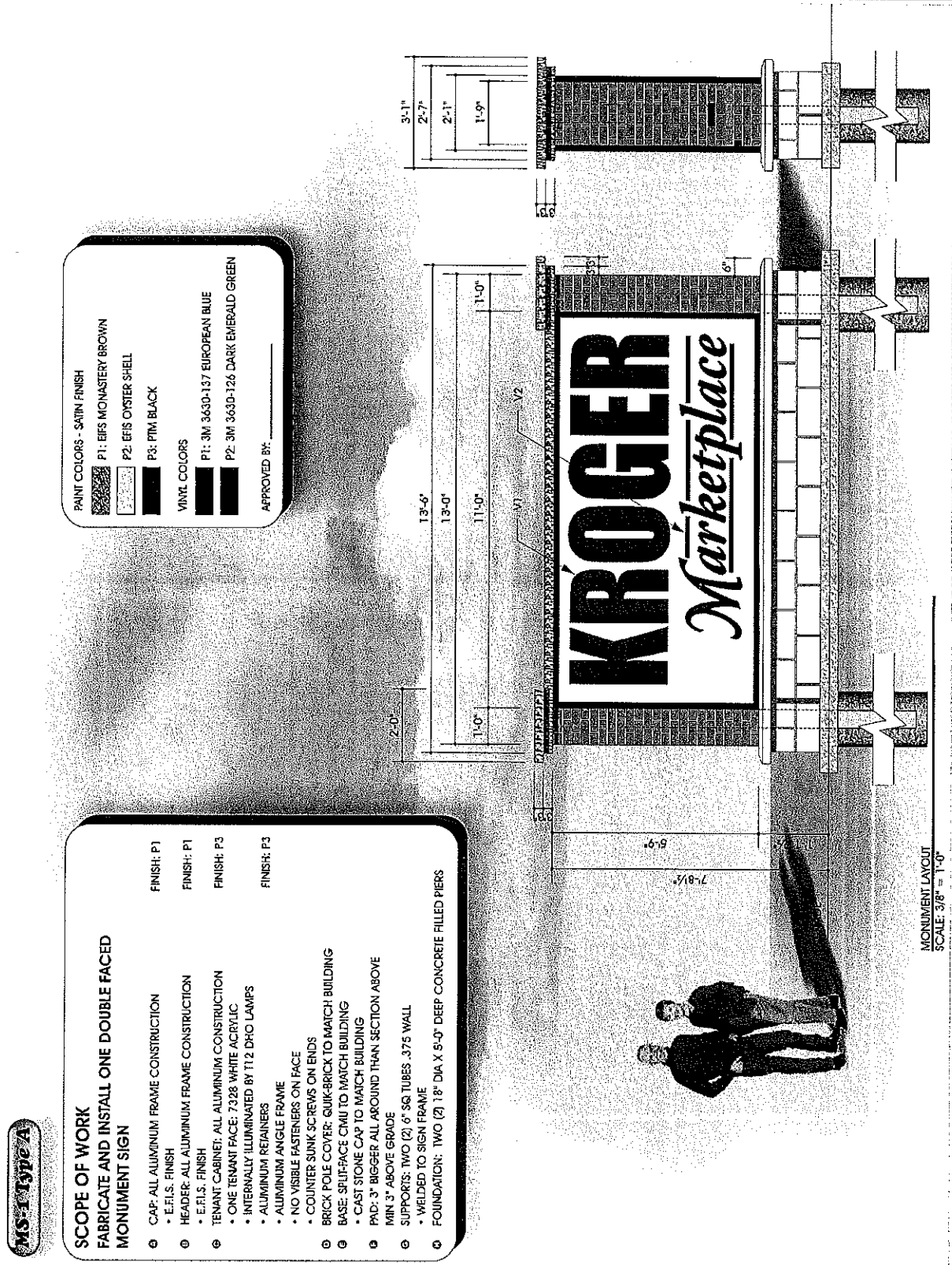
CUSTOMER APPROVAL:
 SIGNATURE: _____
 DATE: _____

LANDLORD APPROVAL:
 SIGNATURE: _____
 DATE: _____

ELECTRICAL REQUIREMENTS:
 AMPS: 20 VOLTS: 120 CIRCUITS: 1

LABORATORY LISTED SIGN

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



AWARD WINNING SIGN COMPANY FROM THE TEXAS SIGN ASSOCIATION
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ITEM # 10
Montgomery City Council
AGENDA REPORT

Meeting Date: April 11, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Suit as filed of Record, E-mail from City Attorney on review of suit, E-mail from City Attorney to County Fire Marshall seeking resolution to Suit, E-mail from City Attorney recommending passage of amending ordinance and e-mails with County Fire Marshall's office regarding situation.
Date Prepared: April 7, 2017	

Subject

This regards the LPG suit as explained in the suit e-mail from Larry Foerster

Discussion

This ordinance is being proposed

Recommendation

Approve the ordinance as presented.

Approved By

City Administrator	Jack Yates	Date: April 7, 2017
--------------------	------------	---------------------



City Attorney Review of Suit

p. 1 of 1

Lawsuit filed by Texas Propane Gas Assoc. against Montgomery re propane gas code enforcement

1 message

Larry Foerster <foerster@dfcllp.com>

Wed, Mar 29, 2017 at 2:59 PM

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

Cc: "rhanna@rickhanna.com" <rhanna@rickhanna.com>

Here is a summary of my telephone conversation with Austin attorney, Leonard Smith, who represents the Texas Propane Gas Association (TPGA)

- City Attorney Review of Case*
- The TPGA membership have been frustrated that across the state, cities' code enforcement officers and ESDs' fire marshals are enforcing their local safety rules that are more restrictive than the Railroad Commission's Safety Rules.
 - The issue is NOT safety but uniform regulation across the state. The TPGA members are willing to comply with the RRC's safety rules, and have no objection to reasonable more-restrictive rules so long as they are universally applicable statewide.
 - The law provides that the RRC's rules preempt any local ordinances, orders and rules.
 - Defendant cities like Houston, Sherman and others are thumbing their proverbial noses at the RRC safety rules, even though there is a Texas A G opinion that clearly states that local regulations of propane gas is preempted by the RRCs Safety Rules. The cities' variety of enforcement of their local rules make it difficult for propane gas companies to comply.
 - So the lawsuit is asking the Austin trial court to declare that no city or ESD's fire or propane gas regulation can supersede or override the RRC rules, and any that do are in effect void.
 - Mr. Smith was pleased that I have reached out to him and that I am willing to recommend that we modify our International Fire Code and International Fuel Gas Code, along with Article V, Chapter 38 of our Municipal Code, so that propane gas is exempted from these regulations.
 - He indicated that he would send me an email agreeing to waive the City's answer to the lawsuit, while he and I work on the necessary language to correct the problem. He says no other city has made a similar gesture.
 - This can be done by passing an ordinance that modifies and amends the City's propane regulations.
 - When time permits, Rick Hanna and I can work on the language we need to use to correct the problem raised in the International Fire Code and International Fuel Gas Code.
 - We also need to exclude propane gas from Chapter 38, Article V of the City's municipal code.
 - To the extent he can be helpful, Mr. Smith has agreed to review the amendments before they are presented to the City Council in April.
 - I believe that when this is done, Montgomery can be dismissed from the lawsuit.

Rick Hanna:

It is very likely that other cities that have adopted these codes may also be targets that could be added as additional defendants. I have advised Leonard Smith that I am notifying all my cities about this problem, and will also contact the local MC ESD #2 and its fire marshal. Contact me if you would like to see a copy of the lawsuit pleadings.

Larry

Larry L. Foerster



City Attorney seeking Resolution to Suit
p. 1 of 3

FW: Texas Propane Gas Association vs. Mesquite

1 message

Larry Foerster <foerster@dfcllp.com>

Mon, Apr 3, 2017 at 2:42 PM

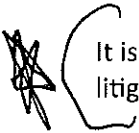
To: "Williams, Jimmy" <Jimmy.Williams@mctx.org>

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

Jack, Jimmy, and Kirk:

Please see the email below from the TPGA attorney, Leonard Reed, who has proposed to the city attorney a simple solution for Mesquite to the current litigation filed in Austin. (Mesquite is also one of the defendants).

He suggests that the city adopt by ordinance the current version of the Railroad Commission's LP-Gas Safety Rules, directing the Fire Marshall/ staff to regulate in accordance with those rules alone, unless and until the RRC's executive director grants permission for the city to promulgate other more restrictive rules under Sec 113.054 of the Natural Resources Code.

 It is my recommendation that we follow that suggestion, thereby getting the City of Montgomery out of this litigation.

In the meantime, if Jimmy has some additional safety rules that he feels need to be included in the RRC Safety Rules, they can be submitted to the RRC executive director for consideration.

Larry L. Foerster

Darden, Fowler & Creighton, LLP

From: Leonard Smith [mailto:lsmith@leonardsmithlaw.com]

Sent: Monday, April 3, 2017 2:00 PM

To: Larry Foerster <foerster@dfcllp.com>

Cc: Heidi Bloch <heidi.bloch@huschblackwell.com>

Subject: Fwd: Texas Propane Gas Association vs. Mesquite

Larry - I just telephoned your office and left a message with your secretary. Please see my e-mail exchange below with Mesquite's asst city attorney. She has now asked me to provide draft language, which I will forward soon. I assume the approach described below will also work for you. Please call me to discuss. Thanks!

Best regards, Leonard

p. 2 of 3

Begin forwarded message:

From: Leonard Smith <lsmith@leonardsmithlaw.com>
Subject: Re: Texas Propane Gas Association vs. Mesquite
Date: April 3, 2017 at 11:05:45 AM CDT
To: Cynthia Steiner <csteiner@cityofmesquite.com>
Cc: Heidi Bloch <heidi.bloch@huschblackwell.com>

Cynthia - Further to our conversation and thinking about other city attorneys who have requested my input on this subject, I think a short standalone chapter re: LP-Gas is the simplest approach. It would simply provide that Mesquite adopts the current version of the RCT's LP-Gas Safety Rules and directs the Fire Marshal/staff to regulate in accordance with those rules alone, unless and until the RCT's executive director grants permission for the City of Mesquite to promulgate other more restrictive rules under Sec. 113.054 of the Natural Resources Code.

The chapter would also make clear that any provision related to LP-Gas in other International Codes adopted by the City of Mesquite is preempted and superseded by the standalone chapter re: LP-Gas.

This approach would conform with Sec. 113.054 and KP-0086. Is this acceptable to you and Mesquite's Fire Marshal?

Best regards, Leonard

On Apr 3, 2017, at 10:27 AM, Leonard Smith <lsmith@leonardsmithlaw.com> wrote:

Cynthia - Please call me to discuss this.

Here is a link to the current RCT LP-Gas Safety Rules: http://www.rrc.state.tx.us/media/5553/lpg_safetyrules.pdf

Per Sec. 113.054, these are the regulations that govern the LP-Gas Industry, not the International Codes.

The City of Mesquite and any other political subdivision has the statutory authority to petition for permission to promulgate more restrictive rules, but thus far no city or other political subdivision has done so. Consequently, it makes more sense for Mesquite's amendment process to include adoption of the LP-Gas Safety Rules within its jurisdiction and a statement that the Fire Marshal shall apply only those rules and any other(s) adopted after receiving permission to promulgate from the RCT's executive director.

P 3 of 3

On Apr 3, 2017, at 9:41 AM, Leonard Smith <lsmith@leonardsmithlaw.com> wrote:

"The Fire Marshall shall apply regulations concerning liquefied petroleum gases in strict accordance with the requirements of state law."

To which "regulations" does your statement refer?

Under state law, the regulations that apply are the LP-Gas Safety Rules adopted by the RCT and any local rules promulgated in conformity with Sec. 113.054.

Leonard B. Smith
Attorney at Law
PO Box 50003
Austin, TX 78763-0003
Telephone (512) 914-3732
Telefax (512) 532-6446
lsmith@leonardsmithlaw.com

On Apr 3, 2017, at 9:25 AM, Cynthia Steiner <csteiner@cityofmesquite.com> wrote:

The Fire Marshall shall apply regulations concerning liquefied petroleum gases in strict accordance with the requirements of state law.

Leonard B. Smith
Attorney at Law
Post Office Box 50003
Austin, Texas 78763-0003
Telephone (512) 914-3732
Telefax (512) 532-6446
lsmith@leonardsmithlaw.com

Leonard B. Smith
Attorney at Law
Post Office Box 50003
Austin, Texas 78763-0003
Telephone (512) 914-3732
Telefax (512) 532-6446



City Attorney recommendation to adopt amending Ordinance

RE: Propane Industry lawsuit against propane regulation in Texas cities and ESDs

pl 1/5

1 message

Larry Foerster <foerster@dfcllp.com>

Fri, Apr 7, 2017 at 8:35 AM

To: Brian Edwards <BEwards@montgomery-fire.com>, "Williams, Jimmy" <Jimmy.Williams@mctx.org>

Cc: Jack Yates <jyates@ci.montgomery.tx.us>, "rhanna@rickhanna.com" <rhanna@rickhanna.com>, Kirk Jones <kirkjones63@yahoo.com>

Brian, after several email exchanges with Jimmy Williams, my recommendation to city council is to bail out of this Austin lawsuit by passing an ordinance that the City inspections will comply with the RRC Safety Rules which legally preempt and supersede any conflicting local ordinances.

Larry L. Foerster

Darden, Fowler & Creighton, LLP

414 West Phillips, Suite 100

Conroe, Texas 77301

Office 936-756-3337

Fax 936-756-2606

Email foerster@dfcllp.com

For more information about our law firm, please go to www.dfcllp.com

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From: Brian Edwards [mailto:BEwards@montgomery-fire.com]

Sent: Friday, April 7, 2017 7:43 AM

To: Williams, Jimmy <Jimmy.Williams@mctx.org>; Larry Foerster <foerster@dfcllp.com>

Cc: Jack Yates <jyates@ci.montgomery.tx.us>; 'rhanna@rickhanna.com' <rhanna@rickhanna.com>; Kirk Jones <kirkjones63@yahoo.com>

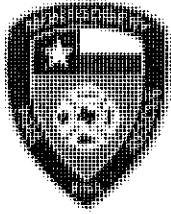
Subject: RE: Propane Industry lawsuit against propane regulation in Texas cities and ESDs

Montgomery Group,

Where do we stand on this? What I am mainly referring to is the inter local between the County and City.

Brian

p. 2 of 5



Montgomery Fire Department
MCESD #2

BRIAN EDWARDS
Fire Chief

Office: 936-597-4455
Cell: 936-672-6704
Fax: 936-597-4466

20590 Eva Street
Montgomery, TX 77356
bedwards@montgomery-fire.com

From: Williams, Jimmy [mailto:Jimmy.Williams@mctx.org]
Sent: Thursday, March 30, 2017 4:55 PM
To: Larry Foerster
Cc: Jack Yates; 'rhanna@rickhanna.com'; Kirk Jones
Subject: Propane Industry lawsuit against propane regulation in Texas cities and ESDs

Mr. Foerster,

The legislation has been in place for several years, and we are familiar with it, as we have reviewed many new construction projects throughout the County utilizing the state standards. I think there are a couple of questions that need to be addressed.

Currently, we have been reviewing and inspecting new construction and substantial improvement of existing commercial and public buildings in the City of Montgomery, as well as multi-family buildings, for the purposes of insuring compliance with standards promulgated by the International Code Council. Our inter-local agreement with the city calls for the enforcement of the current adopted version of the County Fire Code in the City of Montgomery and we have been utilizing the county adopted 2012 version, (prior to that is was the 2006 version). We have been performing services under this agreement for several years, so it may be time to revisit the agreement and make sure that it serves the city's needs.

I don't believe that we have been utilizing any restriction greater than that in the state rules, but it appears that the City may have been swept up in this lawsuit due to those specific ordinances enacted before the passage of this legislation and before the inter-local agreement was put into place. It is certainly wise to address any concerns with the TPGA, particularly since those ordinances pre-date the inter-local agreement and effectively are not being enforced any longer.

The second issue, (which we probably need to address in the inter-local itself) is the city adoption of the 2015 International versus the 2012 as outlined in the current agreement. The agreement in place calls for the city to adopt the same version as the County Fire Code.

Jimmy Williams
Montgomery County

Fire Marshal

p. 395

From: Larry Foerster [mailto:foerster@dfcllp.com]
Sent: Thursday, March 30, 2017 2:39 PM
To: Williams, Jimmy <Jimmy.Williams@mctx.org>
Cc: Jack Yates <jyates@ci.montgomery.tx.us>; 'rhanna@rickhanna.com' <rhanna@rickhanna.com>; Kirk Jones <kirkjones63@yahoo.com>
Subject: RE: Propane Industry lawsuit against propane regulation in Texas cities and ESDs

Jimmy:

I did not know that Montgomery has an interlocal agreement with the County and your County Fire Marshal office to provide local code enforcement under the 2012 International Fire Code. (Incidentally, the City adopted the 2015 edition of the International Fire Code in August 2015, but the same arrangement with the County should apply.)

Just so you have more information about this lawsuit, I am attaching a copy of the pleadings, which includes the May 2016 A G opinion on this issue attached as an exhibit to the pleadings. Also I am attaching the RRC LP-Gas Safety Rules and our city code on propane gas cylinders.

The May 16 Texas A G opinion is summarized on page 9 of the Petition. The A G concludes that any local ordinances or orders—**without regard to the level of restrictions or date of enactment**—are preempted and exempted by the Railroad Commission LP-Gas Safety Rules (attached here), even if the RRC rules don't address some safety concerns that local authorities may have.

The law permits a local city or ESD to petition the Railroad Commission to pass safety rules that are more restrictive than the RRC Safety Rules, but we have not done so to my knowledge. Without any further examination of the law, it appears to me that the A. G.'s conclusions are valid.

So the City of Montgomery has two options:

1. Spend attorney's fees to fight this litigation, money it may not be able to afford to spend; or
2. Agree to amend or repeal any city LP-gas safety rules that conflict with or are in variance with the RRC rules.

Plaintiff's attorney has agreed to work with me in making the necessary changes, after which I expect the City will be dismissed from the lawsuit.

While I expect that our city council may also be concerned about propane gas storage safety issues, I don't expect that they see the value in contesting this lawsuit.

p. 4 of 5

I welcome your input into this process. When I contacted the TML attorney yesterday about this lawsuit, he indicated that Texas cities raised no objection to the law when it was passed in 2011.

Perhaps it may be time for the County, acting in behalf of all the ESD's and cities in our county, to petition the Railroad Commission for more restrictive safety rules as it relates to the proper storage of cylinders.

Thanks, Larry

Larry L. Foerster

Darden, Fowler & Creighton, LLP

414 West Phillips, Suite 100

Conroe, Texas 77301

Office 936-756-3337

Fax 936-756-2606

Email foerster@dfcllp.com

For more information about our law firm, please go to www.dfcllp.com

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From: Williams, Jimmy [mailto:Jimmy.Williams@mctx.org]
Sent: Thursday, March 30, 2017 10:20 AM
To: Larry Foerster <foerster@dfcllp.com>
Subject: Propane Industry lawsuit against propane regulation in Texas cities and ESDs

Larry,

As you are probably aware, the City of Montgomery has an inter-local with the County to provide local code enforcement, which includes the adoption of the 2012 International Fire Code.

We recognize the limitations on enforcement as it relates to the propane industry, but I would say it could be a stretch to completely exempt all propane use from local enforcement. While I agree that the original legislation's intent is to put in

p 585

place a single standard for the industry, there are other areas of concern with propane use that may or may not be covered in the RRC regulations.

A clear example of some of the pitfalls would be the restrictions on storage and certain uses, such as propane bbq pits on certain apartment balconies, that are found in the international code and most municipal codes. These are not "restrictions on the industry" but rather protect the general public and firefighters from the dangers of improper storage and use by the end user.

In summary, we already refer to the RRC regulations when inspecting and reviewing propane operations from the industry standpoint, but removal of propane regulation by the end user entirely would be beyond the scope or intent of the legislation cited, (in my opinion), and would be a threat to public safety and the safety of emergency responders.

Please let me know if you have any questions, or need further input.

Jimmy Williams
Montgomery County

Fire Marshal

Ordinance No. _____

AN ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS, REGULATING LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION, ADOPTING THE TEXAS RAILROAD COMMISSION'S LP-GAS SAFETY RULES IN CONFORMITY WITH SECTION 113.054 OF THE NATURAL RESOURCES CODE; REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF PURPORTING TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION ONLY TO THE EXTENT THAT SUCH OTHER ORDINANCES OR PARTS THEREOF RELATE TO LIQUEFIED PETROLEUM GAS; AND PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.

WHEREAS, under Section 113.051 of the Natural Resources Code, the Legislature has mandated that the Texas Railroad Commission "...promulgate and adopt rules or standards or both relating to any and all aspects or phases of the LPG industry that will protect or tend to protect the health, welfare, and safety of the general public;"

WHEREAS, the Texas Railroad Commission has adopted Liquefied Petroleum Gas Safety Rules;

WHEREAS, under Section 113.054 of the Natural Resources Code, the Texas Railroad Commission's rules and standards "...preempt and supersede any ordinance, order, or rule adopted by a political subdivision of this state relating to any aspect or phase of the liquefied petroleum gas industry;"

WHEREAS, the Section 113.054 of the Natural Resources Code authorizes the City to petition the Railroad Commission's executive director for "... permission to promulgate more restrictive rules and standards ... if the political subdivision can prove that the more restrictive rules and standards enhance public safety;" and

WHEREAS, the City has not petitioned the Railroad Commission's executive director for permission to promulgate more restrictive rules and standards;

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

Section 1. Chapter 38, Article V, of the City Municipal Code of Ordinances, entitled "Propane/Butane/LNG Cylinders," be, and hereby is, repealed in its entirety and replaced as follows:

Article V. Liquefied Petroleum Gas.

Sec. 38-100. Adoption of Liquefied Petroleum Gas Safety Rules. The City hereby adopts the Liquefied Petroleum Gas Safety Rules previously adopted by the Texas Railroad Commission, including any and all future amendments thereto.

Sec. 38-101. Exclusive Regulation. The Liquefied Petroleum Gas Safety Rules adopted under Sec. 38-100 and the rules and standards, if any, promulgated with the permission of the Texas

Railroad Commission's executive director shall be the City's exclusive regulations for Liquefied Petroleum Gas.

Sec. 38-102. Construction of City Codes. All ordinances, orders, rules, or codes adopted by the City shall be construed in a manner consistent with Article V on all matters relating to Liquefied Petroleum Gas.

Sec. 38-103. Conflict With City Codes. In the event of conflict between any ordinance, order, rule, or code adopted by the City and Article V, Article V shall control.

Sec. 38-104. Adoption of Rules, Regulations, Policies, Practices, Procedures, or Standards. City staff shall not adopt or enforce any rule, regulation, practice, policy, procedure, or standard that conflicts with Article V.

Sec. 38-105. Construction Consistent With Texas Railroad Commission. Article V shall not be construed so as to conflict with the Texas Railroad Commission's interpretation of the Liquefied Petroleum Gas Safety Rules, including any and all future amendments thereto.

Section 2. All ordinances or parts thereof regulating or purporting to regulate liquefied petroleum gas be, and hereby are, repealed to the extent that such ordinances or parts thereof relate to liquefied petroleum gas.

Section 3. If any part or portion of this Ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of the ordinance.

Section 4. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 5. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED on this 25th day of April, 2017.

Kirk Jones, Mayor
City of Montgomery

ATTEST:

Susan Hensley
City Secretary

APPROVED AS TO FORM:

Larry Foerster
City Attorney

Montgomery City Council
AGENDA REPORT

Meeting Date: April 25, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: e-mail from Larry Foerster, letter from Lawton Law Firm supporting the Resolution, the Resolution
Date Prepared: April 20, 2017	

Subject

This is to support the construction of a new Entergy power plant in the Willis Area.

description

The letter from the Lawton Law Firm explains that the plant will cost \$937 million with a return of 1.7 billion to Entergy customers. The letter also states "We agree and the evidence supports that capacity additions will be required to meet future load requirements". The firm recommends approval of the proposed Resolution.

Recometion

Motion to approve the Resolution as presented.

Approve By

City Administrator	Jack Yates	Date: April 20, 2017
--------------------	------------	----------------------



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

ETI's Proposed Montgomery County Power Station Project, PUCT Docket No. 46416

2 messages

Larry Foerster <foerster@dfcllp.com>
To: Larry Foerster <foerster@dfcllp.com>

Wed, Apr 12, 2017 at 8:51 AM

The following letter and Resolution concerning the support of the Entergy Power Station expansion in Willis is attached. I recommend it be passed at your council meeting, as the need for more electric power to serve our area is important.

Larry L. Foerster

Darden, Fowler & Creighton, LLP

414 West Phillips, Suite 100

Conroe, Texas 77301

Office 936-756-3337

Fax 936-756-2606

Email foerster@dfcllp.com

For more information about our law firm, please go to www.dfcllp.com

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From: mayhalllaw@gmail.com [mailto:mayhalllaw@gmail.com] **On Behalf Of** Molly Mayhall Vandervoort

Sent: Tuesday, April 11, 2017 4:44 PM

To: Richard Y. Ferguson <fergusonr@pfflitigation.com>; Richard Y. Ferguson <fergusonr@pipkinferguson.com>; Tyrone Cooper <tcooper@ci.beaumont.tx.us>; Kyle Hayes <khayes@ci.beaumont.tx.us>; D.E. Sosa <dsosa@cigrovestx.com>; Sherry Tisdale <stisdale@bridgecitytex.com>; Paul Fukuda <pfukuda@883help.com>; Angela Smith <asmith@clevelandtexas.com>; David Olson <DOlson@olsonllp.com>; Winberry, Marcus <mwinberry@cityofconroe.org>; James M. Black <jblack@jamesmblack.com>; JKLambright@cityofdaytontx.com; City Manager <citymanager@daytontx.org>; Juan Olguin <juan.olguin@houstontx.gov>; Paez, Tina - ARA <Tina.Paez@houstontx.gov>; Talley, Alisa - ARA <Alisa.Talley@houstontx.gov>; YuShan Chang <YuShan.chang@houstontx.gov>; Leonard Schneider

THE LAWTON LAW FIRM, P.C.

12600 Hill Country Blvd. Suite R-275 • Austin, Texas 78738 • 512/322-0019 • Fax: 512/329-2604

April 11, 2017

Via E-mail

Mr. Richard Ferguson
City Attorney – City of Anahuac
City Attorney – City of Sour Lake
13201 Northwest Freeway, Suite 300
Houston, Texas 77040

Mr. Tyrone Cooper
City Attorney – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Mr. Kyle Hayes
City Manager – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Mr. Paul Fukuda
City Attorney – Bridge City
260 Rachal
Post Office Box 846
Bridge City, Texas 77611

Ms. Kelly McDonald
City Manager – City of Cleveland
907 E. Houston
Cleveland, Texas 77327

Mr. David Olson
City Attorney – City of Cleveland
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019

Ms. Angela Smith
City Secretary – City of Cleveland
907 E. Houston
Cleveland, Texas 77327

Mr. Mark Winberry
City Attorney – City of Conroe
P.O. Box 3066
Conroe, Texas 77305

Mr. Jeff Lambright
Mayor – City of Dayton
117 Cook Street
Dayton, Texas 77535

Mr. Kerry Lacy
Interim City Manager – City of Dayton
117 Cook Street
Dayton, Texas 77535

Mr. James Black
City Attorney – City of Groves
3535 Calder Avenue, Suite 300
Beaumont, TX 77706

Mr. D. E. Sosa
City Manager – City of Groves
P.O. Box 3286
Port Arthur, Texas 77643

Re: Entergy Texas, Inc. Proposed Montgomery County Power Station Project
Public Utility Commission of Texas Docket No. 46416

Dear Cities:

Recently, many of you received a request from Entergy Texas, Inc. (“ETI” or “Company”) to pass a Resolution in support of the construction of a new power plant on the ETI system. A number of Cities have called requesting our opinion regarding the Company’s request for support in this matter. The following provides some added background along with our recommendation should you decide to go forward with the requested Resolution.

As many of you are aware ETI has filed an application with the Public Utility Commission of Texas (“Commission” or “PUCT”) designated as PUCT Docket No. 46416, to amend its Certificate of Convenience and Necessity (“CCN”), to construct a new gas fired power plant, the Montgomery County Power Station. The new plant is a 993 MW combined-cycle gas turbine “CCGT”) with a current estimated construction cost of \$937.3 million. ETI estimates that the Montgomery County Power Station will produce \$1.7 billion in net benefits to ETI customers through supply cost savings over the expected life of the plant facility.

Since the Company withdrew from the Entergy Corporation System Agreement in 2013, ETI has been system planning capacity additions as a standalone utility rather than part of the Entergy System. Current projections indicate capacity deficits on the ETI system that must be met by either purchase power agreements or capacity additions. The Company’s evaluation of available alternatives to meet future customer capacity requirements indicates that power plant construction is the lowest cost alternative for ETI customers.

We have intervened on behalf of the Cities in the CCN proceeding and monitored the Company’s CCN Application in PUCT Docket No. 46416. We agree and the evidence supports that capacity additions will be required to meet future load requirements. In addition, we believe that the construction of the Montgomery County Power Station is a lower cost alternative for consumers versus purchase power alternatives. While some parties to the proceeding may take a different view on this matter, our conclusion is that the power plant addition is a lower cost alternative to purchase power.

We have attached ETI’s proposed Resolution if your City wishes to formally support the proposed power plant. Given that we have concluded that moving forward with construction of the power plant versus purchase power alternatives is the lowest cost alternative for customers, passing the Resolution is consistent with our recommendation in this proceeding.

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

Sincerely,

Daniel J. Lawton /
Daniel J. Lawton *MLW*

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF MONTGOMERY, TEXAS, IN SUPPORT OF A PROPOSAL BY ENTERGY TEXAS, INC. REGARDING THE APPLICATION OF ENTERGY TEXAS INC. TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO CONSTRUCT MONTGOMERY COUNTY POWER STATION IN MONTGOMERY COUNTY IN PUBLIC UTILITY COMMISSION OF TEXAS DOCKET NO. 46416

WHEREAS, on October 7, 2016, Entergy Texas, Inc. ("Entergy") filed an Application to Amend its Certificate of Convenience and Necessity to Construct Montgomery County Power Station, a new gas-fired generation facility to be located near Willis, Texas with the Public Utility Commission of Texas ("Commission"); and

WHEREAS, Entergy's economic analyses estimate that the Montgomery County Power Station will provide a \$1.7 billion net benefit to customers over 30 years.

WHEREAS additional analyses indicate that the construction of the Montgomery County Power Station will provide significant economic impact to the State of Texas through the creation of new jobs and \$1 billion in economic activity across the state.

WHEREAS, City intervened at the Commission as part of the Entergy Service Area Cities' Steering Committee in Docket No. 46416 to review ETI's proposal; and

WHEREAS, the City of Montgomery is supportive of Entergy's application and finds that the construction of the Montgomery County Power Station is in the public interest; and

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

Section 1. That the statement and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City of Montgomery hereby reaffirms its support for the construction of the Montgomery County Power Station.

Section 3. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 4. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this _____ day of _____, 2017.

Mayor Kirk Jones

ATTEST:

Susan Hensley City Secretary

Montgomery City Council
AGENDA REPORT

Meeting Date: April 25, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Draft Letter of Sponsorship
Date Prepared: April 20, 2017	

Subject

This is a letter to TxDOT supporting the idea of the widening of the Houston Street connection to SH 105.

Description

The draft letter is attached.

It appears to me to be worthwhile to send the letter in that all it means is that TxDOT accepts the City's intention to widen Houston Street. The letter does not require any action from the City – for instance if Houston Street were not to be widened – no harm can come from asking for their favorable review.

Recometion

Motion to approve the Letter of Sponsorship as presented.

Approve By

City Administrator

Jack Yates

Date: April 20, 2017



TO BE PLACED ON CITY LETTERHEAD
CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

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

April 26, 2017

Mr. Tim Conrad
Texas Department of Transportation
Permit Coordinator, Houston District
7600 Washington Ave.
Houston, Texas 77007

Re: Sponsorship of Proposed Houston Street Widening
Heritage Place Medical Center
City of Montgomery

Mr. Conrad:

The City of Montgomery has received and reviewed a request from L Squared Engineering, Inc. for City sponsorship of the widening of the Houston Street apron on the north side of SH-105, within the City of Montgomery Corporate Limits.

This request was approved by the City of Montgomery City Council at our meeting held on April 25, 2017. L Squared Engineering, Inc. will be submitting construction plans on behalf of the City of Montgomery for review and permitting. We request that a permit for the widening be issued with the City of Montgomery as the sponsor for this project.

If there are any questions or need for additional information, please contact Messrs. Chris Roznovsky or Ed Shackelford, both of Jones & Carter, Inc., at 281-363-4039.

Sincerely,

Jack Yates
City Administrator

EHS/cvr: Ir2

P:\PROJECTS\WS841 - City of Montgomery\WS841-1013-00 Heritage Place Medical Center\Letters\Heritage Place Medical Center, Houston Street Widening.doc

Enclosures cc:

Mr. Ed Shackelford, P.E. – City of Montgomery, City Engineer
Mr. Larry Foerster – City of Montgomery, City Attorney
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. E. Levi Love, PE – L Squared Engineering

Montgomery City Council
AGENDA REPORT

Meeting Date: April 25, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Letter of Request, True Grid literature, Plans showing site layout.
Date Prepared: April 20, 2017	

Subject

This is a request for variances of the driveway spacing and the hard surface subdivision code of the city.

Description

The variances are needed because the driveway Code requires 175' between driveways and because the owner Jeffry Angelo would prefer to use the True Grid surfacing method rather than place concrete or asphalt on his parking area. Mr. Angelo is planning a large meeting/group use building to the Hodge Podge Lodge property.

Driveway -- Complying with the 175 feet driveway separation, in the downtown area, is very difficult. In this case, the driveway is the northern end of this property is immediately adjacent to The Oaks driveway. The Oaks driveway is, presently at least, seldom used.

Parking Pavement Variance -- Mr. Angelo is proposing to use a True Grid surface. The system basically has six inches of gravel (helpful for drainage) beneath a hard plastic grid system (as shown in the attachments) that has top soil filled in the open areas of the plastic grid and grass grows in the area -- so that all that appears to the eye is a grass parking area. I asked Mr. Angelo for examples of where the system has been placed in the past several years, and got no response. I have heard of the system before and understand that it works well.

My concern on the pavement issue is maintenance of the system, and how it will look in 5 years as dirt covers up the hard plastic of the True Grid application.

Montgomery City Council
AGENDA REPORT

Recometion

Motion to approve the driveway spacing variance and (possibly, as you choose) to approve the variance regarding hard surface by use of True Grid surfacing as presented.

Approve By

City Administrator	Jack Yates	Date: April 20, 2017
--------------------	------------	----------------------

Dear Mr. Jack Yates and City Council,

I am writing this letter to ask for a variance on the driveway placement at the Hodge Podge Lodge. The address is 300 Prairie Street, Montgomery, Texas 77356. I have attached the plans that show the plot plan, page 2, that will show the placement off the proposed driveway.

The distance of the proposed driveway is far enough from the driveway that is existing on the property. The proposed driveway is less than the required 175' from the driveway on the property north of Hodge Podge Lodge.

I have spoken to Mr. Muckelroy about the driveway and he stated that he will set the culverts for the driveway to insure the flowlines are correct. We will of course supply the culverts that are needed and he will bill Royal Homes for the stabilized sand that is needed.

We are also asking for a variance on the concrete/asphalt parking lot. We are proposing to use the True Grid Pro Plus permeable paver system in place of the concrete or asphalt. This product is used in commercial applications as retention and storm water prevention. When using this product, it has the capability of inserts for stripping as well. I have shown a sample of the product to Mr. Jack Yates. When installing this product, we will stabilize 6" below, just as you would for concrete or asphalt. Attached is the website regarding True Grid which we consider an excellent, and environmentally and beautiful alternative to the unsightly hard surface as provided in the ordinance. Further, the cost of the hard surface would raise my cost to the point of not being able to do the improvement --- that will be of such a benefit to the downtown area of the city.

<https://www.truegridpaver.com/>

<https://www.truegridpaver.com/resources/projects/>

We at Royal Homes and Mr. Jeffrey Angelo, owner of the Hodge Podge Lodge, look forward to working with the City of Montgomery on this project and cannot wait to get this project started.

If you need anything further, please don't hesitate to ask. We are happy to get you what is needed to make this project a success.

Thank you for your time,

Josh Longley
(936) 756-4575
RoyalDesignBuild.com

ROYAL HOMES

Josh Longley, on behalf of Jeff Angelo & Hodge Podge Lodge
Royal Homes
1803 W. White Oak Terrace, Suite D
Conroe, Texas 77304
March 20, 2017

Mr. Jack Yates and City Council Members
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77356

Dear Mr. Jack Yates and City Council Members,

The purpose of this letter is to request approval on an undefined material within the City Ordinances, and secondly with the use of this material that we would not have to build on-site detention for the new "Gathering" building at Hodge Podge Lodge, located at 290 Prairie Street in the Historical District of the City of Montgomery.

This is pertaining to Section 78-96, Parking Requirements.

- (a) All developments shall provide sufficient off-street parking in accordance with the requirements of chapter 98.
- (b) Any parking lots or drives, excluding single-family residential driveways, shall be paved with asphalt or concrete.

We are requesting and asking that you approve and allow us to use True Grid Pro Plus Pavers (or similar) in lieu of concrete as specifically defined. This paver system allows any runoff water to seep into the ground and will not add to the runoff generated from this property and the construction of "The Gathering." With the use of a natural paver system as proposed, we can also help retain the current look that this historical property has always been known for.

A significant reason for this particular request, is that we, along with the current owner want to preserve the very mature, historical trees that surround the property. These trees play a vital part in the history of this property, as their age appears to be that of the existing dwelling if not older. It would also allow us to keep the natural landscape of grass, all the while being able to clearly designate fire lanes and parking spots. By allowing the use of this material, it will help us achieve these goals. While we still plan to pour concrete for ADA parking spaces and ramps, we will limit the use to avoid damage to existing trees and keep from adding unnecessary runoff.

If the material cannot be approved and concrete is required, we would have to remove a minimum of 4 very large trees, if not more, which in turn will take away from the overall look and appeal of not only Hodge Podge Lodge but that of Historic Downtown Montgomery as well.

A secondary factor is the cost savings of using pervious paving versus concrete. The pervious paving will cost about \$2.92 per square foot installed. The cost of concrete paving will cost about \$3.95 per square foot. Both products call to be installed over a stabilized base. When using the True Grid Paver product, we would stabilize the base, put topsoil in the cavities and hydro mulch grass over it. The True Grid Pro Plus is a commercial use rated product. It is 100% pervious and is used for detention and storm-water management. Based on preliminary figures, the new building and parking area would only add an estimated 1.5 cubic feet/second of storm water runoff to the existing roadside ditch. This is a very small amount, but the use of the True Grid Paver product would be able to detain the amount of water necessary so that the amount of runoff after construction would not be greater than the amount of runoff in its existing conditions. Therefore, there would be no need to construct any additional on-site detention facilities.

True Grid Pro Plus is made in the USA and readily available in Houston, Texas and surrounding areas. Along with the savings and the convenience of obtaining this product, we certainly view that as a win for all involved.

For more information about this material, please go to Truegridpaver.com or see the attached information, as this should help answer any other questions you may have.

By granting the approval of this material, the Hodge Podge Lodge will be the first location in the City of Montgomery to use something of this nature. This would be history in the making and would also allow the City a cost savings option to provide to all future contractors and/or property owners in the area.

We hope, that after your review of our request and your research you will agree that by approving the use of this True Grid Pro Plus Pavers, we are not only preserving the historical look and feel of this project, but to that of Historic Montgomery, Texas as well.

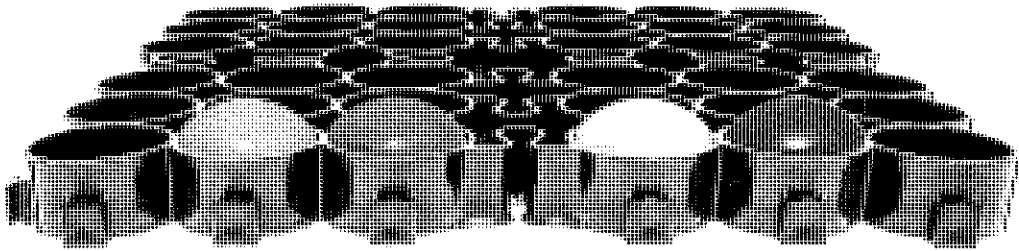
We appreciate your time and certainly look forward to hearing back from you.

Sincerely,

Josh Longley, on behalf of Jeff Angelo & Hodge Podge Lodge
Royal Homes, Contractor

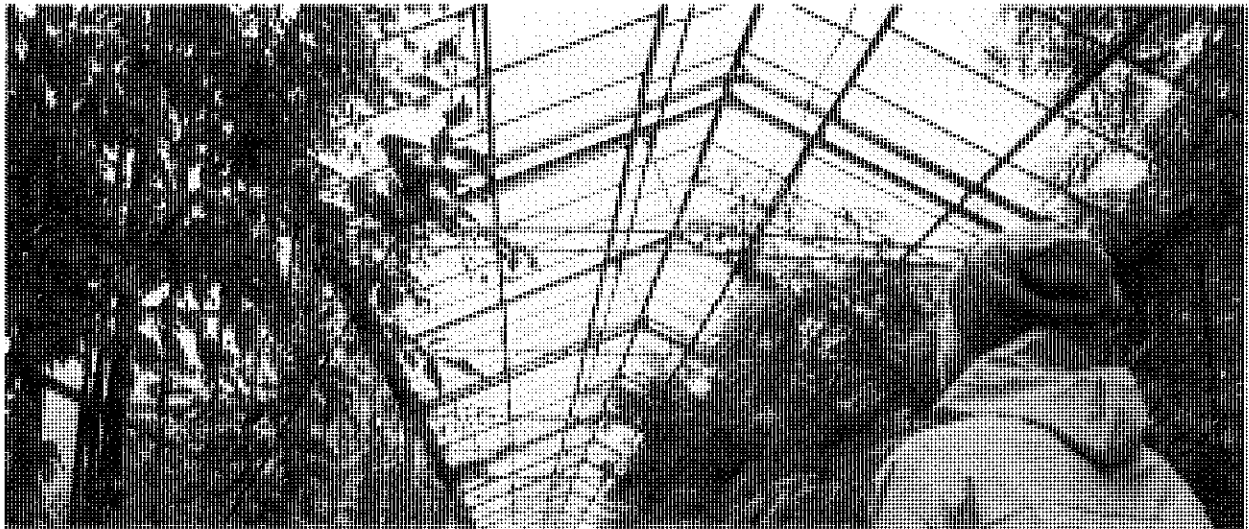
TRUEGRID PRO PLUS

The paving industry's leading commercial permeable paver, TRUEGRID® PRO PLUS™ is the engineer's go-to commercial paver for 100% pervious cover, detention and stormwater management. Proven and trusted in millions of square feet of heavy-use commercial parking lots. Easy-to-install, virtually maintenance-free. Compatible with all TRUEGRID® accessories including SuperSpot parking markers.



ENVIRONMENTALLY-FRIENDLY

Maintain a natural aesthetic and mimic the way nature absorbs and filters stormwater. Do so while keeping the site temperature cool and comfortable. As rain filters through TRUEGRID®, the aggregate and the soils below, bioremediation helps filter pollutants from the stormwater. The result is cleaner, naturally-filtered rainwater flowing into the water table and water supplies. Don't forget, TRUEGRID® is made from 100% post-consumer recycled plastic as well.



STORM WATER MANAGEMENT

Increase storm water capacity with TRUEGRID® and reduce or eliminate inefficient detention ponds. A TRUEGRID® lot acts like a sponge to absorb and detain water and reduce flooding.

GROUND STABILIZATION

TRUEGRID®'s incredible vertical compression strength and robust interlocks protect your surface from rutting, erosion, and instability for 20 + years.

HEAVY USE

Gravel-filled TRUEGRID® is H20/ HS20 rated plus, more than enough for any vehicle. High traffic applications? No problem. Engineered for all soils and climates, TRUEGRID®'s temperature range is -58F to 194F and the flex joints design works well with freeze-thaw cycles and seasonal soil movement.

PARKING WITH DETENTION

Why is TRUEGRID® the only permeable paving solution for commercial applications? It is the only permeable paver with the compressive and tensile strength, as well as, the balance of rigidity and flexibility to handle commercial vehicle traffic while creating an underground detention area for water to flow into.

List of addresses for True Grid sites

Harris County EZ Tag Store – employee parking lot
2901 W Sam Houston Pkwy N Houston, TX 77043

<https://www.truegridpaver.com/resources/projects/> (multiple pictures towards bottom of page)

Club Nomadic – parking lot
2121 Edwards St, Houston, TX 77007
(pictures on the same page)

Riel Restaurant
1927 Fairview Street, Houston, TX 77019

The Gathering At Hodge Podge Lodge

SQUARE FOOTAGE:
 3779 s/f AC space
 251 s/f Cvd porches
 4030 s/f Total Covered

The Gathering @
 Hodge Podge Lodge
 240 Prairie
 Montgomery, Texas

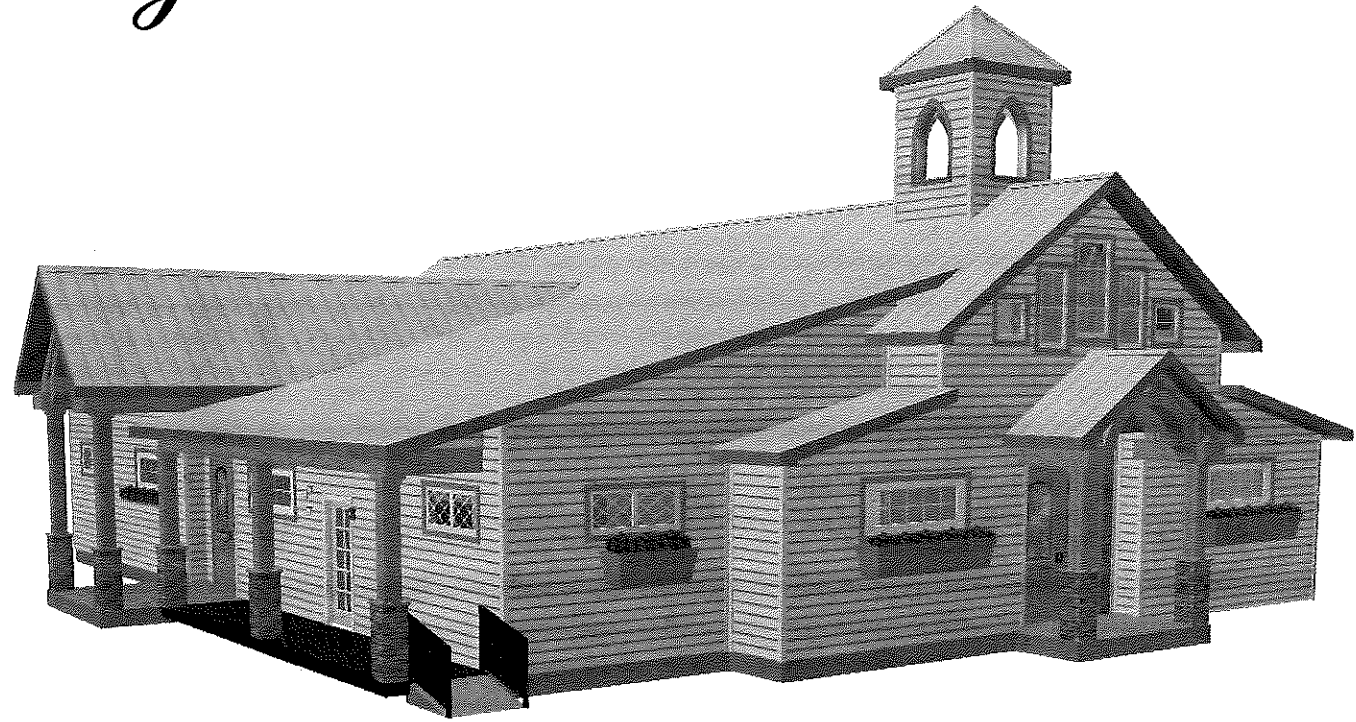
Tricia Solomon
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 T5 Designs@gmail.com
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REVISIONS:

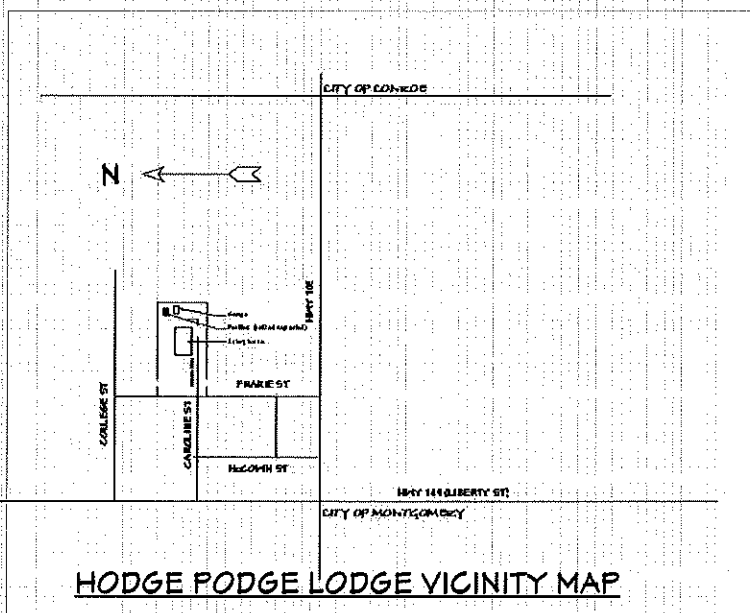


DATE:
 DRWN. BY: PMS
 DATE: 4/1/2017
 SCALE: Noted
 JOB NO.: PMS-217-C-3779
 DWG. NO: 1

OWNER:
 GEN. CONTRACTOR: ROYAL HOMES
 DESIGNER: TRICIA SOLOMON, C.F.B.D., N.C.B.D.C.#44-042
 CIVIL ENG:
 STRUCTURAL ENG:
 MECH ENG/CONT.:
 PLUMBING CONT.:
 ELECTRICAL CONT.: SOLOMON ELECTRIC, TECL #22143



PERSPECTIVE FULL OVERVIEW (nts)



HODGE PODGE LODGE VICINITY MAP

THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF TRICIA SOLOMON, DEVELOPED FOR THE EXCLUSIVE USE OF TRICIA SOLOMON. USE OF THESE DRAWINGS AND CONCEPTS CONTAINED THEREIN WITHOUT THE WRITTEN PERMISSION OF TRICIA SOLOMON IS PROHIBITED AND MAY SUBJECT YOU TO A CLAIM FOR DAMAGES.

HOMEOWNER & CONTRACTOR: TO VERIFY ALL DIMENSIONS, STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.

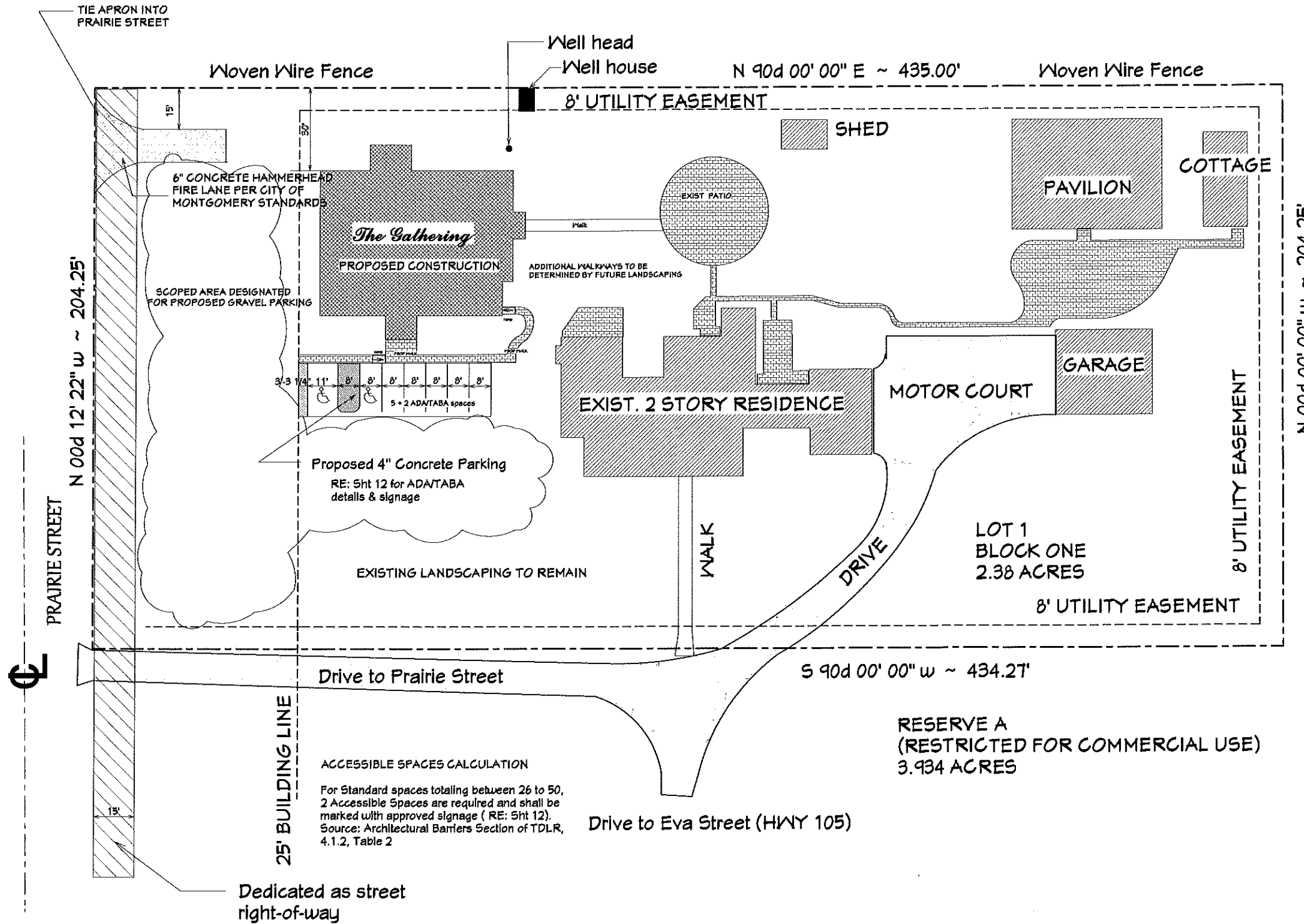
To the best of my knowledge, these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawings. TRICIA SOLOMON is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker cannot guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

REGISTERED CONTRACTOR(S) SHALL VERIFY ALL DIMENSIONS, GRADE, AND CONNECTIONS BEFORE CONSTRUCTION BEGINS.
 ELECTRICAL SYSTEM CODE: SEE 217
 MECHANICAL SYSTEM CODE: SEE 214
 PLUMBING SYSTEM CODE: SEE 211

DRAWING SCHEDULE	
1	Vicinity map, notes and perspective overview
2	Plot Plan
3	Front and Rear Elevations
4	Right & Left Elevations
5	Exterior Elevation Details
6	First Floor Plan and schedules
7	Cathedral and Bell Tower Plan and Schedules
8	Roof Plan
9	First Floor Ceiling Joist Plans
10	Clearestory and Bell Tower Ceiling/Roof Joist Plans
11	Occupancy Loads/Egress Routes
12	First Floor Interior Detail Plans & Sections
13	Clearestory and Bell Tower Interior Plans
14	General Construction Notes and ADA/TABA Requirements
15	ADA/TABA Details
16	First Floor Electrical Plan
17	Clearestory & Bell Tower Electrical Plan & Schedule
18	General Framing Details, Schedules & Notes

DONALD M. & MARY SUE TIMMERMAN
CALLED 2.96 ACRES

MONTGOMERY INDEPENDENT SCHOOL
CALLED 1.84 ACRES



ACCESSIBLE SPACES CALCULATION
For Standard spaces totaling between 26 to 50,
2 Accessible Spaces are required and shall be
marked with approved signage (RE: Sht 12).
Source: Architectural Barriers Section of TDLR,
4.1.2, Table 2

PLOT PLAN 1"=20'



SQUARE FOOTAGE:	
5179 SF	AVG space
251 SF	Cov porches
4030 SF	Total Covered

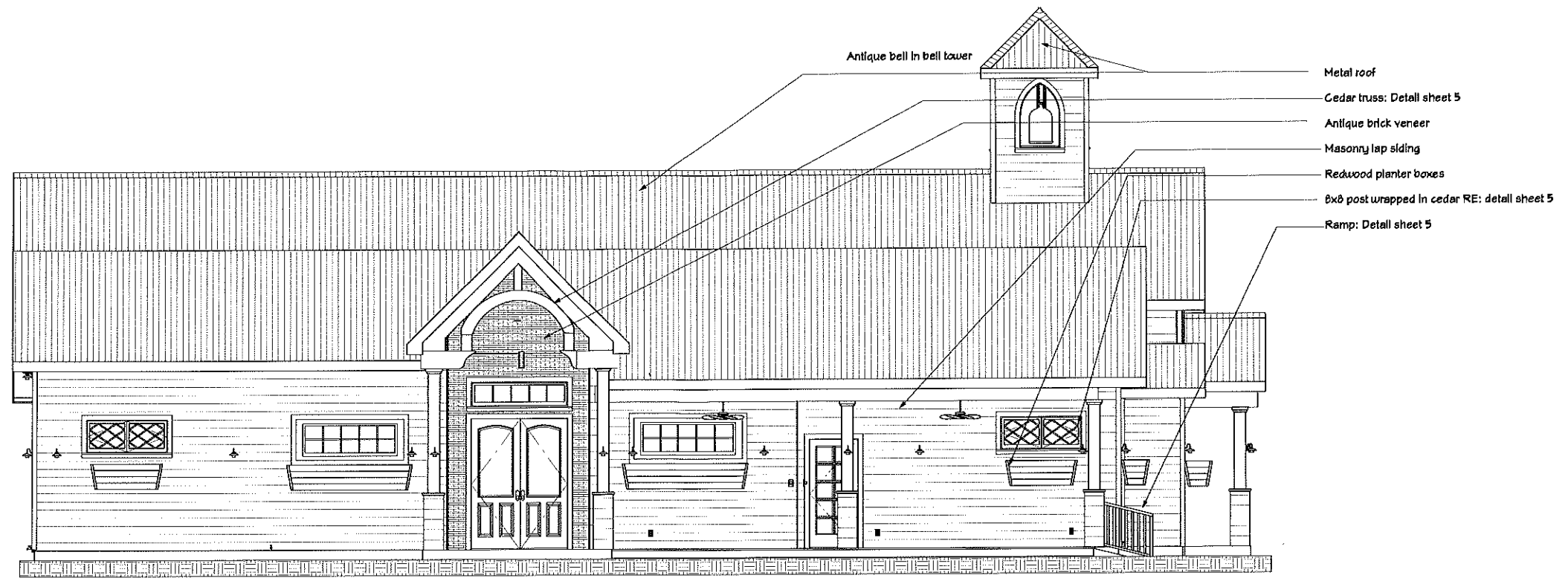
The Gathering @
Hodge Podge Lodge
240 Prairie
Montgomery, Texas

Tricia Solomon
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Montgomery, Texas 77156
406-612-2544
TS.Designs@gmail.com
www.TS.Designs.info
* Certified Professional Building Designer

REVISIONS:

SEAL:
CERTIFIED PROFESSIONAL BUILDING DESIGNER
NATIONAL COUNCIL OF
CERTIFIED PROFESSIONAL BUILDING DESIGNERS
PATRICIA F. SOLOMON
DATE:

DRWN. BY: PMS
DATE: 4/1/2017
SCALE: Noted
JOB NO.: PMS-217-C-3779
DWG. NO: 2



FRONT ELEVATION 1/4"=1'-0"



RIGHT ELEVATION 1/4"=1'-0"

SQUARE FOOTAGE:
 A/C space 3779 s/f
 Cvd porches 251 s/f
 Total Covered 4030 s/f

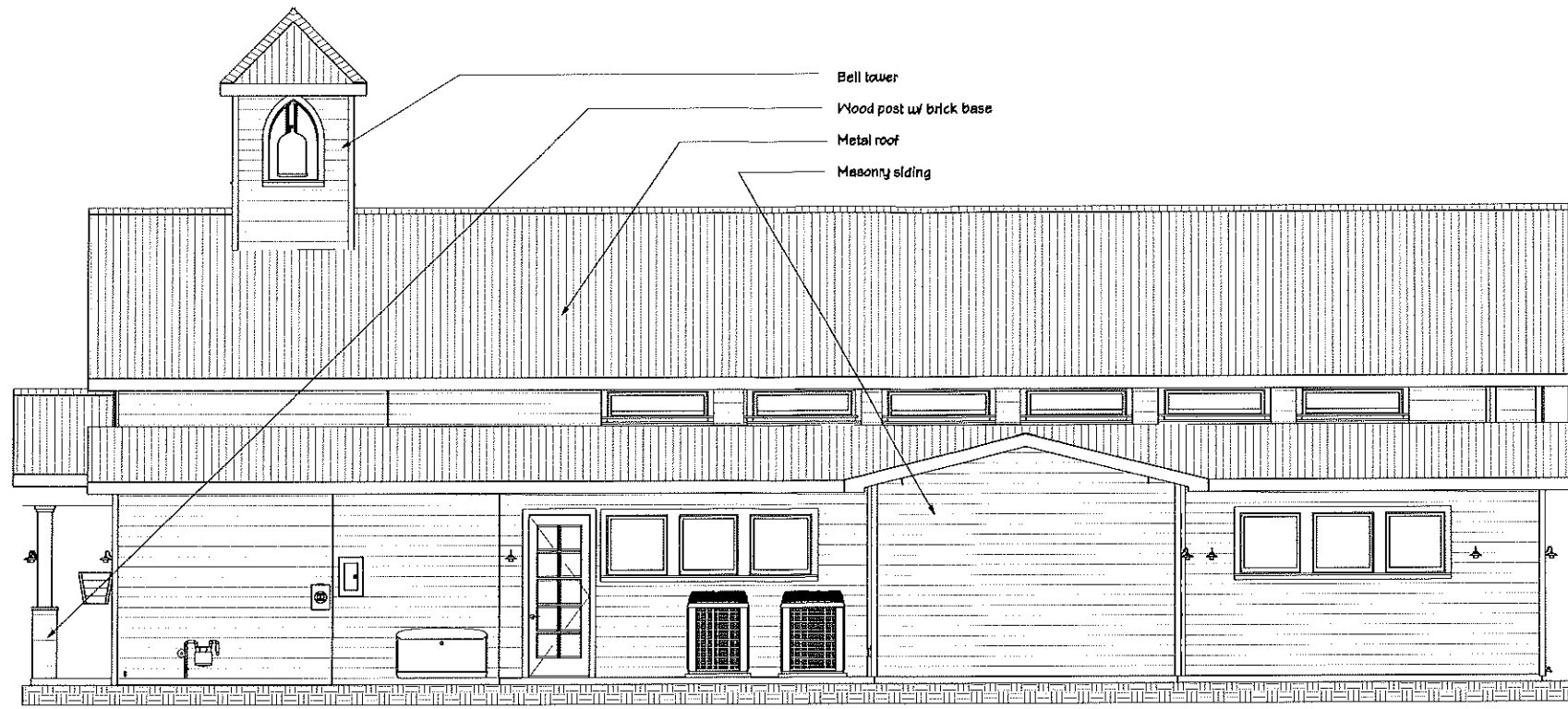
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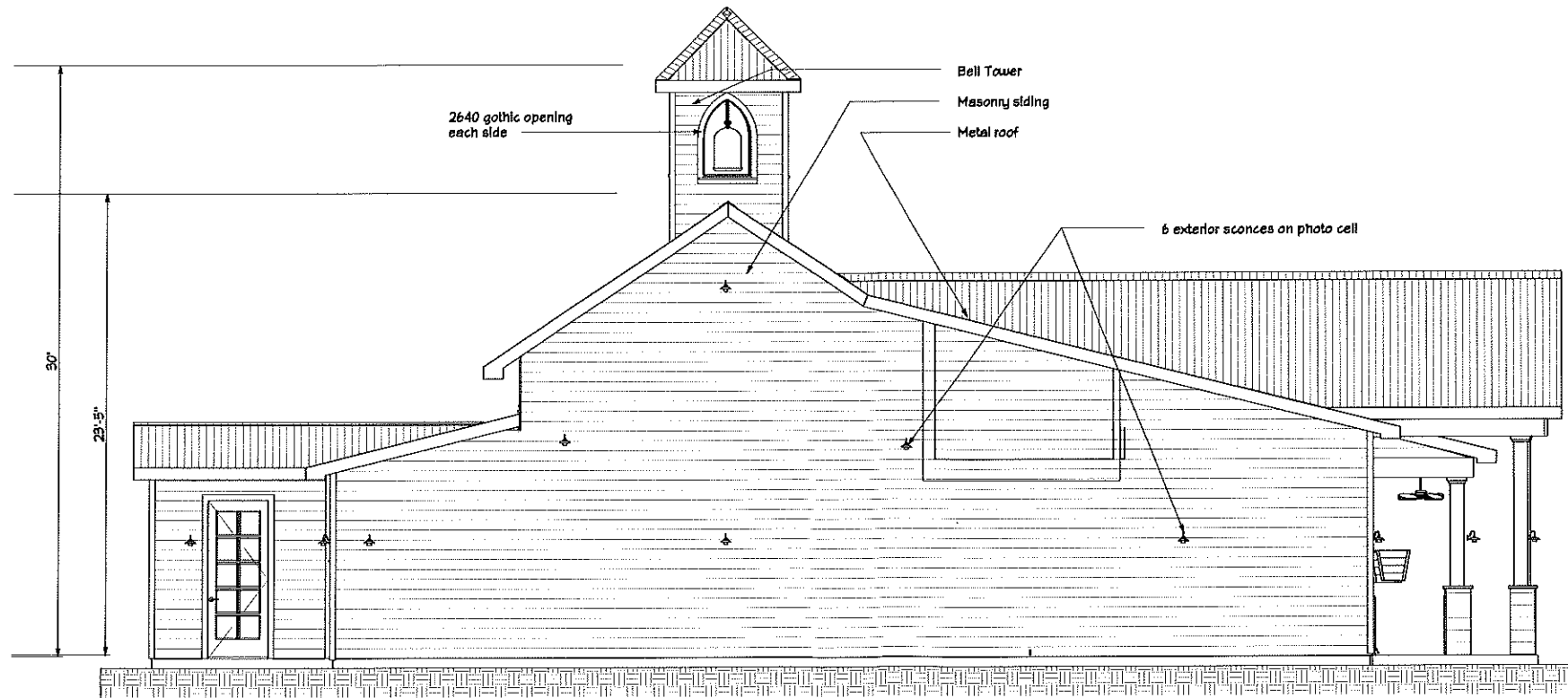
REVISIONS:

SEAL:
 CERTIFIED PROFESSIONAL BUILDING DESIGNER
 NATIONAL COUNCIL OF
 PATRICIA E. SOLOMON
 4118

DATE:
 DRWN. BY: PMS
 DATE: 4/1/2017
 SCALE: Noted
 JOB NO.: PMS-217-C-3779
 DWG. NO: **3**



REAR ELEVATION 1/4"=1'-0"



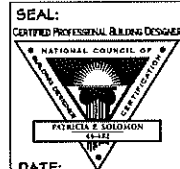
LEFT ELEVATION 1/4"=1'-0"

SQUARE FOOTAGE:
 3779 sif
 AC space
 251 sif
 4030 sif
 Total Covered

The Gathering @
 Hodge Podge Lodge
 240 Prairie
 Montgomery, Texas

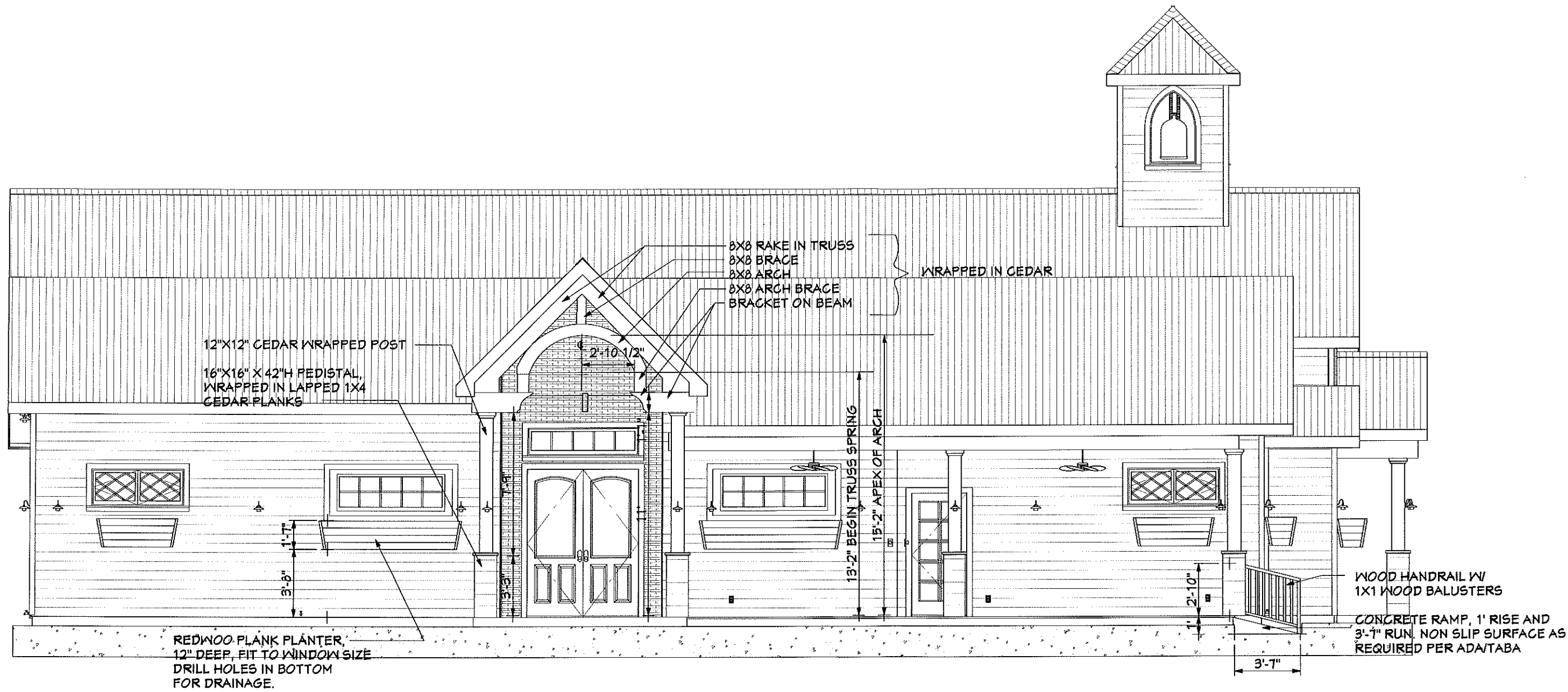
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REVISIONS:



DATE:

DRWN. BY: PMS
 DATE: 4/1/2017
 SCALE: Noted
 JOB NO.: PMS-217-C-3779
 DWG. NO: 4



12"x12" CEDAR WRAPPED POST
16"x16" X 42"H PEDISTAL,
WRAPPED IN LAPPED 1X4
CEDAR PLANKS

8X8 RAKE IN TRUSS
8X8 BRACE
8X8 ARCH
8X8 ARCH BRACE
BRACKET ON BEAM

WRAPPED IN CEDAR

REDWOOD PLANK PLANTER,
12" DEEP, FIT TO WINDOW SIZE
DRILL HOLES IN BOTTOM
FOR DRAINAGE.

WOOD HANDRAIL W/
1X1 WOOD BALUSTERS

CONCRETE RAMP, 1' RISE AND
3'-7" RUN, NON SLIP SURFACE AS
REQUIRED PER ADA/TABA

EXTERIOR ELEVATION DETAILS: ENTRY TRUSSES, WOOD COLUMNS, PLANTER BOXES & RAMP 1/4"=1'-0"

SQUARE FOOTAGE:
3779 s/f AC space
251 s/f Cvd porches
4030 s/f Total Covered

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Montgomery, Texas

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REVISIONS:

SEAL:
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NATIONAL COUNCIL OF
CERTIFICATION
PATRICIA T. SOLOMON
4111

DATE:
DRWN. BY: PMS
DATE: 4/1/2017
SCALE: Noted
JOB NO.:
PMS-217-C:3779
DWG. NO:
5

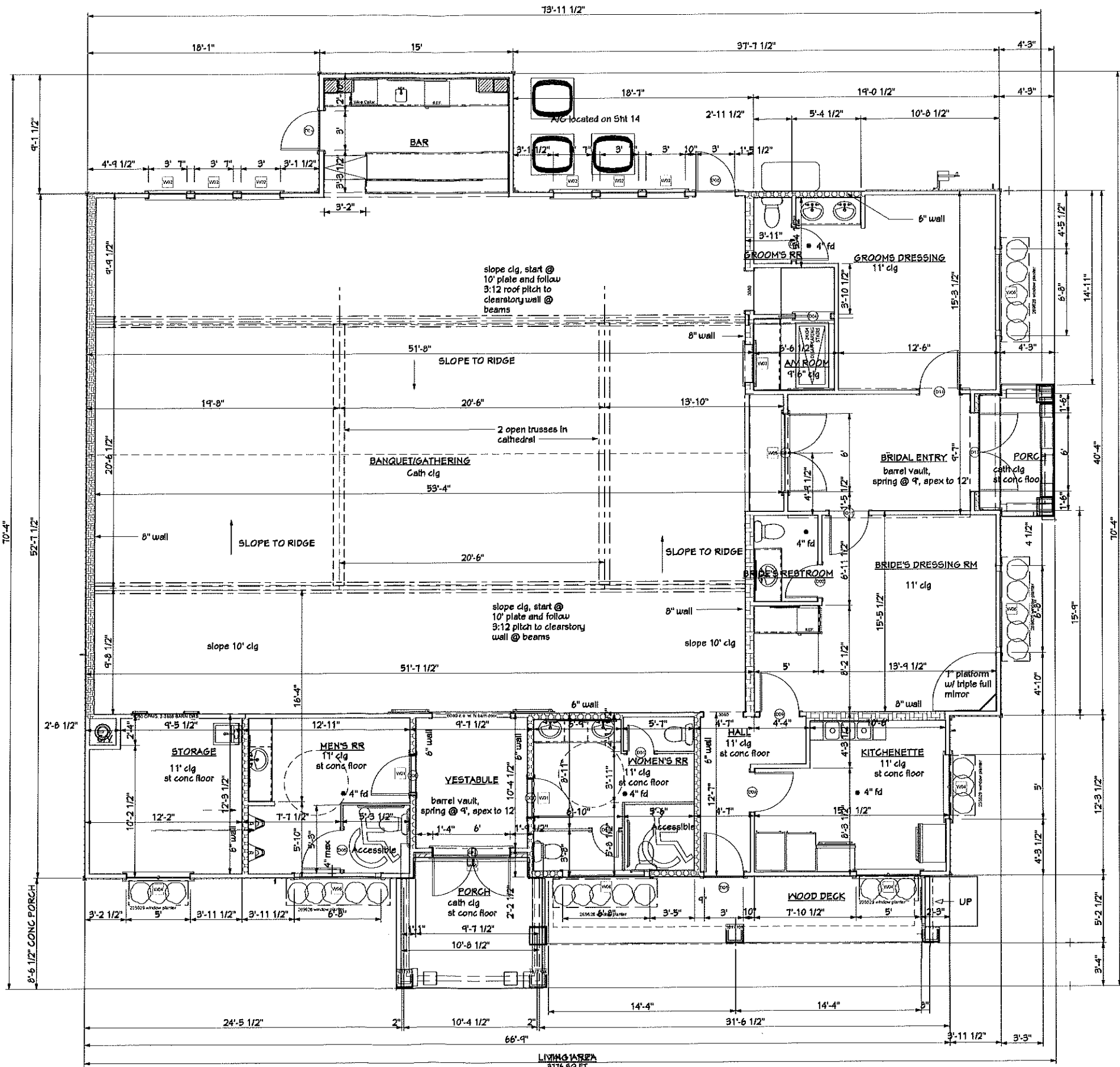
ROOM	WALLS		FLOOR		CEILING		TRIM	COMMENTS
	FRONT	RIGHT	LEFT	REAR	LEFT	RIGHT		
Front Vestibule	1	1	1	1	10	10	13	
Bride's Entry	1	1	2	2	11	11	12	14 (barn door)
Banquet Room	1	1	2	2	11	11	12	14 (barn door)
Clearstory abv Banquet	1	1	2	2	11	11	12	14 (beams)
Bar	1	1.5	1.5	1.5	2	2	12	9 on raised dais
Bride's Room	2	2	2	2	2	2	12	
Groom's Room	2	2	2	2	2	2	12	
Bride's RR	4	4	4	4	4	4	12	
Groom's RR	4	4	4	4	4	4	12	
Women's RR	4.6	4.6	4.6	4.6	2	2	13	
Men's RR	4.6	4.6	4.6	4.6	2	2	13	
Kitchenette	2	2	2	2	2	2	13	
Audio/Video Room	2	2	2	2	2	2	13	
Audio/Video Stair, Hall	2	2	2	2	2	2	13	
Service Hall	2	2	2	2	2	2	13	
Storage	2	2	2	2	2	2	13	
Deck					9	9	11	

- 1 Painted Shiplap
- 2 Painted & Textured Drywall
- 3 Cultured Stone Back Splash to Ceiling
- 4 Painted & Textured Green Board
- 4.2 Painted Raised Panel Mainscot (1x4's)
- 6 4.2 Comigated Tin Mainscot w/ 1x4 Painted Chair Rail
- 7 Stained Concrete
- 8 Stained Wood Floor/Treads
- 9 Trex Brand Decking
- 10 Antique Brick (Favers) in Barrel Vault
- 11 Painted Tongue & Groove
- 12 Stained Trim/Cabinets
- 13 Painted Trim/Cabinets
- 14 Reclaimed Wood (Beams/Barn Door)

NOTE: INSULATION REQUIRED ON ALL EXTERIOR WALLS AND ALL WALLS ENCLOSED RESTROOMS.

DOOR SCHEDULE		4 7/8" JAMS ON ALL DOORS	
NUMBER	DESCRIPTION	COMMENTS	
D01	HINGED-DOOR F04	SOLID CORE	
D02	HINGED-DOOR F04	SOLID CORE	
D03	HINGED-DOOR F04	SOLID CORE	
D04	POCKET-DOOR F04	SOLID CORE	
D05	EXT. HINGED-DOOR F05	METAL	
D06	HINGED-DOOR F04	SOLID CORE	
D07	HINGED-DOOR F04	SOLID CORE	
D08	EXT. HINGED-DOOR F05	METAL	
D09	HINGED-DOOR F04	SOLID CORE	
D10	HINGED-DOOR F04	SOLID CORE	
D11	HINGED-DOOR F04	SOLID CORE	
D12	HINGED-DOOR F04	SOLID CORE	
D13	14000 OPNG, 2-2886 BARN DRG BT AUGUSTINE	SOLID CORE	
D14	16000 LUR IN DOUBLE HINGED-DOOR E21	SOLID CORE	

NUMBER	QTY	SIZE	EGRESS	DESCRIPTION	COMMENTS
A001	1	3010AN		FIXED GLASS	
A002	7	3030PX		FIXED GLASS	
A003	3	3030PX		FIXED GLASS	
A004	2	3015PX		FIXED GLASS	
A005	2	3015PX		FIXED GLASS	
A006	4	18228PX		FIXED GLASS	FRENCH DR. TURNED ON SIDE



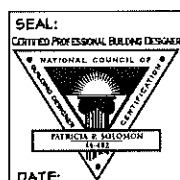
FIRST FLOOR PLAN 1/4"=1'

SQUARE FOOTAGE:	
9774 s/f	A/C space
251 s/f	Cvd porches
4030 s/f	Total Covered

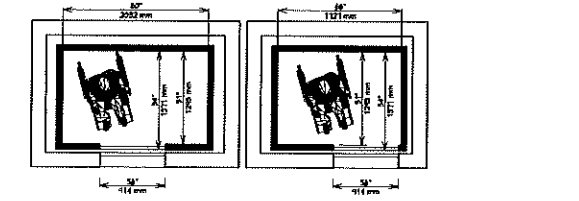
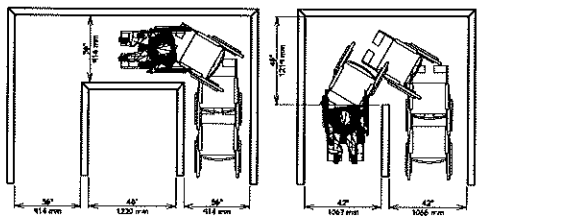
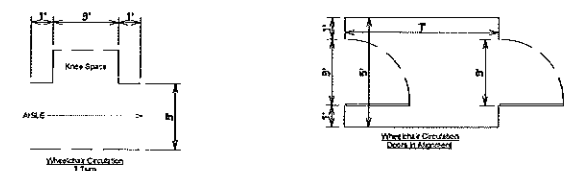
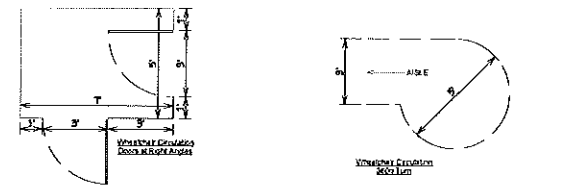
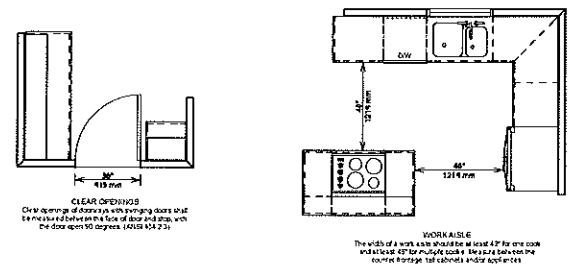
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240 Prairie
Montgomery, Texas

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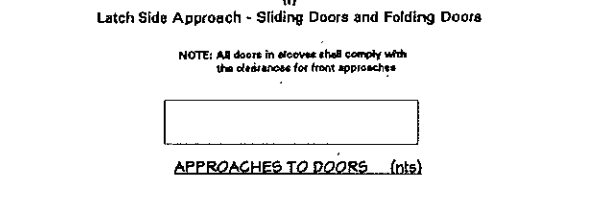
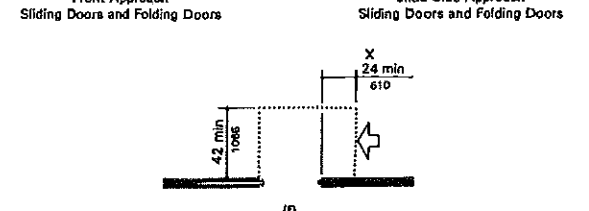
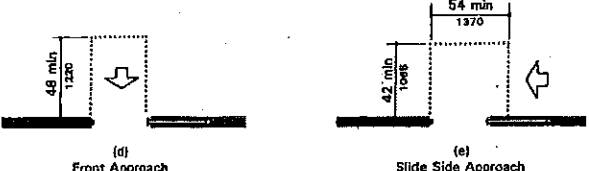
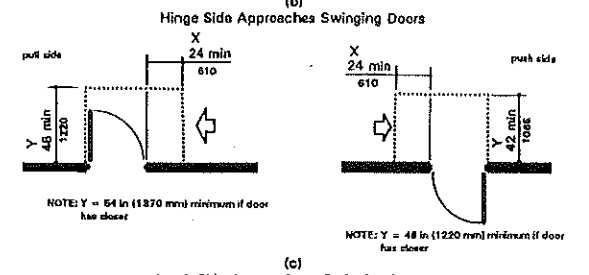
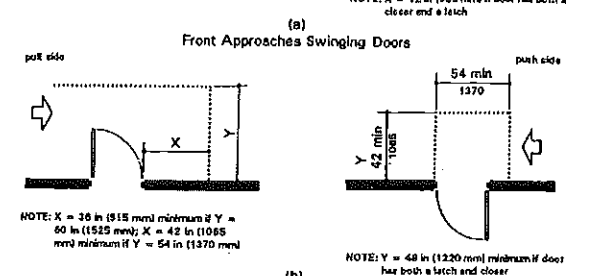
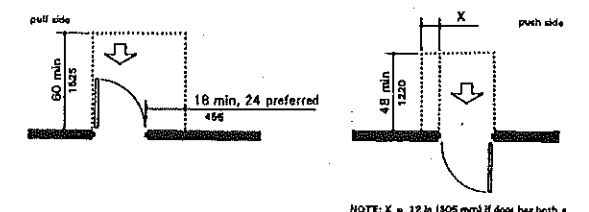
REVISIONS:	



DATE: _____
DRWN. BY: PMS
DATE: 4/1/2017
SCALE: Noted
JOB NO.: PMS-217-C-3779
DWG. NO: 6



CLEARANCES (nts)



APPROACHES TO DOORS (nts)

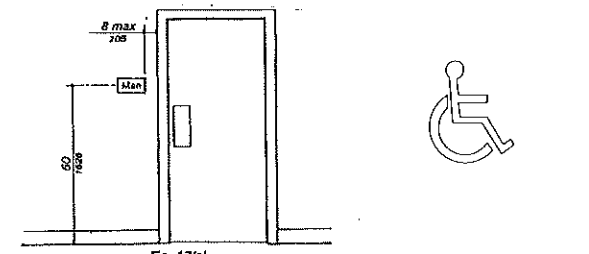


Fig. 43(e) Signage Mounting Location and Height

SIGNAGE (nts)

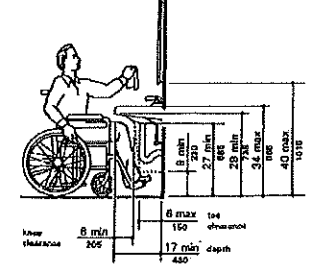
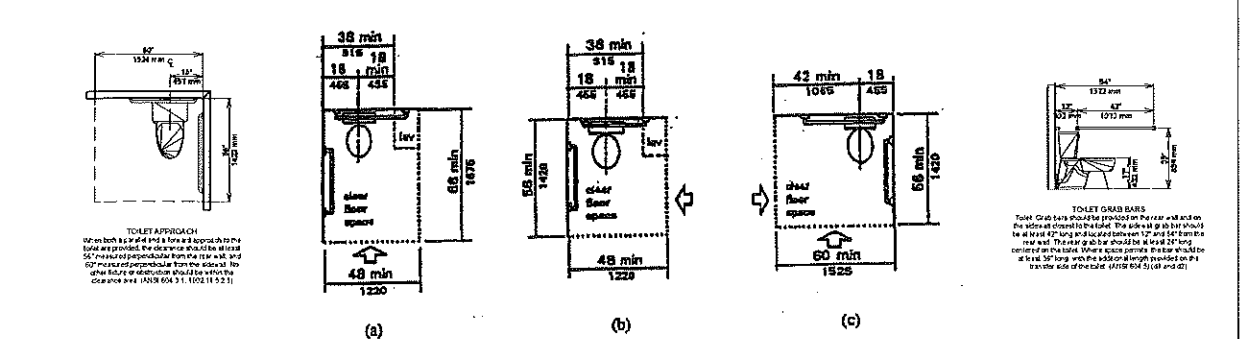


Fig. 31 Lavatory Clearances

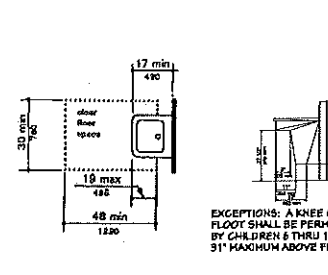
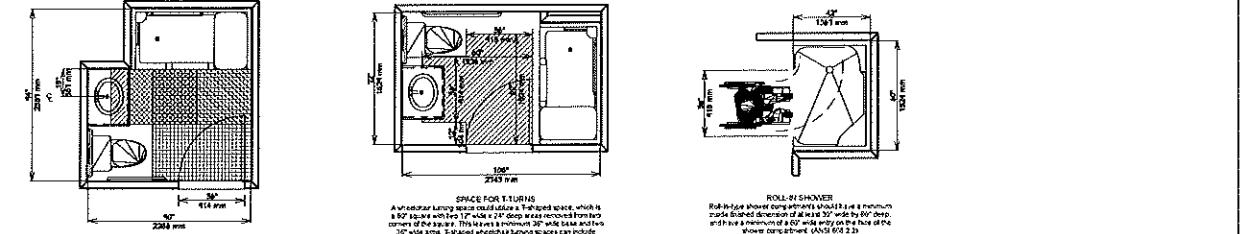
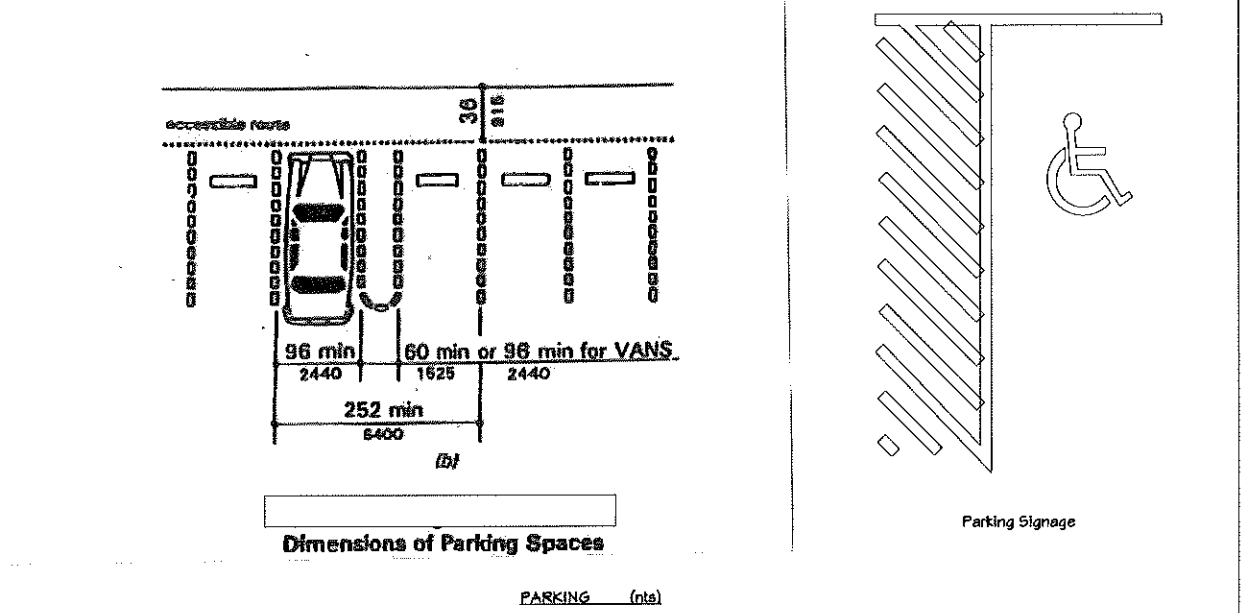


Fig. 32 Clear Floor Space at Lavatories



CLEAR FLOOR SPACE - REST ROOMS (nts)



PARKING (nts)

SQUARE FOOTAGE:
5719 sq ft
251 sq ft
4030 sq ft
Total Covered

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Hodge Lodge
240 Prairie
Montgomery, Texas

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REVISIONS:

SEAL:
NATIONAL COUNCIL OF PROFESSIONAL BUILDING DESIGNERS
PATRICIA J. SOLOMON
C.P.B.D.

DATE:
DRWN. BY: PMS
DATE: 4/1/2017
SCALE: Noted
JOB NO.: PMS-217-C:3779
DWG. NO: 15

ITEM #14
Montgomery City Council
AGENDA REPORT

Meeting Date: April 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: E-mail memo from City Engineer regarding the subject, the Encroachment and Maintenance Agreement
Date Prepared: April 20, 2017	

Subject

This is a City Engineer proposal for a Encroachment and Maintenance Agreement with Town Creek storage for a public drainage ditch

Description

The e-mail from Ed Shackelford explains the reason for the need for the Agreement.

Mr. Shackelford's memo explains that Mr. Cheatham has requested to place a fence at the top of the drainage easement, along the north side of the development, on the understanding that he would perform routine maintenance of the drainage channel via mowing and cleaning out debris and the he would remove and replace the fence as his expense should the City need to perform maintenance of the drainage area. The Agreement and the terms and conditions which the city will allow the proposed fence, defines and requires routine maintenance and drainage ditch and requires the owner to notify the city should there be a change of tract ownership.

The benefit to the city's cities are responsible for routine maintenance of the drainage ditch or for removing and replacing fence along the property of the ditch at no expense to the city.

Montgomery City Council
AGENDA REPORT

Recometion

Motion to approve the Encroachment and Maintenance Agreement as presented.

Approve By

City Administrator

Jack Yates

Date: April 20, 2017



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

Montgomery - Need for Encroachment and Maintenance Agreement with Town Creek Storage for public drainage ditch

1 message

Ed Shackelford <EShackelford@jonescarter.com>

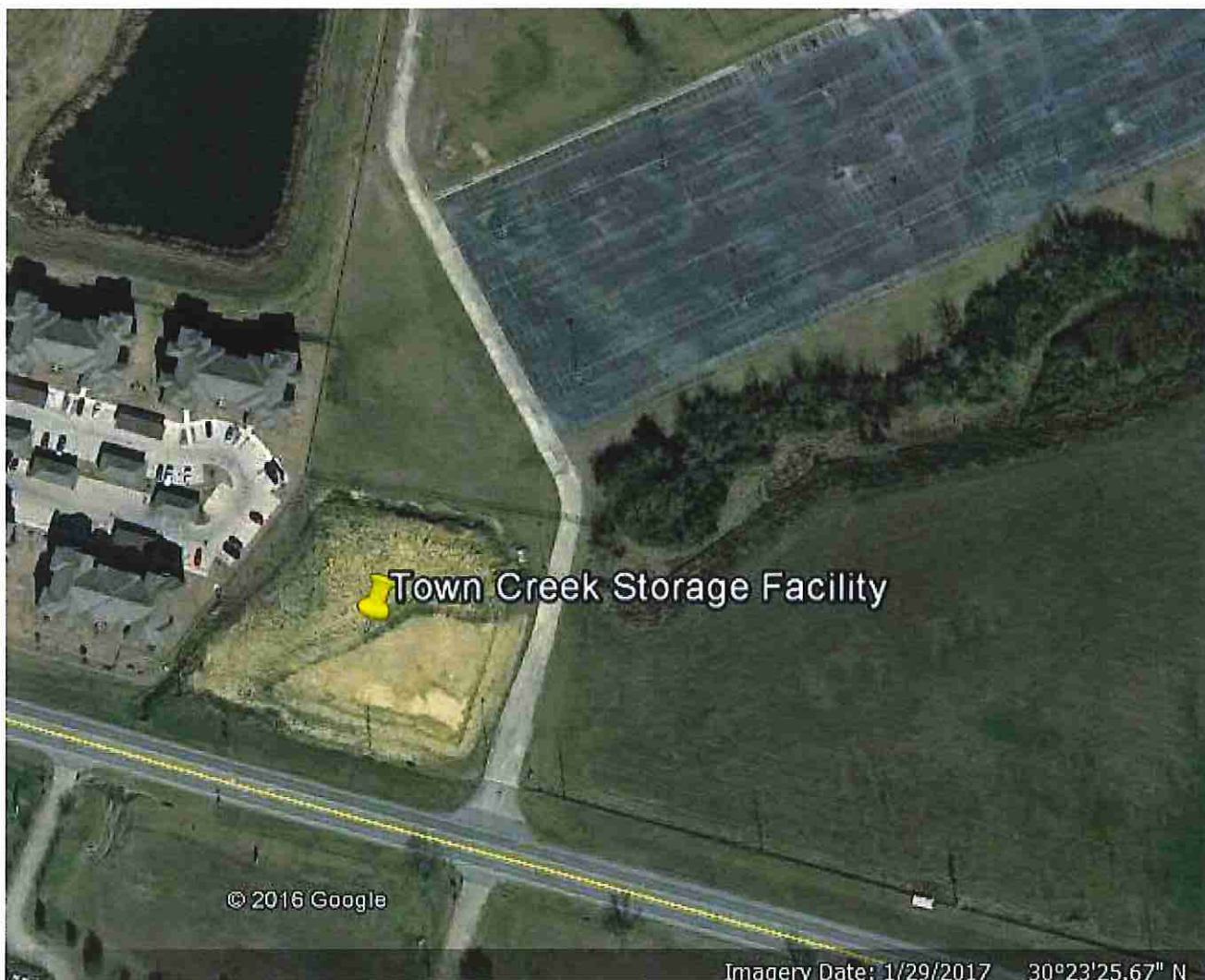
Wed, Apr 19, 2017 at 2:24 PM

To: Jack Yates <jyates@ci.montgomery.tx.us>

Cc: Chris Roznovsky <CRoznovsky@jonescarter.com>, Larry Foerster <foerster@dfcllp.com>, "shensley@ci.montgomery.tx.us" <shensley@ci.montgomery.tx.us>

Jack:

The Town Creek Storage developer proposed a site plan and development plat for the northwesterly corner of SH 105 and western entrance to the Montgomery ISD athletic facility.



The Town Creek Storage tract has a public drainage ditch traversing the property, collecting stormwater runoff from the SH 105 rights-of-way, the Montgomery High School campus and discharging the water through culverts under SH 105, along the route of the public drainage ditch in a northeasterly direction. The tract developer realigned the ditch to parallel the west and north property lines in order to make the tract useable for development. The City's ordinances require that a maintenance easement and berm be created to ensure access for maintenance. The access easement encompasses 15-feet of useable property and the Developer requested the ability to erect a fence at the top of the public channel's earthen berm based on the understanding that he would do the following:

- Perform routine maintenance of the drainage channel via mowing (not allowing the grass to exceed 12-inches tall between mowing) and cleaning out debris
- Remove and replace the proposed fence at his expense should the City need to perform major maintenance

The Encroachment and Maintenance Agreement that is being presented in the Council {Packet for the April 25, 2017 meeting delineates the terms and conditions which the City will allow the proposed fence, defines and requires routine maintenance of the public drainage ditch and requires the Owner to notify the City should there be a change of tract ownership.

The benefit to the City is the City is not responsible for routine maintenance of the drainage ditch which is a savings and the City is not responsible for the cost of removing and replacing any fencing along the limits of the public drainage ditch as the fence is owned by the Developer. The City is required to give adequate notice when the fence needs to be removed for major maintenance.

Please advise 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**

Direct **713.389.1500**

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

STATE OF TEXAS

COUNTY OF MONTOMERY

ENCROACHMENT AND MAINTENANCE AGREEMENT

THIS AGREEMENT is made this ____ day of _____, 2017, between the **CITY OF MONTGOMERY, TEXAS (CITY)** and **TOWN CREEK STORAGE, LLC**, a Texas limited liability company (OWNER).

RECITALS

OWNER is the owner of certain property (PROPERTY) located in the City of Montgomery, Texas on State Highway 105 West.

The Property is a 1.830-acre tract of land in the Survey, A- ____, in Montgomery County, Texas, as more particularly described in the plat attached hereto as Exhibit "A."

OWNER plans to dedicate a drainage easement by plat to channel the flow of public storm water through the Property, as described in the plat in Exhibit "A."

It is customary that a storm water drainage easement in the CITY be constructed with a maintenance berm on both sides of the channel to allow tractors, trucks and mowers to transverse the channel bank for regular maintenance and repairs.

OWNER has agreed to regularly maintain the drainage easement at its sole expense.

CITY and OWNER agree that CITY may in the future need to make major repairs to the public storm water channel on the Property such as erosion repair, embankment repair and concrete lining.

OWNER desires to install a fence within the limits of the proposed drainage easement at no cost to CITY. The fence will be located at the top of the bank of the channel, and the proposed drainage easement will extend an additional fifteen feet (15') beyond the fence which will be within the easement.

If future major repairs to the drainage channel are required by CITY, the fence will need to be removed in order for CITY to perform the necessary repairs.

The fence is the property of OWNER and shall be maintained by OWNER. OWNER agrees that CITY shall not incur the expense of maintaining the fence, or removing the fence or replacing it when any repair work is complete.

CITY has agreed to the proposed plat of the Property and OWNER'S installation of the fence along the drainage easement, subject to the above recitals and the following terms and conditions agreed by OWNER.

NOW, THEREFORE, be it mutually agreed by OWNER and CITY as follows:

1. Consent to Encroachment. Subject to the terms of this Agreement, CITY hereby consents and allows OWNER to enter upon the above-described CITY easement or right-of-way on the Property for the purpose of installing, placing and maintaining the above-described fence within the public storm water drainage easement.

2. Term. This Agreement shall have an indefinite term and shall run with the Property until the CITY and the OWNER, or its successors and assigns, agree to terminate this Agreement.

3. Conditions.

a. Prior to any construction in or along the public storm water drainage easement on the Property, OWNER shall obtain all licenses or permits necessary to construct the fence or any other improvements.

b. OWNER shall be solely responsible for the normal maintenance of the public storm water drainage easement on the Property (such as mowing grass and weeds and removing obstructions therefrom) and shall maintain it to avoid any damage to or interference with the flow of storm water through the drainage channel, CITY facilities, other public utilities or the general right of CITY to utilize the easement or right-of-way for its

intended purpose. CITY shall be responsible for major repairs to the storm drainage easement (i.e., any work other than the normal maintenance required by OWNER.)

- c. OWNER agrees to perform routine mowing of the storm drainage easement so that that grass and weeds will not be permitted to grow more than 12-inches tall. CITY has the right to notify OWNER if routine maintenance is needed.
- d. CITY shall not be responsible to OWNER, its successors, assigns, or any other party for damages to OWNER'S fence or other improvements on or along the public storm water channel. CITY may, at any time upon reasonable notice, require the removal of the fence along the drainage channel for the purpose of allowing CITY to make repairs to the storm water channel. OWNER shall remove and, if desired by OWNER, replace such improvements promptly at its sole expense and shall not be entitled to compensation or damages of any kind.
- e. OWNER shall notify the City in writing of any change in ownership of the Property.

4. Notices. Any notice required or permitted under this Agreement shall be deemed sufficient if delivered in hand or by First Class US Mail addressed to the parties as follows:

CITY

City of Montgomery
ATTN: City Administrator
101 Old Plantersville Road
Montgomery, Texas 77356

OWNER

Town Creek Storage, LLC
ATTN: Chris Cheatam

5. Indemnity. OWNER shall indemnify, defend and hold harmless CITY, its elected officials, officers and employees, from any claims, suits, causes of action, costs or damages arising from OWNER'S action or inaction relating to maintenance of the public storm drainage easement or any improvements by OWNER on or along the drainage easement on the Property.

6. Entire Agreement. This Agreement contains the entire agreement between the parties hereto. No promise, representation, warranty or covenant not included in this Agreement has been or is relied on by any party hereto.

7. Construction and Venue. This Agreement shall be construed in accordance with the laws of the State of Texas. Exclusive venue over any claim or cause of action arising hereunder shall be in the courts of Montgomery County, Texas.

8. Agreement a Covenant Running With the Land. This Agreement shall be recorded in the Real Property Records of Montgomery County, Texas and shall be a covenant running with the OWNER'S land and binding upon the OWNER'S successors and assigns.

CITY OF MONTGOMERY, TEXAS

By: _____
Kirk Jones, Mayor

ATTEST:

Susan Hensley City Secretary

TOWN CREEK STORAGE, LLC

By: _____
Name: _____
Title: _____

State of Texas §
 §
County of Montgomery §

This instrument was acknowledged before me on _____ by
KIRK JONES, mayor of and acting in behalf of the City of Montgomery, Texas..

Notary Public, State of Texas

State of Texas §
 §
County of Montgomery §

This instrument was acknowledged before me on _____ by _____, acting under the authority of Town Creek Storage, LLC, a Texas limited liability company.

Notary Public, State of Texas

After Recording Return to:

Susan Hensley City Secretary
City of Montgomery, Texas
101 Old Plantersville Road
Montgomery, Texas 77356

Montgomery City Council
AGENDA REPORT

Meeting Date: April 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Terms of Service Agreement W/ master meter and city billing individuals, Terms of Service Agreement w/ no billing of individuals, <i>map showing Park area</i>
Date Prepared: April 20, 2017	

Subject

This is a request for guidance from the Council on how the City Attorney and I need to proceed on a Terms of Service Agreement with the owners of Cedar Crest Home Park regarding their method of billing and installation of a master meter.

Description

Several months ago I asked the City Council for permission to work out a master meter arrangement at the Cedar Crest Home Park to prevent the potential loss of water sales on the lines that are on private property before a city meter registers the water. The Council directed me to "work it out". After discussing with Mike Muckleroy and determining the location of the lines on the property, (that includes a water line and a sewer line that serves 814 Huffman that runs through the Park property), Ed Shackelford's input on the matter and Larry Foerster and after discussing with the Park Owner it was determined that a Terms of Service Agreement was needed.

Again, I am not asking for approval of the precise wording of the Terms of Service Agreement only the general direction that you prefer to go. Either Agreement will assure no loss of water sales to the city.

Option One – Master meter w/ individual meters. Under this method a master meter is set at the entrance of the Cedar Crest Home Park with the master meter read and each individual meter still read and billed by the city and each month

Montgomery City Council
AGENDA REPORT

the total of the individual meters will be subtracted from the master meter reading and the master meter will receive a bill for any difference, thus assuring that the City has no loss of sales due to water leaks. The Owner has agreed to place a \$1,000 deposit with the City and that amount must be kept in reserve to assure payment on the master meter account. This leaves the customer deposits on hand. The subtraction process made by the Billing Clerk will be a five-minute per month issue.

Option Two – Master meter only -- In this option a master meter is placed and the individual meters are not read nor collected by the City and the Cedar Crest Owner is billed on a bulk commercial basis. This method has garbage collection problems of where either the Owner bills each resident for the garbage (that is picked up by the city contractor) or they are forced to use a common dumpster which neither the Park Owner nor the city wants.

Recommendation

Motion to authorize the City Administrator and City Attorney to complete a Terms of Service Agreement based on Option One.

Approve By

City Administrator

Jack Yates

Date: April 20, 2017

TERMS OF SERVICE AGREEMENT

(Master meter with Individual meters)

This Service Agreement is by and between Marcy Bennett and Pat McCarty, owners of the Cedar Crest Home Park, whose mailing address is P.O. Box 9692, Spring, Texas, 77387 (USER) and the City of Montgomery, Texas (CITY). This Agreement is regarding the Cedar Crest Home Park (Park) situated on Old Plantersville Road consisting of 5.6735 acres of land.

RECITAL

This Agreement is needed because of private water and sewer lines lying within the Park are on the USER'S property with no control by the CITY. As presently situated, a leak in the water line would be borne by the CITY because there presently is no master water meter at the entrance to the Park.

NOW THEREFORE, USER AND CITY, for good and valuable consideration which is hereby acknowledged, agree that the Terms of this Service Agreement to the Park are as follows:

1. CITY will place a master water meter immediately adjacent to Old Plantersville Road in the right-of-way of that Road and at the beginning of the Park property at no charge to USER.
2. CITY will read, to a one-gallon standard, the individual water meters of the individual homes in the Park monthly and subtract that total from the Master Meter reading, and any balance from that calculation will be billed to USER.
3. USER will place a \$1,000.00 credit to the Park master meter account and will set up an automatic withdrawal from a bank account for the Park monthly master meter account billing. USER agrees that the credit balance will not go below the \$1,000.00 amount. If the credit balance goes below \$1,000.00, USER must replenish the credit balance to \$1,000.00 upon ten (10) days written notice by CITY. Should USER fail to replenish the credit balance within ten (10) days, CITY shall turn off the water to the master meter, and thereby to all the individual customers in the Park. The water on to the master meter will be turned back on following replenishment of the \$1,000.00 credit balance to the master meter account.
4. USER will include the following statement in every lease with customers in the Park:

"I understand that the City of Montgomery may turn off water to the Cedar Crest Home Park, including my use, if the Utility Billing of the City master meter is turned off due to non-payment by the Park owners or for other legal reasons."

5. CITY will include a similar statement in each service agreement with individual customers in the Park:

"I acknowledge and authorize the City of Montgomery to turn off my water if the Utility Billing of the CITY master meter to Cedar Crest Home Park is turned off due to non-payment by the Park owners or for other legal reasons."

6. Water service to 814 Huffman Drive will also be subtracted from the Master Meter and billed as part of one Utility Bill to USER.

7. A right-of-entry easement to the entire Park property will be granted to CITY and its designees, including for household waste collection and for access onto any part of the Park for reasons of CITY maintenance, repair, inspection or improvements to the water or sewer systems in the Park.

Agreed this _____ day of _____, 2017.

CITY:

USER

Kirk Jones, Mayor

Marcy Bennett, Owner

Pat McCarty, Owner

ATTEST:

Susan Hensley, City Secretary

TERMS OF SERVICE AGREEMENT (Master Meter only)

This Service Agreement is by and between Marcy Bennett and Pat McCarty, owners of Cedar Crest Home Park, whose mailing address is P.O. Box 9692, Spring, Texas, 77387 (USER) and the City of Montgomery (CITY). This Agreement is regarding the Cedar Crest Home Park (Park) situated on Old Plantersville Road consisting of 5.6735 acres of land.

RECITALS

This Agreement is needed because of private water and sewer lines lying within the Park are on USER'S property with no control by the CITY. As presently situated, a leak in the water line would be borne by CITY because there is no master water meter at the entrance to the Park.

This Agreement between CITY and USER is made concurrently with a separate Service Agreement for a Master Meter with Individual meters in the Park.

NOW THEREFORE, USER AND CITY, for good and valuable consideration which is hereby acknowledged, agree that the Terms of this Service Agreement to the Park are as follows:

1. CITY will place a master water meter immediately adjacent to Old Plantersville Road in the right-of-way of that Road and at the beginning of the Park property at no charge to USER. USER must make a service deposit and abide by the normal and usual terms of service as any other customer being provided water and sewer service by the CITY.
2. USER will grant a utility easement to the CITY so CITY can construct, provide and maintain needed water and/or sewer service to the adjacent property at 814 Huffman Drive in the CITY.
3. USER will include the following statement in every lease with customers in the Park:

"I understand that the City of Montgomery may turn off water to the Cedar Crest Home Park, including my use, if the Utility Billing of the City master meter is turned off due to non-payment by the Park owners or for other legal reasons."
4. A right-of-entry easement to the entire Park property will be granted by USER to CITY and its designees, including for household waste collection and for access onto any

part of the Park for reasons of maintenance, repair, inspection or improvements to the water or sewer systems in the Park.

5. Household waste service will be billed to USER on the basis of one residential charge per occupied structure in the Park. USER is to notify the CITY of the number of occupied residential units, which is subject to review by the CITY.

6. Individual home occupants of the Park will not be directly connected to city water or sewer lines, and all maintenance of the water and sewer service lines in the Park are the responsibility of USER.

Agreed this _____ day of _____, 2017.

CITY:

USER

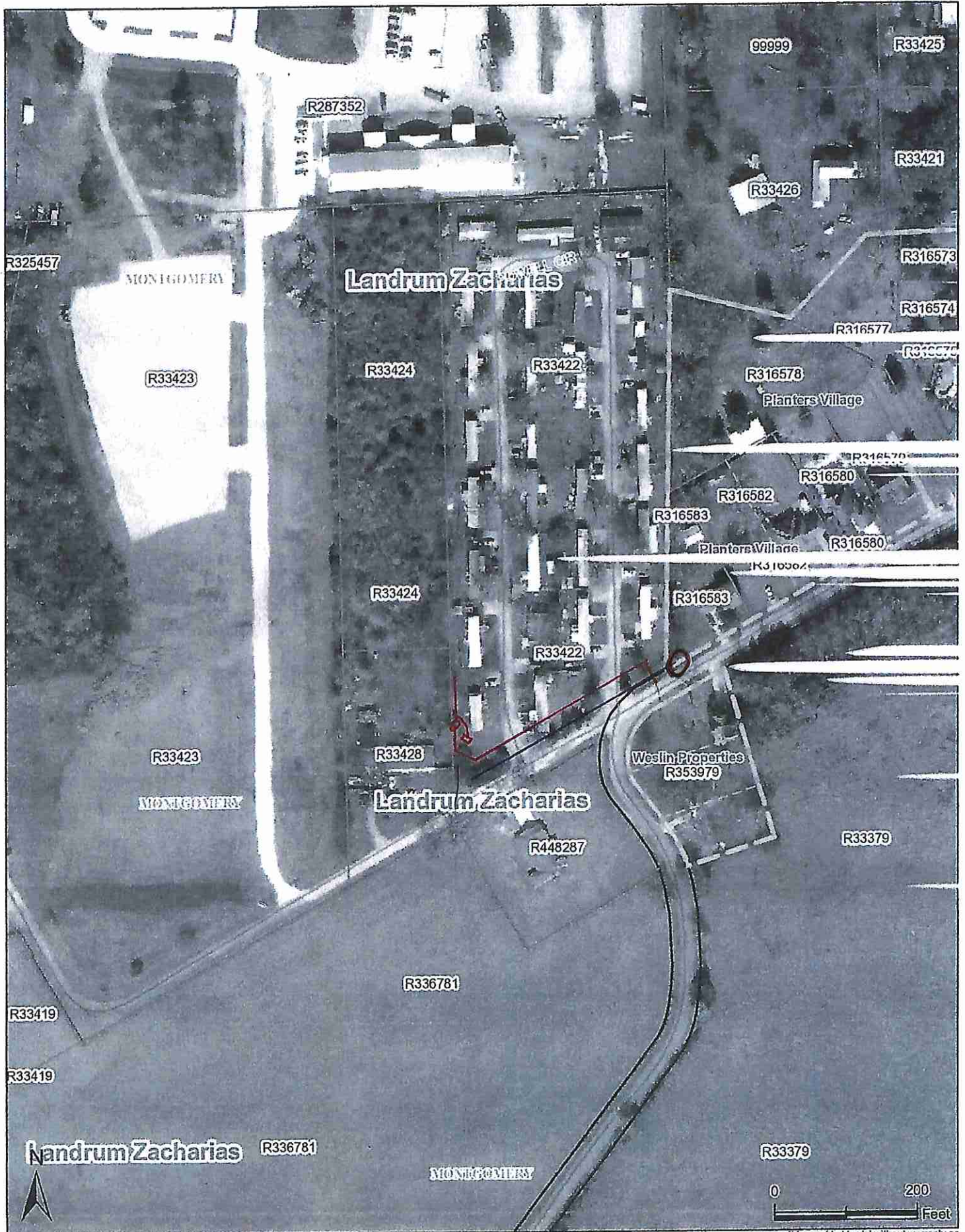
Kirk Jones, Mayor

Marcy Bennett

Pat McCarty

ATTEST:

Susan Hensley, City Secretary



Montgomery CAD, TX

Date Printed: February 21, 2017

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red = water line
black = sewer line

○ = master meter placement