

NOTICE OF REGULAR MEETING

March 14, 2017

MONTGOMERY CITY COUNCIL

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that a Regular Meeting of the Montgomery City Council will be held on Tuesday, March 14, 2017 at 6:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

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

CONSENT AGENDA:

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

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action regarding a Utility and Economic Feasibility Study for KENROC Development.
3. Consideration and possible action regarding Longview Greens Miniature Golfing variance request to allow gravel as a parking surface.
4. Consideration and possible action regarding the City Engineer's Report on Buffalo Springs Road Bridge Repair.

5. Discussion regarding Buffalo Springs Bridge Repair – Amy Font
6. Consideration and possible action regarding City property tax exemptions.
7. Consideration and possible action regarding placing a fee on Professional Photographers at Fernland Historic Park.
8. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION OF THE CITY OF MONTGOMERY REGARDING OPPOSITION TO S.B. 2 AND REQUESTING SENATOR ROBERT NICHOLS TO VOTE AGAINST THE MEASURE.
9. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE REGARDING LANDSCAPING REQUIREMENTS FOR ALL ZONING DISTRICTS IN THE CITY OF MONTGOMERY, TEXAS; PROVIDING DEFINITIONS, PURPOSE, APPLICABILITY, VARIANCES, AND LANDSCAPE PLAN APPROVAL; PROVIDING SEVERABILITY CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION.
10. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY OF 14.5003 ACRES OF LAND, MORE OR LESS, IN THE JOHN H. CORNER SURVEY, ABSTRACT 8, TO THE CITY OF MONTGOMERY, MONTGOMERY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; ADOPTING AN ANNEXATION SERVICE PLAN FOR SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING THE EFFECTIVE DATE UPON PASSAGE OF THE ORDINANCE.

EXECUTIVE SESSION:

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

11. Convene into Closed Executive Session as authorized by the Texas Open Meetings Act, Sections 551.071 (consultation with attorney), and 551.074 (personnel matters regarding Employment Agreement renewal with the City Administrator).

12. Convene into Open Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

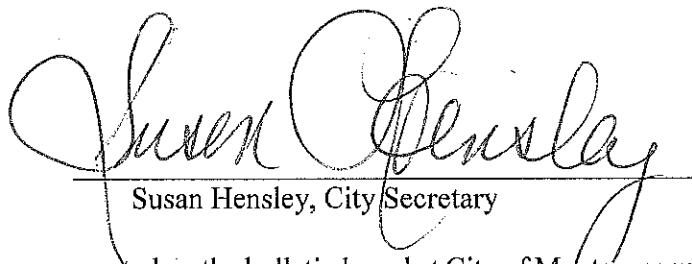
13. Consideration and possible action resulting from the item(s) listed under Executive Session.

COUNCIL INQUIRY:

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

ADJOURNMENT




Susan Hensley, 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 10th day of March 2017 at 1:50 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.

MINUTES OF REGULAR MEETING

February 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
 John Champagne, Jr. City Council Place # 2
 T.J. Wilkerson City Council Place # 3
 Rebecca Huss City Council Place # 4
 Dave McCorquodale City Council Place # 5

Absent: Jon Bickford City Council Place # 1

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

INVOCATION

T.J. Wilkerson gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARING:

Convene into Public Hearing:

1. For the purpose of giving all interested persons the right to appear and be heard on the proposed annexation by the City of Montgomery, Texas of the following described land: 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. (Second of two hearings)

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

Mr. L. A. Washington asked where the property in question was located. Mr. Shackelford, City Engineer, advised that the property was located on the north side of SH 105, between Stewart Creek Road and Lone Star Parkway. Mr. Shackelford said that this was the undeveloped tract between where the northeast corner where Pizza Shack is being built, and is the back northern piece of land. Mr. Shackelford said that there was a front piece of land, approximately 300 feet deep that is already inside the City, and was annexed a year ago.

Mayor Jones asked if there were any other comments to be made and there were no more comments made. Mayor Jones adjourned the Public Hearing at 6:03 p.m.

Reconvene into Regular Session:

Mayor Jones reconvened into Regular Session at 6:03 p.m.

VISITOR/CITIZENS FORUM:

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

Mr. Philip LeFevre said that he wanted to discuss a couple of things, one being Jason Long, who went to the Planning and Zoning Commission last night and asked for a variance on his parking lot. Mr. LeFevre said that they actually have, as part of the HOA, architectural control, so they have a vested interest, because there are other people who bought land there and they want to make sure that they don't get dust from the parking lot.

Mr. LeFevre said that their normal response would be to say no, do not give him a variance, but there are extenuating circumstances here and he personally felt that the Planning and Zoning Commission did the right thing. Mr. LeFevre said that he believed what the Commission said was that they would give Mr. Long six (6) months to use a gravel parking lot, and under the City Engineer's suggestion Mr. Long has to stabilize the parking lot so that there is no dust. Mr. LeFevre said that if Mr. Long does not get the parking lot done in six (6) months, then the City can remove the occupancy permit and basically shut Mr. Long down, and there is a method of enforcement. Mr. LeFevre said that once the HOA gives a variance, they have no method and can't come back after them. Mr. LeFevre said that

he would like some comfort from the City that there is a hammer to get the work done. Mr. LeFevre said that hopefully, when City Council considers the variance, as long as the City retains the hammer to make sure that Mr. Long performs his part.

The second item that Mr. LeFevre, was one of equity, stating that Mr. Long is clearly tight on budget and his project is a little bit out of the box, but he liked that and felt that it was good for the City. Mr. LeFevre said that this will give people something to do and it will be a productive and positive thing. Mr. LeFevre said that he hoped that Mr. Long was very successful. Mr. LeFevre said that he felt that it was behooven on everyone to try and make him successful up to a point, and then it is up to him. Mr. LeFevre said that the City needs to be a good place to do business.

Mr. LeFevre said that he was a little concerned about two things, one, in the past the City has provided MEDC funds for paving, and he knows that they are doing the Cozy Grape, which he felt was a good decision, because the City uses the parking lot for other things as well. Mr. LeFevre said that in this case, the City probably down the line will probably need Mr. Long's parking lot when they do City events, so there is a benefit to having the parking lot done properly. Mr. LeFevre said that he felt the City should consider a consistent policy throughout, realistically if you are going to do the parking lot for one person, you probably need to consider a strategy of how it effects everyone else.

Mr. LeFevre said that the second, and he felt it was the most important, when he built Clepper Street, and put the utilities in, they put in the taps, so there is already a water tap and there should be a tap for the sewer. Mr. LeFevre said there might not be one for the sewer. Mr. LeFevre said that when he and Mr. Muckleroy were at the location, Mr. Muckleroy went down into the manhole and looked, and there was a tap across the road. Mr. LeFevre said that the City's formula is 200% percent of the cost. Mr. LeFevre said the estimates that have come up using Gulf Utilities, and the price that they came up with using the 200% percent was \$27,000, which is just about the cost of his parking lot.

Mr. LeFevre said that if they had done the water, and if they find that they did the sewer, it would be a \$300 job to get someone to connect to the sewer on the other side of the road. Mr. LeFevre said that even if they did not do the sewer, they could get Allen Burney who was the City utility contractor, to probably do it for \$3,500, the Gulf Utility estimate is \$6,500. Mr. LeFevre said that you start to compound the error, \$6,500 times 200% percent you get to an awful lot of money. Mr. LeFevre said that he felt if there was a chance to use an alternative contractor who the City approves of, and if that

contractor has experience with the City it would help the City. Mr. LeFevre said if Gulf Utility is giving outrageous bids, then the City is probably paying outrageous bids, but when you multiply it by 200% percent, and the consumer is really getting stuck. Mr. LeFevre said that if there is an element of competition for some of this work, the City will get well served along with the consumer getting well served. Mr. LeFevre said that he could put in ten (10) sewer taps for \$27,000. John Champagne asked to confirm that they were paying \$6,500 for the tap. Mr. LeFevre said that was the amount of the bid. Rebecca Huss said that Mr. Muckleroy actually went out and got a better bid, so there is a contractor that has the quality and reputation and a lower price who she believes is putting in the tap.

Mayor Jones said that since this was not an action item, they could not discuss the matter. Mr. LeFevre said that he would like the City to review the process and to have a more efficient situation, because it does not do the City any good to have people come in and find it so expensive to open a business. Mr. LeFevre said this particular project should not be \$27,000 to \$30,000, and said that it is being priced to a point that the business might fail.

Mayor Jones asked if this subject needed to be an action item in the future. Mr. Yates said that he is already looking at other possibilities for tap, and in this particular case, he will just review it with Mr. Muckleroy.

Mr. LeFevre said that where Mr. Muckleroy climbed down to check on whether there was a sewer tap, it looked like there was already a tap in place, and the point is that there needs to be some flexibility if there is already a sewer tap.

Mr. Tom Cronin advised that his issue was somewhat minor, and was just a suggestion for the City. Mr. Cronin said that he implored the City, when there is a water issue, there has got to be good communication. Mr. Cronin said that at 5:06 p.m. he called the City and the answering service picked up and he asked them what was going on with the water in the City, because the water had been shut off at three of his businesses. Mr. Cronin said that when he is operating restaurants, he has to make a determination in a very short period of time, because legally he can't operate without water.

Mr. Cronin said that the first lady with the answering service was very nice. Mr. Cronin said that when he called back and he got a really snooty lady that said "I just got here, be patient, I don't know what is going on" and immediately put him on hold. Mr. Cronin said that the City's contractor called to clue

him in. Mr. Cronin said that what he is asking is, whether it is Mr. Muckleroy or somebody with the City, could somebody call the service and let them know what is going on so that the businesses can make a determination on whether they need to close for the evening or if it is only going to be a short period of time. Mr. Cronin asked the City to improve their communication between what is going on with the water department and the answering service, when you have a catastrophic incident like they did this evening.

Rebecca Huss advised Mr. Yates that it might be easy to find a text service as well to provide that information to everyone in the City.

CONSENT AGENDA:

2. Matters related to the approval of minutes for the Public Hearing and Regular Meeting held on February 14, 2017.

Dave McCorquodale moved to approve the minutes as submitted. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

3. Consideration and possible action regarding adoption of a Proclamation proclaiming March 3, 2017 as Texas-Tennessee Day in Montgomery, Texas.

Mayor Jones read the following Proclamation into the record:

PROCLAMATION

March 3, 2017 Texas-Tennessee Day in Montgomery, Texas

WHEREAS, the City of Montgomery, Texas City Council does hereby recognize and welcome the Historians of Sam Houston to the City of Montgomery; and

WHEREAS, the Texas –Tennessee Historians will be traveling the Independence Trail that includes Huntsville, Conroe and Montgomery; and

WHEREAS, Sam Houston, following in his late father's footsteps, joined the military. His valor in the War of 1812, in which he served under Andrew Jackson, earned him praise and Jackson's approval; and

WHEREAS, Sam Houston, was governor and U.S. Senator of the State of Tennessee, second President of the Republic of Texas, a Governor of the State of Texas, and was one of the most colorful figures of 19th-century America; and

WHEREAS, Sam Houston, through wisdom, valor and dedication was one of the most significant heroes in the Texas fight for independence from Mexico; and

WHEREAS, Sam Houston, did spend time in the City of Montgomery during his travels while conducting business with the Republic of Texas; and

WHEREAS, the City of Montgomery recognizes the shared admiration and respect for Sam Houston throughout the Country, especially in the states of Texas and Tennessee.

NOW, THEREFORE, the Mayor and members of City Council of the City of Montgomery, Texas, do hereby proclaim March 3, 2017 as Texas-Tennessee Day in Montgomery.

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

Discussion: John Champagne asked who had requested the Proclamation. Mayor Jones said that it was someone from the Historical Society who is involved in entertaining these visitors.

The motion carried unanimously. (4-0)

4. Consideration and possible action regarding adoption of a Proclamation Recognizing and Honoring the Blinded Veterans Association on its 65th Anniversary of Representing Blinded Veterans and their Families.

Mayor Jones read the following Proclamation into the record:

PROCLAMATION

A PROCLAMATION RECOGNIZING AND HONORING THE BLINDED VETERANS ASSOCIATION ON ITS 65th ANNIVERSARY OF REPRESENTING BLINDED VETERANS AND THEIR FAMILIES

WHEREAS, at 8:45 AM on March 28, 1945, 100 blinded members of the Armed Forces who served in World War II formed the Blind Veterans Association at Avon "Old Farms" Army Convalescent Hospital in Connecticut; and

WHEREAS, the founders of the Blind Veterans Association were a cross-section of heroes and pioneers who not only shaped the rich history, philosophy and knowledge of education and rehabilitation of the blind, but also provided insight into current and future challenges facing the blind and engaged in continual advocacy efforts to ensure that services for all blinded persons would be unique and specialized; and

WHEREAS, the Blinded Veterans Association was approved by Congressional Charter in 1958; and

WHEREAS, many people of the United States recognize March 28 of each year as Blinded Veterans Day,

NOW, THEREFORE, be it proclaimed by the City Council of the City of Montgomery Texas that March 28, 2017 is hereby proclaimed Blind Veterans Day in the City of Montgomery in appreciation for the efforts of the Blinded Veterans Association in improving the rehabilitation services for those who gave their sight in defense of the liberty that America holds so dear.

John Champagne moved to approve the Proclamation as read. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Mr. Jerry Killion, Post Adjutant with the American Legion, Dayton Memorial Post 512, and with the Blinded Veterans Association was present to receive the Proclamation.

Mr. Killion addressed City Council and said that on behalf of the Blinded Veterans Association, he wanted to thank them for recognizing March 28, 2017 as Blinded Veterans Day. Mr. Killion said that he had handed out some information on how what to do when you meet a blind person and how to intervene with that person and information on white cane awareness.

Mr. Killion stated that October was White Cane Awareness Month and they have activities and events in October to educate the public on White Canes. Mr. Killion said that when you see a White Cane, you know that person is blind or visually impaired, as he is. Mr. Killion said that his vision is like looking through a straw.

Mr. Killion stated that more than 130,000 blind or visually impaired veterans now live among us. Each about 6,000 veterans become newly blind or visually impaired, as age related macular degeneration, retinitis pigmentosa, glaucoma and diabetic retinopathy affect their lives more profoundly. In addition, some 13% percent of the evacuated, wounded service members in Iraq and Afghanistan have suffered a serious eye injury of one type or another. The need for educational services, counseling, representation and peer support offered by the Blinded Veterans Association has never been greater. The BVA is committed to locating blinded veterans who need the services that will help them overcome the challenges of blindness so they can lead productive, fulfilling lives. The BVA's leadership, membership and staff are anxious to guide blinded veterans through the rehabilitation process and continue their work to advocate for blinded veterans and their families in the public and private sectors. The BVA fulfills its unique mission by promotion, access to technology and the practical use of the latest research. Mr. Killion then thanked City Council.

5. Consideration and possible action on Department Reports.

- A. Administrator's Report - Mr. Yates presented his report to City Council. Mr. Yates advised that in addition to his regular meetings, he had met with the all the docents from Fernland, which was the first time for them to meet.

Mr. Yates advised that he had coordinated and worked with FEMA and the State Emergency Management staff and the City Engineer regarding FEMA funds. Mr. Yates advised that there were two things that were not included in his written report, one being the landscape ordinance that was presented to the Planning and Zoning Commission last night and they voted to recommend it to City Council. Mr. Yates advised that the landscape ordinance was not on the agenda for tonight because the City Attorney has not reviewed it yet. Mr. Yates then advised that the mobile home park meter issue has been worked out, and he will be sending a letter out to the property owner later this week.

- B. Public Works Report - Mr. Yates presented the report to City Council because Mr. Muckleroy was working on a large water leak. Mr. Yates advised that there were 755 visitors at Fernland and they provided 35 tours.

Rebecca Huss stated that she has been interested in status of the City's sewer, in terms of the amount of water entering it, and rain water entering the system and going through the waste water treatment plant. Rebecca Huss said that she had spoken to Mr. Muckleroy about a couple of options, one that Randy Burleigh is looking at the pumpage data and options. Rebecca Huss asked if there were any funds that could be found either for a subcontractor or specific amounts of televising that might identify issues that they have not been able to find with the smoke testing that has been done to date. Rebecca Huss said that, obviously, when they go through the utility operator section there is another large amount of water that they are still paying for that is entering the system that should be runoff somewhere else. Mr. Yates said that they definitely have the funds available, he just needs to make sure that Mr. Muckleroy and the City Engineer are sure about what they are doing and what will be accomplished. John Champagne said that he would suggest, and it may very well be, to do the smoke test and video again, but prior to making that decision, the City Engineers would weigh in on what would be the best way.

John Champagne said that he had just heard a complaint from a constituent about a complaint on Public Works customer service to our citizens in regard to the water situation, and he would ask that Mr. Yates investigate whomever responded in such an unprofessional way. John Champagne said that the other thing is, he is assuming this water break is a function of the construction that is going on across from City Hall. Mr. Yates said that was correct. John Champagne asked if there would be any recourse in recovering the costs for the water break. Mr. Yates advised that they would be charging them for the repair and the water loss. John Champagne said that was perfect and thanked Mr. Yates.

- C. Police Department Report – Chief James Napolitano presented his report to City Council. Chief Napolitano advised that there were several items that he wanted to bring up, advising that he, Sergeant Lehn, Officer Flores and Lt. Belmares spoke at the Montgomery High School to the criminal justice group. Chief Napolitano said that they had Family Game Night. Chief Napolitano congratulated Sergeant Lehn for her work on the audit of the NCIC and TCIC computer through the State of Texas.

Chief Napolitano said that they have restructured the Police Department to make it a little bit more efficient and get more out of the officers and improve communication. Chief Napolitano congratulated to now Lieutenant Miguel Rosario and officially pinned his Lieutenant bars on him. Chief Napolitano said that they have split the shifts into two so that each shift has a Lieutenant. Chief Napolitano said that they never know when someone on the street is going to use deadly force against the officers on the street and the Lieutenants will have the duty of watching out for the officers on the street. Mayor Jones congratulated Lieutenant Rosario.

- D. Court Department Report – Ms. Rebecca Lehn, Court Administrator, presented her report to City Council. Ms. Lehn said that the warrants will be even higher this month because they are going through a warrant round up. Mayor Jones asked, historically, how much effect does the warrant round up have on the finances. Ms. Lehn said that it has a huge effect. Ms. Lehn said that the City does not do an amnesty program during the warrant round up, like the City of Conroe, where they will dismiss the FTA charges if the person appears and pays the fines, so their numbers are higher. Ms. Lehn said that she would like to see the Judge consider amnesty in the future, because it might help them clear their books. Ms. Lehn said that they will be working with Montgomery County on the warrant roundup this week, beginning tomorrow night.

John Champagne asked what the amnesty program was based on. Ms. Lehn said that the City of Conroe bases theirs on a prosecutor saying that they will make a motion to dismiss their Failure to Appear charges if they appear during the specific time frame and pay their other fines. Ms. Lehn said that while it does bring in revenue and it clears the books, our judge does not offer the amnesty program, so they see a high volume of warrants being paid. Ms. Lehn said that already for this month there is a dramatic increase from the last month, which they will see in the next report.

Rebecca Huss said if she was reading the report right, this is the lowest number of citations in January for the last three years. Ms. Lehn said that was correct. John Champagne congratulated Ms. Lehn on doing a great job on the audit.

- E. Utility/Development Report – Mrs. Ashley Slaughter, Utility Billing Clerk, presented her report to City Council. Mrs. Slaughter said that last month they had a total of 7 new water accounts, with 5 disconnects, so there were only two new activations. Mrs. Slaughter said they had a total of 31 permits totaling \$7,669.52.

- F. Water Report – Mr. Michael Williams, with Gulf Utility, presented his report to City Council. Mr. Williams advised that during the month they had 5 district alerts. Mr. Williams said that they are working with Entergy to restore the power balance to Water Plant 2 and some other power issues, because they do not have consistent 3-phase power to the plant at this time. John Champagne asked whose fault it was that they did not have the correct power to the plant. Mr. Williams said that it was Entergy’s fault, and said that Entergy has acknowledged that they had some repairs that they have to make to their lines.

Rebecca Huss said that they have been talking about the 3-phase power problems for years, which was why they could not use Well No. 4 last summer. Mr. Williams said that was correct. John Champagne asked if the City could generate an invoice for Entergy for opportunity costs, something. Mr. Yates said that he had met with a representative from Entergy two months ago, who said that they were working on the 3-phase line. John Champagne said that it is costing the City money and the City can’t use the well because of Entergy.

Rebecca Huss said that Entergy has also not been responsive for other things, such as, a tree that was on one of the power lines to Well No. 2 that they knew about for weeks and finally the City ended up cutting the tree down, when it was not really their responsibility, but the City cared about service. Rebecca Huss said that she did not know if they could switch representatives or push this up, because it seems like they are talking about the same issues and the same lack of service monthly. Mr. Yates said that he could press the issue with Entergy.

John Champagne asked if there was any legal recourse that the City could take against Entergy. Mr. Foerster said that if the City has been damaged, and it is based on the negligence or failure of Entergy to do something that they should have done, if it can

be established what those damages are, if they are real damages, they could file claims in small claims court. Mr. Yates said that if the City is able to produce the water, he was not sure what the damages would be. Mayor Jones said that Water Well 2 will be more important for keeping pressure on the west side of the City. John Champagne said that he thought he could quantify costs, in terms of customer service and down time, he could get creative on this information.

Rebecca Huss asked if Mr. Yates knew of a customer service person that would respond better and get better action versus what they have been getting. Mr. Ed Shackelford, City Engineer, advised that he met a gentleman at a Conroe ISD breakfast a couple of years ago, and he has been visiting with him regarding this information, who referred them to a local manager. Mr. Shackelford said that they have been speaking to this person for almost two years regarding Water Plant 2 and Water Well 3. Rebecca Huss said that “no” is the answer to their question of another person. Mr. Shackelford said that there was no one above Allen, unless they call the main office.

Rebecca Huss asked if Entergy was asking for a utility rate increase. Mr. Yates said that Entergy just got a reduction in rate today, because their fuel costs were less so they reduced the rate, but said that did not mean that they did not need to press the other issue. Rebecca Huss said that the power issue does eventually burn out motors and ends up costing real money. Mr. Shackelford said that was correct. Mr. Shackelford said that one option might be to send a letter to the PUC with a copy to Entergy, letting them know that the City is not happy.

Mayor Jones said that from what he is hearing from City Council tonight, and as long as this has been going on, we need to escalate this into something to resolve the problem. Rebecca Huss said that there has also been an issue on Old Plantersville Road, which they have not gotten any satisfaction on either.

John Champagne asked Mr. Williams if he could put a number on this in terms of cost to the City that has been incurred because of this problem, with the additional time and effort that they have had to put into the matter. Mr. Williams said that he would certainly look into the matter. John Champagne said that if he asked Mr. Williams,

right off the top of his head, is there a cost. Mr. Williams said that there is essentially a cost to having bad electricity, call outs, equipment failures, which all adds up, so yes there is a cost. John Champagne asked if Mr. Williams could report that information to Mr. Yates. Mr. Williams said that he would report that information during their conference call with Mr. Yates on Tuesday at 9 a.m. Mayor Jones asked if the City has had to buy new equipment because of this problem. Mr. Shackelford said that they have had to repair equipment. John Champagne said that they need to put a pencil to this information.

Mr. Williams reported on the poor water quality call for brown water at Phil's Roadhouse, but it turned out to be an internal issue with their filter going to their tea machine. Mr. Williams said that was the only water quality call that they have had lately, and said the rest of the calls were high wet well calls. Mr. Williams advised that Lift Station 9 had a ragging issue.

Mr. Williams said that Lift Station 4 had a high wet well, and the operator found both pumps not engaging. Mr. Williams said that the phase monitor and contactors were found to be burnt, possibly from an incoming power spike. Mr. Williams said that they had to replace the phase monitor and contactors, and once that was done, the Lift Station was back up and running.

Mr. Williams reported that the daily average flow for the month was 157,000 gallons, which is 39% percent of the permitted value. Mr. Williams said that the peak flow was 417,000 gallons, which is 104% percent above the permitted value. Mr. Williams said that they have been working with the City to find a way to reduce the amount that they are taking in when it rains. John Champagne commented that was a lot. Mr. Williams said that he did a brief survey of a couple of the manholes and he immediately found a lot of issues, and he could see a lot of water coming in through the manholes that need to be resealed, or lines that are possibly broken. Mr. Williams advised that he had reported all that information to the City. Rebecca Huss said that she thought that manhole rehabilitation was on Jones and Carters long list of things that the City needed to apply their funds to. Mr. Williams said that was correct, along with manholes, lines and ditches and a lot of the manholes that were flush with the ground even though it

did have an inflow preventer in it, he notices a lot of dirt and sand inside the manhole that is getting washed through between the ring and the inflow preventer. Mr. Williams said if they raised the manhole a couple of inches they should see a slight difference in the flows to the plant. John Champagne asked what the average amount of water treated would be. Mr. Williams advised that the average would be 157,000 gallons. John Champagne asked if that was 43% percent of the allotted amount. Mr. Williams said that it would be 39% percent. Mayor Jones asked how much of that is just at the plant itself, wide open catching water. Mr. Williams said that would probably be a couple thousand gallons, it would not be significant or amount to 64% percent. Rebecca Huss said that the higher the City's average is, the sooner they will need to start building their next sewage treatment plant. Mayor Jones said that they have been working on this problem since he first got involved with the City. John Champagne said that there has to be a large gaping hole. Mr. Williams said that one manhole that he went to open had none of the rings sealed, so the whole thing just slid over. Rebecca Huss said that was also a safety problem. Mr. Williams said that was correct. Mayor Jones said that he saw on Mr. Muckleroy's list that they grouted a manhole, and asked if that was something that he was working on to stop the problem. Mr. Williams said that was a possibility. Mr. Williams said that he has seen contractors run their bores through manholes and not even know it, which will cause a lot of infiltration.

Mr. Williams said that their effluent monitoring, they are within their permitted values with a total of 4.54 inches of rain this month, and on January 18, 2017 for the peak at 1.8 inches.

Mr. Williams stated that for the water report, they had a total of 97% percent accounted for, with a total pumpage of 6.407 million gallons, flushing amount 160,000 gallons and 6.064 million gallons sold. Mr. Williams commented that since the new automatic meters have been installed, which has been one year, they have averaged 96% percent accountability versus the high 70's before they replaced the meters. John Champagne said the meters may pay for themselves one day.

- G. Engineer's Report – Mr. Ed Shackelford presented the report to City Council. Mr. Shackelford advised that Mr. Chris Roznovsky was attending a meeting that TxDOT

was having this evening about SH 105 from Lone Star Parkway going west, to see what they are proposing to do through the City of Montgomery. Mr. Shackelford said that TxDOT has delayed the FM 149 project again. Mayor Jones said that he attended the same meeting 10 years ago regarding SH 105.

Rebecca Huss said that she hoped Mr. Shackelford would highlight the Mobility Study, which was about three months behind schedule. Mr. Shackelford said that they were behind and there have been a few questions asked. Mr. Shackelford said that they are getting closer to a final draft, and they need to sit down with representatives from the two Commissioner's offices and make certain that they collect their input before they bring it to City Council. Mr. Shackelford said that they should be bringing it to City Council soon.

Mr. Shackelford advised that the permit renewals for the two sewer plants are in process. Mr. Shackelford stated that all the subgrade work on Gardner Drive has been done and the utilities are in. Pizza Shack contractors should start sometime after March 5, installing water and sewer lines beginning at the northeast corner of FM 2854 and SH 105 and start heading east. Mr. Shackelford said that they have told the contractor, since it is grant funding, that he needs to be prepared to not get in a big hurry for the money because of the process that will be necessary to submit the invoices.

Mr. Shackelford advised that the KENROC Utility and Feasibility Study will come before City Council at the next meeting.

Mr. Shackelford stated that the Villas of Mia Lago have been given comments on the plats and construction drawings, which they are in the process of addressing. Mayor Jones asked how many times the drawings go back and forth between the Engineer and the contractor. Mr. Shackelford said they have seen as few as three times, depending on who the engineering firm is, and as many as five to six times, again depending on the engineering firm. Mayor Jones said that he was asking about this specific one and whether it has been a long back and forth for the Villas of Mia Lago. Mr. Shackelford said that his recollection is that they are at either three or four revisions. Rebecca Huss said that she would assume that was like Mr. Fleming's illustration where he has the

same comments that were addressed in the last revision that will show up in the third and fourth revision. Mr. Shackelford said that was correct. Mr. Shackelford said that any of their responses to the comments might generate a new comment on the reply, but nothing new on the plan set.

Mr. Shackelford advised that Lone Star Bend extension and Lone Star East improvement are nearing 90% percent completion. Those projects are coming along nicely and they are interested in getting them out for bids shortly. Mr. Shackelford said that besides the construction plans, they are also submitting technical specification and bid quantities, and not only will their engineering group look at the information, but their purchasing group will also look at the bid specs to make certain of each County bid requirement, and then it will go to advertise for bids. Mr. Shackelford said that, generally, 60 days after that they should have bids, and then a contractor on the ground within 30 days from that date. Mr. Shackelford said that they were at least 4 ½ months out.

Mr. Shackelford said that they were still working on the Villas of Mia Lago Development Agreement with the developer.

Mr. Shackelford stated that at the last meeting, they had brought the Certificates of Acceptance for Terra Vista and Waterstone Section II. Mr. Shackelford said they remembered, before the Certificates of Acceptance were released, that the developer still owes the City a fair amount of money for inspections, plan reviews and various meetings that the developer had called to get status. They are working with the developer and the engineer to get that collection so they can release the Certificates of Acceptance. Mayor Jones asked what the status was and whether they were fighting over numbers. Mr. Shackelford said that there was a difference of opinion on whether those numbers should have been charged to the developer or not, which is in the \$42,000-\$44,000 range. Rebecca Huss asked if those funds were to Jones and Carter or to the City. Mr. Shackelford said that it was to the City. Mr. Yates said that the balance was about \$29,000, because they have already paid about \$19,000 of the total. Mr. Shackelford said that these were costs that the City incurred for new development within the City.

Heritage Place Medical Center will have an action item on the agenda in the near future about Houston Street and financial participation. McCoy's offside sanitary sewer extension contractor is out working and finding existing utilities that might be slightly in conflict with his proposed lines, which they are working through.

Mr. Shackelford said that the 33-acre Camillo tract, which is the tract on Stewart Creek Road, has asked them to proceed with updating their Economic and Utility Feasibility Study, which was done about 12-18 months ago. Mr. Shackelford said that as soon as they pay their deposit, they will begin the update of the Study.

Dave McCorquodale asked about the Joint Mobility Study, with regard to when the County Judge came and spoke to City Council, there was a lot of emphasis on north-south and new north-south arteries. Dave McCorquodale asked who made the determination and whether it was a joint effort between Montgomery County and TxDOT, or when new lights are involved, is it strictly a TxDOT decision. Mr. Shackelford said that it was strictly a TxDOT decision, which is based on a warrant study that is done where the requirements are spelled out in the Texas Manual of Uniform Traffic Code. Mr. Shackelford said that there were eight warrants to look at and generally if you meet one of the warrants, a traffic signal is warranted. Mr. Shackelford said that different entities like to make certain that they cover more bases than just one of the warrants, such as, time delays, accidents and history. Dave McCorquodale said that if the criteria for good business, or a particular business, was access to the interstate, when you see a new light on SH 105 it is effectively lifting up the City of Montgomery and moving it a little bit further west, because it takes a few more minutes to get here. Dave McCorquodale said that if they add up the cumulative effect of the light, then suddenly the City of Montgomery is not 12 miles away from the Interstate, they are 30-45 minutes away, which could be a factor for a large business needing that access. Mr. Shackelford said that something to keep in mind, the more movements that occur in an intersection, the maximum delay is 90 seconds, can cause more delays.

H. Financial Report and Quarterly Investment Report – Mrs. Cathy Branco, Financial Consultant, presented her report to City Council. Mrs. Branco advised that the City had \$2,470,939 funds available, and of those funds there is \$1,030,446 funds invested. Mrs. Branco said that some of the highlights are the general fund budget is in the deficit of about \$6,000, most of which is sales tax being less than what is expected.

Rebecca Huss asked Mrs. Branco if she could, without amending the budget, put in a line item that would back out the Kroger funds, because they had talked about it at the last meeting on how since Kroger is not coming in, they have to subtract about six months' worth of revenue, but then they have to also subtract about six months' of expected reimbursements. Rebecca Huss asked if that could be backed out of the budget to give them a better idea on how their taxes are running versus non-Kroger expectations. Mrs. Branco said that she could do that if she knew how much was allotted for Kroger, she could back that out. Rebecca Huss said that it would make it easier to see where they stand.

Mrs. Branco said that something that was not on their budget, but the City Engineer was talking about was the receivables for the Feasibility Studies, where the expenses have gone over the amount that was actually deposited. Mrs. Branco said that each individual project deposits for a Feasibility Study, and then there are expenses that go against those funds. Mrs. Branco said that they are still waiting for the two \$15,000 deposits for the Mobility Plan from Montgomery County Precincts 1 and 2. Mayor Jones said that the City has paid on that project. Mr. Shackleford said that he was preparing draft invoices for the City to send to Montgomery County to collect from the two precincts. Mayor Jones thanked Mr. Shackleford.

Mrs. Branco advised that regarding debt service, all the administrative transfers have been made for the quarter, which will show up on the next report. Mrs. Branco said that they had just paid the March 1 Debt Service payments, in the amount of \$411,358, leaving a balance of \$2,000 in the checking account and \$2,402 in the investment account. Mrs. Branco said that according to the report from the Tax Assessor/Collector, the City has receivables for taxes in the amount of \$181,955 as of January 31, 2017, and the next debt service payment due on April 1 will be covered.

Mrs. Branco said that the Utility fund, she was happy to say, is good on the budget for \$110,000.

Rebecca Huss said that the Quarterly Investment statement showed \$50 that they made from all that money in the bank, which is really pathetic.

Mayor Jones asked about the status of the Annual Audit. Mr. Yates said that the Audit was complete and he thought that it would be presented either at the next meeting or the meeting after that. Mrs. Branco said that she had not heard anything from the Auditor. Mr. Yates said that he thought the presentation would be at the first meeting in March. Mrs. Branco said that she hoped that she would see the Audit prior to City Council seeing it.

Mr. Yates asked Mrs. Branco if her Quarterly Investment Report was part of her report. Mrs. Branco asked Ms. Hensley, City Secretary, if the Report was in the Agenda Pack. Ms. Hensley advised that it was in the Agenda Pack. Mrs. Branco said that she had not looked at the Agenda Pack. Mrs. Branco advised that her Report had the Quarterly Investment Report for City Council to refer to, showing the amount of interest was earned, where the funds are invested and other related information.

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

6. Consideration and possible action to receive and accept the Certification of Unopposed Candidates for the May 6, 2017 City of Montgomery General Election as presented by the City Secretary.

Ms. Hensley presented the Certification of Unopposed Candidates for the May 6, 2017 City of Montgomery General Election. Ms. Hensley advised that the Certificate states that all the candidates that had filed were unopposed. Ms. Hensley advised that only the incumbents had filed for re-election.

Rebecca Huss moved to accept the Certification of Unopposed Candidates for the May 6, 2017 City of Montgomery General Election as presented by the City Secretary. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

7. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 6, 2017
CITY OF MONTGOMERY, TEXAS GENERAL ELECTION ELECTED TO OFFICE;
CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.

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

8. Consideration and possible action regarding calling a public hearing regarding establishing a zoning district for the 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 this would be for the initial zoning of the property being annexed, and the public hearing will be held after the property has been annexed.

John Champagne moved to schedule the Public Hearing for March 28, 2017 Meeting at 6 p.m., and will follow the Planning and Zoning Commission Meeting that is set for March 27, 2017 at 6 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

9. Consideration and possible action regarding Longview greens miniature golfing variance request to allow gravel as a parking surface.

Mr. Yates advised that this was a request for a variance from Jason Long. Mr. Yates advised that the Code requires the parking surface to be hard surfaced, with either asphalt or concrete. Mr. Yates said that the owner, Jason Long, is asking for an undetermined period of time to bring in enough revenue to pay for the resurfacing of the parking area. Mr. Yates said that the way that this can be accomplished, would be if he received a temporary Certificate of Occupancy (TCO) for up to six (6) months period of time, and then if not paved by the sixth month anniversary of the TCO, the TCO would be removed and he would have to close his business. Mr. Yates said the City Engineer has recommended a dust controlling agent to be placed over the unpaved portion of the parking lot. Mr. Yates said last night the Planning and

Zoning Commission reviewed this information and recommended the approval of the variance for a six month period of time, with the dust control, and they also mentioned that they wanted Mr. Yates to make sure that there was enough parking spaces for this facility. Mr. Yates said that he did not think that would be a problem.

Rebecca Huss commented that this property is essentially part of a POA, and asked if that was correct. Mr. Yates advised that was correct. Rebecca Huss said that she was uncomfortable with the City weighing in on something that is essentially a dispute between a landowner and their POA. Rebecca Huss said that Mr. LeFevre in asking them to do this for six months or for however long, he is asking the City of being in the business of being the hammer and do the work. Rebecca Huss said that she did not think that anyone in the Buffalo Springs POA would want one of their neighbors to come to the City and ask for a variance for something that they have not been able to work out with the POA. Rebecca Huss said that she felt that it was a separate agreement between the two of them and the City should not be involved. Mayor Jones said that the City's Subdivision Ordinance requires that the parking lot be paved.

Dave McCorquodale asked for to clarify as to whether or not that particular ordinance was in effect when the PDD was adopted, because Mr. LeFevre has stated that his PDD froze the ordinances at the time the PDD was signed. Mr. Shackelford said that was in 2003. Mayor Jones said that actually he did not think that it was, but he did not know for a fact, but he was pretty sure that came later. Mr. Yates said that was the Subdivision Ordinance, not necessarily the Zoning Ordinance, and this is out of the Zoning Ordinance. Dave McCorquodale said that Mr. LeFevre stated that the rules that were in place were frozen exactly like it was back when the PDD was adopted and those were the rules that he had to follow. Mayor Jones said if that is the case, then if the rule was there when they adopted the PDD then the City would have a say, but if it was not, then it would fall back on Mr. LeFevre. Mr. Shackelford said that they were going to try and pull up the information for 2003.

Rebecca Huss said that Mr. LeFevre is asking them to hold the developer for six months, and then be the bad guy and shut them down if they don't have the money to do the parking lot, which is not the City's job. Rebecca Huss said if Mr. LeFevre wants to have a variance, then he needs to decide yes or no, and not have the City do all the work. Mayor Jones said that this is a technicality, and he thinks that all parties involved want the parking lot to be paved.

Rebecca Huss said that if you look back at what has happened with the Barnes building, where they have been in a similar situation, and they had to get variances just to get the job done, and they are still waiting for completion of the project. Mayor Jones said if they don't really have a dog in the fight, Mr. LeFevre is just wanting the City to be his hammer. Rebecca Huss said that Mr. LeFevre said that he wanted the City to be his hammer because he does not have one. Rebecca Huss said that Mr. LeFevre needs to decide. John Champagne said that the POA, as he understands it, he is the POA, and he can either give the variance or not give it. Rebecca Huss said that Mr. LeFevre could enter into a separate legal agreement that says that they give legal permission to do this in accordance with City Ordinances for a specific number of months, which would be the hammer as a contract.

Dave McCorquodale asked Mr. Foerster if there were rules with a PDD like deed restrictions that are written so that when you buy the land you buy it with the restrictions. Mr. Foerster said that he would expect that there would be, but said that he had not seen his document so he could not say. Mr. Foerster said that the issue is whether the City wants to grant a variance to the Zoning Ordinance tonight or defer it until they get more information. Mayor Jones asked what would happen if they granted the variance, but they really did not have the right to grant the variance. Mr. Foerster said that he thought the City had the right to grant the variance, for six months or a year. John Champagne asked if the City had mandated that the Cowboy Church pave their additional parking lot. Mr. Foerster said that was before his time with the City. Dave McCorquodale said that they are not part of the PDD, which states that the only rules that the City is allowed to enforce on Mr. LeFevre's land is what was on the books at the time the PDD was adopted.

John Champagne moved to table this item, because there has been no research done on the information. Rebecca Huss seconded the motion.

Discussion: Mayor Jones asked what the delay of the decision does to the process for Mr. Long. Mr. Long said that he would like to identify costs and when it is going to hit his books, six month or 12 months. Mayor Jones asked if City Council was favorable to granting the variance, but that decision can't be made until later, what does that do to Mr. Long completing his project and would it hinder him. Mayor Jones asked how making the decision in two weeks at their next meeting and how that would fit into his construction plans. Mr. Long said that the

bank where he is securing the funding for construction would like an answer to this because it does impact the loan. Mr. Long said that he had told the bank that he would be attending the meetings to get some resolution to the matter. Mayor Jones said that several of the interested parties, Mr. LeFevre being one of them, says that he is in favor of the variance, and the Planning and Zoning Commission is in favor of the variance, but this body has not decided. John Champagne said that they were not sure that they have the right to decide. Rebecca Huss said that Mr. Long was only moving dirt, so it is not like they are delaying the opening because he does not have a parking lot. Rebecca Huss said that the opening has to be more than two weeks out, so they would not put in the final paving before the next Council Meeting. John Champagne said that he felt Mr. Long's immediate solution to this would be to have an agreement with the person that he bought the property from. John Champagne said that, assuming that the Ordinance is in place, they would probably take Planning and Zoning Commission's recommendation for the six months. Rebecca Huss said that she would have hesitation on being involved with any POA issue that should be handled by the POA. Mayor Jones said that is why they are tabling the matter, to see if they have any right to be involved.

Mayor Jones asked if they could get an answer within two weeks for the next meeting. Mr. Foerster said that they could get that information. John Champagne said that Mr. LeFevre had brought up the tap fee and asked for the amount. Rebecca Huss said that it was \$27,000, and MEDC put \$15,000 into the account toward that fee. John Champagne said that they could consider a loan as an option. Rebecca Huss said that she did not think that was the best idea. Mayor Jones said that whatever happens, should happen as quickly as possible and he would like to say that this is a potentially great project that he would sure like to see be successful. Mr. Yates said that if it turns out that the POA is the answer, then he will report back to City Council and Mr. Long, and it will be based on the City Attorney's opinion, which could happen in the next day or two. John Champagne said that Mr. Long might want to consider bringing up what he just said to Mr. LeFevre, because he brought up the water/sewer tap costs. Mr. Yates said that he needed to review the tap fees and what is being charged. Rebecca Huss said that Mr. Muckleroy advised her that the sewer tap includes the manhole, which the City requires for all commercial taps. John Champagne said that they have to be consistent on what is being charged. Mr. Yates will check the rate information.

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. (No items at this time)

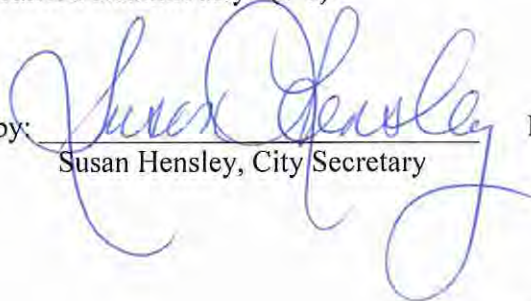
COUNCIL INQUIRY:

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

Dave McCorquodale moved to adjourn the meeting at 7:29 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

ITEM #2

| | |
|---|---------------------------------------|
| Meeting Date: March 14, 2017 | Budgeted Amount: |
| Department: | |
| Prepared By: Jack Yates City Administrator | Exhibits: Feasibility Report • |
| Date Prepared: March 8, 2017 | |

Subject

This is a study regarding the utility service feasibility of the KENROC Development to the city.

Discussion

This is the utility and service feasibility study for the KENROC Development on the east side of the city, immediately west of Pizza Shack.

Water Summary – On page one of the Study the report states the City has a 595,000 gallon per day capacity with a few minutes approximate 339,000 gallons used per day during the summer months. This development will use approximately 40,000 gallons per day. The city currently how however has committed 97% of its existing capacity including to platted developments. The study recommends beginning to develop future water capacity increase. Water lines are appropriate and good.

Sewer Summary -- The city sewer plant capacity of 400 gallons per day with an approximate usage per day of 229,500 gallons per day. The city has unallocated capacity available. The sewer lines are appropriate in good- with the notation of the work needed to be done at lift station #1 (that is about to happen with the TWDB funding)

Drainage and Paving -- -- All the streets and drainage easements are on private property-- but must be designed by the developer and reviewed by the city. No problems foreseen.

Reccomendation

Consider and adopt the Study as presented

Approved By

| | | |
|--------------------|------------|---------------------|
| City Administrator | Jack Yates | Date: March 8, 2017 |
|--------------------|------------|---------------------|

**ANALYSIS OF FEASIBILITY FOR
THE CITY OF MONTGOMERY
TO PROVIDE WATER AND SANITARY SEWER SERVICE
TO A PROPOSED 20.7031-ACRE DEVELOPMENT
“KenRoc Development”**

MARCH 2017



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439



March 8, 2017

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

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

Re: Proposed 20.7-Acre Development Feasibility Study
KenRoc Development
City of Montgomery/City of Montgomery, ETJ

Dear Mayor and Council:

On December 23, 2016 KenRoc Fourteen, LLC & KenRoc Six, LLC (the "Developer") submitted an application for utility service along with a request for partial annexation of lands situated in the East portion of the City of Montgomery (the "City"). We are pleased to present this analysis of the feasibility for the City to provide water and sanitary sewer service to the referenced 20.7031-acre tract (the "Tract"). The purpose of the feasibility is to determine if water system and sanitary sewer system capacity is available, to determine if the existing public utilities will need to be upgraded or extended to serve the Tract, and to offer clarity on the potential financial impact of the development.

General

This undeveloped Tract is located north of the intersection of SH-105 and east of Lone Star Parkway. Approximately 6-acres fall within the City Limits and the remaining northern 14-acres of the Tract is located within the City's current Extraterritorial Jurisdiction ("ETJ"). An exhibit displaying the Tract boundary is enclosed as Appendix A. A preliminary land plan submission is enclosed as Appendix B and indicates the Developer intends to subdivide the Tract into 6 Commercial Reserves. The estimates included in this feasibility are based on the anticipated land use provided by the Developer. The portion of the Tract currently located within the City Limits is within zoning District B, the Commercial District. The remainder of the Tract is proposed to be zoned as commercial upon annexation. The final land plan may affect the estimated costs and revenues associated with the development.

Water Production and Distribution¹

The City has three active water wells and two existing water plants with an average daily flow ("ADF") capacity of 595,935 gallons per day ("gpd"). Seasonal averages based on the City's connection count (currently 765 as defined per 30 TAC §290.38(15)) are roughly 251,000 gpd in the winter months and 339,000 gpd in the summer months. Based upon the information provided by the Developer, the Tract's water capacity requirement to be approximately 40,000 gpd (1,200,000 gallons per month). Inclusive of existing connections and platted developments which are in design or under construction, the City has committed approximately 578,000 gpd or 97% of existing ADF capacity. The City currently has unallocated water production capacity available to serve the Tract. It should be noted that there are several new developments in various stages of planning, design, or construction. A current summary of Development Acreages & Service Demands is enclosed as Appendix C. As the projects shown in the design/construction phase achieve full development, the City should be prepared to initiate planning for additional water production capacity.

As part of our 2015 Water System Analysis and Master Plan, the City's water plant facilities were inventoried in detail and analyzed for compliance with Texas Commission on Environmental Quality ("TCEQ") requirements for production, storage, and distribution. An excerpt from Section 2.3 of this report is enclosed as Appendix D. During the facilities assessment we identified hydropneumatic tank capacity as the current limiting factor in the system's distribution capability. The City currently has hydropneumatic tank capacity to serve 875 connections. This capacity is adequate to supply the City's 765 currently active connections. However, ongoing development must be closely monitored in the coming months, and the City must continue to aggressively plan for future system upgrades in order to meet developing demands and maintain system compliance.

The Tract will be served by a proposed public 12-inch waterline located within an existing 26-foot wide utility easement adjacent to the southern boundary of the tract along the northern right-of-way ("ROW") of SH-105. The proposed 12-inch waterline is scheduled to commence construction prior to the end of March 2017. An extension of this line will not be required to deliver service to the Tract's boundary.

The ultimate alignment of waterlines interior to the Tract will depend on the final land plan of the proposed development. These waterlines will need to be placed in public utility easements located within or along public access easements interior to the development and constructed according to all applicable City and TCEQ design criteria. The proposed waterline internal to the Tract will be looped back to the northeast corner of SH 105 and Lone Star Parkway to ensure dual delivery capability, stabilize pressure and volume delivery. The Developer will be responsible for all costs associated with easement acquisitions and recordation. The proposed easements will be based on the City's requirements and will be reviewed in advance of recordation.

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

Sanitary Sewer Collection and Treatment²

The City's existing wastewater facilities consist of 13 public lift stations, four semi-public lift stations, and two wastewater treatment plants (one of which is currently decommissioned). The Stewart Creek wastewater treatment plant (TPDES Permit No. WQ0014737001) has a permitted capacity of 400,000 gpd. The ADF based on the City's current number of connections (765 as defined per 30 TAC §290.38(15)) is approximately 229,500 gpd (calculated using 300 gpd/connection). Based upon the information provided by the Developer Tract's ADF is estimated to be approximately 30,000 gpd (900,000 gallons per month). The City currently has unallocated wastewater treatment capacity available to serve the Tract. It should be noted that there are several new developments in various stages of planning, design, or construction. A current summary of Development Acreages & Service Demands is enclosed as Appendix C. As the projects shown in the design/construction phase achieve full development, the City should be prepared to initiate planning for additional treatment capacity.

The Tract will be served by a proposed 10-inch public sanitary sewer line located within an existing 26-foot wide utility easement adjacent to the southern boundary of the Tract along the northern ROW of SH-105 and will terminate at an existing public sanitary sewer manhole which flows directly into Lift Station No. 1 ("LS No. 1"). The proposed 10-inch public sanitary sewer line is sufficient to serve the Tract and is scheduled to commence construction by the end of March 2017. However, the existing 10-inch sanitary sewer line that crosses SH-105 and extends to LS No. 1 is nearing, or exceeding, its design capacity. As the projects shown in Appendix C achieve full development, the City should be prepared to upsize the existing 10-inch sanitary sewer line. Based on the topography of the land, the Tract will need to either be appropriately filled to utilize a gravity sanitary sewer line or will need to install a private sanitary sewer lift station to direct the sanitary sewer flow to the proposed public sanitary sewer line adjacent to SH-105.

As part of our 2015 Sanitary Sewer System Analysis and Master Plan the City's wastewater facilities were inventoried in detail and analyzed for compliance with TCEQ requirements for collection, conveyance, and treatment of average dry weather flow, dry weather peak flow, and peak flow with inflow and infiltration ("I&I"). During this assessment we identified LS No. 1 as operating at 145% of its design capacity. A detailed inspection of this facility showed it to be in fair condition. However, 100% of the sanitary sewer flow currently generated within the City is conveyed through this facility and the City needs to begin aggressively planning for upgrades to the lift station. An excerpt from the 2015 Sanitary Sewer System Analysis and Master Plan pertaining to both the 10-inch gravity sanitary sewer line and LS No. 1 are enclosed as Appendix E.

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

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

Drainage and Paving

Per the preliminary plat enclosed as Appendix F, all streets are designated private and located in public access easements. As such, all drainage and detention improvements interior to the development will be designated private and will require maintenance and upkeep by a Property Owners Association or similar entity. All drainage and detention improvements must be designed per the City's Code of Ordinances requiring compliance with the City's floodplain regulations and all applicable Montgomery County Drainage Criteria Manual standards. Failure to design and construct the drainage and detention facilities per Montgomery County criteria potentially jeopardizes eligibility for acceptance or

reimbursement. The Developer is responsible for providing engineered plans and specifications for the drainage and detention system interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required TxDOT, Planning and Zoning Commission, City Council, and development approvals and permits.

Development Costs

The Developer will need to construct on-site water, sanitary sewer, paving, drainage, and detention facilities to serve the proposed Tract. Additionally, the Developer will need to purchase water system capacity and wastewater treatment plant capacity from the City. The water and wastewater system capacities are calculated from Table 1.1 of the Montgomery Impact Fee Analysis Report based on the projected ADF from the Tract as shown in Appendix G. The estimated ADF provided by the Developer requires the use of an 8-inch water meter per the table. The estimated cost to the Developer associated with the purchase of water and wastewater system capacity is as follows:

Water and Wastewater System Capacity Costs:

| | |
|------------------------------|-------------------------|
| • Water System Capacity | \$150,264 |
| • Wastewater System Capacity | <u>\$335,168</u> |
| Subtotal | <u>\$485,432</u> |

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

Financial Feasibility

The Developer estimates the total assessed value (A.V.) the project will attain at full development to be approximately \$10,000,000. Based on the estimated total A.V. and assuming 95% collection, the development would generate approximately \$20,064 per year in debt service revenue based on the City's \$0.2112/\$100 debt service tax rate, and approximately \$19,409 per year in maintenance and operations revenue based on the City's \$0.2043/\$100 O&M tax rate.

Based on the preliminary land plan provided by the Developer, approximately 14-acres of the Tract is located outside of the City's current boundary. The Developer has submitted an application for annexation and the above estimated gains in revenue are predicated upon annexation of the out of City acreage.

This report is our engineering evaluation of the funds required to complete the anticipated future capital improvements for this Tract and of the potential increase in tax revenue to the City. This report is not intended to be used for issuance of municipal financial products or the issuance of municipal

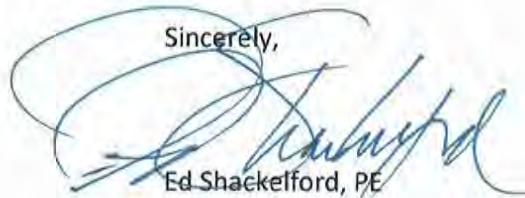
securities. The City's Financial Advisor(s) can address potential recommendations related to the issuance of municipal financial products or issuance of municipal securities.

Summary

- The 20.7031-acre tract lies partially with the current city limits and partially within the City's ETJ. The Developer is seeking annexation of the acreage falling within the ETJ.
- Extension of public utilities is not required to serve the Tract.
- The City currently has unallocated water production capacity and wastewater treatment capacity to serve the Tract.
- The Developer would need to purchase water and wastewater system capacity in the amounts of \$150,264 and \$335,168 respectively. The total amount is \$485,432.
- The development results in an increase in assessed valuation of \$10,373,360 and additional tax revenue to the City of approximately \$40,946.25 annually.

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

Sincerely,



Ed Shackelford, PE

¹Water production quantities and current connection counts were obtained from reports previously submitted to City Council by Gulf Utility Service, Inc.

²Wastewater Treatment Plant flow data was obtained from reports previously submitted to City Council by Gulf Utility Service, Inc. Lift Station capacities were calculated from flow data and run times provided to Jones & Carter, Inc. by Gulf Utility Service, Inc.

EHS\rmc

K:\W5841\W5841-1017-00 KenRoc Development\2 Design Phase\Reports\KenRoc Feasibility Report Final.doc

Attachments

- cc: The Planning and Zoning Commission – City of Montgomery
Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP
Mr. E. Levi Love, PE – L Squared Engineering
Mr. Kenneth R. Vaught, Jr. - KenRoc Fourteen, LLC & KenRoc Six, LLC

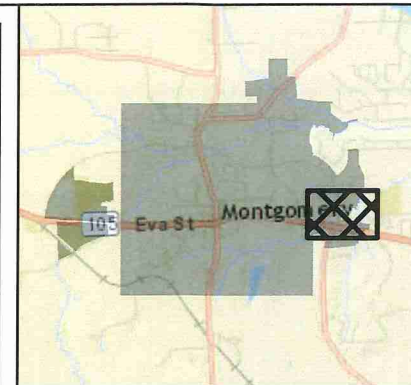
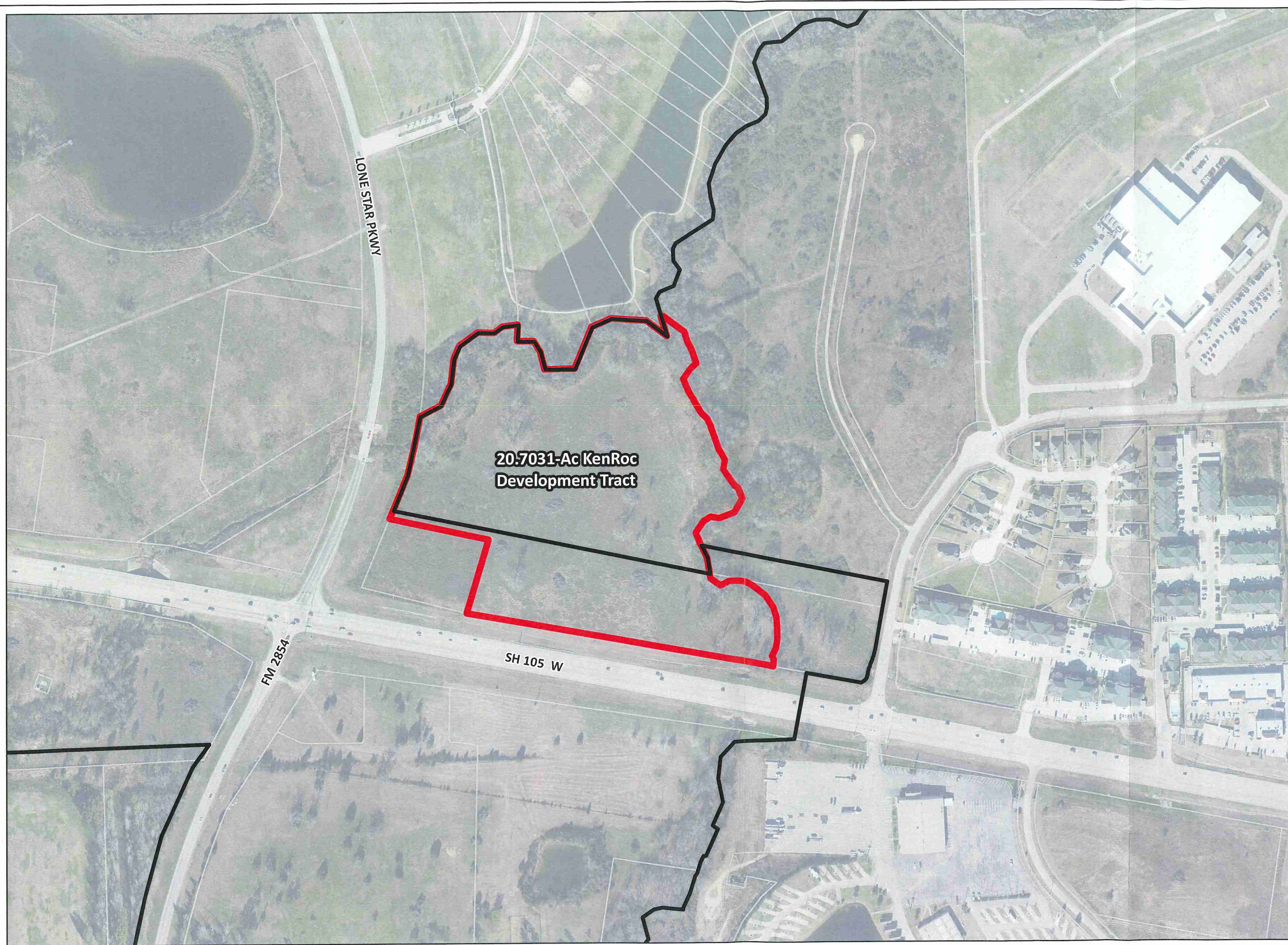


Appendix A
Proposed 20.7-Acre KenRoc Development
Boundary Map



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Texas Board of Professional Engineers Registration No. F-439



VICINITY MAP

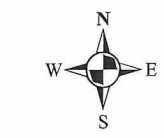
Scale: 1 inch equals 2 miles

LEGEND

-  City of Montgomery City Limits
-  20-Ac Tract
-  MCAD Parcel

20-AC KENROC DEVELOPMENT TRACT

CITY OF MONTGOMERY
MONTGOMERY COUNTY, TEXAS



1 inch equals 300 feet

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



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

Path: E:\Projects\Districts\CityOfMontgomery\PRIS\Feas_20Ac_KenRoc_Trac_11417.mxd
 Project Number: W5841-1017-00
 Date: 2/9/2017
 User Name: CEH

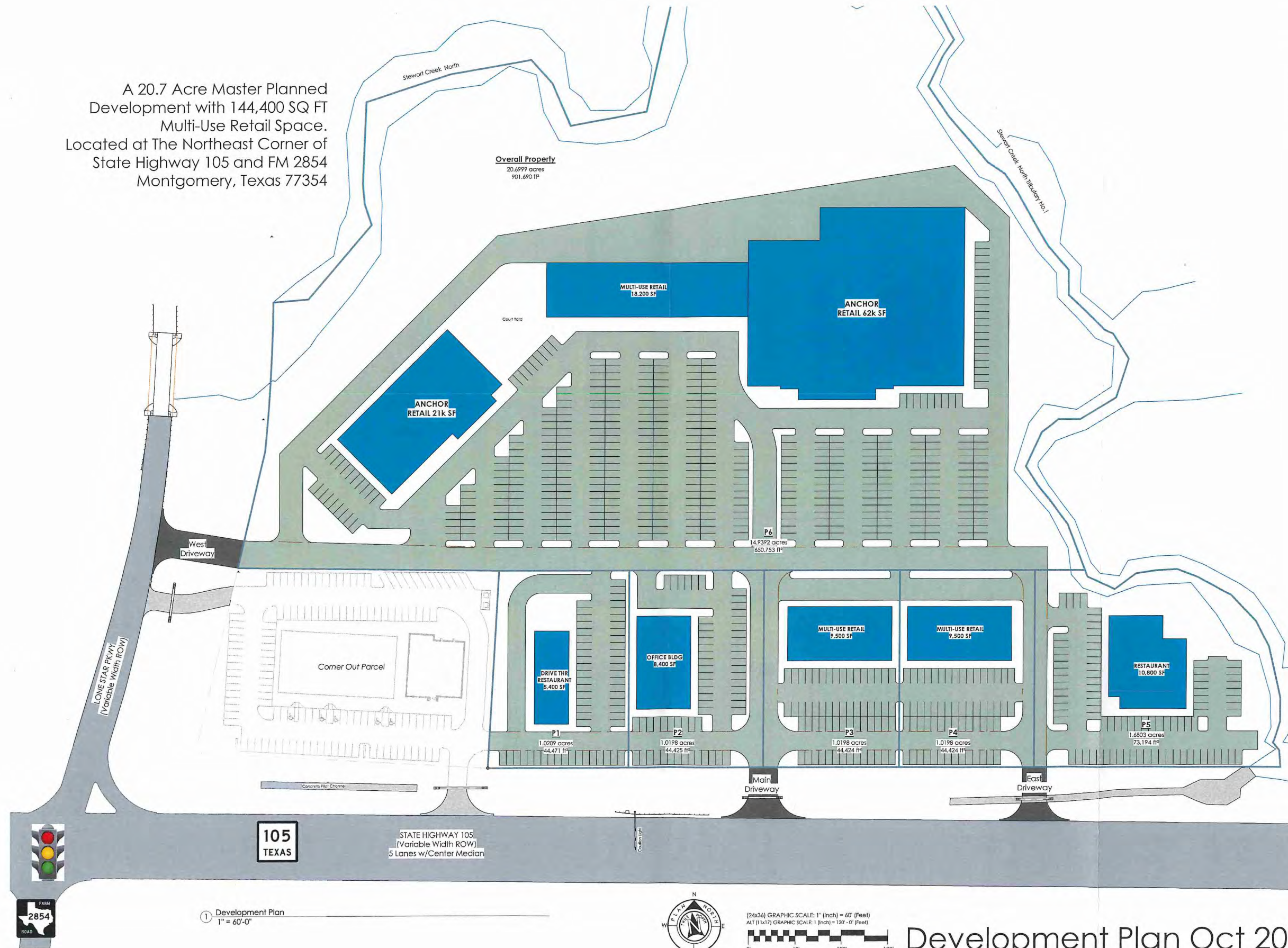
Appendix B
Proposed 20.7-Acre KenRoc Development
Preliminary Site Plan



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A 20.7 Acre Master Planned
Development with 144,400 SQ FT
Multi-Use Retail Space.
Located at The Northeast Corner of
State Highway 105 and FM 2854
Montgomery, Texas 77354



Services Prepared By:
SYMMETRY DEVELOPMENT, INC.
28510 Carley Cove Lane
Spring, Texas 77386
832.795.1553
symmetrydevelopment.com

KENROC Montgomery
20000 Block SH 105
Montgomery, Texas 77356

Project For:
KENROC

| Rev. | Date | Description |
|------|------|-------------|
| | | |

Sheet: 24x36 or 11x17
10/5/2016 4:53:45 PM
Edition:
Concept Review
Project ID#: SDI-3049

Scale:
1" = 60'-0"

A1

① Development Plan
1" = 60'-0"



[24x36] GRAPHIC SCALE: 1" (inch) = 60' (Feet)
ALT (11x17) GRAPHIC SCALE: 1" (inch) = 120' - 0" (Feet)

Development Plan Oct 2016

Appendix C

**Proposed 20.7-Acre KenRoc Development
Updated Development Acreages & Service Demands**



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Texas Board of Professional Engineers Registration No. F-439

| Developments (Existing & Proposed) (Inside & Outside City) | Development Info & Capacities (Design vs Actual) | | | | | | Planning Period, ESFC | | | | | | | | |
|--|--|---------------|--------|-----------|--------------|--------------|-----------------------|--------------|-------|-------|-------|------|------|------|------|
| | Acres | Lots or Units | SF | Est. ESFC | Design Water | Actual Water | Design Sewer | Actual Sewer | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
| | | | | | 360/ESFC | 427/ESFC | 300/ESFC | 120/ESFC | | | | | | | |
| Existing Development | | | | | | | | | | | | | | | |
| Exist. Connections-Comm. | | | | 101 | 36,360 | 43,127 | 30,300 | 12,120 | 101 | | | | | | |
| Exist. Connections-Res. | | | | 407 | 146,520 | 173,789 | 122,100 | 48,840 | 407 | | | | | | |
| Exist. Connections-Irr. | | | | 49 | 17,640 | 20,923 | 14,700 | 5,880 | 49 | | | | | | |
| Exist. Connections-Inst. | | | | 7 | 2,520 | 2,989 | 2,100 | 840 | 7 | | | | | | |
| Exist. Connections-City/Other | | | | 21 | 7,560 | 8,967 | 6,300 | 2,520 | 21 | | | | | | |
| Subtotals | 297.33 | 343 | | 585 | 334,080 | 396,256 | 278,400 | 111,360 | 754 | 778 | 783 | - | - | - | - |
| Platted Development - Design/Construction | | | | | | | | | | | | | | | |
| Buffalo Springs Shopping, Ph. 1 | 33.5 | | | 121.0 | 43,560 | 51,667 | 36,300 | 14,520 | 60.5 | 60.5 | | | | | |
| Buffalo Springs Shopping, Ph. 2 | 18.5 | | | 135.0 | 48,600 | 57,645 | 40,500 | 16,200 | 68 | 66 | | | | | |
| Heritage Medical Center | 1.687 | | | 10.0 | 3,600 | 4,270 | 3,000 | 1,200 | 10 | | | | | | |
| Hills of Town Creek | 24.6 | 100 | | 100.0 | 36,000 | 42,700 | 30,000 | 12,000 | 25 | 25 | 25 | 25 | | | |
| Lake Creek Village, Section 2 | 11.6 | 45 | | 45.0 | 16,200 | 19,215 | 13,500 | 5,400 | 23 | 22 | | | | | |
| McCoy's Development | 10.4 | | | 33.0 | 11,880 | 14,091 | 9,900 | 3,960 | 33 | | | | | | |
| Pizza Shack | 3.3 | | 12,000 | 72.0 | 25,920 | 30,744 | 21,600 | 8,640 | 72 | | | | | | |
| Waterstone, Section 2 | 22 | 80 | | 80.0 | 28,800 | 34,160 | 24,000 | 9,600 | 20 | 20 | 20 | 20 | | | |
| Virgin Development Tract | 2 | | | 10.0 | 3,600 | 4,270 | 3,000 | 1,200 | 10 | | | | | | |
| Terra Vista | 17 | 62 | | 62.0 | 22,320 | 26,474 | 18,600 | 7,440 | 20 | 21 | 21 | | | | |
| West Side at the Park | 3.9 | 11 | | 11.0 | 3,960 | 4,697 | 3,300 | 1,320 | 5 | | | | | | |
| Subtotal | 94.8 | 298 | | 679.0 | 244,440 | 289,933 | 203,700 | 81,480 | 347 | 215 | 66 | 45 | - | - | - |
| Cumulative Subtotal | | | | 1,264 | 578,520 | 686,189 | 482,100 | 192,840 | 1,150 | 1,388 | 1,459 | | | | |
| Development In Feasibility | | | | | | | | | | | | | | | |
| KenRoc Development | 20.7 | | | 111.0 | 40,000 | 47,397 | 30,000 | 13,320 | 20 | 30 | 61 | | | | |
| The Montgomery Shoppes | 17 | | | 83.0 | 30,000 | 35,441 | 24,900 | 9,960 | 20 | 20 | 43 | | | | |
| Subtotal | 37.7 | | | 194 | 40,000 | 82,838 | 30,000 | 23,280 | 40 | 50 | 104 | | | | |
| Cumulative Subtotal | | | | 1,458 | 618,520 | 769,027 | 512,100 | 216,120 | 1,170 | 1,418 | 1,563 | | | | |

Appendix D

Proposed 20.7-Acre KenRoc Development

Excerpt from 2015 Water System Analysis and Master Plan



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Texas Board of Professional Engineers Registration No. F-439

2.3 Water Production Facilities

The current water production facilities are comprised of two water plants. Water Plant No. 2 was constructed in 1985 and is located at 905 Stewart Street. Water Plant No. 3 was constructed in 2007 and expanded in 2014 and is located at 149109 Business Park Drive. Water Plant No. 1 was demolished by the City in 2012 and is located at 210 Pond Street (Southeast corner of Pond Street and College Street). Water Plant No. 1 was not included in this analysis. The City does not currently have any interconnects with other water supply systems.

Water Plant No. 2 consists of one (1) 375 gallon per minute (gpm) Jasper Aquifer water well, three (3) 250 gpm booster pumps, one (1) 125,000 gallon ground storage tank, one (1) 8,000 gallon hydropneumatic tank, one emergency generator and one control building.

Water Plant No. 3 consists of one (1) 1,200 gpm Catahoula Aquifer water well, one (1) 500 gpm Jasper Aquifer water well, three (3) 500 gpm booster pumps, one (1) 100,000 gallon ground storage tank, one (1) 210,000 gallon ground storage tank, one (1) 5,000 gallon hydropneumatic tank, one (1) 4,500 gallon hydropneumatic tank, one emergency 250 KW generator and one control building.

The existing water plant facilities are inventoried in detail and analyzed for compliance with requirements for water plant production, storage, and distribution rules per 30 TAC §290.44(d) in Attachment C. A summary of the Water Plant Nos. 2 and 3 facilities is shown in Table No. 3 below. The City currently has 554 physical connections as of June 2015. Connections defined per 30 TAC §290.38(15) includes apartments as a single connection and excludes irrigation as a connection. The City currently has 641 connections according to 30 TAC §290.38(15). The construction of CP No. 9 will increase the hydropneumatic tank capacity to 1,375 connections. The construction of CP No. 6 will eliminate hydropneumatic tank and booster pump capacity limitations due to the elevated storage tank per 30 TAC §290.45(b)(D)(iv). See *Sections 3.2.1 and 3.3.2* for proposed water production and distribution Capital Projects. The existing booster pump capacity is sufficient to serve 1,939 connections and the hydropneumatic tank capacity is sufficient to serve 875 connections.

Table No. 3
Existing Water Plant Facilities

| Water Plant | Well Capacity | Booster Pump Capacity | Hydropneumatic tank Capacity | Ground Storage Tank Capacity |
|------------------------|---------------|-----------------------|------------------------------|------------------------------|
| No. 2 – Stewart Street | 375 gpm | 3 @ 250 gpm | 8,000 gal | 210,000 gal |
| No. 3 – Highway 1097 | 1,700 gpm | 4 @ 500 gpm | 9,500 gal | 310,000 gal |

The City obtains all of its water from groundwater wells. The City is also mandated by its GRP, approved by the LSGCD, to obtain a minimum of 70% of its water from alternate water sources (the Catahoula Aquifer well). Based on the limitations of the GRP, Well No. 4 (Catahoula) at Water Plant No. 3 should provide all the water for average daily demand in the City and Wells Nos. 2 & 3 (Jasper) should only be used for emergencies or during maintenance of Well No. 4 (Catahoula).

Table No. 2
Exist Lift Station Capacity Summary

| Lift Station No. | Diameter (ft) | No. Pumps | Pump Size (gpm) | Lift Station ADF Design Capacity (gpd) ⁽¹⁾ | 2014-2015 | % of Capacity Used ⁽²⁾ |
|------------------|---------------|-----------|--------------------|---|----------------------------------|-----------------------------------|
| | | | | | Max Month Average ⁽²⁾ | |
| Lift Station 1 | 10 | 2 | 725 ⁽³⁾ | 261,000 | 376,986 | 144% |
| Lift Station 2 | 6 | 3 | 350 ⁽⁴⁾ | 338,400 | 375,578 | 111% |
| Lift Station 3 | 6 | 2 | 233 | 83,880 | 240,409 | 287% |
| Lift Station 4 | 3 | 2 | 160 ⁽⁵⁾ | 57,600 | 182,304 | 317% |
| Lift Station 5 | 6 | 2 | 400 | 144,000 | 56,800 | 39% |
| Lift Station 6 | 6 | 2 | 113 | 40,680 | 19,809 | 49% |
| Lift Station 7 | 5 | 2 | 100 | 36,000 | 1,988 | 6% |
| Lift Station 8 | 8 | 2 | 155 | 55,800 | 93,000 ⁽⁶⁾ | 167% |
| Lift Station 9 | 11.5 | 2 | 350 | 126,000 | 200 | 0% |
| Lift Station 10 | 9 | 2 | 350 | 126,000 | 1,641 | 1% |
| Lift Station 12 | 4 | 2 | 110 ⁽⁷⁾ | 39,600 | 108 | 0% |
| Lift Station 13 | 6 | 3 | 213 | 153,360 | 0 | 0% |

Notes:

- (1) Lift Station Design Capacity is based on the provided pump size (gpm) x 60 mins x 6 hours of run time with the largest pump out of service per TAC 30 §217.60(b)(7), Table C.4 for pumps smaller than 50 HP.
- (2) Max Month Average Flow and % of Capacity used Based on Lift Station Run Times as provided by the Operator.
- (3) Pump size is based off the head calculations of the current discharge condition according to the manufacturer recommendations. Pumps are rated for 200 gpm.
- (4) 350 gpm per pump is based off the effective flow rate of two (2) 470 gpm pumps running simultaneously.
- (5) Pump sizes were not available at the time of the report. LS 4 pump sizes are estimated based on the total flow of LS 2 minus the flow of the lift station is LS 2's service area (LSs 3, 5, 7 & 8).
- (6) Lift station run times were not available for LS 8. Based on conversations with the City, this lift station's high level alarm is triggered numerous times each month. The max month average is estimated by one (1) pump running 10 hours per day.
- (7) Pump sizes were not available at the time of the report. LS 12 pump sizes are estimated based the discharge condition and diameter of the wet well.

2.5 Model Creation

A sanitary sewer model is not able to be completed at this time due to the lack of consistent, daily data as mentioned in *Section 2.4*. A sanitary sewer model can be used to assess the flows, velocities, and pressures within the City's sanitary sewer system. It can also be used for planning purposes, to determine the effect new developments will have on the existing system.

2.6 Model Calibration

As mentioned in *Section 2.5*, the sanitary sewer model has not been completed as of this 2015 report. Once created, this model could be calibrated by utilizing real time data collection such as flow monitoring or SCADA Connection of the Lift Stations. The Controls & Instrumentation infrastructure is not in place at the lift stations to collect data via SCADA. We would recommend flow monitoring if a calibrated model is desired.

Appendix E

Proposed 20.7-Acre KenRoc Development

Excerpt from 2015 Sanitary Sewer System Analysis and Master Plan



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439

The City of Montgomery

2015 Sanitary Sewer System Analysis and Master Plan

CP 2 needs to be completed as soon as possible, and is in addition to, not in lieu of any other CP described in this section. Other CPs that impact these lift stations could be modified to include the scope of work described in the 2014 Wastewater Inspection Report, as applicable.

This project is estimated to cost \$460,000, with 20% contingencies and engineering.

Capital Project No. 3a – Lift Station No. 1 Expansion to 0.76 MGD

Capital Project No. 3a (CP 3a) consists of the replacement of pumps at LS 1 to serve ultimate development. This CP assumes the City elects Option A as described in *Section 3.2.5* and CPs 1, 4a, 8, and 9a are completed. This will result in all sanitary sewer flow ultimately going to the Stewart Creek WWTP via LS 1. LS 1's existing pumps are undersized and over capacity, currently receiving 0.38 MGD of flow daily, while only being designed to pump 0.26 MGD.

Based on the data we have collected and the flow projections provided in *Section 2.4* this lift station will ultimately receive 760,000 gpd ADF, unless the Town Creek WWTP is reactivated or replaced. Based on the proposed flowrate of 760,000 gpd ADF or 2,111 gpm, firm capacity, LS 1 will need at least three (3) 1,050 gpm pumps to meet TAC 30 §217 rules and regulations. LS 1 is currently served by two (2) 200 gpm pumps that currently operate significantly off their curve at around 700-750 gpm. The lift station and available pumps will need to be evaluated to ensure the proposed pumps can fit in the existing station through the current access hatch. If the lift station is not large enough to install three (3) 1,050 gpm pumps, the 10-foot diameter lift station will need to be removed and replaced with a larger structure.

This project is estimated to cost \$1,440,000, with 25% contingencies and engineering.

Capital Project No. 3b – Lift Station No. 1 Expansion to 0.40 MGD

Capital Project No. 3b (CP 3b) consists of the replacement of pumps at LS 1 to serve existing development. CP 3b assumes the City elects Option B as described in *Section 3.2.5* and completes CPs 1, 4b, and 9b. LS1's pumps are undersized and over capacity, currently receiving 0.38 MGD of flow daily, while only being designed to pump 0.26 MGD.

Additional data needs to be collected to confirm the actual flow coming to LS 1 to confirm the size of pumps that need to be installed. Per Option B in *Section 3.2.5*, if CP 9b is completed, the Town Creek WWTP would be replaced to be able to treat 0.54 MGD. Based on the data we have collected these pumps should be sized to handle 0.40 MGD ADF or 1,111 gpm peak flow. Based on its size and the amount of flow it receives, LS 1 should have three (3) pumps 600 gpm pumps to meet TAC 30 §217 rules and regulations. LS 1 is currently served by two (2) 200 gpm pumps that currently operate significantly off their curve at around 700-750 gpm.

This project is estimated to cost \$860,000, with 25% contingencies and engineering.

Capital Project No. 3c – Lift Station No. 1 Expansion to 0.59 MGD

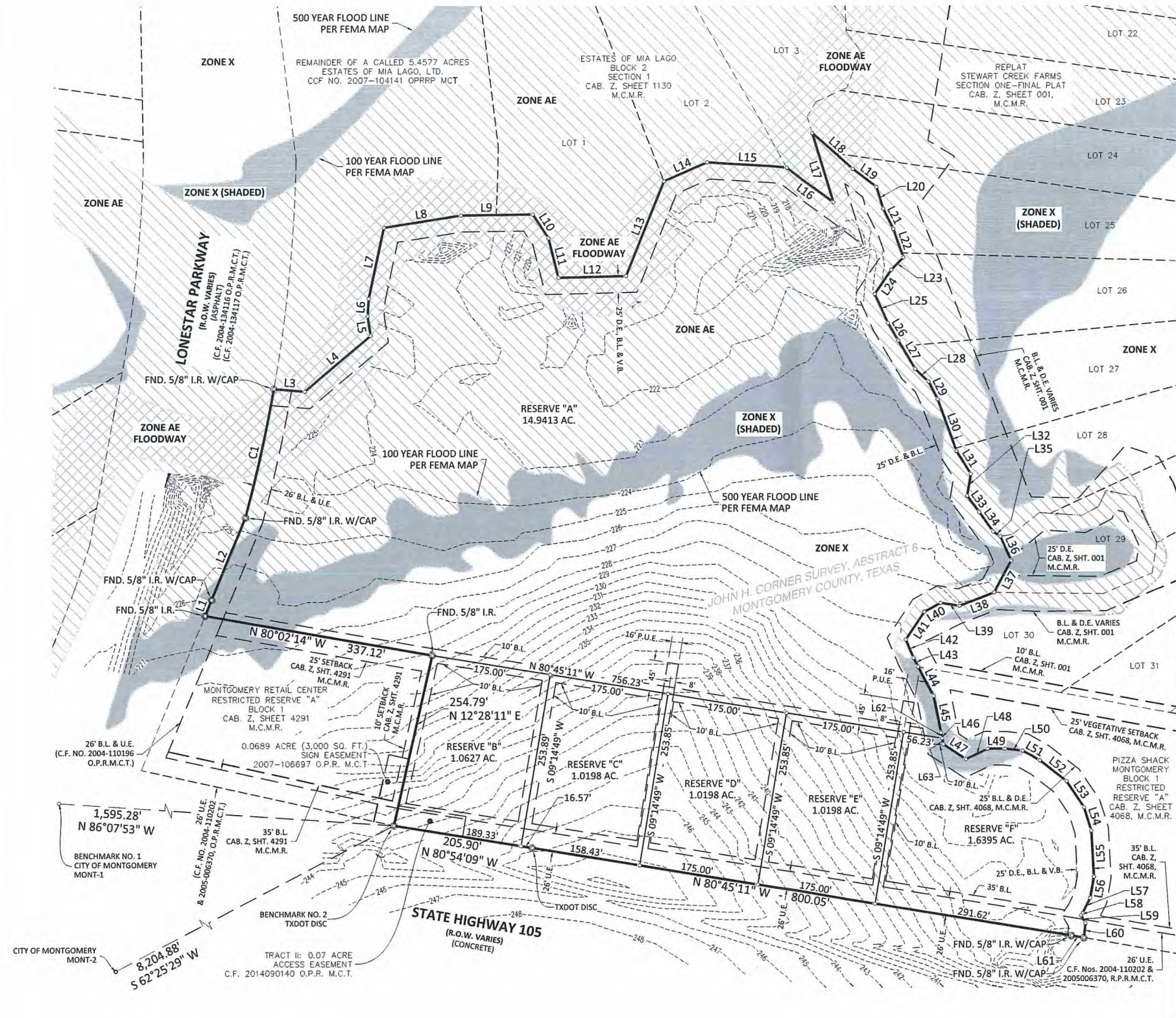
Capital Project No. 3c (CP 3c) consists of the replacement of pumps at LS 1 to serve existing development, and the ultimate development under Option C of *Section 3.2.5*, with completion of CPs 1,

Appendix F
Proposed 20.7-Acre KenRoc Development
Preliminary Plat



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439



VICINITY MAP
N.T.S.
KEY MAP: 123U

| CURVE TABLE | | | | | |
|-------------|--------|----------|----------|---------------|--------|
| NO. | LENGTH | RADIUS | DELTA | CHD. BRG. | CHORD |
| C1 | 192.24 | 2,165.02 | 5°05'15" | N 12°11'30" E | 192.18 |

| LINE TABLE | | |
|------------|---------------|--------|
| NO. | BEARING | LENGTH |
| L1 | N 21°48'05" E | 24.98 |
| L2 | N 22°10'39" E | 129.55 |
| L3 | S 85°22'33" E | 45.56 |
| L4 | N 49°38'59" E | 125.44 |
| L5 | N 09°26'11" W | 28.68 |
| L6 | N 03°32'59" E | 25.96 |
| L7 | N 11°35'55" E | 105.53 |
| L8 | N 81°03'36" E | 113.97 |
| L9 | N 89°13'53" E | 105.16 |
| L10 | S 33°05'24" E | 41.47 |
| L11 | S 14°24'36" E | 59.48 |
| L12 | N 88°39'01" E | 98.57 |
| L13 | N 21°40'18" E | 148.30 |
| L14 | N 66°19'58" E | 68.93 |
| L15 | S 86°28'39" E | 115.55 |
| L16 | S 53°16'48" E | 85.84 |
| L17 | N 17°27'29" W | 106.87 |
| L18 | S 48°16'39" E | 80.52 |
| L19 | S 53°46'23" E | 43.76 |
| L20 | S 17°52'51" E | 33.34 |
| L21 | S 27°30'33" E | 33.19 |

| LINE TABLE | | |
|------------|---------------|--------|
| NO. | BEARING | LENGTH |
| L22 | S 20°04'55" E | 44.34 |
| L23 | S 44°23'35" W | 25.13 |
| L24 | S 34°37'19" W | 42.98 |
| L25 | S 25°14'22" E | 46.82 |
| L26 | S 31°04'40" E | 29.87 |
| L27 | S 31°18'50" E | 48.19 |
| L28 | S 46°40'38" E | 27.15 |
| L29 | S 26°25'00" E | 28.71 |
| L30 | S 20°17'20" E | 80.53 |
| L31 | S 32°17'34" E | 39.73 |
| L32 | S 09°13'09" W | 32.17 |
| L33 | S 36°37'57" E | 29.64 |
| L34 | S 36°13'13" E | 35.35 |
| L35 | S 57°01'30" E | 12.63 |
| L36 | S 24°20'14" E | 38.60 |
| L37 | S 27°43'38" W | 52.77 |
| L38 | S 68°47'11" W | 54.23 |
| L39 | N 81°11'20" W | 28.16 |
| L40 | S 60°20'42" W | 26.16 |
| L41 | S 33°33'10" W | 48.71 |
| L42 | S 23°13'53" E | 29.35 |

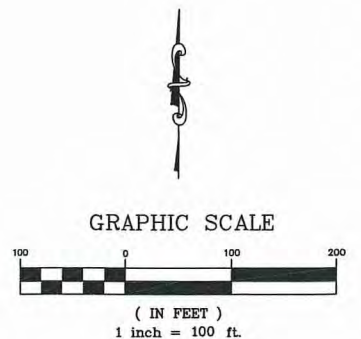
| LINE TABLE | | |
|------------|---------------|--------|
| NO. | BEARING | LENGTH |
| L43 | S 27°38'51" E | 14.47 |
| L44 | S 27°36'43" E | 47.98 |
| L45 | S 11°34'29" E | 54.75 |
| L46 | S 11°34'29" E | 17.52 |
| L47 | S 56°31'45" E | 39.49 |
| L48 | N 64°14'58" E | 35.48 |
| L49 | S 89°41'11" E | 25.56 |
| L50 | S 83°50'16" E | 25.51 |
| L51 | S 60°36'31" E | 28.96 |
| L52 | S 52°34'45" E | 50.13 |
| L53 | S 34°05'54" E | 46.09 |
| L54 | S 17°41'47" E | 35.95 |
| L55 | S 03°28'27" E | 67.42 |
| L56 | S 09°37'14" W | 31.49 |
| L57 | S 26°26'43" W | 24.85 |
| L58 | S 34°27'19" W | 3.72 |
| L59 | S 30°13'14" E | 12.94 |
| L60 | S 05°27'34" W | 21.54 |
| L61 | N 80°19'18" W | 18.29 |
| L62 | S 11°34'29" E | 8.50 |
| L63 | S 11°34'29" E | 9.01 |

- GENERAL NOTES**
- O.P.R. M.C.T. denotes Official Public Records of Montgomery County, Texas
 - M.R.M.C.T. denotes Map Records Montgomery County Texas
 - R.O.W. denotes right-of-way
 - B.L. denotes building line
 - D.E. denotes drainage easement
 - U.E. denotes utility easement
 - ① denotes block number
 - BFE denotes base flood elevation
 - This property is located in Zone "X" and "Zone X-Shaded", determined to be inside 100 year flood plain. This plat does lie within a designated Special Flood Hazard Area, Inundated by 100 year flood or Other Flood Areas.
 - All corners are set 5/8 inch iron rods with orange caps stamped "LANDPOINT 10194172" unless otherwise noted.
 - P.U.E. - PUBLIC UTILITY EASEMENT
 - V.B. - VEGETATIVE BUFFER

— BENCHMARK NO. 1 —
MONT 1
ELEV.=239.70' (NAVD 88/2012 DATUM)
CITY OF MONTGOMERY 3" BRASS DISK IN CONCRETE ± 1020'
WEST OF HIGHWAY 105 AND LONESTAR PARKWAY, ON THE
SOUTH SIDE OF HIGHWAY 105.

— BENCHMARK NO. 2 —
3" BRASS DISK, TXDOT MONUMENT,
FOUND 0.28 FEET FROM THE SOUTHERN MOST
SOUTHWEST PROPERTY CORNER, AS SHOWN HEREON.
ELEV. = 242.05'

NOTE:
A TOPOGRAPHIC SURVEY HAS NOT BEEN
PERFORMED ON THIS SITE BY TOWN AND
COUNTRY SURVEYORS, A LANDPOINT COMPANY.
(PER CLIENT'S REQUEST, CONTOURS PROVIDED BY:
VALUE TECHNOLOGIES SURVEYING AND MAPPING,
DATED: OCTOBER 7, 2013 AND REVISED: MARCH 4,
2016)



OWNER/DEVELOPER:
KENNETH R. VAUGHT JR
KENROC SIX LLC & KENROC FOURTEEN LLC
572 BEACH AIRPORT RD
CONROE, TX 77301
PH: 936.441.9513

TOWN & COUNTRY SURVEYORS
A LANDPOINT COMPANY
2210 SANDUST ROAD
THE WOODLANDS, TX 77380
(281)485-8730
TEPLS REGISTRATION NO. 10194172

PRELIMINARY PLAT
MONTGOMERY FIRST
A COMMERCIAL SUBDIVISION OF
20.7031 ACRES
(901,826 SQ. FT.)
IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS
1 BLOCK 6 RESERVES
JANUARY 2017

Appendix G
Proposed 20.7-Acre KenRoc Development
Excerpt from Impact Fee Analysis



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439

Table 1.1 Maximum Assessable Impact Fee for Commonly Used Meters

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

Montgomery City Council
AGENDA REPORT

ITEM #3

| | |
|---|---|
| Meeting Date: March 14, 2017 | Budgeted Amount: |
| Department: | |
| Prepared By: Jack Yates City Administrator | Exhibits: Application letter from Jason Long, Engineer's memo |
| Date Prepared: March 9, 2017 | |

Subject

A variance request to allow a gravel parking surface at Longview Greens Miniature Golfing development.

Discussion

From City Attorney Larry Foerster:

RE: City paving requirements for parking on commercial property in the Lefevre Buffalo Springs development when the Lefevre development agreement was executed in 2004; and the requested paved parking variance to the City Subdivision ordinance

In 2004, the City Subdivision regulations (Section 78-100 of the Code of Ordinances) provided that:

(b) *Commercial lots.* Each lot plan for business or commercial use shall have off-street parking at a ratio of not less than 1.5 square feet of parking for each one square foot of gross building area.

Unlike residential lots that required a paved surface, no such City paving requirement was made for commercial parking lots in 2004. However, under the current Subdivision ordinance at section 78-96, all commercial parking must be paved.

The Lefevre development agreement with the City provides that all private improvements must conform to city ordinances (Section 3.05). Therefore, I

The Lefevre development agreement with the City provides that all private improvements must conform to city ordinances (Section 3.05). Therefore, I believe the current Subdivision ordinance is applicable as to commercial paved parking.

The Lefevre Property commercial covenants at Section 3.7 requires all commercial parking to be paved with asphalt or concrete as a dust-free parking lot. Mr. Lefevre therefore may enforce the paved parking requirements in his covenants or grant a waiver to that requirement.

The Lefevre development agreement provided at Section 3.01 that any City ordinance, then or in the future, that conflicts with the development agreement will not be enforced by the City and that the provisions of the development agreement govern the development of Mr. Lefevre 's property. Under the circumstances, I don't see anything in the Lefevre development agreement that prohibits the City from enforcing its current requirement for paved commercial parking.

MY RECOMMENDATION:

In view of the language at Section 3.05 of the development agreement, and the fact that the City now requires commercial parking to be paved, I recommend that the City Council should consider whether to grant a variance to paved parking as found in Section 78-96 of its Subdivision Ordinance for some limited period of time. You have the option of granting the variance or deciding not to grant the variance.

Mr. Lefevre has no objection to a six-month variance. After six months, either the City may enforce its ordinance or Mr. Lefevre can enforce his restrictive covenant.

Two other thoughts:

1. You could require the applicant to provide a performance bond as a condition of granting the variance, but this might be cost-prohibitive and defeat his purpose of requesting a variance for six months.
2. You could also grant a 6-month Certificate of Occupancy with the understanding that if the parking lot is not paved in 6-months, the miniature golf course operation will be shut down until the parking lot is completed or the City grants an extension.

Montgomery City Council
AGENDA REPORT

Recomendation

To approve a variance of either 6 or 12 months with a Temporary Certificate of Occupancy granted stating that if the parking lot is not paved in that time period the business will lose its Certificate of Occupancy and that a dust control agent satisfactory to the city engineer be placed on the gravel area when completed and prior to opening for business.

Approved By

City Administrator

Jack Yates

Date: March 9, 2017

Date: February 11, 2017

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

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

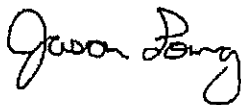
RE: Longview Greens Miniature Golfing Variance Request

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

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

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

Thank you,



Jason Long

Jason.long@commscope.com / 815.514.0420



6701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

February 21, 2017

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

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

Commission Members:

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

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

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

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

Sincerely,

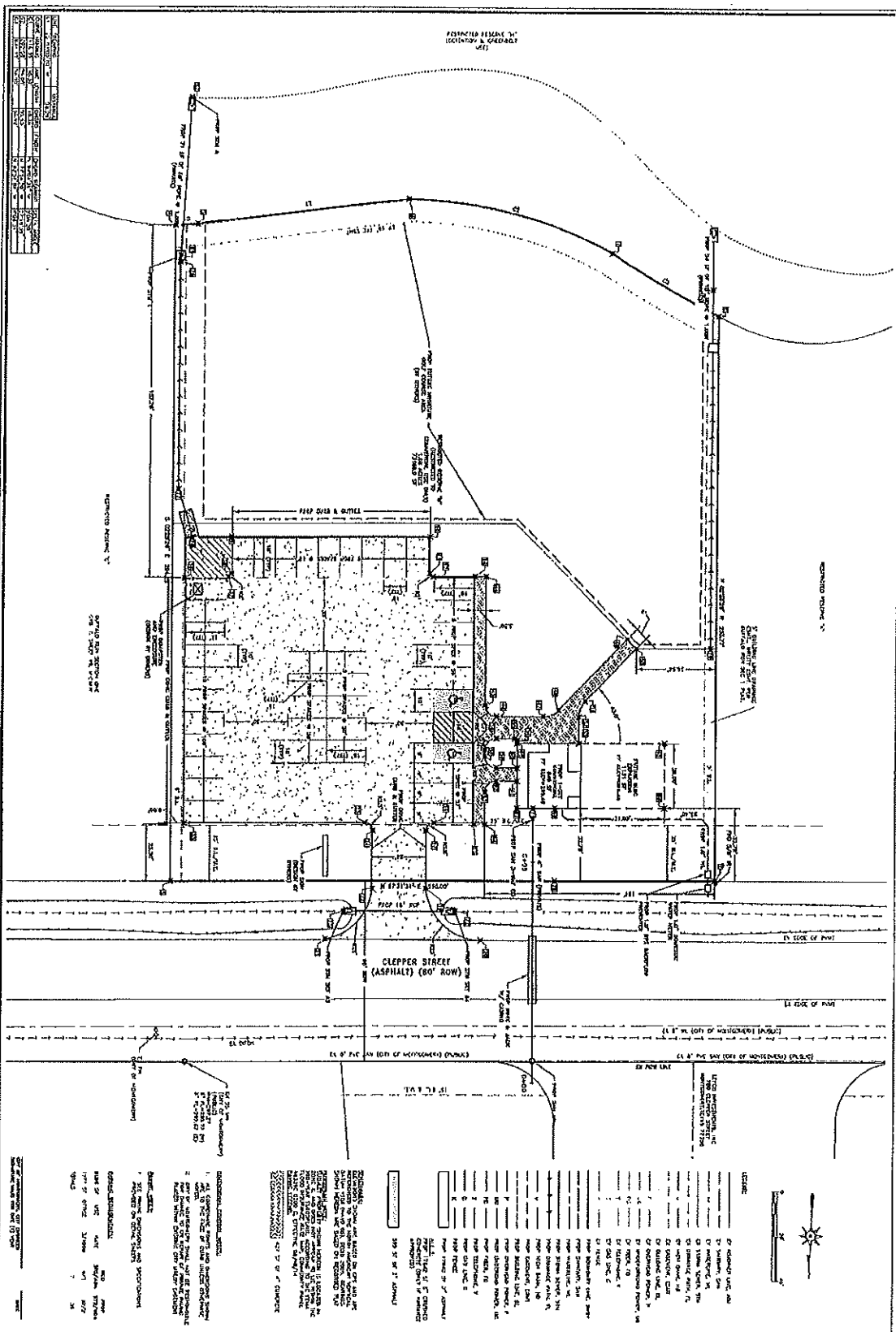
A handwritten signature in black ink, appearing to read 'Ed Shackelford', written over a white background.

Ed Shackelford, P.E.
Engineer for the City

EHS/cvr

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

Enclosures: Longview Greens Miniature Golf – Variance Request
Longview Greens Miniature Golf – Preliminary Site Plan
cc/enc: The Honorable Mayor and City Council, City of Montgomery
Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, City Attorney



LONGVIEW MINIATURE GOLF

DIMENSIONAL CONTROL & PAVING PLAN

SQUARED ENGINEERING

1234567890

DATE: 04

SCALE: 1" = 40'

PROJECT: LONGVIEW MINIATURE GOLF

LEGEND:

- 1. ASPHALT
- 2. CONCRETE
- 3. GRAVEL
- 4. SAND
- 5. GRASS
- 6. WATER
- 7. FENCE
- 8. DRIVEWAY
- 9. SIDEWALK
- 10. DRIVE
- 11. DRIVEWAY
- 12. DRIVEWAY
- 13. DRIVEWAY
- 14. DRIVEWAY
- 15. DRIVEWAY
- 16. DRIVEWAY
- 17. DRIVEWAY
- 18. DRIVEWAY
- 19. DRIVEWAY
- 20. DRIVEWAY

NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

Montgomery City Council
AGENDA REPORT

ITEM #4

| | |
|---|--|
| Meeting Date: March 14, 2017 | Budgeted Amount: As noted in below memo |
| Department: | |
| Prepared By: Jack Yates City Administrator | Exhibits: Bridge Repair Report from Jones/Carter |
| Date Prepared: March 9, 2017 | |

Subject

This is a proposal of repair work needed at the Buffalo Springs bridge

Discussion

Attached is the Engineer's Buffalo Springs Bridge Repair Report.

In brief summary the report states--- that the evaluated various options for stabilizing the soils and protecting the bridge abutment under the bridge including gabion baskets however they are recommending concrete slope paving as the most of the cost-effective method of repair. They also recommend the city install storm sewer drop manholes at the top of each corner of the bridge sized for a 100 year flood frequency event. The project also includes the temporary bypassing of the existing sanitary sewer lift station on the north side of the bridge and the reinstalling of the sanitary sewer line that was exposed by the erosion.

The estimated cost to complete the recommended repairs is \$1,363,000.

Remember--- FEMA has said that they will accept the engineer's proposal. So that puts the funding at \$1 million from FEMA (75%), \$335,000 from CDBG disaster relief fund grant and \$28,000 out of the city funds.

The report also states at the end of its third paragraph, on page 1, that additional easements/right-of-way may be needed to obtain from the adjacent property owners to complete this construction of the proposed improvements.

My recommendation is, that the City Council will accept the report and accept the project and that the Council will authorize plans and specifications to begin so that bidding can happen as soon as possible.

Montgomery City Council
AGENDA REPORT

In this case "soon as possible" is that the award cannot happen until we have at least the FEMA funds in hand.

Hopefully within two months we will have the FEMA money in our hands and also the Disaster Relief Grant can happen in the next two months.

So, a scenario for timing is:

March 14 -- approve the project as proposed, authorize bidding of project. - by Council

March 14 - May 1st Engineer prepares detailed plans/specs, produces bid package

May 1 -- have project under way of bidding, expecting FEMA funds soon.

June 1 -- have FEMA and Disaster Relief grants in hand, award bid

July 1 -- have work beginning to repair with a 60 day completion schedule.

September 1 -- Open bridge for public use

Reccomendation

Consider and approve project as desired.

Approved By

City Administrator

Jack Yates

Date: March 9, 2017



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

March 8, 2017

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

Re: Buffalo Springs Bridge Embankment Rehabilitation
City of Montgomery, Texas

Dear Mayor and Council:

As you are aware, the bridge on Buffalo Springs Drive was severely damaged during the significant rain events that occurred in April and May of 2016. The bulk head and slope paving under and adjacent to the bridge failed and partially exposed the bridge abutment piles. Additionally, erosion occurred under and adjacent to the approach slabs and asphalt roadway leading to the bridge. This additional erosion led to the failure of the asphalt roadway, the creation of a void under the approach slabs, and the exposure of the existing sanitary sewer force main. These damages caused the City to close the bridge to traffic.

Shortly after the damage occurred, the City had structural engineering firm Stanley, Spurling, & Hamilton, Inc. perform an investigation of the bridge to determine if the bridge was structurally sound. Based upon their investigation they determined the capacity of the bridge deck and support structure was not compromised as a result of the damage and no repairs to the bridge deck or abutment piles are required.

We evaluated various options for stabilizing the slopes and protecting the bridge abutments under the bridge including replacement of the existing slope paving and the installation of gabion baskets. Upon completion of our evaluation we have determined concrete slope paving is the most cost effective means of repair based on the site conditions and budget constraints. We recommend the slope paving be reinstalled with a slightly modified design from the original to provide additional protection to the bridge approaches and abutments. The slope paving is proposed to include the construction of a concrete bulkhead and the extension of concrete paving along the channel bottom to provide additional protection. We also evaluated the installation of gabion baskets in lieu of slope paving. We determined this option was more expensive (\$560,000 additional City expense) and gabions are more susceptible to damage from water overtopping caused by overland sheet flow, as was witnessed during the rain events. The City may need to obtain additional easements/right-of-way from the neighboring property owners to complete the construction of the proposed improvements.

In addition to the installation of modified slope paving, we recommend the City install storm sewer drop manholes at all four corners of the bridge to convey the storm water runoff from the road side ditches to the channel. We evaluated the existing runoff contributing to the roadside ditches to determine the appropriate sizing of the proposed infrastructure. We first evaluated sizing the infrastructure to handle the runoff from the entire contributing drainage area during the 25-year frequency rainfall event. We found the sizing and estimated cost (\$350,000) of the proposed infrastructure to be unrealistic with the

The Honorable Mayor and City Council
City of Montgomery, Texas
March 8, 2017
Page 2

City's budget constraints. We then evaluated the sizing of the infrastructure to handle only the runoff from within the right-of-way at the 100-year frequency rainfall event. We found the size and estimated cost (\$150,000) of the proposed infrastructure capable of handling these flows to be realistic. The proposed infrastructure improvements include the installation of two manholes, two junction boxes, four safety end treatments, and reinforced concrete pipe ranging from 24" to 54" in diameter. The proposed infrastructure will include two shallow structures on the west side of the bridge to capture the runoff, convey it under the street, and two large drop manholes to drop the flow to the channel. The City will need to require the future developers of the properties contributing to the drainage area to design their storm sewer system to convey flow to the lake by routes other than the roadside ditch.


The recommended repair includes the removal and replacement of the existing approach slabs, roadway, and guard rails to original condition. The project also includes the temporary bypassing of the existing sanitary sewer lift station on the north side of the bridge and the reinstallation of the existing sanitary sewer force main that was exposed by the erosion.

The estimated cost to complete the recommended repairs and modifications is approximately \$1,363,000 including construction, contingencies, and engineering. Enclosed is a cost estimate of the proposed repairs. The City is currently working with FEMA to obtain funding for 75% of the repair cost, up to \$1,000,000. The City is also in the process of applying for funding through the Texas Community Development Grant Program Disaster Relief Fund to pay for a portion of the City's remaining 25% share of the repair cost. Based upon the estimated cost of the project the City's out of pocket expense is estimated to be \$28,000.

The City has been planning to install a waterline connection across the bridge to create a much needed waterline loop (CP No. 2 of the 2015 Water System Analysis and Master Plan). This waterline has previously been designed and is ready for permitting, bidding, and construction. The City may consider including the construction of this waterline in the contract for the bridge repair to get a lower price for the installation than if the waterline was a stand-alone project. As a reminder, the cost of the waterline installation is to be paid by Mr. Bowen per his development agreement with the City.

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



Sincerely,

Ed Shackelford, PE
Engineer for the City

EHS/cvr

P:\PROJECTS\W5841 - Town Creek (Montgomery)\W5841-0004-00 Transportation Consultation\Town Creek Bridge\Bufalo Springs Bridge Memo 030817.doc

Enclosures: Letter from Structural Engineer Investigation
Preliminary Cost Estimate

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



May 20, 2016

Mr. Glynn E. Fleming
JONES | CARTER
8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381

Re: City of Montgomery Town Creek Bridge
Investigation - 2016

Dear Glynn,

Pursuant to your request, we visited the referenced site on Tuesday, May 17 to inspect and investigate reported transverse cracking near the abutments in both approach slabs, failure of the north bulkhead and slope paving, and subsequent erosion around the north abutment piles. Previously, you had provided us with the bridge design drawings, original geotechnical investigation report, and the installation report for the south abutment piles.

The bulkhead and slope paving on the north side of the bridge have completely failed. Settlement of and cracking in the slope paving on the south end of the bridge is evident. It appears to be only a matter of time before the bulkhead and slope paving fail on the south end. The transverse cracking in the approach slabs appears to be the result of the settlement that is evident on the south side and most likely has occurred on the north side, in addition to the washout.

As part of the investigation, we estimated the depth of erosion at the piles, calculated the design load on the piles using HL-93 AASHTO live loading, and determined if a loss in pile capacity had occurred by utilizing the initial geotechnical recommendations and the actual pile capacities achieved at the south abutment piles.

Based on our analysis, we determined that the capacity of the piles currently does not appear to have been compromised. Thus, it appears that the original design capacity of the bridge currently has not been diminished by the erosion that occurred at the north abutment.

JONES | CARTER
City of Montgomery Town Creek Bridge
Investigation - 2016
May 20, 2016
Page 2

However, to mitigate future erosion and deterioration of the bridge, we recommend that replacement of the bulkheads, slope paving, and approach slabs on both ends of the bridge be completed as soon as possible.

Please call if you have any questions or need any additional information.

Very truly yours,



Louis A. Hamilton, P.E., SECB



**PRELIMINARY CONSTRUCTION COST ESTIMATE
FOR
BUFFALO SPRINGS BRIDGE EMBANKMENT REHABILITATION
CITY OF MONTGOMERY, TEXAS
March 8, 2017**

| Item | <u>Total</u> |
|--|------------------------|
| <u>No.</u> <u>Description</u> | |
| 1. Move-in, Bonds & Insurance | \$ 100,000 |
| <u>Slope Paving</u> | |
| 2. Remove Existing Slope Paving | 45,000 |
| 3. Excavation & Haul Offsite | 80,000 ⁽¹⁾ |
| 4. Backfill & Channel Grading | 30,000 |
| 5. Storm Sewer Inlets and Drop Manholes | 150,000 ⁽²⁾ |
| 6. Concrete Retaining Wall/Bulk Head | 125,000 ⁽³⁾ |
| 7. Replace Concrete Slope Paving | 300,000 ⁽⁴⁾ |
| <u>Bridge Approach Slabs</u> | |
| 8. Remove Existing Concrete Approach Slabs | 15,000 |
| 9. Backfill Abutments | 25,000 |
| 10. Replace Concrete Approach Slabs | 62,000 |
| <u>Asphalt Roadway and Guard Rail</u> | |
| 11. Remove Existing Guard Rail | 6,000 |
| 12. Remove Existing Asphalt | 7,000 |
| 13. Repair Base and Shoulders | 18,000 |
| 14. Replace Asphalt Roadway | 32,000 |
| 15. Replace Guard Rail | 30,000 |
| <u>Miscellaneous Items</u> | |
| 16. Sanitary Sewer Force Main Backfill | 7,000 |
| 17. SWPP | 10,000 |
| 18. Turf Establishment | 15,000 |
| 19. Force Main Bypass | 15,000 |
| 20. Construction Staking | 5,000 |



| | | |
|---|---------------------|------------------------|
| | Subtotal | \$ 1,077,000 |
| | Contingencies (10%) | 108,000 ⁽⁵⁾ |
| Engineering, Topographic Surveying, and Materials Testing | | 178,000 ⁽⁶⁾ |
| | TOTAL | \$ 1,363,000 |

Source of Funding

| | |
|---|---------------------|
| FEMA (75% Contribution up to \$1,000,000) | \$ 1,000,000 |
| CDBG Funds (Up to \$335,000) | 335,000 |
| City Contribution | 28,000 |
| Total | \$ 1,363,000 |

Notes:

- (1) Includes the removal and disposal of debris and material from within the project limits.
- (2) Additional item to mitigate the effect of the overland sheet flow on the bridge. This item includes the installation of two manholes, two junction boxes, four safety end treatments, and reinforced concrete pipe ranging from 24" to 54" in diameter.
- (3) A portion of the work included in this item is related to mitigation. The estimated cost to replace the existing bulkhead with the same is \$50,000. This item includes the installation of a 12" thick reinforced concrete retaining wall/bulkhead at the end of the slope paving in lieu of the wooden bulkhead.
- (4) A portion of the work including in this item is related to mitigation. The estimated cost to replace the existing slop paving per the original design is approximately \$200,000. The proposed slope paving is planned to have a modified design to offer additional protection to the bridge and roadway. This item includes the installation of reinforced concrete slope paving on the side slopes and along the channel bottom.
- (5) Contingencies include a 10% cost for additional, unseen, and future costs from time of proposal.
- (6) Includes engineering, surveying, construction administration, field project representation, reproduction, and geotechnical testing.
- (7) This estimate represents my best judgement as a design professional familiar with the construction industry. Jones|Carter has no control over the cost of labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidding or market conditions. Accordingly, we cannot and do not guarantee that bids will not vary from this cost estimate.

Montgomery City Council
AGENDA REPORT

ITEM #5

| | |
|---|-------------------------|
| Meeting Date: March 14, 2017 | Budgeted Amount: |
| Department: | |
| Prepared By: Jack Yates City Administrator | Exhibits: |
| Date Prepared: March 9, 2017 | |

Subject

Presentation of Amy Font -- regarding Buffalo Springs Bridge repair

Discussion

Mrs. Font is concerned about the bridge repair and asked to be on the agenda.

Mrs. Font is a Waterstone subdivision property owner located next to the canal. Mrs. Font realizes that the dredging of the canal is not a city responsibility but sees the city as a catalyst to get Mr. Bowen and Mr. LeFevre to act. She also expressed concern about the driving surface of Plez Morgan. (Please Morgan is getting quite a bit more traffic now as the detour route for Buffalo Springs around the bridge, and probably will require some work after the repair of the bridge, but for now continues to be a satisfactory road detour route)

Recomendation

Consider the comments -- not an action item.

Approved By

| | | |
|--------------------|------------|---------------------|
| City Administrator | Jack Yates | Date: March 9, 2017 |
|--------------------|------------|---------------------|

Montgomery City Council
AGENDA REPORT
ITEM #6

| | |
|---|--|
| Meeting Date: February 28, 2017 | Budgeted Amount: |
| Department: | |
| Prepared By: Jack Yates City Administrator | Exhibits: letter from MCAD requesting verification of Exemption Information, Exemption Alternatives, list of other entities exemptions provided |
| Date Prepared: February 17, 2017 | |

Subject

Consideration of tax exemptions.

Discussion

This is a request from the tax appraiser asking if you want to give a homestead exemption to over 65 years of age or a disability exemption -- and how much of an exemption if you want to give one. As shown on the appraisal District sheet the exemptions currently in place are \$6000 for over 65 and \$12,000 for those who are disabled.

The Exemption Alternatives sheet shows how much the local property tax effect would be depending on the amount of the exemption times the number of people eligible for such an exemption.

The Exemptions have no effect on this years taxes, they are effective on next years calculations.

Reccomendation

Consider if you want to add to, or subtract from the present exemptions.

Approved By

| | | |
|--------------------|------------|-------------------------|
| City Administrator | Jack Yates | Date: February 17, 2017 |
|--------------------|------------|-------------------------|



MONTGOMERY CENTRAL APPRAISAL DISTRICT

MARK A. CASTLESCHOULDT, RPA, RTA, CTA
CHIEF APPRAISER

January 26, 2017

Jurisdiction: **City of Montgomery**
Tax Assessor/Collector: **Montgomery Co Tax Ofc**

Request for Verification of Exemption Information For Use on the 2017 Notices of Appraised Value and 2017 Assessment Rolls

If the exemptions shown are correct for your jurisdiction, **please write "correct" on the form and return to MCAD.**

If your jurisdiction has adopted new exemptions, **please indicate the new exemption amount(s) and attach a copy of the governing body's Resolution or Minutes authorizing the change(s).**

| Exemptions: | Currently on File | Adopted Changes for 2017 |
|-------------|-------------------|--------------------------|
| Homestead | 0 | 0 |
| Over 65 | 6,000 | 6000 |
| Disability | 12,000 | 12000 |

- Changes or corrections must be received at MCAD **by April 1, 2017** to be included on the Preliminary Rolls. Unless changes/corrections are received by this date, we will assume our records are correct.
- Any action regarding changes in the *percentage homestead exemption* **must** be taken by the governing body **before July 1st, Texas Property Tax Code, Section 11.13(n).**

Signature of Person Completing This Form

Your Name Printed

Date

Please return verification by **April 1, 2017** to:
Montgomery Central Appraisal District
Attn: Jaclyn Smith
P. O Box 2233
Conroe TX 77305
FAX to 936-539-8695

Scanned & Emailed to: JaclynS@MCAD-TX.ORG

SERVICE, EXCELLENCE AND EQUITY IN AD VALOREM TAX ADMINISTRATION

(936) 756-3354 CONROE • (936) 441-2186 METRO • www.mcad-tx.org[website] • P.O. BOX 2233 • CONROE TEXAS 77305-2233

MOST CURRENT REPORT

2015 Tax Rates-2015 Exemptions-2015 Assessor Collectors

| Code | Jurisdiction | Tax Rate | M&O | I&S | Homestd | Ovr/65 | Disability | Assessor/Collector | Phone | 2015 |
|------|-----------------------------------|-------------|---------|---------|---------|---------|------------|--------------------------|--------------|-------------|
| GMO | Montgomery County | 0.47670 | 0.40330 | 0.0734 | 0 | 35,000 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | 229,000,765 |
| HMI | Montgomery Co Hospital Dist | 0.07100 | 0.07100 | 0.0000 | 0 | 25,000 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | 35,632,046 |
| JNH | Lone Star CC | 0.10790 | 0.07540 | 0.0325 | 0+1% | 75,000 | 75,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| SCL | Cleveland ISD | 1.31500 | 1.04000 | 0.2750 | 15,000 | 13,000 | 10,000 | Liberty County Tax Ofc | 281-592-8717 | |
| SCO | Conroe ISD | 1.28000 | 1.04000 | 0.2400 | 25,000 | 15,000 | 10,000 | Montgomery Co Tax Ofc | 936-539-7897 | 379,591,269 |
| SHU | Humble ISD | 1.52000 | 1.17000 | 0.3500 | 15,000 | 15,000 | 10,000 | Janice Himpele | 281-641-8190 | 0 |
| SMA | Magnolia ISD | 1.37950 | 1.04000 | 0.3395 | 25,000 | 10,000 | 10,000 | Montgomery Co Tax Ofc | 936-539-7897 | 68,189,828 |
| SMO | Montgomery ISD | 1.34000 | 1.04000 | 0.3000 | 25,000 | 10,000 | 10,000 | Montgomery Co Tax Ofc | 936-539-7897 | 62,852,228 |
| SNC | New Caney ISD | 1.67000 | 1.17000 | 0.5000 | 15,000 | 10,000 | 10,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| SRI | Richards ISD | 1.04000 | 1.04000 | 0.0000 | 15,000 | 10,000 | 10,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| STO | Tomball ISD | 1.34000 | 1.02000 | 0.3200 | 25,000 | 32,000 | 10,000 | Brian Ludwig-Tomball ISD | 281-357-3100 | 7,015,417 |
| SSP | Splendora ISD | 1.31550 | 1.17000 | 0.1455 | 25,000 | 10,000 | 10,000 | Montgomery Co Tax Ofc | 936-539-7897 | 6,301,521 |
| SWI | Willis ISD | 1.39000 | 1.04000 | 0.3500 | 15,000 | 10,000 | 10,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| CCV | City of Cleveland | 0.78000 | 0.54200 | 0.2380 | 0+1% | 10,000 | 5,000 | Mark B. McClelland | | |
| CCO | City of Conroe | 0.42000 | 0.27500 | 0.1450 | 0 | 15,000 | 7,500 | Montgomery Co Tax Ofc | 936-539-7897 | |
| CCS | City of Cut and Shoot | not levying | | | | | | Montgomery Co Tax Ofc | 936-539-7897 | |
| CHO | City of Houston | 0.60112 | 0.44219 | 0.15893 | 0+20% | 160,000 | 160,000 | Harris County Tax Office | 832-393-9075 | |
| CMA | City of Magnolia | 0.46290 | 0.19720 | 0.2657 | 0+1% | 25,000 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | 858,866 |
| CMT | City of Montgomery <i>current</i> | 0.41550 | 0.20430 | 0.2112 | 0 | 6,000 | 12,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| COR | City of Oak Ridge No. | 0.45980 | 0.23750 | 0.2223 | 0+20% | 25,000 | 25,000 | Montgomery Co Tax Ofc | 936-539-7897 | 143,927,433 |
| CPV | City of Panorama Village | 0.67430 | 0.47490 | 0.1994 | 0 | 0 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | |
| CPT | City of Patton Village | 0.34590 | 0.22370 | 0.1222 | 0+1% | 5,000 | 5,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| CRF | City of Roman Forest | 0.49450 | 0.49450 | 0.0000 | 0 | 20,000 | 20,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| CSH | City of Shenandoah | 0.23990 | 0.11370 | 0.1262 | 0+20% | 75,000 | 75,000 | Montgomery Co Tax Ofc | 936-539-7897 | 1,847,541 |
| CSP | City of Splendora | 0.24730 | 0.24730 | 0.0000 | 0 | 25,000 | 25,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| CST | City of Stagecoach | 0.52070 | 0.52070 | | 0 | 25,000 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | |
| CWI | City of Willis | 0.59610 | 0.57580 | 0.0203 | 0 | 5,000 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | 1,374,446 |
| CWV | City of Woodbranch Village | 0.35970 | 0.20330 | 0.1564 | 0 | 25,000 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | |
| CWO | City of Woodloch | 0.65660 | 0.65660 | 0.0000 | 0 | 10,000 | 10,000 | Guy E Griscom & Assocs | 936-856-6451 | |
| CWT | The Woodlands Township | 0.23000 | 0.21110 | 0.0189 | 0 | 25,000 | 25,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| | Blake Tree MUD | 1.35000 | 1.35000 | 0.0000 | | | | Utility Tax Service | 713-688-3855 | 78,934 |
| MCW | Chateau Woods MUD | 0.24980 | 0.24980 | 0.0000 | 0 | 25,000 | 25,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| MCC | Clover Creek MUD | 1.25000 | 0.60000 | 0.6500 | 0 | 3,000 | 3,000 | Wheeler & Assocs | 713-462-8906 | 343,537 |
| MC1 | Conroe MUD 1 | 0.60000 | 0.19500 | 0.4050 | 0 | 0 | 0 | Utility Tax Service | 713-688-3855 | 349,870 |
| MCP | Corinthian Point MUD 2 | 0.43550 | 0.26350 | 0.1720 | 0 | 15,000 | 15,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| ME3 | E Montgomery Co MUD 3 | 0.95000 | 0.45000 | 0.5000 | 0 | 0 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | |
| ME4 | E Montgomery Co MUD 4 | 1.25000 | 1.25000 | 0.0000 | 0 | 0 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | |
| ME6 | E. Montgomery Co MUD 6 | 1.40000 | 1.40000 | 0.0000 | 0 | 0 | 0 | Assessments of Southwes | 281-482-0216 | 288,681 |
| MEP | East Plantation UD | 0.63000 | 0.30000 | 0.3300 | 0 | 0 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | |
| MFH | Far Hills UD | 0.65000 | 0.28100 | 0.3690 | 0 | 30,000 | 30,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| MGO | Grand Oaks MUD | 1.25000 | 0.43000 | 0.8200 | 0 | 0 | 0 | Bob Leared Interests | 713-932-9011 | 376,846 |
| M86 | Harris County MUD 386 | 0.46500 | 0.05500 | 0.4100 | 0 | 10,000 | 10,000 | Tim Spencer | 281-479-7798 | 1,062,769 |
| MKM | Kings Manor MUD | 0.74000 | 0.20000 | 0.5400 | 0 | 10,000 | 10,000 | Assessments of Southwes | 281-482-0216 | 1,009,339 |
| MLC | Lake Conroe Hills MUD | 0.46500 | 0.46500 | 0.0000 | 0+10% | 20,000 | 20,000 | Equal-Tax Inc | 281-444-4866 | 368,792 |
| MLR | Lazy River ID | 0.52130 | 0.15000 | 0.3713 | 0 | 5,000 | 0 | Montgomery Co Tax Ofc | 936-539-7897 | |
| DD6 | Montgomery Co DD 6 | 0.17000 | 0.17000 | 0.0000 | 0 | 25,000 | 25,000 | Montgomery Co Tax Ofc | 936-539-7897 | |
| D10 | Montgomery Co DD 10 | 0.44000 | 0.16500 | 0.2750 | 0 | 10,000 | 10,000 | Montgomery Co Tax Ofc | 936-539-7897 | |

EXEMPTION ALTERNATIVES

2017

present exemptions

| <u>Amount</u> | <u>Tax amount</u> | <u>Homestead</u> | <u>Over 65</u> | <u>Disabled</u> | <u>Total</u> |
|---------------|-------------------|------------------|----------------|-----------------|--------------|
| Qualifiers | | 227 | 80 | 7 | |
| \$3,000 | \$12.47 | \$2,830 | \$997 | \$87 | \$3,914 |
| \$5,000 | \$20.78 | \$4,716 | \$1,662 | \$145 | \$6,523 |
| \$6,000 | \$24.93 | \$5,659 | \$1,994 | \$175 | \$7,828 |
| \$7,000 | \$29.09 | \$6,602 | \$2,327 | \$204 | \$9,133 |
| \$8,000 | \$33.24 | \$7,545 | \$2,659 | \$233 | \$10,437 |
| \$9,000 | \$37.40 | \$8,489 | \$2,992 | \$262 | \$11,742 |
| \$10,000 | \$41.55 | \$9,432 | \$3,324 | \$291 | \$13,047 |
| \$11,000 | \$45.71 | \$10,375 | \$3,656 | \$320 | \$14,351 |
| \$12,000 | \$49.86 | \$11,318 | \$3,989 | \$349 | \$15,656 |
| \$ 13,000 | \$54.02 | \$12,261 | \$4,321 | \$378 | \$16,961 |
| \$14,000 | \$58.17 | \$13,205 | \$4,654 | \$407 | \$18,265 |
| \$15,000 | \$62.33 | \$14,148 | \$4,986 | \$436 | \$19,570 |

Montgomery City Council
AGENDA REPORT

ITEM #7

| | |
|---|--|
| Meeting Date: March 14, 2017 | Budgeted Amount: \$3,000. more income for Fernland Park |
| Department: | |
| Prepared By: Jack Yates City Administrator | Exhibits: |
| Date Prepared: March 9, 2017 | |

Subject

This is a proposal to assess a \$100 per year photography permit for use at Fernland Historic Park

Discussion

I understand that the issue of charging photographers to use Fernland Historic Park has long been a desire. My understanding is that the problem was how to determine how the payment would be made. Recent developments in the Website and Google environment now allow people to pay over the Internet without having to come to the City Hall and without the Docents at Fernland having to handle any money (which they are opposed to doing for fear of crime).

Attached is a list of known photographers who regularly use Fernland as a photographic site for their professional activities. The intent is to contact each of these people with an application for the photographers permit and for Docents at the Park to ask photographers to get a permit, then the photographers pay the fee and receive a physical permit.

As to enforcement of this permit requirement the Docents will speak with photographer's using the park – however a penalty of a fine or non-use of the park would require an ordinance that I am not proposing now. We expect to get satisfactory compliance from the photographers.

Ashley Slaughter has been very helpful in the planning for how this payment could happen over the Internet and in person at City Hall.

Montgomery City Council
AGENDA REPORT

Recomendation

To approve a \$100 annual permit for professional photographers at Fernland Park.

Approved By

City Administrator

Jack Yates

Date: March 9, 2017

Montgomery City Council
AGENDA REPORT
ITEM#8

| | |
|---|---|
| Meeting Date: March 14, 2017 | Budgeted Amount: |
| Department: | |
| Prepared By: Jack Yates City Administrator | Exhibits: Resolution, TML information, 2016 Effective /Roll Back Tax Rate Worksheet, Rollback tax rate. Effective Tax Rate defined |
| Date Prepared: March 8, 2017 | |

Subject

This is a Resolution opposing S. B. 2 which would lower the property tax rollback rate from 8% to 4%, with an election required to approve an increase more than 4%

Discussion

This is not and has not been a problem for the City. And going back over the files I cannot see when we exceeded the rollback rate. The rollback rate is essentially defined as our tax rate allowed following a calculation that includes new growth assessments and the previous tax years rate. For instance for the current year the city could have assessed a property tax rate of .5583 tax rate grant rather than the .4155 that is the tax rate. That “gap” between the allowed rollback rate and actual tax rate will probably continue to widen as the city growth occurs.

However S. B. 2 is restrictive upon cities and may be worthwhile for you to oppose. An election, if required, to approve a more than 4% rollback rate would cost approximately \$16,000.

Reccomendation

Consider and take whatever action you would like on the Resolution.

Approved By

| | | |
|--------------------|------------|---------------------|
| City Administrator | Jack Yates | Date: March 8, 2017 |
|--------------------|------------|---------------------|

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF MONTGOMERY REGARDING
OPPOSITION TO S.B. 2 AND REQUESTING SENATOR ROBERT
NICHOLS TO VOTE AGAINST THE MEASURE.**

WHEREAS, review of Senate Bill 2 proposed by Senator Paul Bettancourt reveals items believed to be detrimental to City government; and

WHEREAS, said Bill seeks to reduce a City's ability to increase property tax revenue to fund vital and necessary infrastructure maintenance and improvements, thereby creating a potentially dangerous lack of city equipment and services and posing a threat to the public's health and safety;

WHEREAS, said Bill seeks to impose a provision that should the taxing entity find it necessary to exceed the 4% revenue cap to fund operations or capital improvements, a special election will be required for voter approval, thereby creating additional expense for the taxing entity;

WHEREAS, this proposed Bill would provide no meaningful tax relief for the citizens of Montgomery;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Montgomery, Texas, that a request by made of our Senator, Robert Nichols, to vote AGAINST this measure when, and if, it reaches a vote on the Senate Floor.

Passed and adopted the 14th day of March, 2017.

Mayor Kirk Jones

ATTEST:

City Secretary, Susan Hensley

S.B. 2 (Bettencourt) – Revenue Cap: of primary importance to cities, the bill would:

1. lower the property tax rollback rate from eight percent to four percent, with an exception for a taxing unit located in an area declared a disaster area by the governor or president of the United States during the current tax year;
2. require a taxing unit to hold a ratification election on the November uniform election date of the applicable year in order to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens); and
3. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date.

Additionally – and more specifically – the bill would:

1. require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices;
2. require an appraisal district to appraise property in accordance with standards, procedures, and methodology prescribed by appraisal manuals prepared and issued by the comptroller;
3. provide that, in order to be eligible to serve on the board of directors of an appraisal district, an individual must be an elected county officer or an elected official of a political subdivision all or part of the territory of which is located in the county;
4. authorize an appraisal district board of directors for a district established in a county with a population of 120,000 or more to increase the size of the district's appraisal review board by resolution to a number of members the board considers appropriate;
5. require the appraisal review boards located in counties with populations of 120,000 or more to establish special appraisal review board panels for each of the following classifications of property: (a) commercial real and personal property; (b) real and personal property of utilities; (c) industrial and manufacturing real and personal property; and (d) multifamily residential real property;
6. provide that a person is entitled to a property tax exemption for the tangible personal property the person owns that is held or used for the production of income if the property has a taxable value of less than \$2,500;
7. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date, including among others:
 - a. requiring the appraisal district to certify the appraisal roll to taxing units by July 10th (instead of July 25th under current law);
 - b. requiring the tax assessor/collector to submit the appraisal roll showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the taxing unit by July 15th, or as soon thereafter as practicable (instead of August 1st under current law); and
 - c. requiring taxing units adopting a tax rate exceeding the lowered rollback tax rate to do so before August 15th (instead of September 30th, under current law)

(NOTE: this would also require a city that adopts a tax rate exceeding the rollback rate to adopt its budget before August 15th, as state law provides that property taxes may only be levied in accordance with the city budget);

8. lower the property tax rollback rate from eight percent to four percent, with an exception for a taxing unit located in an area declared a disaster area by the governor or president of the United States during the current tax year;
9. require a taxing unit to hold a ratification election on the November uniform election date of the applicable year in order to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens).
10. provide that the meeting to adopt a tax rate that exceeds the lower of the rollback tax rate or the effective tax rate may not be earlier than the third day or later than the seventh day after the date of the second public hearing on the tax rate;
11. eliminate the ability of a taxing unit to challenge before the appraisal review board the level of appraisals of any category of property in the appraisal district or in any territory in the appraisal district;
12. require an appraisal review board to provide for hearings on protests on a Saturday or after 5 p.m. on a weekday;
13. provide that an appraisal review board may not schedule: (a) the first hearing on a protest held on a weekday to begin after 7 p.m.; or (b) a hearing on a protest on a Sunday;
14. provide that a property owner is entitled to appeal through binding arbitration an appraisal review board order related to certain protests if the appraised market value of the property as determined by the order is \$5 million or less; and
15. amend current law related to the property tax rate notices provided by cities and counties to require cities and counties to use one notice if the proposed tax rate will not exceed the rollback tax rate, and another notice if the proposed tax rate will exceed the rollback tax rate. (Note: under current law, the city or county uses one of the two notices based on whether the proposed rate will exceed the lower of the effective tax rate or the rollback tax rate.)



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

S.B. 2 (Revenue Cap bill) Talking Points

1 message

Texas Municipal League <tmladmin@tml.org>

Tue, Mar 7, 2017 at 3:57 PM

Reply-To: tmladmin@tml.org

To: jyates@ci.montgomery.tx.us



The Senate Finance Committee will hear Senate Bill 2 by Senator Paul Bettencourt on Tuesday, March 14, at 9:00 a.m. in room E1.036 at the Texas State Capitol Building. S.B. 2 would impose a 4 percent property tax revenue cap on all city budgets.

Click [here](#) to read the bill and TML's summary [here](#).

The League has prepared talking points against S.B. 2, below. Testifying IN PERSON is essential to defeating S.B. 2. Please also call your senator to voice your opposition. A list of senators, with Capitol office telephone numbers, is available here: <http://www.senate.texas.gov/directory.php>.

Recommendations for testifying against S.B. 2

City officials will get two minutes to make their case against revenue caps. The goal of all our communications - testimony, media interviews, and meetings with legislators - is to convince legislators that the negative consequences of S.B. 2 far outweigh its negligible benefits.

Our message

All our testimony should focus on the negative consequences of revenue caps on our citizens without producing any tax relief. A revenue cap will seriously damage public safety, economic development, and transportation. And, property taxes will continue to rise because school district taxes - the real cause of high property taxes in Texas - will continue to escalate. The bottom line of our message is that legislators will get no credit for reducing taxes and will receive all the blame for everything that cities can't afford to do.

Points to make

- **S.B. 2 is an assault on public safety.** Tell them what percentage of your city budget goes to police, fire, and EMS. Legislators can't proclaim that they support law enforcement officers if they vote to restrict the source of funding that pays for salaries, equipment, vehicles, technology, health insurance and pensions of the men and women who protect our citizens. A vote for S.B. 2 is a vote against law enforcement.

Give specific examples of improvements the city wants to make in public safety services that would be threatened by revenue caps: additional personnel, better salaries, body

cameras, protective vests, more training, fixing pension problems. S.B. 2 would slam the door on the progress you want to make to protect the citizens of your city.

- **S.B. 2 will damage economic growth.** Cities are on the front line of the competition to attract and keep job-creating businesses. Cities provide the tax abatements and other incentives that bring in new businesses and the services and infrastructure that businesses and their employees need. Revenue caps will reduce the ability of cities to offer the tax abatements and infrastructure improvements that have been crucial to closing the deal in many corporate relocation decisions that create jobs for our citizens.

Give specific examples of job creating deals your city might not have been able to afford under a revenue cap. Even better, give an example of a project that is under consideration now that might be put on hold because of the uncertainty created by S.B. 2.

- **S.B. 2 threatens highway construction.** Over the past two decades, the state has demanded ever increasing financial contributions from local governments for state highway construction projects. Revenue caps will force cities to focus their restricted funding on local street improvements and curtail discretionary spending on state projects.

Give specific examples of projects currently under consideration that could be put on hold because of the budget constraints that S.B. 2 would impose on your city.

Responding to questions

There are a few things we can predict from supporters that you should be prepared for.

- **Misleading statistics.** Supporters will recite the increase in city "tax levies" over a certain period of time. Response: That is the increase in total tax collections that reflect economic growth, population growth, and new construction. It is a measure of our success in growing our economy. That does not reflect the taxes on an individual home or business. It is misleading for them to portray it that way.
- **It's not a cap.** Supporters will say it's not a cap because you can exceed it with an election. Response: They can call it whatever they want but we call it a cap, just like the spending limit in the Constitution that senators call a spending cap that can be exceeded by a simple majority vote in both houses. S.B. 2 would be an additional state-imposed restriction on our ability to provide services to our citizens.
- **We're not here to talk about school district taxes.** Supporters may try to stifle any mention of school property taxes. Response: We know some in the legislature don't want to address the real cause of high property taxes and they don't even want anyone to talk about it. OR We know they don't want anyone to say 'the emperor has no clothes,' but we should be honest with the people of Texas about the real cause of high property taxes.
- When in doubt, return to one of your major talking points.

What to avoid

- Don't spend time talking about the principle of local control. For anyone in the legislature that stills believes in the idea of local control, we already have their vote.
- Don't spend time reciting what the bill does. Everyone can read the bill on their own time.
- You don't have to be defensive about your local tax rates. City taxes are not the cause of high property taxes in Texas. The legislature's failure to fund public education is the problem.
- The cost of holding a rollback election is a budgeting concern for cities but not the strongest argument against the bill.

- Supporters say S.B. 2 reduces the rollback rate to 4 percent. We say S.B. 2 imposes a state cap on the revenue and budget of every city in Texas.

Please contact Shanna Igo at sigo@tml.org or 512-750-8718 for any questions.



Texas Municipal League, 1821 Rutherford Lane, Suite 400, Austin, TX 78754

SafeUnsubscribe™ jyates@ci.montgomery.tx.us

[About our service provider](#)

Sent by tmladmin@tml.org

2016 Effective Tax Rate Worksheet

City of Montgomery

Date: 07/28/2016 09:44 AM

| | |
|--|----------------|
| 1. 2015 total taxable value. Enter the amount of 2015 taxable value on the 2015 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (will deduct taxes in Line 14). ¹ | \$125,508,624 |
| 2. 2015 tax ceilings. Counties, cities and junior college districts. Enter 2015 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2015 or a prior year for homeowners age 65 or older or disabled, use this step. ² | \$0 |
| 3. Preliminary 2015 adjusted taxable value. Subtract Line 2 from Line 1. | \$125,508,624 |
| 4. 2015 total adopted tax rate. | \$0.4155/\$100 |
| 5. 2015 taxable value lost because court appeals of ARB decisions reduced 2015 appraised value. A. Original 2015 ARB Values. | \$0 |
| B. 2015 values resulting from final court decisions. | \$0 |
| C. 2015 value loss. Subtract B from A. ³ | \$0 |
| 6. 2015 taxable value, adjusted for court-ordered reductions. Add Line 3 and Line 5C. | \$125,508,624 |
| 7. 2015 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2015. Enter the 2015 value of property in deannexed territory. ⁴ | \$0 |
| 8. 2015 taxable value lost because property first qualified for an exemption in 2016. Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost to freeport or goods-in-transit exemptions. | |
| A. Absolute exemptions. Use 2015 market value: | \$0 |
| B. Partial exemptions. 2016 exemption amount or 2016 percentage exemption times 2015 value: | \$48,000 |
| C. Value loss. Add A and B. ⁵ | \$48,000 |
| 9. 2015 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2016. Use only properties that qualified in 2016 for the first time; do not use properties that qualified in 2015. | |
| A. 2015 market value: | \$0 |
| B. 2016 productivity or special appraised value: | \$0 |

| | |
|--|---------------|
| C. Value loss. Subtract B from A. ⁶ | \$0 |
| 10. Total adjustments for lost value. Add lines 7, 8C and 9C. | \$48,000 |
| 11. 2015 adjusted taxable value. Subtract Line 10 from Line 6. | \$125,460,624 |
| 12. Adjusted 2015 taxes. Multiply Line 4 by Line 11 and divide by \$100. | \$521,288 |
| 13. Taxes refunded for years preceding tax year 2015. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2015. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2015. This line applies only to tax years preceding tax year 2015. ⁷ | \$921 |
| 14. Taxes in tax increment financing (TIF) for tax year 2015. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2016 captured appraised value in Line 16D, enter 0. ⁸ | \$0 |
| 15. Adjusted 2015 taxes with refunds and TIF adjustment. Add Lines 12 and 13, subtract Line 14. ⁹ | \$522,209 |
| 16. Total 2016 taxable value on the 2016 certified appraisal roll today. This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 18). These homesteads include homeowners age 65 or older or disabled. ¹⁰ | |
| A. Certified values: | \$168,025,637 |
| B. Counties: Include railroad rolling stock values certified by the Comptroller's office: | \$0 |
| C. Pollution control exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control property: | \$0 |
| D. Tax increment financing: Deduct the 2016 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2016 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 21 below. ¹¹ | \$0 |
| E. Total 2016 value. Add A and B, then subtract C and D. | \$168,025,637 |
| 17. Total value of properties under protest or not included on certified appraisal roll. ¹² | |
| A. 2016 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value. ¹³ | \$1,748,550 |
| B. 2016 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about, but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value. ¹⁴ | \$0 |

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| C. Total value under protest or not certified: Add A and B. | \$1,748,550 |
| 18. 2016 tax ceilings. Counties, cities and junior colleges enter 2016 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2015 or a prior year for homeowners age 65 or older or disabled, use this step. ¹⁵ | \$0 |
| 19. 2016 total taxable value. Add Lines 16E and 17C. Subtract Line 18. | \$169,774,187 |
| 20. Total 2016 taxable value of properties in territory annexed after Jan. 1, 2015. Include both real and personal property. Enter the 2016 value of property in territory annexed. ¹⁶ | \$293,100 |
| 21. Total 2016 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2015. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2015, and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2016. ¹⁷ | \$17,787,799 |
| 22. Total adjustments to the 2016 taxable value. Add Lines 20 and 21. | \$18,080,899 |
| 23. 2016 adjusted taxable value. Subtract Line 22 from Line 19. | \$151,693,288 |
| 24. 2016 effective tax rate. Divide Line 15 by Line 23 and multiply by \$100. ¹⁸ | \$0.3442/\$100 |
| 25. COUNTIES ONLY. Add together the effective tax rates for each type of tax the county levies. The total is the 2016 county effective tax rate. ¹⁹ | |

A county, city or hospital district that adopted the additional sales tax in November 2015 or in May 2016 must adjust its effective tax rate. The Additional Sales Tax Rate Worksheet sets out this adjustment. Do not forget to complete the Additional Sales Tax Rate Worksheet if the taxing unit adopted the additional sales tax on these dates.

¹Tex. Tax Code Section 26.012(14)

²Tex. Tax Code Section 26.012(14)

³Tex. Tax Code Section 26.012(13)

⁴Tex. Tax Code Section 26.012(15)

⁵Tex. Tax Code Section 26.012(15)

⁶Tex. Tax Code Section 26.012(15)

⁷Tex. Tax Code Section 26.012(13)

⁸Tex. Tax Code Section 26.03(c)

⁹Tex. Tax Code Section 26.012(13)

¹⁰Tex. Tax Code Section 26.012(15)

¹¹Tex. Tax Code Section 26.03(c)

¹²Tex. Tax Code Section 26.01(c)

¹³Tex. Tax Code Section 26.04 and 26.041

¹⁴Tex. Tax Code Section 26.04 and 26.041

¹⁵Tex. Tax Code Section 26.012(6)

¹⁶Tex. Tax Code Section 26.012(17)

¹⁷Tex. Tax Code Section 26.012(17)

¹⁸Tex. Tax Code Section 26.04(c)

¹⁹Tex. Tax Code Section 26.04(d)

2016 Rollback Tax Rate Worksheet City of Montgomery

Date: 07/28/2016

| | |
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| 26. 2015 maintenance and operations (M&O) tax rate. | \$0.2043/\$100 |
| 27. 2015 adjusted taxable value. Enter the amount from Line 11. | \$125,460,624 |
| 28. 2015 M&O taxes. | |
| A. Multiply Line 26 by Line 27 and divide by \$100. | \$256,316 |
| B. Cities, counties and hospital districts with additional sales tax: Amount of additional sales tax collected and spent on M&O expenses in 2015. Enter amount from full year's sales tax revenue spent for M&O in 2015 fiscal year, if any. Other taxing units enter 0. Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent. | \$591,618 |
| C. Counties: Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other taxing units enter 0. | \$0 |
| D. Transferring function: If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in H below. The taxing unit receiving the function will add this amount in H below. Other taxing units enter 0. | \$0 |
| E. Taxes refunded for years preceding tax year 2015: Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2015. This line applies only to tax years preceding tax year 2015. | \$336 |
| F. Enhanced indigent health care expenditures: Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance. | \$0 |
| G. Taxes in TIF: Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2016 captured appraised value in Line 16D, enter 0. | \$0 |
| H. Adjusted M&O Taxes. Add A, B, C, E and F. For unit with D, subtract if discontinuing function and add if receiving function. Subtract G. | \$848,270 |
| 29. 2016 adjusted taxable value. Enter Line 23 from the Effective Tax Rate Worksheet. | \$151,693,288 |
| 30. 2016 effective maintenance and operations rate. Divide Line 28H by Line 29 and multiply by \$100. | \$0.5592/\$100 |
| 31. 2016 rollback maintenance and operation rate. Multiply Line 30 by 1.08. | \$0.6039/\$100 |

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| <p>32. Total 2016 debt to be paid with property taxes and additional sales tax revenue. "Debt" means the interest and principal that will be paid on debts that:</p> <p>(1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year and (4) are not classified in the taxing unit's budget as M&O expenses.</p> <p>A. Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. List the debt in Schedule B: Debt Service.</p> <p>B. Subtract unencumbered fund amount used to reduce total debt.</p> <p>C. Subtract amount paid from other resources.</p> <p>D. Adjusted debt. Subtract B and C from A.</p> | <p>\$514,367</p> <p>\$0</p> <p>\$0</p> <p>\$514,367</p> |
| 33. Certified 2015 excess debt collections. Enter the amount certified by the collector. | \$0 |
| 34. Adjusted 2016 debt. Subtract Line 33 from Line 32D. | \$514,367 |
| 35. Certified 2016 anticipated collection rate. Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent. | 100.00% |
| 36. 2016 debt adjusted for collections. Divide Line 34 by Line 35 | \$514,367 |
| 37. 2016 total taxable value. Enter the amount on Line 19. | \$169,774,187 |
| 38. 2016 debt tax rate. Divide Line 36 by Line 37 and multiply by \$100. | \$0.3029/\$100 |
| 39. 2016 rollback tax rate. Add Lines 31 and 38. | \$0.9068/\$100 |
| 40. COUNTIES ONLY. Add together the rollback tax rates for each type of tax the county levies. The total is the 2016 county rollback tax rate. | |

A taxing unit that adopted the additional sales tax must complete the lines for the Additional Sales Tax Rate. A taxing unit seeking additional rollback protection for pollution control expenses completes the Additional Rollback Protection for Pollution Control.

2016 Additional Sales Tax Rate Worksheet

City of Montgomery

Date: 07/28/2016

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| 41. Taxable Sales. For taxing units that adopted the sales tax in November 2015 or May 2016, enter the Comptroller's estimate of taxable sales for the previous four quarters. ¹ Taxing units that adopted the sales tax before November 2015, skip this line. | \$0 |
| 42. Estimated sales tax revenue. Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. ² Taxing units that adopted the sales tax in November 2015 or in May 2016. Multiply the amount on Line 41 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95. ³ - or - Taxing units that adopted the sales tax before November 2015. Enter the sales tax revenue for the previous four quarters. Do not multiply by .95. | \$591,618 |
| 43. 2016 total taxable value. Enter the amount from Line 37 of the Rollback Tax Rate Worksheet. | \$169,774,187 |
| 44. Sales tax adjustment rate. Divide Line 42 by Line 43 and multiply by \$100. | \$0.3485/\$100 |
| 45. 2016 effective tax rate, unadjusted for sales tax. Enter the rate from Line 24 or 25, as applicable, on the Effective Tax Rate Worksheet. | \$0.3442/\$100 |
| 46. 2016 effective tax rate, adjusted for sales tax. ⁴ Taxing units that adopted the sales tax in November 2015 or in May 2016. Subtract Line 44 from Line 45. Skip to Line 47 if you adopted the additional sales tax before November 2015. | \$0.3442/\$100 |
| 47. 2016 rollback tax rate, unadjusted for sales tax. ⁵ Enter the rate from Line 39 or 40, as applicable, of the Rollback Tax Rate Worksheet. | \$0.9068/\$100 |
| 48. 2016 rollback tax rate, adjusted for sales tax. Subtract Line 44 from Line 47. | \$0.5583/\$100 |

¹Tex. Tax Code Section 26.041(d)

²Tex. Tax Code Section 26.041(i)

³Tex. Tax Code Section 26.041(d)

⁴Tex. Tax Code Section 26.04(c)

⁵Tex. Tax Code Section 26.04(c)

TAX RATE DEFINITION

The rollback tax rate calculation splits the tax rate into two separate components - a maintenance and operations (M&O) rate and a debt service rate. M&O includes such things as salaries, utilities and day-to-day operations. Debt service covers the interest and principal on bonds and other debt secured by property tax revenues.¹ The rollback tax rate is the sum of M&O and debt service rates.² In most cases, the rollback tax rate exceeds the effective tax rate, but occasionally decreases in a taxing unit's debt service will cause the effective tax rate to be higher than the rollback tax rate.

The effective tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year, based on a tax rate that would produce the same amount of taxes if applied to the same properties taxed in both years.

ITEM #9

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| Meeting Date: March 14, 2017 | Budgeted Amount: |
| Department: | |
| Prepared By: Jack Yates City Administrator | Exhibits: Proposed Landscape Ordinance |
| Date Prepared: March 9, 2017 | |

Subject

Discuss/possible action regarding landscape ordinance that requires a percentage of each developed business and new subdivisions to be landscaped.

Discussion

The Landscape Ordinance was reviewed and recommended for approval to the City Council by the Planning Commission

The ordinance in Section 78-185 defines "Landscaped Area" as a combination of living plants such as grass, groundcover, shrubs, vines, hedges and trees and other nonliving landscape materials such as rocks, Pebbles, sand, mulch, walls, fences or other decorative paving materials. The article applies to all newly-platted residential lots and any parcel over 5 acres. The ordinance Section 78-188 a. Requires a landscape plan approval, submitted at the same time as the construction plans are provided in advance of the Final Plat.

Section 78-187 gives the rules/basis for a variance from the ordinance.

In the ordinance, Section 78-188 e.2., it is proposed that residential property be covered with 12% landscaping.

The ordinance, Section 78-188 e.1., proposes that nonresidential property be covered with 10% landscaping.

The ordinance, Section 78-188 f., proposes that parking lot areas have 20% landscaping inside the parking area.

Montgomery City Council
AGENDA REPORT

The ordinance, Section 78-188 n., Allows the City Administrator to approve very minor changes that do not decrease the amount or quality of landscaping from what was approved and the final plat review.

Reccomendation

Consider the ordinance as proposed--make any comments-- take action to adopt or to revise the ordinance.

Approved By

City Administrator

Jack Yates

Date: March 9, 2017

ORDINANCE _____

AN ORDINANCE REGARDING LANDSCAPING REQUIREMENTS FOR ALL ZONING DISTRICTS IN THE CITY OF MONTGOMERY, TEXAS; PROVIDING DEFINITIONS, PURPOSE, APPLICABILITY, VARIANCES, AND LANDSCAPE PLAN APPROVAL; PROVIDING SEVERABILITY CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION.

WHEREAS, the City Council for the City of Montgomery County, Texas, desires to provide reasonable landscaping regulations which will enhance the beauty of the City, safeguard property values, and enhance the public health, safety and general welfare of the City and its residents;

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

SECTION I. AMENDMENTS TO CITY CODE

The City Code of Ordinances is hereby amended to add Article VIII, "Landscaping Requirements For All Zoning Districts," to Chapter 78, "SUBDIVISIONS," to read as follows:

ARTICLE VIII – LANDSCAPING REQUIREMENTS FOR ALL ZONING DISTRICTS

Sec. 78-185 – Definitions.

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

Berm means an earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

Landscape buffer means a combination of physical space and vertical elements, such as plants, berms, 2-sided fences or walls with at least five feet (5') of plantings on the side of the development and adjacent to the fence or wall, the purpose of which is to separate and screen incompatible land uses from each other.

Landscaped open area and landscaped area mean any combination of living plants, such as grass, ground cover, shrubs, vines hedges or trees, and nonliving landscape material, such as rocks, pebbles, sand, mulch, walls, fences or decorative paving materials.

Non-permeable means any surface lacking the ability for air and water to pass through to the root zone of plants.

Ornamental tree means a deciduous or evergreen tree planted primarily for its ornamental value or screening purposes. Such tree tends to be smaller at maturity than a shade tree.

Screen means a method of reducing the impact of noise and unsightly visual intrusions with less offense or more harmonious elements, such as plants, berms, 2-sided fences or walls with at least five feet (5') of plantings on the side of the development and adjacent to the fence or wall, any appropriate combination thereof.

Shade tree means a sometimes evergreen, usually deciduous tree, planted for its high crown of foliage or overhead canopy; a large woody perennial having one or more self-supporting stems and numerous branches reaching a mature height of at least 25 feet and a mature spread of at least 20 feet.

Shrub means a self-supporting wood perennial plant of low to medium height which is characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at maturity.

Visibility triangle means an imaginary triangle located within the curblines of two intersecting such curblines at points 35ft. back from their intersection and the hypotenuse (or third side of the triangle).

Sec. 78 – 186 - Purpose.

The purpose of this article is to:

1. Aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement.
2. Assist in providing adequate light and air and preventing overcrowding of land.
3. Ensure that landscaping is an integral part of development, not an afterthought.
4. Provide visual buffering and enhance the beautification of the City.

5. Safeguard and enhance property values and protect public and private investments.
6. Preserve and protect the unique identity and environment of the City and preserve the economic base attracted to the City by such factors.
7. Conserve energy.
8. Protect the public health, safety and general welfare.

Sec. 78-187 – Applicability; variances.

a. This article applies to all lots, parcels, or tracts of land within the City as well as any areas subsequently annexed by the City with the following exceptions:

1. Previously platted residential lots.
2. Any platted parcel, less than 5 acres, that contains an occupied building which has a valid certificate of occupancy.

b. When this article becomes applicable to a lot, the requirements set forth in this article shall be binding on all current and subsequent owners of the lot.

c. The Planning and Zoning Commission shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this article as a part of any ordinance establishing or amending a planned development district, amending a special use permit. All landscaping requirements imposed by the Planning and Zoning Commission and shall be reflected in landscape and irrigation plans that comply in form and content with the requirements of Section 78-188.

d. The Board of Adjustment may grant a special exception to the landscaping requirements set forth in this article upon making a special finding from the evidence presented that strict compliance with the requirement of this article will result in inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives and purposes of this article. The applicant to be considered for special exception must submit a justification statement that describes which of the requirements set forth in this article will be met with modifications; which project conditions justify using alternative; and how the proposed measures equal or exceed normal compliance.

Sec. 78-188 – Landscape plan approval

a. At the time of site plan review, there shall be submitted to the City Administrator or the City Administrator's designee, a landscape plan drawn to the same scale as the approved site plan and submitted with the same number of copies as the site plan. The Planning Commission may adopt a thematic Landscape Plan for certain areas of the City that dictate private plans.

b. Except where otherwise provided, the person responsible for the property, whether owner or tenant, shall landscape all yard, setback, parking, service and recreational areas with lawns, trees, shrubs, flowers, vines, ground covers or other live plant materials, which shall be permanently maintained by the owner or tenant in a neat and orderly manner as a condition of certificate of occupancy. Once installed, all landscape materials shall be irrigated by a mechanical underground irrigation system and maintained in a living state. Dead or dying plant materials shall be removed and replaced in accordance with the approved landscape plan.

c. Where the use of a living screen is proposed, such screen must be included as an element of the site plan and landscape plan.

d. Fountains, ponds, sculptures, planters, walkways, flagpoles, light standards and decorative screen-type walls shall be permitted as elements of landscaping in areas designated for landscaping. Decorative-type walls, planters and sculptures shall be 30 inches or less in height. The City Administrator or the City Administrator's designee shall be authorized to permit heights more than 30 inches where it would be in the best interest of the landscaping and will not, in the opinion of the City Administrator or the City Administrator's designee, create a problem relative to public health, safety, convenience, prosperity and general welfare.

e. Areas of landscaped open space shall be provided on the same lot, parcel or tract as the building that is being *served* and shall be provided in the following ratios:

1. ***Nonresidential.*** New nonresidential development in all districts shall be subject to all provisions of this article, provided that a one-time expansion of the floor area of buildings on a lot or building tract not exceeding 15 percent of the existing floor area shall not be subject to the requirements of this article. For lots, parcels or tracts of land applicable of this section landscaping shall be provided at a minimum ratio of ten percent (10%) of the gross land area, excluding development on lots of record.

2. ***Residential subdivisions and multifamily.*** Excluding single-family detached, single-family attached, duplex dwellings or multi-family dwellings on lots of record, new residential, duplex and multi-family development, including new residential subdivisions, shall be

subject to the provisions of this subsection; landscaping shall be provided at a minimum of twelve percent (12%) of the gross land area.

f. For parking areas, a minimum of 20 percent (20%) of the required landscaping shall be provided in areas that are internal to the parking areas. In parking lots having only one row of parking, such requirement may be met with perimeter landscaping.

g. Proposed utilities shall be located, when possible, so that their installation will not adversely affect vegetation to be retained on site.

h. For purposes of establishing compliance with the minimum area requirements for landscaping, no land within the 100-year floodway, as determined by the most recent Federal Emergency Management Agency (FEMA) study, shall be counted as fulfilling the minimum landscape area requirements.

i. The landscape plan shall show in detail, but shall not be limited to, the location of each element of landscaping; a description by botanical and common name of each landscape element or group of element; the number and size of each tree or planting container; and the height of any proposed planter, sculpture or decorative screen.

j. The City Administrator or the City Administrator's designee, with the aid of appropriate City staff, shall consider the adequacy of the proposed landscaping and any other aspect deemed necessary to promote the public health, safety, order, convenience, prosperity and general welfare.

k. In the approval or disapproval of the landscape plan, the City Administrator or the City Administrator's designee shall not be authorized to waive or vary conditions and requirement contained in the comprehensive zoning ordinance, Chapter 98 of this Code, or other valid city ordinances.

l. It shall be unlawful to issue a certificate of occupancy prior to the approval of the landscape plan by the City Administrator or the City Administrator's designee. Prior to the issuance of a certificate of occupancy but after the screening and landscaping has been approved, a temporary certificate of occupancy may be issued for such limited time as is reasonable to complete the landscaping.

m. When changes to a previously approved landscape plan are requested, and such changes will result in amendment or abandonment of an easement or right-of-way, or when the gross square footage of a lot, parcel or tract of land will be increased by more than ten percent (10%) or 1,000 square feet, whichever is less, or if the approval of a revised site plan is required, the Planning and Zoning Commission's designee shall consider the same elements in the approval or disapproval of a revised landscape plan as for an original landscape plan. In considering a revised landscape plan

the Planning and Zoning Commission shall not be authorized to waive or vary conditions and requirements contained in the comprehensive zoning ordinance, Chapter 98 of this Code, or amendments thereto, or other valid city ordinances. If the changes being proposed are of a minor nature, as determined by the City Administrator or the City Administrator's designee, administrative approval of the minor revisions shall be permitted under the conditions set forth in the following subsection.

n. The City Administrator or the City Administrator's designee shall be authorized to approve minor amendments to previously approved landscape plans. Minor amendments are those amendments which provide for rearrangement or reconfiguration of landscape areas or materials which are in conformance with an approved site plan and do not decrease the amount or quality of landscaping below that required by the comprehensive zoning ordinance, Chapter 98 of this Code. In the approval or disapproval of a minor revision to an approved landscape plan or revised landscape plan, the City Administrator or the City Administrator's designee shall not be authorized to waive or vary conditions and requirements contained in the comprehensive zoning ordinance, or amendments thereto, or other valid city ordinances. All minor revisions that are approved administratively shall appear as an item on the next Planning and Zoning Commissions agenda following approval for acknowledgment of staff action.

SECTION II. SEVERABILITY CLAUSE.

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

SECTION III. TEXAS OPEN MEETINGS ACT.

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 155, of the Texas Government Code.

SECTION IV. EFFECTIVE DATE.

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

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the _____ day of March, 2017.

THE CITY OF MONTGOMERY, TEXAS

Kirk Jones, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

Montgomery City Council
AGENDA REPORT

ITEM #10

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|---|---|
| Meeting Date: March 14, 2017 | Budgeted Amount: |
| Department: | |
| Prepared By: Jack Yates City Administrator | Exhibits: Annexation Ordinance, Service Plan |
| Date Prepared: March 9, 2017 | |

Subject

This is the final action to annex the 14.5003 acres of land to the city.

Discussion

The Annexation Ordinance and Service Plan is attached.
At the two public hearings there was no public comment.

Recomendation

To adopt the Annexation Ordinance for the 14.5003 parcel as presented.

Approved By

| | | |
|--------------------|------------|---------------------|
| City Administrator | Jack Yates | Date: March 9, 2017 |
|--------------------|------------|---------------------|

Motion made by _____ and seconded by _____ approving the following Ordinance:

ORDINANCE NO. 2017- _____

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY OF 14.5003 ACRES OF LAND, MORE OR LESS, IN THE JOHN H. CORNER SURVEY, ABSTRACT 8, TO THE CITY OF MONTGOMERY, MONTGOMERY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; ADOPTING AN ANNEXATION SERVICE PLAN FOR SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING THE EFFECTIVE DATE UPON PASSAGE OF THE ORDINANCE

WHEREAS, Section 43.028 of the Texas Local Government Code authorizes the annexation by the City of Montgomery of a sparsely occupied area which has been petitioned by the owners of the annexation, subject to the laws of this State; and

WHEREAS, the Montgomery City Council has granted a petition for annexation of a tract of land of approximately 14.5003 acres on the north side of State Highway 105, contiguous to the Montgomery city limits, by Resolution No. 2017- 05, dated January 24, 2017; and

WHEREAS, the City Council has conducted two public hearings on February 14 and February 28, 2017 to receive the comments of its citizens on the proposed annexation, and there have been no objections to the proposed annexation; and

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

Being a 14.5003-acre tract of land in the JOHN. H. CORNER SURVEY, Abstract 8, of Montgomery County, Texas, further described in the legal description attached hereto in Exhibit "A."

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

1. **PROPERTIES ANNEXED:** That the heretofore described property in Exhibit "A" is hereby annexed to the City of Montgomery, Montgomery County, Texas, and that the boundary limits of the City of Montgomery, be and the same be hereby extended to include the above described territory within the city limits of

the City of Montgomery and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Montgomery and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

2. **ANNEXATION SERVICE PLAN:** An Annexation Service Plan for the area is hereby adopted and attached as Exhibit "B".
3. **SEVERABILITY CLAUSE:** The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.
4. **TEXAS OPEN MEETINGS ACT:** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, of the Texas Government Code.
5. **FILING ORDINANCE:** The City Secretary is hereby directed to file a certified copy of this Ordinance with the County Clerk of Montgomery County, Texas, the Montgomery County Central Appraisal District, the Texas Secretary of State, and the Office of Texas State Comptroller.
6. **EFFECTIVE DATE:** This Ordinance shall be effective upon its passage.

PASSED AND APPROVED by an affirmative vote of the members of the City Council, on this the _____ day of March 2017.

Kirk Jones, Mayor

ATTEST:

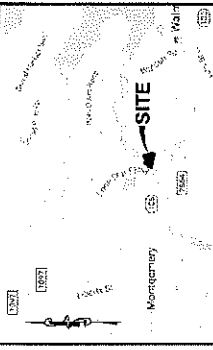
Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney



TOWN & COUNTRY SURVEYORS
 C. A. LAMBERT, SURVEYOR
 1000 W. WOODLAND, SUITE 100
 HOUSTON, TEXAS 77069-1412



VICINITY MAP
 NEW MAP 12010

CURVE TABLE

| NO. | LENGTH | BEGINNING | BEARING | CHORD BEARING | CHORD LENGTH |
|-----|--------|-----------------|-----------------|-----------------|--------------|
| 1 | 10.24 | S 89° 52' 00" E | S 89° 52' 00" E | S 89° 52' 00" E | 10.24 |
| 2 | 10.24 | S 89° 52' 00" E | S 89° 52' 00" E | S 89° 52' 00" E | 10.24 |

LINE TABLE

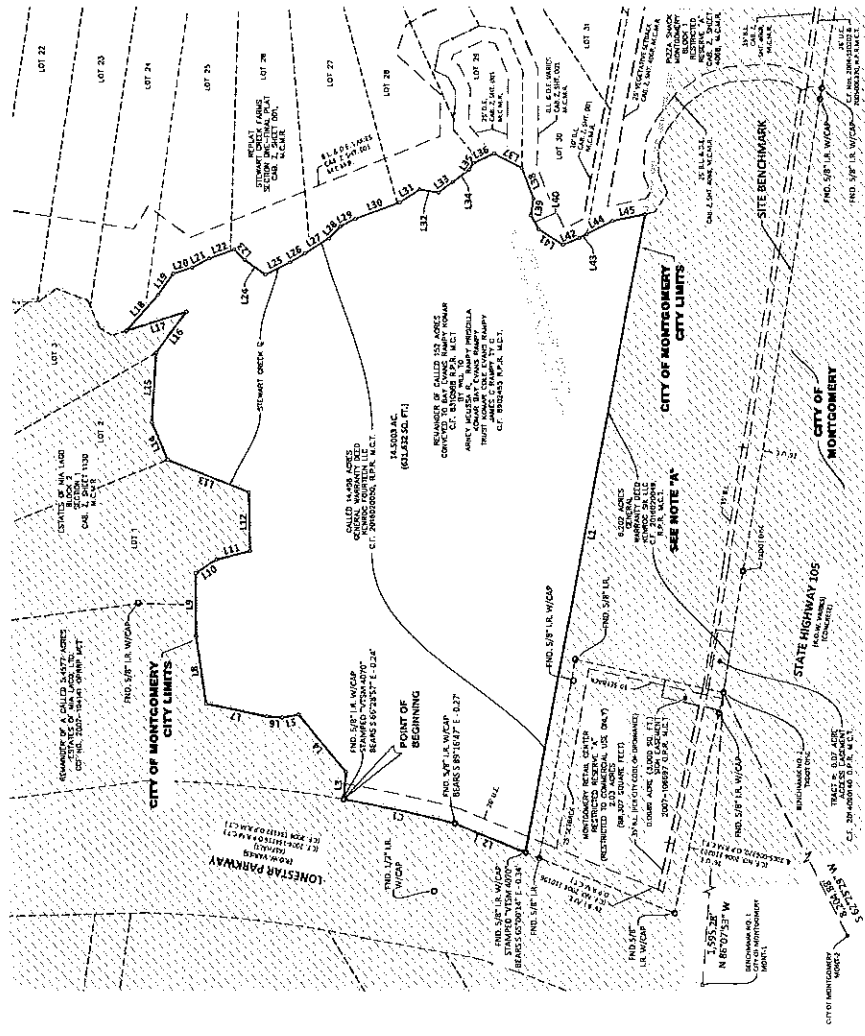
| NO. | BEARING | LENGTH | NO. | BEARING | LENGTH |
|-----|-----------------|--------|-----|-----------------|--------|
| 1 | S 89° 52' 00" E | 10.24 | 1 | S 89° 52' 00" E | 10.24 |
| 2 | S 89° 52' 00" E | 10.24 | 2 | S 89° 52' 00" E | 10.24 |

LINE TABLE

| NO. | BEARING | LENGTH | NO. | BEARING | LENGTH |
|-----|-----------------|--------|-----|-----------------|--------|
| 3 | S 89° 52' 00" E | 10.24 | 3 | S 89° 52' 00" E | 10.24 |
| 4 | S 89° 52' 00" E | 10.24 | 4 | S 89° 52' 00" E | 10.24 |

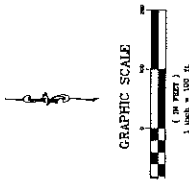
LINE TABLE

| NO. | BEARING | LENGTH | NO. | BEARING | LENGTH |
|-----|-----------------|--------|-----|-----------------|--------|
| 5 | S 89° 52' 00" E | 10.24 | 5 | S 89° 52' 00" E | 10.24 |
| 6 | S 89° 52' 00" E | 10.24 | 6 | S 89° 52' 00" E | 10.24 |



NOTE 'A'
 ALL OF CALLED 6.202 ACRES APPEARS TO BE WITHIN THE CITY OF MONTGOMERY CITY LIMITS AT TIME OF SURVEY.

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NOTES:
 1. This survey was prepared without the benefit of a title commitment or research and may not reflect all items of record.
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EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Being 14.5003 acres (631,632 Square Feet) of land including all of a called 14.498 acres (631,525 Square Feet) of land conveyed to KENROC FOURTEEN LLC, a Texas limited liability company by a deed dated March 9, 2016 and recorded under C.F. No. 2016020050, as recorded in the Real Property Records of Montgomery County, Texas (R.P.R.M.C.), with said 14.5003 Acre Tract lying in the JOHN H. CORNER Survey, Abstract No. 8, near Montgomery, Montgomery County Texas, being more particularly described by metes and bounds as follows;

BEGINNING at a point in the East Right-of Way line of LONE STAR PARKWAY (a Variable Width R.O.W., M.C.C.F. 2004-134117, R.P.R.M.C.), from which a 5/8-inch iron rod with a cap bears SOUTH 66°28'57" EAST - 0.24', also being the Southwest corner of that certain 5.4577 Acre Tract of land conveyed from L C ACQUISITIONS, LTD to ESTATES OF MIA LAGO, LTD. by a deed dated August 31, 2007 and recorded under Clerk's File No. 2007-104141, R.P.R.M.C.;

THENCE, departing the East Right-of Way line of LONE STAR PARKWAY in a Northeasterly direction along the Southeast line of said 5.4577 Acre Tract of land, same being the meanders of the centerline of STEWART CREEK the following courses and distances:

South 85°22'33" East, 45.56 feet to a point for a corner;

North 49°38'59" East, 125.44 feet to a point for a corner;

North 9°26'11" West, 28.68 feet to a point for a corner;

North 3°32'59" East, 25.96 feet to a point for a corner;

North 11°35'55" East, 105.53 feet to a point for a corner;

North 81°03'36" East, 113.97 feet to a point for a corner;

THENCE, North 89°13'53" East, passing a point at a distance of 51.56 feet for the Southwest corner of Lot 1, Block 2 of ESTATES OF MIA LAGO, SECTION ONE, according to the map or plat thereof recorded in Cabinet Z, Sheet 1130, of the Map Records of Montgomery County, Texas (M.C.M.R.), for a total of 105.16 feet to a point in the south line of said Lot 1 for a corner;

THENCE, continuing along the meanders of the centerline of STEWART CREEK the following courses and distances:

South 33°05'24" East, 41.47 feet to a point for a corner;

South 14°24'36" East, 59.48 feet to a point for a corner;

North 88°39'01" East, 98.57 feet to a point for a corner;

THENCE, North 21°40'18" East, 148.30 feet to a point for a corner, also being the Southwest corner of Lot 2, Block 2 of ESTATES OF MIA LAGO, SECTION ONE;

THENCE, North 66°19'58" East, 68.93 feet, continuing along the meanders of the centerline of STEWART CREEK to a point for a corner;

THENCE, South 86°28'39" East, 115.55 feet to a point for a corner, also being a Southeast corner of Lot 2, Block 2 of ESTATES OF MIA LAGO, SECTION ONE;

THENCE, continuing along the meanders of the centerline of STEWART CREEK the following courses and distances:

South 53°16'48" East, 85.84 feet to a point for a corner;

THENCE, North 17°27'29" West, 106.87 feet to a point for a corner, also being an interior corner of Lot 3, Block 2 of ESTATES OF MIA LAGO, SECTION ONE;

THENCE, along the West line of Lots 24-29, Block 1 of STEWART CREEK FARMS REPLAT, SECTION ONE, according to the map or plat thereof recorded in Cabinet Z, Sheet 1, M.C.M.R., same being the meanders of the centerline of STEWART CREEK the following courses and distances:

South 48°16'39" East, 80.52 feet to a point for a corner;

South 53°46'23" East, 43.76 feet to a point for a corner;

South 17°52'51" East, 33.34 feet to a point for a corner;

South 27°30'33" East, 33.19 feet to a point for a corner;

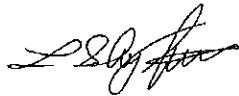
South 20°04'55" East, 44.34 feet to a point for a corner;
South 44°23'35" West, 25.13 feet to a point for a corner;
South 34°37'19" West, 42.98 feet to a point for a corner;
South 25°14'22" East, 46.82 feet to a point for a corner;
South 31°04'40" East, 29.87 feet to a point for a corner;
South 31°18'50" East, 48.19 feet to a point for a corner;
South 46°40'38" East, 27.15 feet to a point for a corner;
South 26°25'00" East, 28.71 feet to a point for a corner;
South 20°17'20" East, 80.53 feet to a point for a corner;
South 32°17'34" East, 39.73 feet to a point for a corner;
South 9°13'09" West, 32.17 feet to a point for a corner;
South 36°37'57" East, 29.64 feet to a point for a corner;
South 36°13'13" East, 35.35 feet to a point for a corner;
South 57°01'30" East, 12.63 feet to a point for a corner;
South 24°20'14" East, 38.60 feet to a point for a corner;
South 27°43'38" West, 52.77 feet to a point for a corner;
South 68°47'11" West, 54.23 feet to a point for a corner;
North 81°11'20" West, 28.16 feet to a point for a corner;
South 60°20'42" West, 26.16 feet to a point for a corner;
South 33°33'10" West, 48.71 feet to a point for a corner;
South 23°13'53" East, 29.35 feet to a point for a corner;
South 27°38'51" East, 14.47 feet to a point for a corner;
South 27°36'43" East, 47.98 feet along the meanders of the centerline of a gully to a point for a corner;

THENCE, South 11°34'29" East, 54.75 feet to a point for a corner, also being the Southeast corner of that certain 14.498 Acres conveyed to KENROC FOURTEEN LLC, a Texas limited liability company by General Warranty Deed dated March 7, 2016 and recorded under Clerk's File Number 2016020050, R.P.R.M.C.;

THENCE, departing the gully centerline, North 79°39'45" West, 1085.07 feet along the North line of a called 6.202 acres (270,165 Square Feet) of land conveyed to KENROC SIX LLC, a Texas limited liability company by a deed dated March 9, 2016 and recorded under County Clerk's File Number (C.F. No.) 2016020049 as recorded in the Real Property Records of Montgomery County, Texas (R.P.R.M.C.) to a point in the East Right-of-Way line of said LONE STAR PARKWAY from which a found 5/8-inch iron rod with cap bears South 65°00'14" East, 0.34 feet, also being the Southwest corner of that certain 14.498 Acres conveyed to said KENROC FOURTEEN LLC;

THENCE, North 22°10'39" East, 129.55 feet along the East Right-of-Way line of LONE STAR PARKWAY and the West line of said 14.498 Acres to a point from which a found 5/8-inch iron rod with cap bears South 89°16'47" East, 0.27 feet;

THENCE along the East Right-of Way line of LONE STAR PARKWAY, along an arc curving to the left with a radius of 2,165.02 feet, an arc length of 192.24 feet, through a delta of 05°05'15", and a chord bearing North 12° 11' 30" East, 192.18 feet to the POINT OF BEGINNING, and containing a computed 14.5003 acres (631,632 square feet) of land.



L. Shayne Thatcher, R.P.L.S. #4544
Town and Country Surveyors
- A Landpoint Company
2219 Sawdust Road, Ste. 2003
The Woodlands, Texas 77380
TBPLS Registration No. 10194172
Tele # (281) 465-8730
Job No. 16-1209



EXHIBIT "B"

ANNEXATION SERVICE PLAN **CITY OF MONTGOMERY, TEXAS**

TERRITORY

This Service Plan is applicable to the territory which is described in Exhibits A attached to this document, which is being annexed by the City of Montgomery, Texas.

INTENT

It is the intent of the City of Montgomery that this Service Plan shall provide for the delivery of full available municipal services to the annexed areas in accordance with State law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed areas. The delivery of municipal services may be accomplished through any means permitted by law.

EFFECTIVE TERM

This Service Plan shall be in effect for a ten-year period commencing on the effective date of this annexation.

AMENDMENT OR RENEWAL

This Service Plan may be amended from time to time as provided by Texas Local Government Code, Section 43.056 (e), (j), and (k). Renewal of the Service Plan shall be at the sole option of the City Council.

FIRE

Existing Services: Fire suppression and protection service is currently provided in the annexed areas by the Montgomery County Emergency Services District No. 2.

Services to be provided: The City of Montgomery, Texas does not provide fire suppression services. Fire suppression will continue to be available to the area upon annexation from the Montgomery County Emergency Services District No. 2.

POLICE

Existing Services: Currently, the area to be annexed is under the jurisdiction of the Montgomery County Sheriff's Department.

Services to be provided: Upon annexation, the City of Montgomery Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police

patrol activities can be effectively accommodated within the current budget and staff appropriation.

BUILDING INSPECTION

Existing Services: None

Services to be provided: The City will provide code enforcement services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulates building construction within the City of Montgomery.

PLANNING AND ZONING

Existing Services: None

Services to be provided: The Planning and Zoning Commission's responsibility for regulating development and land use through the administration of the City of Montgomery Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Montgomery's Subdivision Ordinance. These services can be provided within the City's current budget.

LIBRARY

Existing Services: Currently the area to be annexed is served by the Montgomery County Memorial Library System and its Charles B. Stewart West Branch Library.

Services to be provided: The City of Montgomery does not provide Library services, but the Montgomery County Memorial Library System will continue to be available to the annexed area.

STREET MAINTENANCE

Existing Services: Montgomery County and State of Texas road maintenance

Services to be provided: Maintenance of public streets and ditches in the annexed area will be provided by the City to the extent public right-of-ways are not maintained by the State of Texas and Montgomery County. Street maintenance is subject to all applicable City ordinances, including the City's Subdivision Ordinance. This service can be provided within the current budget appropriation.

STORM WATER MANAGEMENT

Existing Services: None

Services to be provided: In accordance with applicable City ordinances, developers will provide storm water drainage at their own expense and will be inspected by the City engineer at time of

completion. The City, upon acceptance, will then maintain the drainage upon approval, subject to compliance with all City ordinances.

STREET LIGHTING

Existing Services: None

Services to be provided: The City of Montgomery will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy.

WATER SERVICE

Existing Services: None

Services to be provided: Water service to the area will be provided in accordance with the applicable City of Montgomery codes and departmental policies, and any applicable Development Agreement. Privately owned and operated water wells are not authorized in the City. By City ordinance, all buildings in the City must be connected to City water and sewer. When property develops in the area, water service shall be provided in accordance with extension ordinances at the in-city rates. Extension of service shall comply with all City codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: None

Services to be provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policies, and any applicable Development Agreement. When property develops in the areas, sanitary sewer service shall be provided in accordance with present extension ordinances at the in-city rates. Extension of service shall comply with City codes and ordinances.

SOLID WASTE SERVICE

Existing Services: None

Services to be provided: Waste Management, Inc., a solid waste collection company, currently provides residential solid waste collection services under an exclusive contract with the City. The City invoices the City customer for the monthly garbage collection charge with its water and sewer charges. Residential service shall be available to the area to be annexed in compliance with existing City policies. Businesses may use the Waste Management residential trash carts if they wish. Commercial dumpster service will be provided under a separate contract between each business and the contractor selected by each business.

NATURAL GAS UTILITY SERVICE

Existing Services: None

Services to be provided: The City of Montgomery does not provide natural gas utility service. LDC Natural Gas Company, a public natural gas utility company, provides natural gas service, which is presently not available to all parts of the City.

EMERGENCY MEDICAL SERVICE

Existing: Currently the area to be annexed is served by the Montgomery County Hospital District's Emergency Medical Service's emergency and non-emergency ambulance transport service.

Services to be provided: The City of Montgomery, Texas does not provide first responder or emergency services. Emergency medical services will continue to be available to the area upon annexation from the Montgomery County Hospital District's Emergency Medical Service (EMS) ambulances.

HEALTH CODE ENFORCEMENT SERVICE

Existing: Currently the area to be annexed is served by Montgomery County Environmental Health Service, a department of Montgomery County.

Services to be provided: The City of Montgomery does not provide health code enforcement services. These services will continue to be provided by Montgomery County Environmental Health Service.

PARKS, PLAYGROUNDS AND SWIMMING POOLS

Existing: None

Services to be provided: The City of Montgomery maintains the Cedar Brake Park, Homecoming Park, Memory Park and Fernland Historical Park. The City does not own or operate a public swimming pool or other playgrounds. Public school playgrounds will remain the responsibility of the Montgomery Independent School District. Private recreational facilities, open spaces and swimming pools are not affected by annexation.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Montgomery's ordinances and policies governing extension of municipal services to newly annexed areas.