

NOTICE OF REGULAR MEETING

January 24, 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, January 24, 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. 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 January 10, 2017.
2. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS SEEKING DESIGNATION AS A MANAGEMENT AGENCY FOR WASTEWATER COLLECTION AND TREATMENT WITHIN ITS CITY LIMITS IN ACCORDANCE WITH THE FEDERAL WATER POLLUTION CONTROL ACT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE.
3. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITIES COMMISSION OF TEXAS AND THE FEDERAL ENERGY REGULATORY COMMISSION IN 2017.
4. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 6, 2017, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS, PLACES 1, 3 AND 5; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

5. Consideration and possible action regarding adoption of the Election Services Agreement by and between the City of Montgomery and Montgomery County, Texas.
6. Consideration and possible action regarding adoption of the Joint Election Agreement and Montgomery County Elections
7. Consideration and possible action authorizing the execution of construction contracts with Big State Excavation, Inc. for construction of Water and Sanitary Sewer to serve Pizza Shack.

CONSIDERATION AND POSSIBLE ACTION:

8. Consideration and possible action on Department Reports.
 - A. Administrator's Report
 - B. Public Works Report
 - C. Police Department Report
 - D. Court Department Report
 - E. Utility/Development Report
 - F. Water Report
 - G. Engineer's Report
 - H. Financial Report
9. Consideration and possible action regarding a Lease Agreement by and between the City of Montgomery, Texas and Tom Cronin.
10. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION FOR SANITARY SEWER SYSTEM PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO.
11. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION FOR WATER SYSTEM PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO.
12. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS REGARDING STAR OF TEXAS SENIORS LTD AT LONE STAR PARKWAY FOR SUPPORT AND LOCAL POLITICAL SUBDIVISION FUNDING.
13. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION GRANTING A PETITION FOR ANNEXATION OF A TOTAL OF 14.5003 ACRES OF LAND, MORE OR LESS; SETTING A DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF SAID PROPERTIES BY THE CITY OF MONTGOMERY, TEXAS; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS AND MAKE AVAILABLE TO THE PUBLIC THE CITY ANNEXATION SERVICE PLAN.
14. Consideration and possible action regarding Greenbelt Separation between Heritage Apartments and Shopping Center.

15. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, TO AMEND CITY ORDINANCE NO. 2015-10, DATED AUGUST 25, 2015, AND CITY ORDINANCE NO. 2011, DATED AUGUST 25, 2015, BY AMENDING SPECIFIC SECTIONS OF THE CITY INTERNATIONAL PLUMBING CODE, INTERNATIONAL RESIDENTIAL CODE AND NATIONAL ELECTRIC CODE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE ON FEBRUARY 1, 2017 AFTER PUBLICATION.
16. Consideration and possible action regarding a variance request for Waterside Estates for lot width, lot depth, side building line and minimum residential lot area.
17. Consideration and possible action regarding Certificate of Acceptance for water, sanitary sewer, drainage, and paving improvements to serve Hills of Town Creek, Section Two.
18. Presentation regarding Camillo 33-acre tract located next to the eastern City limits.
19. Consideration and possible action regarding requested driveway spacing variance from Living Savior Lutheran Church.

EXECUTIVE SESSION:

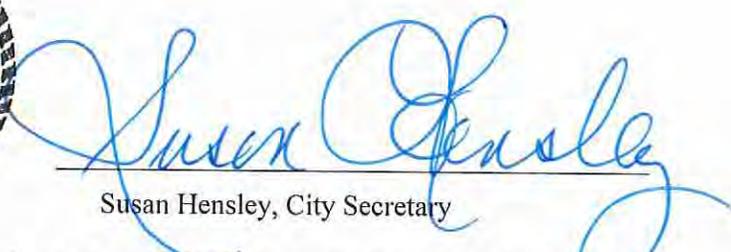
The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding 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 current items at this time.)*

COUNCIL INQUIRY:

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

ADJOURNMENT




Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 20th day of January, 2017 at 4:00 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

MINUTES OF PUBLIC HEARING and REGULAR MEETING

January 10, 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 Position # 2
 T.J. Wilkerson City Council Position # 3
 Rebecca Huss City Council Position # 4
 Dave McCorquodale City Council Position # 5

Absent: Jon Bickford City Council Position # 1

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

Mayor Jones advised that Council member Jon Bickford was on his way and should arrive in ten minutes.

INVOCATION

T.J. Wilkerson gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARINGS:

Convene into Public Hearing

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

1. For the purpose of hearing public comments regarding a request for a Special Use Permit to operate a Bed and Breakfast located at 811 Caroline Street, Montgomery, Texas as submitted by Mary Sims.

Mr. Yates advised letters of notice were sent to property owners within 200 feet of Mrs. Sim's place of business. Mr. Yates stated that the only response that had been received was a phone call from a neighbor stating that she had no problem with the proposed use.

Mayor Jones stated that Mrs. Sims had operated a bed and breakfast in the past at this exact location.

Mayor Jones asked if there were any public comments regarding his issue. There were no comments made by the public.

Reconvene into Regular Session:

Mayor Jones reconvened the public hearing at 6:04 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.

There were no comments made.

CONSENT AGENDA:

2. Matters related to the approval of minutes for the public hearing and regular meeting held on December 13, 2016.

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

CONSIDERATION AND POSSIBLE ACTION:

3. Consideration and possible action regarding the Green Zone Building Program being located on City leased property as requested by Melanie Davis.

Mr. Yates stated that he was not sure whether or not the City had a lease for the property in question, but noted that the City has a right of way for Pond Street, which extends behind Burger Fresh.

Ms. Melanie Davis introduced Mark Cook, co-founder of Green Zone Housing. Ms. Davis advised that they had just completed the Living Tree Festival that went very well, with a lot

of community support, and they were able to feature their exhibit home. Ms. Davis advised that they are going to be setting up an exhibit home outside Jim's Hardware. This will allow people to walk through the home, and if they need anything, such as a faucet or other supplies, they can purchase it from Jim's Hardware and then donate the item. Ms. Davis said that she felt it was a great way to get the community involved and more aware of Green Zone Housing.

Mr. Cook thanked City Council for having them at the meeting. Mr. Cook said that this project is in conjunction with Camp Hope, headed by Gene Birdwell, with PTSD USA Foundation of America. Ms. Davis advised that they had just leased an office in the Lone Star Community Center, so they are now officially headquartered in Montgomery. Mr. Cook said that they want to bring to light what the City of Montgomery does for the citizens, plus the veterans. Mr. Cook said that a lot of influential people will be involved with this project because of Camp Hope. Every graduate of Camp Hope will get one of the Green Zone Houses. They are hoping to raise enough funds in the near future to have a Green Zone Community in Montgomery County. Mr. Cook said that there has never been a Green Zone Community and they want to make the City of Montgomery their home.

Ms. Davis said that they want to get the property just north of Burger Fresh that the City leases from Monty West. Ms. Davis said that they have permission from Mr. West to use that property. Ms. Davis said that they would like to set up their build site there so people driving on FM 149 will see the project. They will also have a banner that states "City of Montgomery Hosts Green Zone Housing Build." Ms. Davis stated that they already have the Plumbers Union to do the plumbing, and they want to reach out to the community for people with different trades to come out and mentor the veterans. Ms. Davis said this is a chance for the citizens of Montgomery to come and do a little something, and the final product will be fantastic.

Ms. Davis said that they are here today to request approval to set up the project and start the build of the container into a fully functional Green Zone Home. Mr. Cook said that the container will be placed at Camp Hope until they get land.

John Champagne asked where Camp Hope was located. Mr. Cook advised that it was located in North Houston. Ms. Davis advised that she has been given permission to write a monthly column in the Lake Conroe Splash Magazine, so there will be continuous updates on the project.

Rebecca Huss asked if their intent was to finish the first Green Zone Home and then move it to Camp Hope, and then move another container in for another veteran to build their home. Mr. Cook said they are not requesting that this become a permanent build site, they just want it for the first build. Rebecca Huss asked what the duration would be for the build. Mr. Cook said that once the materials are on location, the actual build should not be over two weeks, but they want to be there for publicity for the project, which the City will benefit greatly, for at least a month to a month and a half.

John Champagne said he remembered another presentation where they were looking at property in Montgomery, and asked if there had been any headway on that project. Mr. Cook advised that they had not at this time, but they are still trying to raise funds. Mr. Cook said that they have only had one fund raiser for the entire program. Mr. Cook said that they have grown so quickly, due to the partnership with Camp Hope, and they have to be so careful about who they choose as their sponsors. Ms. Davis said that they are hoping that with all the publicity, someone with deep pockets, who wants to leave a legacy, can buy the land for them. Ms. Davis said that they do have two or three properties that they think would work great for this project, but they will not go any further until they feel like they can afford to do so.

Rebecca Huss said that she was inclined to support this project, and said that she thought Mr. Yates had some legitimate concerns, such as the appearance of the job site, the materials being secured and kept out of view and making sure the signage is appropriate for the Historic Downtown. Ms. Davis said that would be done. Ms. Davis said that she was hoping to put out a couple big banners so that people would know what they are seeing and the sponsors of the project. Ms. Davis said the build site would be kept very clean. John Champagne asked about the banners. Ms. Davis said that it would be a 4 x 8 flexible banner.

Mr. Cook said that they would like to have the schools involved in the project. Mr. Cook said that he feels that it is very important for families to be involved.

John Champagne asked if they had a web site that the City could link to. Ms. Davis said that they could do that. Ms. Davis said that they are going to have an entire page on their web site dedicated to the build.

Jon Bickford arrived at the meeting at 6:18 p.m.

John Champagne said that he was not so concerned with the project benefitting the City, but more concerned that it would be in harmony with what the City is already doing. John Champagne said that the focus, for all of us, should be helping veterans, while fitting into the existing parameters and guidelines of the City. Mr. Cooks agreed that was the main focus.

Mr. Foerster said that he supported the project and what they were doing. Mr. Foerster asked whether their organization had liability insurance. Mr. Cook said that they can raise the money to make that happen, and they can have people sign waivers. Mr. Foerster said that in his experience, having insurance was better than waivers. Mr. Foerster said that if this project is on City property, then the City could have some legal exposure should someone be injured, so he would feel more comfortable if liability insurance was in place. Ms. Davis said they would put that expense in their budget.

Mr. Foerster said that the second thing was a question by Mr. Yates, regarding the value of what the City is going to receive from what they are doing. Mr. Foerster said that when they are working out a lease or legal document, relating to what this project is, they need to make sure that the City Council is aware of the public benefit. Mr. Foerster said that he felt that there is one, which he is not arguing, but it needs to be part of the process so that they are not giving away anything for free, of which there is no consideration. Ms. Davis said that is why they are talking so much about putting Montgomery in the center of the publicity and publications, so they will probably have visitors that will come and check out the project and then shop the stores in the City. Mr. Foerster said that he felt that as they develop this project they just need to make sure and go on record as saying that the City Council sees the value and public benefit that justifies whatever they are doing in terms of posting it, or land, or whatever. Ms. Davis said that whatever they can do to increase the benefit to Montgomery is what they want to do.

Mayor Jones asked when they wanted to get started. Mr. Cook said that they are now raising money and they hope to start at the end of this month. Ms. Davis said that having permission to do the project at that location helps them raise money, so they need the City's stamp of approval to finish the project. Mayor Jones said they will work out the legalities and minor details if City Council approves the project.

Rebecca Huss moved to have the City Administrator go forward with preparation of the sublease, addressing the issues that the City Attorney raised, as well as dealing with the liability insurance, sign ordinance and to have the project in keeping, visually, with Historic Montgomery Downtown. Dave McCorquodale seconded the motion.

Discussion: Jon Bickford asked how they review the placement and how it looks, so it will not impact the Historic section of the City, and whether it would be reviewed. Mayor Jones stated there will be a storage container in the Historic District, for a brief moment in time. Jon Bickford said that there will be people that are going to want to hear that it will not be there for a long period of time. Mayor Jones said that there is a time limit on the project. Rebecca Huss said Jon Bickford could go door-to-door to let them know.

Ms. Davis said they will work hard to educate the public on what they are doing.

The motion carried unanimously. (5-0)

Mayor Jones stated that City Council would take a brief recess at 6:38 p.m.

Mayor Jones reconvened the meeting at 6:39 p.m.

4. Presentation of Development Plans by Phillip LeFevre.

Mr. LeFevre made a presentation to City Council regarding the different events that had occurred in the City. Mr. LeFevre stated that from 1952 to 2002, other than Brookshire Bros. Shopping Center, there was no change to the City.

Mr. LeFevre said in 2002, twice a day, due to the school districts, traffic was impossible to get through in the center of the City and the City was getting bogged down. Mr. LeFevre advised that the County Commissioner came to him and said that they were going to build a loop around Montgomery, but they did not know when, because they did not have the money. Mr. LeFevre said that at the time they elected themselves to go ahead and build the loop from SH 105 to FM 149 to get it going. Mr. LeFevre said this was a time when the City had one water plant that did not work very well and water pressure in parts of the City was not very good. They also had a sewer plant that TCEQ had said needed to be discontinued as quickly as possible by 2010. When it rained, the 250,000 gallon per day sewer plant would go to 1 million gallons and he would come into the City every so often with a jar of brown water and say this is from the City's sewer plant.

Mr. LeFevre said that the City had to make a decision and a lot of people in the City did not want to develop and move forward. The other half of the City realized that if the City did not get a head of the curve, development would come, but it would be the wrong development. Mr. LeFevre said that they all got together and negotiated everything line by line for a Planned Development Agreement. Mr. LeFevre said that the City, at the time, did not have any funds to put in roads or infrastructure.

Mr. LeFevre said that he had a 200,000 gallon per day sewer plant permit, which they agreed to give to the City that they ended up not needing. Mr. LeFevre said that in return, the City agreed to freeze the ordinances on his property and giving him the flexibility to move around on their zoning. Mr. LeFevre said they agreed to put in the infrastructure before it was needed and to go forward with the development for the last sixteen years.

Mr. LeFevre said that the plan that they had envisioned is what they are beginning to see, with the Kroger type developments along SH 105, with residential single family homes, assisted living and independent living away from that area. Mr. LeFevre said the concept was that people would live in the City and would not be hurt by the road traffic or the shops, but would have the convenience of the shops without people driving through their neighborhood.

Mr. LeFevre said that the City did such a good job, in 2006-2007, that Conroe paid for a study for what Conroe should do. Mr. LeFevre said that Conroe has done a very good job moving forward, but one of their recommendations was for them to do what Montgomery is doing. Montgomery was trying to brand itself as a small town and a good place to live.

Mr. LeFevre said that his concern and worry is that there is potentially two lines of thought. One being the City takes the stance that they are not going to increase taxes or negatively impact the current citizens and put all the onus on developers with huge impact fees. Mr. LeFevre said that he is exempt from the impact fees because of his development agreement with the City. Mr. LeFevre said impact fees slow down development, and if you are not careful it invites the worst type of development, that do not put in trees, but put twigs as landscaping in parking lots.

Mr. LeFevre said that when they did their agreement with the City, the roads that they agreed to put in allowed traffic to go around the City. Mr. LeFevre said they expect the City to stay ahead of the curve, which they have done with the utilities, sewer and water. Mr. LeFevre said that they are worried that the City is going to lose sight of where it wants to be. Does the

City want to be a Norman Rockwell City where people want to live, or does it want large concrete parking lots with no trees, and so forth. Mr. LeFevre said that he did not think it was something that could be done with ordinances. Mr. LeFevre said that he thinks that City Council has to take a more hands on approach on what developers do.

Mr. LeFevre said that there is nothing wrong with a lumber yard, but he could have sold land to that lumber yard four years ago when they approached him, but they didn't think it was appropriate to put it in the front entrance to the City. Mr. LeFevre said he thinks the City as a whole needs to make sure it knows what it wants to be, and in doing so it can set that expectation with the developers that come in. Mr. LeFevre said that if the City sets that expectation, they will get the better development and they will find that new sewer plants pay for themselves and there is money for the roads to be fixed.

Mayor Jones thanked Mr. LeFevre and said that it was good to hear the history, because a lot of us have not been around and involved as long as him and it is good to hear how it happened.

Mr. LeFevre said that they can do very well as a City if the City's expectations are high, if they have no expectations then the people coming in won't expect to do anything. Rebecca Huss said that the trick is how to have it both ways. Rebecca Huss said she does not feel that it is fair that existing residents have to bear the burden of development where profits will accrue to the developments. Rebecca Huss said that on the other hand, Mr. LeFevre was totally correct, they need to set a higher standard and figure out a way, not necessarily development agreements, but something like it.

Mr. LeFevre said that he did not feel that a lot of ordinances helped. Mr. LeFevre said that he has been very upset at Kroger for planting twigs on their site, and he thinks that the expectation from all of us should be that they contact Kroger until they do plant trees, or, MEDC buys the trees and we plant them. Mr. LeFevre said that if our expectations are low and we are willing to put up with bad stuff, then everything else will follow.

Ms. Hillary Dumas stated that one of the things that City Council turned down years ago was a PID concept. Ms. Dumas said that her concern with the impact fees, was that the only way for a developer to recoup the fees would be to put it back on the consumer. Ms. Dumas said that the City will attract developers that put in a lower quality product and have backend fees that hit the homeowner. Jon Bickford said that those were some pretty broad conclusions, because the market will determine what you can charge for a home. Ms. Dumas said that if

you approve a PID, you allow a developer to charge the consumer on the back end an impact fee. Jon Bickford said that they do not allow people to put in PID's. Mr. LeFevre said that Stylecraft has not had to pay impact fees, but if they had to it would severely impact what they are doing. Mr. LeFevre said that if he had to go out and buy their land today, plus pay a huge impact fee, people will just not do it, or the value of the land will go down and then you will get a bad developer that puts in bad houses. Jon Bickford said that it could be they get developers that put in nicer homes and that is based on the market, but just to say that if the price is too high they will have bad houses is too broad. Ms. Dumas said that there is a balance, and whether it is this City Council, or another, it is setting the stage for the big picture.

Jon Bickford said that one nice thing about ordinances, is you can tell developers that are going to build something, how we want it to look. Jon Bickford said that the Planning and Zoning Commission has a limit on what they are able to say no to. Rebecca Huss said that Jon Bickford was very interested in lot size, so if someone comes in and says that they want a 15 percent reduction in lot size, you could say that you would give them a 10 percent and they have to build to this standard or add a green space, which is where the leverage is at the beginning. Ms. Dumas said that it would be the same with the commercial retail, with tax abatements.

Jon Bickford said that McCoy's comes in and does not ask for a tax abatement, so there is no leverage there. Jon Bickford said that the point he was trying to make was that the impact fees also give them some leverage, which they did not have before, so they can try and get the City to grow in a way that we want it to. Mr. LeFevre said that personally, he is not a big fan of impact fees.

Mr. LeFevre said that he spent millions of dollars and where he gets uncomfortable, is when the City annexes a piece of land, gets a grant to get those people utilities. Mr. LeFevre said he still has to pay for the utilities for his commercial lots, but those five or six lots that were outside the City got utilities for free. Mr. LeFevre said the City, in his opinion, should not be in the business of creating value for some people and not for others. Mr. LeFevre said that it should be a very straight line, as to what it takes to pay to play, and these rules apply to everyone equally.

Jon Bickford said that was part of the reason that the City went through the process of putting the impact fees in place, and in the case of where they have granted access, they have a system

in place for anyone that hooks onto the system to pay their share of those resources. Mr. LeFevre said that he did not mind that, but in the process, the City left eight lots in the City that still have to pay for their utilities, so it kind of affected their value. John Champagne asked to clarify that point, because Mr. LeFevre was speaking about Pizza Shack. Mr. LeFevre said that he was good with Pizza Shack, but it was also Rocky Del Papa. John Champagne said that when Mr. LeFevre says that development got free water and sewer, they are referring to the federal grant they received. Mr. LeFevre said that was correct. John Champagne said that the City did not pay that, but facilitated the grant. Mr. LeFevre said that his point was the City does not need to be in the development business. Mr. LeFevre said that he did not want the City to overreact and scare away everyone with impact fees. Jon Bickford said that Mr. LeFevre did pay impact fees, they just did not call them impact fees. Jon Bickford said that when new developers come into the City, the City will need money to pay for new water plants, sewer plants, etc.

John Champagne commented on McCoy's Lumber, where there was a private land owner that has solicited a company to place this business in the City. John Champagne said that as he understands the process, it goes to the Planning and Zoning Commission for approval of the plat and elevation, etc., and then, at that time, it comes to City Council for approval and consideration if there are any variances. John Champagne asked what the City Council could do after that fact. Mr. LeFevre said that he would rather see apartments than a lumber yard. Mr. LeFevre said that they have to have a vision on what they want to see in the City. Rebecca Huss said that they would have to increase the number of prohibited businesses in that area, and they could require special use permits for a wider number of business types. Mayor Jones said that was getting too restrictive.

John Champagne asked the City Attorney, whether there was any leeway or anything that they could have done to prohibit that lumber yard from coming in at that point. Mr. Foerster said that he could not think of anything. Mr. Foerster said that if they have water and sewer available to the property and somebody wants to sell them the land, the City should not get in the business of affecting marketability of property. Mr. Foerster said that zoning will dictate what you can do with the land, and there maybe changes in the zoning from time to time, which the City does address.

Jon Bickford said that virtually everybody moved here for the small town atmosphere and they did not want it crowded, or the property being over developed. Jon Bickford said that

most of the people that have stayed in Montgomery have loved it. Jon Bickford said that most of them are in agreement, with Mr. LeFevre, that they want to make and keep this a great City and keep the taxes low. Jon Bickford said that they would like to keep development either very well done or, in his opinion, to a minimum. Jon Bickford said that he would rather see less development that was done really well and looks goods, instead of having stuff sprawling all over the place and traffic everywhere. Jon Bickford said he did not know what other levers the City could pull, other than impact fees. Jon Bickford stated that if they don't want to build here because there are impact fees, the answer is, bring us a plan that does a, b, c or d, and then there is nothing wrong with the City negotiating those fees.

Mr. LeFevre said the point he was trying to make was in 2003 the City took the approach that they had to stay ahead of the curve. The people in the City recognized that their infrastructure was crumbling, that they had to have a new water plant and sewer plant and they got out and did it. Mr. LeFevre said his concern is if they are charging impact fees and they are consistent with what other cities do, he is all for it, but, if we get out of line with what other cities are doing and get a reputation for being hard to deal with he is not.

Mr. LeFevre said that he did not believe that they could have done the roads, water plant or the library without the City wanting to get a head of the curve. Mr. LeFevre said that with City Council so worried about what the taxes are, he personally, would rather pay more taxes and have the bridge fixed.

Jon Bickford said that all the people that Mr. LeFevre wants to attract, retirees, which live here and have moved into the assisted living facility are all on fixed incomes and you want to raise their taxes to make sure the roads are nice, when they don't even use them.

John Champagne said that more than not, all of City Council agrees with Mr. LeFevre in terms of his vision. John Champagne said that the problem is, and he believes that they have all said it, finding the balance. John Champagne said that philosophically, regarding taxes, in his life he has seen taxes go from a simple municipality that was charging 5.5 percent when he was a kid that is now charging 10 percent. John Champagne said that taxes do not come down, but he thinks he knows the reason they increase, they are getting involved in things that they should not be involved in and that was his resistance in raising taxes. John Champagne said that the bridge is going to get fixed, but he is with Mr. LeFevre, he wished it was fixed yesterday.

Mr. LeFevre said that the biggest danger to the City is if our taxes go too high, he will have to sell his property. Jon Bickford said that is the problem for every resident, if your taxes are too high and you can't afford to live here, then you have to sell your property and move.

Rebecca Huss said that the Planning and Zoning sees people much sooner than City Council, so maybe the Planning and Zoning Commission could be charged with identifying opportunities for working with MEDC or City Council to improve the quality of what is being offered by a business or a builder, and what kind of financial arrangement has to be worked out to help them do more than what they would do under the bare minimum of our ordinances. Jon Bickford said that he thought that was a great idea. Mayor Jones said that he did not think that too many of the developers were showing up with the bare minimums.

Jon Bickford said that the trees at the Kroger site, he believed, were not what was presented to the City in their drawings, and he felt that they should go back and look at that information. Mr. LeFevre said that they expressed to Kroger that they would raise the money for trees, but they are not showing much excitement. Rebecca Huss said that either way, she felt that there was a way that they could work together to have higher quality development, which is not necessarily through rules.

Mayor Jones again thanked Mr. LeFevre for his presentation. Mr. LeFevre thanked City Council for their time.

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

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO MARY ECKHART SIMS FOR A BED AND BREAKFAST USE OF THE PROPERTY LOCATED AT 811 CAROLINE STREET, MONTGOMERY, TEXAS 77356; AUTHORIZING THE USE OF THE PROPERTY AS A BED AND BREAKFAST; IMPOSING CERTAIN CONDITIONS AND SAFEGUARDS; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

Mr. Yates advised that the Special Use Permit is the same as Mrs. Sims had used when she operated the bed and breakfast in the past.

Mrs. Sims was present and said that she plans on doing everything as she had before because she had so many good reviews and she loved all the people that stayed with her. Mrs. Sims said that she thought the business brought a lot of people to Montgomery.

John Champagne moved to approve the Special Use Permit Ordinance for the bed and breakfast operation at 811 Caroline Street by Mrs. Mary Sims. Jon Bickford seconded the motion.

Discussion: Mayor Jones asked Mrs. Sims how many beds she would have. Mrs. Sims advised that the guest house would have 3 bedrooms and 2 baths, the cottage has 1 bedroom and 1 bath, and the main house, which she lives in the upstairs. Mrs. Sims said it will be the same as the last time. Mayor Jones asked if Mrs. Sims already had bookings. Mrs. Sims said that she has a guest that is staying, similar to a soft opening, for free, since she could not rent rooms yet. Mayor Jones said that as of tonight she could start charging for the rooms.

Rebecca Huss asked if they paid hotel/motel tax. Mayor Jones said that they do pay hotel/motel tax. Mrs. Sims said that she paid them for seven years and so many months she paid them, so they can look back and see how the business went. Mrs. Sims said that it took about a year to get the business started and then the business became a peak business, which was wonderful for her. Mrs. Sims said that to restart the business it will take a while to build up again. Mrs. Sims said that she looked up her old visitors and maybe she will have the same people come back.

Rebecca Huss asked why she would choose a bed and breakfast instead of an air bed and breakfast where she would not be paying hotel/motel taxes and not regulated by the City. Mrs. Sims said that she felt that it was a higher standard. Mrs. Sims said that she has done air bed and breakfast and stayed there herself. Mrs. Sims said that she felt the City has a higher standard, and she would much rather be a regulated bed and breakfast in our area. Mrs. Sims said that she is always on the property, providing total customer service. Mrs. Sims said that she greets the customers at the door and they have a good stay, if they want privacy she stays out of the way, but if they need anything she is there. Mrs. Sims thanked City Council and said to send people to stay with her and that her opening day was hopefully February 1, 2017. Mrs. Sims said that she would be going through the sign permit process next.

The motion carried unanimously. (5-0)

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

AN ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS, ADOPTING A WATER CONSERVATION PLAN FOR THE CITY; DESCRIBING THE PURPOSE OF THE PLAN; PROVIDING WATER CONSERVATION GOALS AND WATER CONSERVATION PLAN ELEMENTS; PROVIDING REPEAL AND SEVERABILITY CLAUSES;

PROVIDING TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE UPON APPROVAL.

Mr. Glynn Fleming, City Engineer, advised that over the last couple of years the City has done a very good job of exploring all avenues available to them in terms of funding sources, loans, grant funds, tap fees and low interest loans. Mr. Fleming said that they have been working on the Texas Water Development Board loan applications for approximately nine (9) months. Mr. Fleming stated that just before the holidays, the Water Development Board asked for one final submission for the City, which is what is being presented in this item.

Mr. Fleming said that to his knowledge, he did not believe the City had a Water Conservation Plan previously, but the City does have a Drought Contingency Plan. Mr. Fleming said that this was a pretty simple document that is a written summary of ideas and strategies primarily aimed at reducing overall consumption.

Rebecca Huss asked what happens if the City does not meet the targets set in the plan. Mr. Fleming said that at the end of the day there is no onus on the City to hit the target goals within the Plan.

Jon Bickford said that he thought the City's recent changes in the water prices are absolutely 100% percent aimed at water conservation by curbing high usage and charging a much higher price for higher usage. Mr. Fleming said that the City has done a host of things over the last year, and the reviewers have been very complimentary about what has been submitted. Mr. Fleming said that the City has master metered all three of the water wells, constructed an alternative water source in the Catahoula Well, in the last year they have had 100% percent replacement of all water meters within the City, which are all brand new meters that are automating reading meters with built in leak detection.

Mr. Fleming said that the Water Conservation Plan is a written statement and summary of everything that the City has done, along with its desire to encourage, with the new growth coming into the City, to use low flow fixtures.

Rebecca Huss said that the information does not include the year 2011, where they suffered a terrible drought and usage was very high. Rebecca Huss said that the last five years of history are an anomaly rather than an average. Rebecca Huss said that if they are starting with the numbers in this Plan, the City is doomed to fail. Mr. Fleming said that as he had stated, there is no onus on the City to meet or exceed the numbers. Mr. Fleming said that the reference to

the 2011 period was absolutely correct. Mr. Fleming said that this document is somewhat a template that was given to them by the State.

John Champagne asked Mr. Fleming to give an overview of the Water Conservation Plan. Mr. Fleming said that document is approximately 6-8 pages, and is a written compellation of goals, strategies and designs that are used to help reduce consumption, water loss and waste, and improve overall system efficiency. John Champagne asked whether this was pretty much what other municipalities have done. Mr. Fleming said that the State, to a certain degree, gives them a template to work from.

Mayor Jones stated that the first five years of the Plan seem pretty easy, then the next five they really have to go to town on reduction, and asked why it was that way. Mr. Fleming said that was the template provided by the State. The State expects them to be able to improve identification of leaks and inefficiencies in the system and addressing them. Then they expect to see, especially in an area like Montgomery where they are poised for rapid residential growth, to see the average use per connection come down.

Dave McCorquodale asked whether they are able to isolate the business side of development versus residential. Dave McCorquodale said that in looking at water conservation, one of his personal pet peeves has been turning the water off when you brush your teeth. Meanwhile, the industry is using pumps that are on the order of three weeks of one single family connection that they are using in a day, and at least an hour in Kansas. Dave McCorquodale said that when a business moves to the City and they are using hundreds of gallons, as compared to the same period a residence is using 10 gallons of water, and asked how that effects the City's goals in this Plan. Mr. Fleming said that they could easily break that information out through utility billing and through the automated meter reading system. Mr. Fleming said on the residential side, what they have seen in looking at the last 10-15 years, the City actually has a pretty high average use per connection at over 400 gallons, per connection, per day, so he felt that problem would begin to correct itself and you will see an automatic reduction. Rebecca Huss asked if that 400 gallons per day included the schools. Mr. Fleming said that he would have to go back and look at his numbers. Rebecca Huss said that if 30% percent of their users are at 2,000 gallons or less per month, then 400 per day would be big math for the other people on the 70% percent. Mr. Fleming said that there was a large discrepancy between the average City customer, some of the higher consumption, residential and commercial. Mayor Jones said that

if the schools are included in that number, then the schools are also the great opportunity for reduction and the best place for conservation.

Jon Bickford asked again how you fix this in the commercial world. Mr. Yates said that there could be a standard instruction to our planning to recommend water saving devices. Jon Bickford said that they can recommend and encourage it, but if they thumb their nose to it, you just increase their price.

Mayor Jones said that he assumed the numbers that are in this Plan are great for this particular grant, but if in six months they need to apply for another grant, will the numbers have to be redone. Mr. Fleming said that it was his recommendation in the cover letter memo, that this is something that they should have on the calendar to be updated every other year. Mr. Fleming said that they will want to see this Plan with each application that is submitted. Mayor Jones said that he felt that it was in the City's best interest to conserve water, so we need to see how we are doing. Mr. Fleming said that the State has a list of stock items that they are more than willing to help cities with, including public information inserts to place in water bills and rebate programs for people to install irrigation meters and low flow fixtures.

Jon Bickford moved to adopt the Ordinance as presented by the City Engineer, Mr. Fleming. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

7. Consideration and possible action regarding a five (5) foot building line setback variance for Living Savior Lutheran Church.

Mr. Doug Krenz, Chairman of the Long Range Planning Committee for the Living Savior Lutheran Church made the presentation to City Council. Also present were Pete Ames, President of the congregation, and Jonathan White, who is the civil engineer representing them.

Mr. Krenz presented an overview of the background of the project, so City Council would know why they are asking for the variance and what they plan to do with the church. Mr. Krenz said that they need to expand the facility because they are growing. Mr. Krenz said that this will be a \$1.6 million dollar project, and said that they had received notification that their financing has been approved. Mr. Krenz said that they want to begin on the expansion in Spring, with completion by the end of the year. Mr. Krenz said that he felt the expansion was going to be good for them and the City. Mr. Krenz said that they will not fill their parking lot, but felt that other City events will be able to use the parking lot, from time to time. Mr.

Krenz said that they want to make the church more functional and attractive, while maintaining the design, since it is within the Historical District.

Mr. Krenz reviewed the site plan, advising that the annex building will be demolished, and a new structure will be built and connect to the Family Life Center. Mr. Krenz said that the main entrance for the church will be located on the west side of the Family Life Center. Mr. Krenz said that they will maintain the steps in the front, which will become an emergency exit for the church.

Mr. Krenz said they are requesting a variance of 5 feet from the property line to allow them to extend the Family Life Center building to the south, so they can have adequate storage available and to remove a set of iron emergency exit steps. Jon Bickford asked why they did not expand on the other side of the building. Mr. Krenz said they would run into the property line. Mr. Krenz said that the variance would be adjacent to the cemetery. Mr. Krenz advised that they would have new restrooms, the nursery and office area would be expanded, along with the Family Life Center and a conference room upstairs.

Mr. Krenz said in order to make everything right, they are going to add siding and windows to the Family Life Center, to match the sanctuary, which will also have more windows. Mr. Krenz said that they did not want the Family Life Center building to look like an add-on, but wanted the buildings to fit together. Mayor Jones said that was a big deal in the Historic District, regarding the appearance and getting the metal building covered with another material, and installing real windows.

Mr. Krenz said that they would retain the parking in the front of the building, but they will change the two rows of parking to single rows, with handicapped parking in the front. Mr. Krenz said that the gazebo and the children's play area would be relocated on the property. Mr. Krenz said that the parking lot would be cement curb with asphalt, and would provide 89 parking spaces on the west side of the church, and 90 on the east side. They will have a new garage in the parking area with a dumpster. Mr. Krenz advised that the bell tower will be redone to its original design.

Mayor Jones asked Mr. Krenz if he felt he was maintaining the historic look and feel of the original sanctuary. Mr. Krenz said that they have 12-13 people on the Committee, who are all of the same mindset and that is what they want to do.

Rebecca Huss asked if Mr. Krenz had discussed, with any of the relatives of people buried in the cemetery, how they feel about the 5 foot setback. Mr. Krenz said that when they abandoned the road they dealt with that issue and they had discussed it with Mr. Peel. Mr. Krenz said that Mr. Peel said that he would be okay as long as they did not restrict his access. Mayor Jones said that he did not think that the 5 foot variance even came close to the Peel burial site.

Rebecca Huss said that after reading the City Engineer's report, she is not against this, but it sounds like there are going to be a fair number of things that will come before City Council regarding the drainage and the street. Rebecca Huss said that she would rather have all the items presented to City Council at the same time. Mr. Krenz said that they needed to have this approved now so that they could move on with their building plans, otherwise they are going to be at a dead stop. Mr. Ames said that their preliminary plat was accepted by the Planning and Zoning Commission and they are just requesting this variance to allow them to move forward with their plans. Mr. Ames said they will still have to present their construction plans to the City Engineer and bring back any other variances that they might need to City Council.

Dave McCorquodale said that if they approve this, it puts the City in an awkward position, because they are approving them to move forward with step one, should they have a sticking point later on. Mr. Krenz said that they were willing to work with the City, because they want to be in the City.

Mr. Ames said that the motion made by the Planning and Zoning Commission was to approve the 5 foot building line, pending all other variances that are required for the approval of this project to be presented and approved as well.

John Champagne said that they are going to need parking and there are not too many options for parking. Mr. Ames said that the only other variances that they are looking at right now are regarding driveways spacing.

Rebecca Huss said that she felt if they asked for a landscaping plan for the property it might address some of her concerns about the impact to the neighborhood. Mr. Ames said that currently it is a field with poorly kept gravel, so they are trying to improve the property.

Mayor Jones said that all they are being asked to do is to approve the five (5) foot variance, nothing else. Dave McCorquodale said that he would submit that if the Planning and Zoning

Commission approved the variance, conditionally, pending all the other variances being worked out that solves the concerns that he would have about approving this action.

Mr. Fleming advised that property located in the Historic District requires submission of full renderings and an architectural package to be approved by the Planning and Zoning Commission before any construction can commence. Dave McCorquodale said that he wanted to check on that and find out whether Institutional Use was exempt from that process, because Institutional is exempt from almost everything. Dave McCorquodale said that he would ask that staff double check the ordinance and make sure that Institutional is not exempt from the process.

John Champagne asked if a decision could be determined regarding the five (5) foot variance. Mr. Fleming said that the Planning and Zoning Commission motion had granted approval of the variance request for reduction of the side yard setback, however, stated that they would be required to get all other variances approved before a building permit was issued. Dave McCorquodale asked to clarify that the five (5) foot setback is applicable between Institutional and whatever adjacent zoning there is, and asked whether Institutional had the same five (5) foot setback as Residential. Mr. Fleming said that in this case the side yard setback is required to be ten (10) feet and the request is for a reduction of five (5) feet.

Rebecca Huss asked if they could also ask for the addition of a landscaping plan with vegetation designed to shield residences from the increased building size, and parking lot. Mr. Krenz said that he would think that they would want people to see the church because it will be beautiful. Mr. Krenz said that they do plan on landscaping around the parking lot and they want to get the City's light design so that their lighting will complement the area. John Champagne asked Rebecca Huss if she was referring to landscaping the parking lot. Rebecca Huss said that primarily she was, but she felt that it will be a big difference living next to a gravel lot versus a parking lot, and the amount of heat that will radiate off of it nine months of the year.

Jon Bickford said that no plans were being approved, or telling them to move forward, they are just being asked to approve the five (5) foot variance. Rebecca Huss said that she was also asking if they could request that a landscaping plan also be submitted. Mayor Jones said they can't ask that because they do not have any reason to require them to do any landscaping, other than holding them hostage on a variance. Mayor Jones said that they will do the

landscaping out of the goodness of their heart and because we ask them to. Dave McCorquodale asked to confirm that the Mayor did not think that an Institutional Use in the middle of a Historic District was a sensitive one. Mayor Jones stated that there was no rule that states that they have to do landscaping. Mr. Krenz said that they will be improving the area. Mayor Jones said this is a fallen down church that is covered with vinyl siding with a large ugly metal building, and we are fighting over some trees.

Mr. Krenz said if they can't get approval, they will sell the property and move somewhere else and the sanctuary will just fall down. Mr. Krenz said that they want to stay in the City and improve their site.

John Champagne moved to approve the five (5) foot building line variance submitted by Living Savior Lutheran Church, with the reference to the Planning and Zoning Commission's evaluation and complying with existing regulations for the Historic District. T.J. Wilkerson seconded the motion.

Discussion: Jon Bickford asked if the additional to the motion would be "prior to issuance of a building permit." John Champagne stated that was not included in his motion. Dave McCorquodale asked to confirm the motion. John Champagne stated that his motion was for the variance. Dave McCorquodale asked whether the motion was contingent on the resolution of the other variances, as the Planning and Zoning had outlined in their motion. John Champagne said that was included in his motion.

The motion carried unanimously. (5-0)

8. Consideration and possible action regarding Stylecraft Final Plat for the Hills of Town Creek, Section 2.

Mr. Fleming stated that the paving and utility construction had been completed, and they are currently addressing punch list items. Mr. Fleming stated that he found the Final Plat to be in keeping with the City's Code of Ordinances and had been approved by the Planning and Zoning Commission. Mr. Fleming advised that there are 51 lots in this section, with the initial land plan calling for a total of 100 lots.

Dave McCorquodale asked whether there were any lots less than 50 feet wide. Mr. Fleming said that there were a handful of variances that were approved for this development when they submitted their Preliminary Plat and Construction Plans, including a reduction in lot width,

lot area and side yard setback. Dave McCorquodale asked Mr. Fleming if he felt that this is representative of what City Council had approved. Mr. Fleming said yes, absolutely. Jon Bickford asked to confirm that there were no changes and this is exactly as it was presented to City Council. Mr. Fleming said there were no changes, and yes, it was exactly as it was presented.

Dave McCorquodale moved to approve the Construction Plans and Final Plat for the Hills of Town Creek, Section 2. Rebecca Huss seconded the motion.

Discussion: Mayor Jones stated that the motion included the Construction Plans. Mr. Fleming said that the motion is only needed for the Final Plat, because the Construction Plans were approved last year.

The motion carried unanimously. (5-0)

9. Consideration and possible action regarding authorizing preparation of an amendment to the Corridor Enhancement Ordinance to prohibit exposed cement block construction.

Mr. Yates advised that while reading the Corridor Enhancement Ordinance, it appeared, to him, that exposed cement blocks were allowed. Mr. Yates said that he had spoken to the Mayor and a couple of Council Members, along with the Planning and Zoning Commission regarding this Ordinance.

Mr. Yates said that the Commission's recommendation was to add the amendment to the Ordinance, Section 98-390(a) adding the words "and exposed cement blocks" on the second line of Section (a), so that the sentence would read "The construction of metal buildings is allowed within the corridor enhancement district; however, metal panes and exposed cement blocks are prohibited on the exterior walls and facades of such buildings."

Mayor Jones asked if the word "cinder block" would be the same thing. Mr. Fleming said that "CMU's" is what you see being used for the shell going up by McDonalds. Mr. Fleming said that "CMU" means Concrete Masonry Unit and is a term used. John Champagne said that they can put that in the Ordinance. Mayor Jones said that they could cover the CMU's with stucco. Dave McCorquodale commented the intent was to not only prohibit the smooth blocks, but also the textured blocks.

Dave McCorquodale moved to amend the Corridor Enhancement Ordinance and add “CMU’s” Concrete Masonry Units of any kind to the prohibited building materials in the Corridor Enhancement as presented. Rebecca Huss seconded the motion.

Discussion: T.J. Wilkerson asked if that was only on commercial buildings, or would it include a structure that would be built in the cemetery, and would they have to put something on the outside of the block. Mr. Yates said yes he believed so, because FM 1097 is in the Corridor Enhancement Zone. Mayor Jones said that if it can be seen.

Rebecca Huss asked whether the Institutional Zone would be exempt as was discussed earlier. Mayor Jones said that there might be exemptions requested. Mayor Jones said that they might be able to have the cinder blocks painted or they could come and ask for a variance. T.J. Wilkerson asked if they would have to paint the bathrooms in the Park. Mr. Yates advised that FM 1097 is not in the Corridor Enhancement Zone. Mr. Fleming said that only FM 149, SH 105 and Lone Star Parkway are included in the Corridor Enhancement Zone.

Mr. Foerster said that, subject to approval by City Council, he can go ahead and prepare the amendment to this Ordinance. Mr. Foerster asked if City Council wants the Ordinance to be brought back to City Council. City Council concurred that they did not need it brought back for approval. Mr. Foerster said then, with City Council’s approval, the Ordinance will be submitted to the Mayor for his signature.

The motion carried with 4-Ayes and 1-Nay by T.J. Wilkerson. (4-1)

Mayor Jones asked T.J. Wilkerson for his reason for voting no on the motion. T.J. Wilkerson said that the building by McDonalds has brick, which is cinder block with a design in the brick. T.J. Wilkerson said that he is getting ready to build a bathroom in the cemetery on FM 1097, and he was planning on using cinder block, like they have in the parks. Mr. Yates said that FM 1097 is not in the Corridor Enhancement Zone.

10. Consideration and possible action regarding award of the bid for the Pizza Shack area Water and Sewer Improvement Project.

Mr. Fleming made the presentation, stating that there were 11 bids received on January 4, 2017, with the lowest bid by Big State Excavation for the base bid plus alternate in the amount of \$347,550. Mr. Fleming said that he has worked with them in the latter half of 2016 and

found them to do a good job. Mr. Fleming said that he was recommending that City Council authorize moving forward with the contract with Big State Excavation.

Mayor Jones asked about the timeline for starting the project. Mr. Fleming advised that he would like to have the construction contracts back to City Council for the next meeting in January. Mr. Fleming said that the contractor has stated that he would like to be mobilized the first or second week of February.

Jon Bickford asked about the big disparity in the bid of \$347,000 and three or four of the other bids. Mr. Fleming said that he was really surprised to see 11 bidders, and he figured some of the higher numbers just took a guess at the figures. Jon Bickford asked if he saw anything funny about the bids, or anything fundamentally different than what they were proposing. Mr. Fleming said that he did not.

Mayor Jones asked about the different types of bids. Mr. Fleming explained that there was a base bid and a base bid plus alternate. The base bid was to open cut all 1,500 feet of the wastewater line, and the alternate is to bore through the hill. Mr. Fleming said that the contractor bid on both of the dollar amounts and they have the choice on how they proceed. Mr. Fleming said that in talking with the contractor, he says that he will probably open cut it, which will further reduce the contract price in the end.

Jon Bickford moved to award the bid for placement of water and sewer lines from the intersection of SH 105 and Lone Star Parkway at the corner of SH 105 and Stewart Creek Road to Big State Excavation for the amount of \$347,550. John Champagne seconded the motion, the motion carried unanimously. (5-0)

11. Consideration and possible action regarding the Comprehensive Policy of Guidelines and Criteria for Economic Development Incentives.

Mr. Yates advised that the MEDC Board was recommending approval of this policy in order to have, on record, a policy of possible incentives available to a business interested in locating in Montgomery. Mr. Yates said that all of the incentives are allowed by state law and none of the incentives are a required incentive, meaning every incentive offer would continue to be decided by City Council.

Mr. Yates said that the MEDC Board thought that a policy was needed to be formally adopted including all the incentives, but not requiring any incentive, that the City would be publicly open to the possibilities without a commitment.

Mr. Yates said that he wanted to point out that as far as review of the incentives by a department of the City, which he thinks mostly means him and Mrs. Shannan Reid. Mr. Yates said that then a draft of the conversation would come to City Council, and City Council would be the negotiator and decision maker. Mr. Yates said that this would give them something in writing that they could give to people showing the possibilities.

Rebecca Huss said that she thought it was great as an internal document, but she would have a lot of concern about the negotiating process starting with MEDC or the Economic Development Department rather than City Council. Rebecca Huss said that if you recall in Executive Session, a year ago, they had a discussion about somebody that came to the City wanting to get incentives and they said that they were not interested. Rebecca Huss said if that had already gone through the negotiation process and the City had said that they could do this or that, and it came from Mr. Yates and Mrs. Reid, it makes them look less professional. Rebecca Huss said that she felt those types of things need to be formally brought to City Council or formally in Executive Session. Rebecca Huss said that she feels that City Council should be the ones to say that they are interested and want to move forward or not to bother. Rebecca Huss said that she felt they were putting the cart before the horse on this policy.

Mayor Jones said that he did not think that there was any intention of bypassing the normal negotiating procedures. Dave McCorquodale said that whether the intention is there, he sees that happening. Mayor Jones said it is intended to be an internal guideline not for handing out.

Dave McCorquodale said that frankly, he does not feel that our office of Economic Development is at a point of being capable of putting together an appropriately packaged deal tailored to a business to incentivize them to come to town that is a win-win for them and the City. Mayor Jones said that he would not want them to do that. Dave McCorquodale asked if this was going to be an internal only document.

Mayor Jones said that the incentives listed are not secret, everyone knows they exist. Rebecca Huss said that if that is the case, she did not think that they needed a policy. Rebecca Huss said that she does not think that these are the guidelines that they followed with Kroger,

because they are 2-5 year agreements, and the Kroger agreement is significantly larger with a significantly different reimbursement percentage. Rebecca Huss said that she does not think this policy is accurate, as it stands, which means that we should not use it as an internal policy. Mayor Jones said that they are guidelines. Rebecca Huss said that the state law is our guideline.

Rebecca Huss moved to table this item. T.J. Wilkerson seconded the motion.

Discussion: Mayor Jones said that tabling the item implies that you are going to come back to the item at another time.

Rebecca Huss amended her motion to vote no on the adoption of Comprehensive Guidelines. T.J. Wilkerson seconded the motion.

Discussion: John Champagne asked if this document came from the state. Mr. Yates said no it was recommended by the MEDC and actually came from the City of Colleyville. Mr. Yates said that the MEDC Board has recommended this document to City Council. John Champagne asked what was the intent or motivation for the recommendation. Mr. Yates said that it was to publicly let people and City Council know what the possible incentives are. Mr. Yates said that it offers incentives as a possibility, which the Economic Development Department does with a businesses, and then it would be brought to City Council.

Jon Bickford said that he did not look at what the state offers, but he understood it to capture what the state has available. Mayor Jones said that it is a list of tools that are available for incentive packages as defined by the state. John Champagne said that as an Economic Development Corporation, there are limits as to what you can do with the funds, correct. Mayor Jones said that they can't do anything without City Council's permission. John Champagne said that he knew that, he meant in terms of state law, they can't submit funds to something that it not related to Economic Development. John Champagne asked if our resistance to this is to make it a public document that would possibly send a message to the community that "here we are, here are the incentives."

Dave McCorquodale said that his reluctance to this policy is that a conversation gets started and he questions our qualifications to start that discussion. John Champagne asked why else would they come here if they did not have a common belief that there was something there that would allow them to get something.

Rebecca Huss said that she would like to see us use our development dollars to lure people here. Rebecca Huss said that she sees this as a \$9,999.00 MEDC grant, that does not have to come to City Council, and this is the laundry list for people that are coming here that they could ask for as well. Rebecca Huss said that she would rather see us, if we are going to be aggressive, do it in a much more professional experienced way and go out and say to businesses and employers that this is what we can offer you, because we want you to bring jobs and tax revenues. Rebecca Huss said that she sees this policy as being kind of a giveaway without the benefit of coming to the City.

Mayor Jones said that the conversation about these kind of things does not happen right off the bat. Dave McCorquodale said that his take is anybody who is coming to the City that has a business, they would be using someone on their end. Dave McCorquodale said that we won't be teaching them anything, and if we are looking to teach people about economic development, and that is the goal of this, he does not see the point. Mayor Jones said that he agreed. Dave McCorquodale said that there will either be a developer or a business that is using a developer, and they will know these things, so he was not sure we are doing them a service. Mayor Jones said that Dave McCorquodale was saying that he would rather the developer come ask the City, rather than the City go and offer. Dave McCorquodale said that he did not think this was intended to be, but it ends up being a handout sheet that looks like a bunch of free stuff. John Champagne said that it would be a handout if three out of that Board says yea. Jon Bickford added, that it must be less than \$10,000. Mayor Jones said that those little grants have nothing to do with this policy. Mayor Jones said that MEDC can't enter into a 380 Agreement without City Council. Jon Bickford said that a 380 is just one example of an agreement. Mayor Jones said that there are TIRs, PIDs, MUDS, etc.

Rebecca Huss said that this document is not comprehensive and has inaccuracies in it for the amount you are allowed to reimburse, and the time period by which the reimbursement can take place that has our total tax take at something like two and a quarter instead of the two percent. Rebecca Huss said that the policy was unnecessary and sends the wrong message.

Dave McCorquodale said he would like to see a discussion about a more comprehensive approach to economic development, you bet, did he think that this was it, no he did not. Rebecca Huss said that she thought that this would be a good workshop topic that she would like to see this year.

The motion carried unanimously. (5-0)

12. Consideration and possible action regarding authorization to proceed with Utility and Economic Feasibility Study for a Master Planned Development located at Lone Star Parkway and SH 105 east.

Mr. Fleming presented the item to City Council, stating that they have a new development of 13 acres on the north side of SH 105, partially between Pizza Shack and the Gulf Coast Retail Center on Lone Star Parkway. Mr. Fleming said that this tract is currently outside the City limits and a portion of the Utility and Economic Feasibility Study includes annexation.

Mr. Fleming said that the developer has submitted their application for service, and their desire is to establish their escrow account. Mr. Fleming said that with City Council's approval, it would trigger a 30-day window for him to prepare the Utility and Economic Feasibility Study.

Rebecca Huss moved to authorize Jones & Carter to proceed with the Utility and Economic Feasibility Study, pending receipt of the escrow deposit. John Champagne seconded the motion, the motion carried unanimously. (5-0)

13. Discussion regarding water and sewer tap fees.

John Champagne asked to table this item for another time. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

T.J. Wilkerson said that the City had sent out a calendar with the water bill including dates of holidays. Mr. Yates advised that was correct. T.J. Wilkerson said that people want to know why the City left off the Martin Luther King, Jr. holiday on the calendar, and he has to go back Sunday and tell them why it was left off. Mr. Yates said that they had made a mistake. Rebecca Huss said that was a City Holiday. T.J. Wilkerson said that the people commented that Valentine's Day was on the calendar. Mr. Yates said that it was a mistake. Jon Bickford said that we need to make sure and not make that mistake. Mayor Jones asked Mr. Yates to take care of it. Mr. Yates said that he would take care of it.

14. Discussion regarding subdivision platting process.

Mr. Fleming reviewed the process of the platting process with a flow chart. The flow chart is attached to the minutes for reference.

John Champagne said that he had received some complaints from developers that it takes too long to have this completed. John Champagne asked Mr. Fleming what he thought would be the reason for an extended period of time for the process.

Mr. Fleming said that the Code of Ordinances sets out the process for platting, which requires that the developer submit their construction plans with their final plat for review and approval by both the Planning and Zoning Commission and City Council.

Mr. Fleming said in a perfect world the developer's engineer submits the construction plans to the City Engineer they are reviewed and redline comments are made, then the plans are returned to the developer. The developer's engineer should be able to take those plans back and address the comments, and then resubmit a complete and accurate set of drawings that he can review and recommend for approval. Mr. Fleming said that it usually take 3-4 submittals to get all the corrections made. Mr. Fleming said that his committed review time is two weeks, and for the most part he does a pretty good job, but sometimes there are holidays, when a review can stretch out to four weeks.

Mayor Jones said that if Mr. Fleming redlines plans, the developer has to have time to fix the comments, then it comes back to Mr. Fleming for review, which takes another two weeks maximum. Mr. Fleming said that some engineers, such as L Squared, turn their documents around very quick, but others might not be as quick.

Jon Bickford asked if there were any developers that are frustrated with the process that are present at the meeting. Mr. Jonathan White, engineer with L Squared, advised that they were not frustrated with the process, and said that they felt it was pretty straight forward. Jon Bickford said that if the ones that are frustrated are not here to hear this, then he would suggest not going through this because we are wasting time.

Rebecca Huss said that she read in the Wall Street Journal and in Houston, as well, it can take six months to get through the planning process at the City level. Jon Bickford said that his opinion was that whoever has raised this issue is not here to hear about what the process is or how we might change things, we could just table this.

John Champagne said that he wanted to see how the process worked. Mayor Jones said that waiting for a Planning and Zoning Meeting adds time to the process. Mr. Fleming said that state law requires that once the preliminary plat has been filed the Commission on has 30-days to either accept, reject or do something, or the plat is deemed approved. Mr. Fleming

said if there are variance requests that are needed he identifies them at the front end, in order to give the developer time to either rescind them or say that they want to move forward with the variance during the preliminary plat, otherwise it would add another 30 days.

Mayor Jones asked if everything went perfect, what would be the time. Mr. Fleming said that they could do the plat process in 60 days. Mayor Jones said that any revisions or changes would add another 2-3 weeks or more to the time. Mr. Fleming said that it usually stretches out to 3-5 months.

John Champagne said that anytime that he hears that the City is not providing customer service, he is going to bring it up, and right now we are doing what we are supposed to do. Mr. Fleming said that he would be glad to talk to anyone at any time if they have questions. Mr. Fleming also included two sets of example redline comments to show what he provides the developer following his review.

Rebecca Huss said that overall, the engineer doing this as a third party has changed the timeline, but has improved the quality of what we are getting, which is benefitting the City. Rebecca Huss said that they were spending less time fixing problems that were not caught the first time around by having someone that is dedicated to doing the work. Rebecca Huss said a little extra time gives the City a benefit.

Mr. Fleming invited City Council to call him if they had any questions or concerns. John Champagne thanked Mr. Fleming for providing the information.

15. Consideration and possible action regarding approval of MEDC proposed funding for Jason Long's City utilities related to construction of a miniature golf course.

Mr. Yates advised that Mr. Long had originally asked MEDC for \$38,000. The MEDC Board decided to provide up to \$15,000, which would be paid to the City Utility Fund for actual tap fees, with the thought that the funds would only be spent toward the end of his development, when the project was in the building phase. Mr. Yates said that since his report was written, he has found out that the miniature golf course has obtained its financing.

Mayor Jones said that the location of the golf course would be caddy corner from Fernland. Mr. Yates said that it was off the corner and back toward the school. Rebecca Huss said that it was behind the Fire Station.

Mayor Jones said that it was miniature golf not putt-putt. Mr. Yates said that Mr. Long would only receive funds when he got his water and sewer taps, which meant that he was under construction. The MEDC Board felt like it was a good use of their money, because it was going to the City rather than the developer.

Jon Bickford asked what part of miniature golf was taxable. Mr. Yates said there is sales tax and they will have a gift shop. Mr. Foerster said that he could not speak about the sales tax, but the benefits would be the additional jobs available for unskilled labor and people in the community. Mr. Foerster asked how many jobs they were offering to provide. Mr. Yates said he thought it would be 6-8 jobs. Mr. Yates said that it would also be a gathering place, and while people are there they will shop and do other things in the City.

Mayor Jones said that Mr. LeFevre was saying that when people get here they don't have anything to do, so if they start getting these type of projects, people will stay a while and spend money. John Champagne asked if this group ever made a presentation to City Council. Rebecca Huss said no, but they did for the MEDC. Jon Bickford asked why the owner was not present tonight. Mr. White said that the owner did not know that he was on the agenda.

Rebecca Huss said that since this is \$15,000, it stays in the City and is being used for City water taps, it makes sense to go ahead and approve this and see what happens, and made a motion to do so. John Champagne seconded the motion. The motion carried with 4-Ayes and 1-Nay by Jon Bickford. (4-1)

Jon Bickford stated that his only opposition was that he felt that if you are going to ask the City for money, you should be here to present your case.

EXECUTIVE SESSION:

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

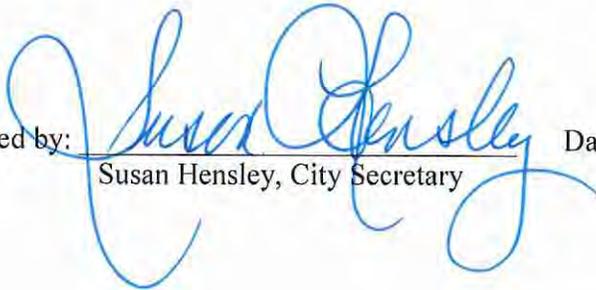
COUNCIL INQUIRY:

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

ADJOURNMENT

Jon Bickford moved to adjourn the meeting at 8:25 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

Submitted by:



Susan Hensley, City Secretary

Date Approved: _____

Mayor Kirk Jones

Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: TWDB Loan matters: Resolution seeking designation as a management agency for wastewater collection and treatment within the city limits, Section 208 of the federal law as referred to in the resolution
Date Prepared: January 19, 2017	

Subject

Resolution seeking designation as a management agency for wastewater collection and treatment within the city limits in accordance with the Federal Water Pollution Control Act

Discussion

This is a Resolution required by the TWDB as part of the loan on the water and sewer system improvements. So the city attorney, city engineer and I have all reviewed section 208 that is referred to in the Resolution and none of us feel as though there is any more or any less duties necessitated by this Resolution than the city is already doing.

As the holder of the discharge permit for the sewer system and collector of the sewage in the city that designates the city is the management agency for wastewater collection and treatment within its city limits.

Reccomendation

Approve the Resolution as presented

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 19,2017

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS SEEKING DESIGNATION AS A MANAGEMENT AGENCY FOR WASTEWATER COLLECTION AND TREATMENT WITHIN ITS CITY LIMITS IN ACCORDANCE WITH THE FEDERAL WATER POLLUTION CONTROL ACT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE.

WHEREAS, the City of Montgomery, Texas has the authority as a political subdivision of the State of Texas to design, construct, operate, and maintain wastewater collection and treatment facilities; to raise revenues and assess appropriate charges to assure that each participating party pays its appropriate share of sewerage system costs; to accept or refuse to accept any wastes from any participating party; to accept and utilize grants or other funds from any source for wastewater management purposes; and, to carry out appropriate portions of an areawide water quality management plan;

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

SECTION 1. That the City of Montgomery hereby seeks designation as a management agency for wastewater collection and treatment within its city limits, in accordance with the requirements of Section 208 of the Federal Water Pollution Control Act, as amended.

SECTION 2. It is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 3. This resolution is effective immediately upon its passage.

PASSED AND APPROVED this 24th day of January, 2017.

CITY OF MONTGOMERY, TEXAS

Kirk Jones, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

Administrator

approves plans, specifications, and estimates therefor in the same manner as other treatment works projects. The Administrator may not approve an application under this subsection unless an authorization is in effect for the first fiscal year in the period for which the application requests payment and such requested payment for that fiscal year does not exceed the State's expected allotment from such authorization. The Administrator shall not be required to make such requested payment for any fiscal year --

(A) to the extent that such payment would exceed such State's allotment of the amount appropriated for such fiscal year; and

(B) unless such payment is for a project which, on the basis of an approved funding priority list of such State, is eligible to receive such payment based on the allotment and appropriation for such fiscal year. To the extent that sufficient funds are not appropriated to pay the full Federal share with

respect to a project for which obligations under the provisions of this subsection have been made, the Administrator shall reduce the Federal share to such amount less than 75 percentum as such appropriations do provide.

[206 (f)(1) amended by PL 96-483]

(2) In determining the allotment for any fiscal year under this title, any treatment works project constructed in accordance with this section and without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Administrator, or the availability of funds from which this project is eligible for reimbursement has expired, whichever first occurs.

SEC. 207 [33 U.S.C. 1288] Authorization

There is authorized to be appropriated to carry out this title, other than sections 206 (e), 208 and

209, for the fiscal year ending June 30, 1973, not to exceed \$5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed \$6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed \$7,000,000,000, and, subject to such amounts as are provided in appropriation Acts, for the fiscal year ending September 30, 1977, \$1,000,000,000 for the fiscal year ending September 30, 1978, \$4,500,000,000 and for the fiscal years ending September 30, 1979, September 30, 1980, not to exceed \$5,000,000,000; for the fiscal year ending September 30, 1981, not to exceed \$2,548,837,000; and for the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985, not to exceed \$2,400,000,000 per fiscal year; and for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, not to exceed \$2,400,000,000; and for each of the fiscal years ending September 30, 1989, and September 30, 1990, not to exceed \$1,200,000,000.

[207 amended by PL 97-35; PL 97-117; PL 100-4]

SEC. 208 [33 U.S.C. 1288] Areawide Waste Treatment Management

*Section 208
begins ↓*

(a) For the purpose of encouraging and facilitating the development and implementation of area wide waste treatment management plans--

(1) The Administrator, within ninety days after the date of enactment of this Act and after consultation with appropriate Federal, State, and local authorities, shall by regulation publish guidelines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems.

(2) The Governor of each State, within sixty days after publication of the guidelines issued pursuant to paragraph (1) of this subsection, shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. Not later than one hundred and twenty days following such identification and after consultation with appropriate elected and other officials of local governments having jurisdiction in such areas, the Governor shall designate (A) the boundaries of each such area, and (B) a single representative organization, including elected officials from local governments or their designees, capable of developing effective area wide waste treatment management plans for such area. The

Governor may in the same manner at any later time identify any additional area (or modify an existing area) for which he determines areawide waste treatment management to be appropriate, designate the boundaries of such area, and designate an organization capable of developing effective areawide waste treatment management plans for such area.

(3) With respect to any area which, pursuant to the guidelines published under paragraph (1) of this subsection, is located in two or more States, the Governors of the respective States shall consult and cooperate in carrying out the provisions of paragraph (2), with a view toward designating the boundaries of the interstate area having common water quality control problems and for which areawide waste treatment management plans would be most effective, and toward designating, within one hundred and eighty days after publication of guidelines issued pursuant to paragraph (1) of this subsection, of a single representative organization capable of developing effective areawide waste treatment management plans for such area.

(4) If a Governor does not act, either by designating or determining not to make a designation under paragraph (2) of this subsection, within the time required by such paragraph, or if, in the case of an interstate area, the Governors of the States involved do not designate a planning organization within the time required by paragraph (3) of this subsection, the chief elected officials of local governments within an area may by agreement designate (A) the boundaries for such an area, and (B) a single representative organization including elected officials from such local governments, or their designees, capable of developing an areawide waste treatment management plan for such area.

(5) Existing regional agencies may be designated under paragraphs (2), (3), and (4) of this subsection.

(6) The State shall act as a planning agency for all portions of such State which are not designated under paragraphs (2), (3), or (4) of this subsection.

(7) Designations under this subsection shall be subject to the approval of the Administrator.

(b)(1) (A) Not later than one year after the date of designation of any organization under subsection (a) of this section such organization shall have in operation a continuing areawide waste treatment management planning process consistent with section 201 of this Act. Plans prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved. The initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than two years after the planning process is in operation.

(B) For any agency designated after 1975 under subsection (a) of this section and for all portions of a State for which the State is required to act as the planning agency in accordance with subsection (a)(6), the initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than three years after the receipt of the initial grant award authorized under subsection (f) of this section.

(2) Any plan prepared under such process shall include, but not be limited to--

(A) the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquisition of land for treatment purposes; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works, and an identification of open space and recreation opportunities that can be expected to result from improved water quality, including consideration of potential use of lands associated with treatment works and increased access to water-based recreation;

(B) the establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

(C) the establishment of a regulatory program to--

(i) implement the waste treatment management requirements of section 201(c),

(ii) regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area, and

(iii) assure that any industrial or commercial waste discharged into any treatment works in such area meet applicable pretreatment requirements;

(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

★ TWDB requirement

(E) the identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

(F) a process to (i) identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including return flows from irrigated agriculture, and their cumulative effects, runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

(G) a process of (i) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

(H) a process to (i) identify construction activity related sources of pollution, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

(I) a process to (i) identify, if appropriate, salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and (ii) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan;

(J) a process to control the disposition of all residual waste generated in such area which could affect water quality; and

(K) a process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.

(3) Areawide waste treatment management plans shall be certified annually by the Governor or his designee (or Governors or their designees, where more than one State is involved) as being consistent with applicable basin plans and such areawide waste treatment management plans shall be submitted to the Administrator for his approval.

(4)(A) Whenever the Governor of any State determines (and notifies the Administrator) that consistency with a statewide regulatory program under section 303 so requires, the requirements of clauses (F) through (K) of paragraph (2) of this subsection shall be developed and submitted by the Governor to the Administrator for approval for application to a class or category of activity throughout each State.

(B) Any program submitted under subparagraph (A) of this paragraph which, in whole or in part, is to control the discharge or other placement of dredged or fill material into the navigable waters shall include the following:

(i) A consultation process which includes the State agency with primary jurisdiction over fish and wildlife resources.

(ii) A process to identify and manage the discharge or other placement of dredged or fill material

which adversely affects navigable waters, which shall complement and be coordinated with a State program under section 404 conducted pursuant to this Act.

(iii) A process to assure that any activity conducted pursuant to a best management practice will comply with the guidelines established under section 404(b)(1), and sections 307 and 403 of this Act.

(iv) A process to assure that any activity conducted pursuant to a best management practice can be terminated or modified for cause including, but not limited to, the following:

(I) violation of any condition of the best management practice;

(II) change in any activity that requires either a temporary or permanent reduction or elimination of the discharge pursuant to the best management practice.

(v) A process to assure continued coordination with Federal and Federal-State water-related planning and reviewing processes, including the National Wetlands Inventory.

(C) If the Governor of a State obtains approval from the Administrator of a statewide regulatory program which meets the requirements of subparagraph (B) of this paragraph and if such State is administering a permit program under section 404 of this Act, no person shall be required to obtain an individual permit pursuant to such section, or to comply with a general permit issued pursuant to such section, with respect to any appropriate activity within such State for which a best management practice has been approved by the Administrator under the program approved by the Administrator pursuant to this paragraph.

(D)(i) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section in accordance with the requirements of this section, the Administrator shall so notify the State, and if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

(ii) In the case of a State with a program submitted and approved under this paragraph, the Administrator shall withdraw approval of such program under this subparagraph only for a substantial failure of the State to administer its program in accordance with the requirements of this paragraph.

(c)(1) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, shall designate one or more waste treatment management agencies (which may be an existing or newly created local, regional or State agency or potential subdivision) for each area designated under subsection (a) of this section and submit such designations to the Administrator.

(2) The Administrator shall accept any such designation, unless, within 120 days of such designation, he finds that the designated management agency (or agencies) does not have adequate authority--

(A) to carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of this section;

(B) to manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b) of this section;

(C) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b) of this section;

(D) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

(E) to raise revenues, including the assessment of waste treatment charges;

(F) to incur short- and long-term indebtedness;

Applicable for remaining sections

Handwritten bracket and arrow pointing to paragraph (D)(i)

(G) to assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

(H) to refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area; and

(I) to accept for treatment industrial wastes.

(d) After a waste treatment management agency having the authority required by subsection (c) has been designated under such subsection for an area and a plan for such area has been approved under subsection (b) of this section, the Administrator shall not make any grant for construction of a publicly owned treatment works under section 201(g)(1) within such area except to such designated agency and for works in conformity with such plan.

(e) No permit under section 402 of this Act shall be issued for any point source which is in conflict with a plan approved pursuant to subsection (b) of this section.

(f)(1) The Administrator shall make grants to any agency designated under subsection (a) of this section for payment of the reasonable costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

(2) For the two-year period beginning on the date the first grant is made under paragraph (1) of this subsection to an agency, if such first grant is made before October 1, 1977, the amount of each such grant to such agency shall be 100 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section, and thereafter the amount granted to such agency shall not exceed 75 per centum of such costs in each succeeding one-year period. In the case of any other grant made to an agency under such paragraph (1) of this subsection, the amount of such grant shall not exceed 75 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process in any year.

(3) Each applicant for a grant under this subsection shall submit to the Administrator for his approval each proposal for which a grant is applied for under this subsection. The Administrator shall act upon such proposal as soon as practicable after it has been submitted, and his approval of that proposal shall be deemed a contractual obligation of the United States for the payment of its contribution to such proposal, subject to such amounts as are provided in appropriation Acts. There is authorized to be appropriated to carry out this subsection not to exceed \$50,000,000 for the fiscal year ending June 30, 1973, not to exceed \$100,000,000 for the fiscal year ending June 30, 1974, not to exceed \$150,000,000 per fiscal year for the fiscal years ending June 30, 1975, September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, not to exceed \$100,000,000 per fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982, and such sums as may be necessary for fiscal years 1983 through 1990.
[208(f)(3) amended by PL 96-483; PL 100-4]

(g) The Administrator is authorized, upon request of the Governor or the designated planning agency, and without reimbursement, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in the development of areawide waste treatment management plans under subsection (b) of this section.

(h)(1) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Administrator is authorized and directed, upon request of the Governor or the designated planning organization, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

(2) There is authorized to be appropriated to the Secretary of the Army, to carry out this subsection, not to exceed \$50,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974.

(i)(1) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall, upon request of the Governor of a State, and without reimbursement,

provide technical assistance to such State in developing a statewide program for submission to the Administrator under subsection (b)(4)(B) of this section and in implementing such program after its approval.

(2) There is authorized to be appropriated to the Secretary of the Interior \$6,000,000 to complete the National Wetlands Inventory of the United States, by December 31, 1981, and to provide information from such Inventory to States as it becomes available to assist such States in the development and operation of programs under this Act.

(j)(1) The Secretary of Agriculture, with the concurrence of the Administrator, and acting through the Soil Conservation Service and such other agencies of the Department of Agriculture as the Secretary may designate, is authorized and directed to establish and administer a program to enter into contracts of not less than five years nor more than ten years with owners and operators having control of rural land for the purpose of installing and maintaining measures incorporating best management practices to control nonpoint source pollution for improved water quality in those States or areas for which the Administrator has approved a plan under subsection (b) of this section where the practices to which the contracts apply are certified by the management agency designated under subsection (c)(1) of this section to be consistent with such plans and will result in improved water quality. Such contracts may be entered into during the period ending not later than September 31, 1988. Under such contracts the land owner or operator shall agree--

(i) to effectuate a plan approved by a soil conservation district, where one exists, under this section for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary;

(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments and grants received thereunder, with interest, upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil conservation district where one exists, and the Administrator, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder, with interest, unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

(iv) not to adopt any practice specified by the Secretary on the advice of the Administrator in the contract as a practice which would tend to defeat the purposes of the contract;

(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

(2) In return for such agreement by the landowner or operator the Secretary shall agree to provide technical assistance and share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest and which are approved for cost sharing by the agency designated to implement the plan developed under subsection (b) of this section. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the installation of the water quality management practices and measures under the contract, but not to exceed 50 per centum of the total cost of the measures set forth in the contract; except the Secretary may increase the matching cost share where he determines that (1) the main benefits to be derived from the measures are related to improving offsite water quality, and (2) the matching share requirement would place a burden on the landowner which would probably prevent him from participating in the program.

(3) The Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public

interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other conservation, land use, or water quality programs.

(4) In providing assistance under this subsection the Secretary will give priority to those areas and sources that have the most significant effect upon water quality. Additional investigations or plans may be made, where necessary, to supplement approved water quality management plans, in order to determine priorities.

(5) The Secretary shall, where practicable, enter into agreements with soil conservation districts, State soil and water conservation agencies, or State water quality agencies to administer all or part of the program established in this subsection under regulations developed by the Secretary. Such agreements shall provide for the submission of such reports as the Secretary deems necessary, and for payment by the United States of such portion of the costs incurred in the administration of the program as the Secretary may deem appropriate.

(6) The contracts under this subsection shall be entered into only in areas where the management agency designated under subsection (c)(1) of this section assures an adequate level of participation by owners and operators having control of rural land in such areas. Within such areas the local soil conservation district, where one exists, together with the Secretary of Agriculture, will determine the priority of assistance among individual landowners and operators to assure that the most critical water quality problems are addressed.

(7) The Secretary, in consultation with the Administrator and subject to section 304(k) of this Act, shall, not later than September 30, 1978, promulgate regulations for carrying out this subsection and for support and cooperation with other Federal and non-Federal agencies for implementation of this subsection.

(8) This program shall not be used to authorize or finance projects that would otherwise be eligible for assistance under the terms of Public Law 83-566.

(9) There are hereby authorized to be appropriated to the Secretary of Agriculture \$200,000,000 for fiscal year 1979, \$400,000,000 for fiscal year 1980, \$100,000,000 for fiscal year 1981, \$100,000,000 for fiscal year 1982, and such sums as may be necessary for fiscal years 1983 through 1990, to carry out this subsection. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other public law.

[208(j)(9) amended by PL 96-483; PL 100-4]

Section 209 ↓

SEC. 209 [33 U.S.C. 1289] Basin Planning

(a) The President, acting through the Water Resources Council, shall, as soon as practicable, prepare a Level B plan under the Water Resources Planning Act for all basins in the United States. All such plans shall be completed not later than January 1, 1980, except that priority in the preparation of such plans shall be given to those basins and portions thereof which are within those areas designated under paragraphs (2), (3), and (4) of subsection (a) of section 208 of this Act.

(b) The President, acting through the Water Resources Council, shall report annually to Congress on progress being made in carrying out this section. The first such report shall be submitted not later than January 31, 1973.

(c) There is authorized to be appropriated to carry out this section not to exceed \$200,000,000.

SEC. 210 [33 U.S.C. 1290] Annual Survey

The Administrator shall annually make a survey to determine the efficiency of the operation and maintenance of treatment works constructed with grants made under this Act, as compared to the efficiency planned at the time the grant was made. The results of such annual survey shall be included in the report required under section 516(a) of this Act.

ITEM#3
Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: email from City Attorney, Ordinance,
Date Prepared: January 19, 2017	

Subject

Authorizing participation with other Entergy service area cities in matters concerning Entergy Texas

Discussion

This is an Ordinance authorizing participation with other area cities in matters concerning Entergy issues at the Public Utilities Commission and the Federal Energy Regulatory Commission. The city is presently a member of this countywide group. This is an annual renewal of that agreement.

The city could still act independently if desired, however what this does is to assure city comments are filed at the PUC and with FERC.

There is no cost to the city as the law requires Entergy to pay bills of opposition/questioning of Entergy proposals.

The city attorney recommends approval of this item.

Reccomendation

Approve the Ordinance as presented

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 19,2017



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

FW: 2017 Annual Ordinance Authorizing Municipal Participation in Entergy Texas Regulatory Proceedings

1 message

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

Mon, Jan 9, 2017 at 3:35 PM

TO OUR CITIES:

I and other local city attorneys have received this email from the Lawton Law Firm regarding the anticipated rate increases and fuel adjustments by Entergy that will be submitted to the PUC later this year. As you will see from the letter and the proposed ordinance, your city council by this ordinance will be going on record that it wants to participate with any PUC fuel hearings through representatives of the Cities Steering Committee.

I suggest this be put on your agenda for council consideration at your January or February meetings. I and other city attorneys are recommending the Ordinance be passed.

Larry L. Foerster

Darden, Fowler & Creighton, LLP

414 West Phillips, Suite 100

Conroe, Texas 77301

Office 936-756-3337

Fax 936-756-2606

Email foerster@dfcllp.com

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

*****CONFIDENTIAL NOTICE*****

This message may contain confidential or privileged information under an attorney-client relationship. It is intended only for the use of the individual or entity to whom it is addressed. Any other dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Larry L. Foerster at the law firm of Darden, Fowler & Creighton, LLP immediately by replying to this email and deleting the original message and any copies you may have made of this email. Thank you.

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

Sent: Monday, January 9, 2017 11:14 AM

ORDINANCE NO. 2017-04

A ORDINANCE OF THE CITY COUNCIL OF MONTGOMERY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS AND THE FEDERAL ENERGY REGULATORY COMMISSION IN 2017

WHEREAS, Entergy Texas, Inc.'s ("ETI") implementation of customer choice has ceased due to Senate Bill 1492 and ETI will continue to be regulated under traditional cost-of-service regulation;

WHEREAS, changes to the Public Utility Regulatory Act addressing rates and rate proceedings will have a direct impact on ETI and customer bills during 2017 and into the future;

WHEREAS, ETI is scheduled to litigate requests in various proceedings before the Public Utility Commission of Texas, before municipalities, or before the Federal Energy Regulatory Commission in 2017 related to ETI's continued integration with the Midwest Independent System Operator ("MISO"), ETI's exit from the Entergy System Agreement (effective August 31, 2016), various fuel cost refunds or surcharges and reconciliations, and for any type of base rate proceedings or cost adjustments, such as a new base rate increase request, transmission cost recovery rider, a distribution cost recovery rider, energy efficiency cost recovery factor, or hurricane restoration cost or offset true-ups;

WHEREAS, ETI is scheduled to file fuel factor proceedings at the Public Utility Commission in February and August 2017, and to file other fuel proceedings to refund or surcharge fuel charges;

WHEREAS, ETI is scheduled to file a proceeding to recover costs incurred in association with its Energy Efficiency Plan as well as reconcile past costs;

WHEREAS, Cities have the statutory right to set fair and reasonable rates for both the Company and customers within Cities;

WHEREAS, Cities have exclusive original jurisdiction over rates, operations, and services of an electric utility in areas in the municipality pursuant to *Tex. Util. Code* § 33.001;

WHEREAS, Cities have standing in each case before the Public Utility Commission of Texas that relates to an electric utility providing service in the municipality pursuant to *Tex. Util. Code* § 33.025, and standing before each Federal Energy Regulatory Commission case in which the City may be affected pursuant to 18 *C.F.R.* § 385.214;

WHEREAS, Cities are entitled to reimbursement by the utility of their reasonable rate case expenses to participate in cases that are deemed rate proceedings pursuant to *Tex. Util. Code* § 33.023.

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

SECTION 1. The City of Montgomery shall participate with other Cities to intervene in ETI's various rate filings related to the various fuel cost surcharges and reconciliations, any interim or incremental surcharge proceedings or surcharge adjustments, and for any base rate adjustment proceedings or cost of service adjustments on file with the Public Utility Commission of Texas or with municipalities in 2017 and seek appropriate regulatory scrutiny in any case on file at the Federal Energy Regulatory Commission affecting the City and its residents.

The City of Montgomery shall participate with other Cities to intervene in fuel or fuel related proceedings at the Public Utility Commission and the Federal Energy Regulatory Commission on file in 2017 concerning ETI's rates charged to Texas customers.

All such actions shall be taken pursuant to the direction of the Cities' Steering Committee. Cities' Steering Committee shall have authority to retain rate consultants and lawyers. Cities' Steering Committee shall direct the actions of Cities' representatives in the above proceedings. The Steering Committee is directed to obtain reimbursement from ETI of all reasonable expenses associated with participation in said proceedings.

SECTION 2. This Ordinance shall be effective from and after the date of its passage.

PASSED by _____ vote of the City Council of the City of Montgomery, Texas, this 24th day of January 2017.

THE CITY OF MONTGOMERY, TEXAS

By: _____
Kirk Jones, Mayor

ATTEST:

City Secretary, Susan Hensley

APPROVED AS TO FORM:

City Attorney, Larry Foerster

THE LAWTON LAW FIRM, P.C.

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

January 9, 2017

Via e-mail

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

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

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

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

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

Mr. James Black
City Attorney – City of Groves
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Mr. D. E. Sosa
City Manager – City of Groves
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City Attorney – City of Huntsville
City Attorney – City of Splendora
Liles Parker, PLLC
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Kingwood, TX 77339

Mr. Matt Benoit
City Manager – City of Huntsville
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Huntsville, Texas 77340

Mr. Gary Broz
City Manager – City of Liberty
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Liberty, Texas 77575

Mr. Larry L. Foerster
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Navasota, Texas 77868

Mr. Jesse Branick
City Attorney – City of Nederland
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Nederland, Texas 77627

Mr. Christopher Duque
City Manager – City of Nederland
P.O. Box 967
Nederland, Texas 77627

Ms. Vicky Rudy
City Manager – City of Oak Ridge North
Oak Ridge North
27424 Robinson Road
Oak Ridge North, Texas 77385

Ms. Laura Calcote
City Secretary – City of Oak Ridge North
27424 Robinson Road
Oak Ridge North, Texas 77385

Mr. Shawn Oubre
City Manager – City of Orange
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Orange, Texas 77630

Mr. Rodney Price
City Attorney – City of Pine Forest
City Attorney – City of Rose City
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Mr. Tommy Gunn
City Attorney – City of Pinehurst
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Orange, Texas 77630

Mr. Robbie Hood
City Administrator – City of Pinehurst
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City Manager – City of Port Neches
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Mr. Jack Provost
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Mayor Dorothy Welch
City Attorney Leonard Schneider
City of Splendora
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Splendora, Texas 77372

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Vidor, Texas 77662-3726

Mr. Guy N. Goodson
City Attorney – City of Vidor
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Beaumont, Texas 77704-4915

Mayor Roy McDonald
Mayor – City of West Orange
2700 Western Avenue
West Orange, TX 77630

Mr. Rex Peveto
City Attorney – City of West Orange
118 Border Street
Orange, Texas 77630

Mr. Michael S. Stelly
City of West Orange, Texas
2700 Austin Avenue
West Orange, TX 77630

Re: **Annual Ordinance Authorizing Municipal Participation in Regulatory Proceedings of Entergy Texas, Inc. in 2017**

Steering Committee of Cities located in Entergy Texas, Inc.'s Service Territory:

With the arrival of 2017, it is once again time to authorize municipal participation in regulatory rate proceedings involving Entergy Texas, Inc. ("ETI" or "Company") before the Public Utility Commission of Texas ("PUCT" or "Commission"), and the Federal Energy Regulatory Commission ("FERC"). **Attached is a proposed Ordinance for your consideration to authorize participation in rate proceedings in 2017. Please forward the completed Rate Ordinance to us by email at dlawton@ecpi.com and molly@mayhallvandervoort.com.**

It is expected that ETI will litigate a number of issues this year at the PUCT. The Entergy System Agreement terminated effective August 31, 2016. The System Agreement had a substantial impact on the magnitude of a number of utility charges to customers and the termination of the System Agreement will impact consumer rates. We anticipate that ETI will file proceedings to modify its schedules and tariffs to reflect its operations as a stand-alone utility. The continued participation of the Cities in these proceedings is necessary to ensure that the operations and charges of ETI to customers are not adversely affected by this change.

Over the course of the year, we also anticipate that ETI will continue to seek base rate revenue increases from the Cities and the Public Utility Commission through incremental cost recovery mechanisms. The Steering Committee of Cities was successful in past years limiting ETI's requested base rate increases to reasonable revenue levels and dismissing or denying ETI's request for purported incremental cost recovery.

We also anticipate that ETI will file various fuel proceedings throughout the year. For several years, the Steering Committee of Cities has been able to negotiate favorable settlements for the fuel proceedings filed by ETI. The settlements returned more money to customers and in a more timely fashion than would have been possible through ETI's filed requests.

For instance, as a condition of the joint settlement of ETI's recent fuel reconciliation and Transmission Cost Recovery Factor ("TCRF") proceedings, ETI is expected to submit an application to refund/surcharge its fuel over-recovery balance of approximately \$21 million plus an agreed fuel cost disallowance of \$6 million. This refund/surcharge will be in effect April — June of 2017.

Other recent fuel cases include ETI's filed proceeding to refund approximately \$56 million to customers. After reviewing the Company's application and records, the Steering Committee of Cities was able negotiate terms for a refund of \$68 million over a term of four months. The estimated customer impact of the settlement refund reduced an average residential customer's bill using 1000 kWh by about \$9.30 a month for each of the four months of the refund period.

The continued support of each of the Cities in the Steering Committee has been instrumental in the successful regulation of ETI and in maintaining reasonable rates for customers within the Cities. We look forward to each City's continued participation with the Steering Committee in the regulatory process.

If you have any questions or concerns, please call.

Sincerely,

Daniel J. Lawton
Daniel J. Lawton *MMV*

Montgomery City Council
AGENDA REPORT

Meeting Date:	January 24, 2017	Budgeted Amount:	
Department:	Administration		
		Exhibits:	Election Ordinance
Date Prepared:	January 17, 2017		

Agenda Item

Calling the May 6, 2017 City General Election for City Council Positions 1, 3 and 5

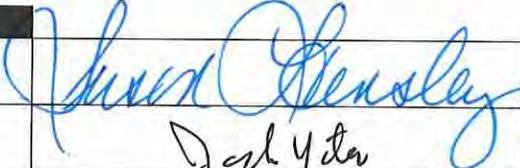
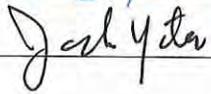
Recommendation

Adoption of the Ordinance calling the City Election.

Discussion

The City Council Positions up for Election are currently held by the following:

Position 1 – Jon Bickford, Position 3 – T.J. Wilkerson and Position 5 – Dave McCorquodale.

Approved By		
City Secretary		Date: 01/17/2017
City Administrator		Date: 1/17/2017

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 6, 2017, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS, PLACES 1, 3 AND 5; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

WHEREAS, the City Council for the City of Montgomery desires to call an election for May 6, 2017 in accordance with the election laws of the State of Texas; and

WHEREAS, the City Council desires to engage the services of the County Election Officer of Montgomery County to conduct the election pursuant to a *Joint Elections Agreement* and an *Election Services Agreement* with Montgomery County, Texas;

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

Section 1. In accordance with the Texas Constitution and general laws of the State of Texas, a General City Election is hereby called and ordered for the first Saturday in May, 2017, that being May 6, 2017, at which Election all qualified voters of the City may vote for the purpose of electing three (3) City Council Members, Places 1, 3 and 5, for full terms.

Section 2. The City Council hereby approves the *Joint Elections Agreement* and *Election Services Agreement* with Montgomery County, Texas, which authorizes the County Election Officer to conduct the General City Election on May 6, 2017 and early voting.

Section 3. No person's name shall be placed upon the official ballot as a candidate for any of the above mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031, Section 143.004, and Section 143.007 of the Texas Election Code, with the City Secretary at the City Hall, located at 101 Old Plantersville Road, Montgomery, Texas, 77316, adjusted for weekends and holidays no earlier than January 18, 2017 or later than five o'clock (5:00) p.m. on February 17, 2017. The City Secretary shall note on the face of each such application, the date and time of its filing. A declaration of write-in candidacy must be filed with the City Secretary, as provided by Section 146.054 of the Texas Election Code. The last day for a write-in candidate to declare candidacy with the City Secretary is Tuesday, February 21, 2017

by five o'clock (5:00) p.m. In addition, the last day for a candidate to withdraw must be received by the City Secretary by February 24, 2017 by five o'clock (5:00) p.m.

Section 4. The polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling places, to be conducted by the officers appointed by the Contracting Officer as provided in the *Election Services Agreement* between the City of Montgomery, Texas and the County Election Officer of Montgomery, Texas, as follows:

For persons located in Voting Precinct 19:

Polling Place: Montgomery City Hall

Address: 101 Old Plantersville Road, Montgomery, TX 77316

For persons located in Voting Precinct 38:

Polling Place: West Montgomery County Annex

Address: 19380 Highway 105 W., Suite 507, Montgomery, TX 77356

For persons located in Voting Precinct 39:

Polling Place: Lone Star Elementary School

Address: 16600 FM 2854, Montgomery, TX 77316

Said election officers shall also serve as the early voting ballot board for such election; the Presiding Judge of such election shall also serve as the presiding officer of the early voting ballot board.

The County Election Officer for Montgomery County is authorized to change the above polling locations should there be a need to consolidate them for both early voting and for Election Day.

Section 5. In accordance with the Texas Election Code and the *Election Services Agreement*, the Contracting Officer shall serve as the regular early voting clerk to receive ballot applications by mail. All ballots by mail applications received by the City Secretary must be hand delivered or faxed to the Contracting Officer as provided in the *Election Services Agreement* on the day of receipt and the original application mailed or delivered to the Contracting Officer.

Further those persons voting early can vote in any of the designated early voting locations and at the times set out in Exhibit "A" as made a part hereof for all purposes. The early voting locations will be open from Monday, April 24, 2017 through Saturday, April 29, 2017, Monday through Saturday, 8:00 a.m. to 5:00 p.m., and Monday, May 1, 2017 and Tuesday, May 2, 2017, 7:00 a.m. to 7:00 p.m. Ballots voted by mail shall be sent to:

Election Central

Attn: Suzie Harvey, Elections Administrator– Early Voting Clerk (Contracting Officer)

P.O. Box 2646

Conroe, Texas 77305-2646

Section 6. Voting shall be conducted by the Contracting Officer utilizing the voting machines and equipment supplied by the Contracting Officer. All expenditures necessary for conducting the election, the purchase of materials, and the employment of all election officials is hereby authorized in accordance with the Texas Election Code and in accordance with the provisions of the *Election Services Agreement* and the *Joint Services Agreement*.

Section 7. The City Secretary is hereby authorized and directed (i) to furnish all necessary election supplies to conduct such election, (ii) to post notice of the election, and (iii) to publish notice of the election, as provided by Chapter 4 and Chapter 51 of the Texas Election Code except as may be provided in the *Election Services Agreement* referred to above.

Section 8: The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the Texas Election Code. The City Secretary shall post a notice at City Hall at least seventy-two (72) hours prior to the date on which the drawing is to be held with the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing or representative designated by him/her, shall have a right to be present and observe the drawing.

Section 9. The candidates for three (3) City Council Members, Places 1, 3 and 5, receiving the highest number of votes in each of the positions to be filled shall be declared elected to such positions.

Section 10. Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 11. Said election shall be held in accordance with the Texas Election Code, as amended, except as modified by the Federal Voting Rights Act of 1965, as amended.

Section 12. The Council finds that notice of the date, place, and subject of this meeting was posted in accordance with the terms and provisions of the Texas Open Meetings Act at least 72 hours proceeding the scheduled time of this meeting.

Section 13. This Ordinance is effective immediately upon its passage.

PASSED AND APPROVED THIS 24th DAY OF JANUARY, 2017.

Mayor Kirk Jones

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

/s/Larry Foerster, City Attorney

Montgomery City Council
AGENDA REPORT

Meeting Date:	January 24, 2017	Budgeted Amount:	\$16,000
Department:	Administration		
		Exhibits:	Election Services Agreement
Date Prepared:	January 17, 2017		

Agenda Item

Adoption of the Election Services Agreement with Montgomery County Elections to conduct the May 6, 2017 City General Election.

Recommendation

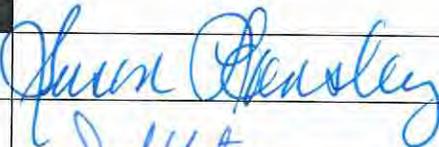
Adoption of the Election Services Agreement with Montgomery County Elections.

Discussion

This agreement covers all the services for Early Voting and Election Day, including the election equipment, election officials and training of election officials.

Due to the length of Exhibit B, only the portion that addresses the City's Election has been attached. If anyone is interested in seeing the entire exhibit, I will have it in my office.

If the Election was uncontested, and the City could cancel the Election, then there would not be any cost to the City.

Approved By		
City Secretary		Date: 01/17/2017
City Administrator		Date: 1/17/2017

ELECTION SERVICES AGREEMENT

STATE OF TEXAS ()
COUNTY OF MONTGOMERY ()

THIS CONTRACT is made this 3rd day of January, 2017, by and between the Political Subdivision of
City of Montgomery,

hereinafter called "Political Subdivision," and Montgomery County, Texas, by its County Election Officer, Suzie Harvey, hereinafter called "Contracting Officer," pursuant to Texas Election Code Section 31.092. The parties agree to hold a May 6, 2017 Joint Election with all participating Political Subdivisions in accordance with Chapter 271 of the Texas Election Code and this Agreement. This Agreement is entered into in consideration of the mutual covenants and promises hereinafter set out:

1. **RECITALS.** Contracting Officer is the Elections Administrator of Montgomery County, Texas, and is the County Officer in charge of election duties. Political Subdivision is a political entity situated wholly or partially within Montgomery County, Texas. Political Subdivision and Contracting Officer have determined that it is in the public interest of Montgomery County voters that the following contract be made and entered into for the purpose of having Contracting Officer furnish to Political Subdivision certain election services and equipment needed by Political Subdivision in connection with holding its May 6, 2017 Election. Montgomery County's certified Hart InterCivic eSlate Voting System Version 6.2.1 electronic voting equipment is to be used in the May 6, 2017 Joint Election, hereinafter called "Joint Election."
2. **DUTIES AND SERVICES OF CONTRACTING OFFICER.** Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:
 - (a) Determine the number of election officials and voting equipment units needed for each polling location. Notify and coordinate presiding election judges, alternate judges, and all other election officials appointed by Montgomery County Commissioners' Court and the County Election Board or recommended by Contracting Officer, as applicable. Montgomery County or Contracting Officer, as applicable, will make emergency appointments of election officials if necessary.
 - (b) Conduct necessary training of election officials or arrange for training through a third party. Notify all early voting and election day officials of the date, time, and place thereof.
 - (c) Arrange for the use of early voting locations per the attached Exhibit A and election day polling locations per the attached Exhibit B. If the need arises for emergency replacement polling location(s), make necessary alternate arrangements and notify Political Subdivision as soon as possible.
 - (d) Procure election kits and supplies and distribute to the precinct judges and early voting deputies. Assemble and edit lists of registered voters to be used in conducting the election in conformity with the boundaries of Political Subdivision and the election precincts established for the election.

The election day list of registered voters shall be arranged in alphabetical order by voting precinct in lieu of alphabetical order by political entity.

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

If the exemption is revoked for any reason, Contracting Officer shall conduct a partial manual count as prescribed by Section 127.201 of the Texas Election Code if required for the County election or if Political Subdivision provides Contracting Officer precincts and races ordered by the Secretary of State to be manually counted. Contracting Officer shall deliver a written report

of the results of any such count to the Office of the Secretary of State as required by Section 127.201(e) of the Texas Election Code and to Political Subdivision in a timely manner.

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

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

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

Sheet, Ballot Template with Spanish translations, candidate names or measures, and the order in which all items are to be printed on the ballot with the exact form and spelling. Provide pronunciation for difficult names or words to use on the audio recording. Review ballot proofs and approve by signature within deadlines provided.

- (h) Appoint Contracting Officer as Early Voting Clerk to receive applications for ballot by mail at Mail - P O Box 2646, Conroe, Texas 77305-2646;
Email - election.ballot@mctx.org; or
Fax - (936) 788-8340

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

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

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

5. **GENERAL CONDITIONS.**

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

of Montgomery County registered voters and common signature rosters shall be used in precincts in which the county polling locations are used.

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

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

MONTGOMERY COUNTY, TEXAS

January 3, 2017

Date Signed

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

City of Montgomery
"Political Subdivision"

Date Signed

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

EXHIBIT A
MAY 6, 2017 JOINT ELECTION
EARLY VOTING POLLING LOCATIONS AND TIMES

April 24 – 29	Monday – Saturday	8:00 am – 5:00 pm
May 1 – 2	Monday – Tuesday	7:00 am – 7:00 pm

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

Magnolia Community Building
422 Melton Street - Magnolia, Texas 77354

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

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

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

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

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

Montgomery County Elections
EXHIBIT B - Polling Location Information
May 6, 2017 Joint Election
For Election Day

As of 1/3/2017

LOC	Name of Facility	Physical Address	City	Zip
1	Willis Community Building	109 West Mink Street	Willis, TX	77378
2	Conroe Seventh-Day Adventist Church	3601 South Loop 336 East	Conroe, TX	77301
3	The Woodlands High School 9th Grade Campus	10010 Branch Crossing Drive	The Woodlands, TX	77382
4	Copperwood Apartment Building	4407 South Panther Creek Drive	The Woodlands, TX	77381
5	Longstreet Community Building	20240 Bays Chapel Road	Richards, TX	77873
6	Deretchin Elementary School	11000 Merit Oaks Drive	The Woodlands, TX	77382
7	New Caney Elementary School	20501 FM 1485	New Caney, TX	77357
8	Browder Community Center	14865 County Line Road	Willis, TX	77378
9	Dobbin Community Center	695 South FM 1486	Montgomery, TX	77316
10	Washington Junior High School	507 Dr. Martin L. King, Jr. Place North	Conroe, TX	77301
11	Woodforest Church	15917 Hwy. 105 W.	Montgomery, TX	77356
12	Security Community Building	18760 Highway 105 East	Cleveland, TX	77328
13	Decker Prairie Community Building	32434 Decker Prairie Road	Magnolia, TX	77355
14	Crippen Elementary School	18690 Cumberland Boulevard	Porter, TX	77365
15	Cornerstone Church	100 Mosswood Drive	Conroe, TX	77302
16	Splendora ISD Instructional Support Services	26175 FM 2090	Splendora, TX	77372
17	First Baptist Church of Groceville	19256 FM 1484	Conroe, TX	77303
18	Magnolia Community Building	422 Melton Street	Magnolia, TX	77354
19	Montgomery City Hall	101 Old Plantersville Road	Montgomery, TX	77316
20	Travis Intermediate School	1100 North Thompson Street	Conroe, TX	77301
21	Conroe High School	3200 West Davis Street	Conroe, TX	77304
22	Lake Conroe Hills Community Building	13621 Lake Breeze Lane	Willis, TX	77318
23	Cargill Education Support Center Oak	204 West Rogers Road 27330	Willis, TX	77378
24	Ridge Sr. High School	Oak Ridge School Road	Oak Ridge North, TX	77385
25	To Be Determined			
26	East County Courthouse Annex	21130 Highway 59 South	New Caney, TX	77357
27	Rivershire Club House	206 Scarborough Drive	Conroe, TX	77304
28	Decker Prairie Elementary School	27427 Decker Prairie Rosehill Road	Magnolia, TX	77355
29	W Montgomery County Community Development Center	31355 Friendship Drive	Magnolia, TX	77355
30	Magnolia High School	14350 FM 1488	Magnolia, TX	77354
31	Shenandoah Municipal Complex	29955 I-45 North	Shenandoah, TX	77381
32	Wilkerson Intermediate School	12312 Sawmill Road	The Woodlands, TX	77380
33	South County Community Building	2235 Lake Robbins Drive	The Woodlands, TX	77380
34	Needham Fire Department Station 64	15341 Lake Lamond Road	Conroe, TX	77384
35	Robinson Road Community Building	27434 Robinson Road	Oak Ridge North, TX	77385
36	Allendale Baptist Church	14535 Allendale Lane	Conroe, TX	77302
37	Friendship United Methodist Church	22388 Ford Road	Porter, TX	77365
38	West Montgomery County Annex	19380 Highway 105 W., Suite 507	Montgomery, TX	77356

39	Lone Star Elementary School	16600 FM 2854	Montgomery, TX	77316
40	Cryar Intermediate School	2375 Montgomery Park Boulevard	Conroe, TX	77304
41	Splendora Junior High School	23411 FM 2090	Splendora, TX	77372
42	Moorhead Junior High School	13475 FM 1485	Conroe, TX	77306
43	Panorama Village City Hall	99 Hiwon Drive	Panorama Village, TX	77304
44	Lone Star Convention Center	9055 Airport Road	Conroe, TX	77303
45	Timber Lakes/Timber Ridge Fire Station	3434 Royal Oaks Drive	Spring, TX	77380
46	Sue Broadway Elementary School	2855 Spring Trails Bend	Spring, TX	77386
47	South Montgomery County Fire Station #4	28830 Birnham Woods Drive	Spring, TX	77386
48	Sally K. Ride Elementary School	4920 West Panther Creek Drive	The Woodlands, TX	77381
49	David Elementary School	5301 Shadowbend Place	The Woodlands, TX	77381
50	Far Hills Utility District Building	10320 Cude Cemetery Road	Willis, TX	77318
51	Central Library	104 I-45 North	Conroe, TX	77301
52	New Caney ISD Annex	22500 Eagle Drive	New Caney, TX	77357
53	Woodbranch City Hall	58 A Woodbranch Drive	New Caney, TX	77357
54	Peach Creek Baptist Church	25963 FM 1485 East	New Caney, TX	77357
55	Austin Elementary School	14796 Highway 105 East	Conroe, TX	77306
56	The Woodlands Emergency Training Center	16135 IH-45 South	The Woodlands, TX	77385
57	Calvary Road Baptist Church	12621 Calvary Road	Willis, TX	77318
58	Lone Star College System	5000 Research Forest Drive	The Woodlands, TX	77381
59	Powell Elementary School	7332 Cochrans Crossing Drive	The Woodlands, TX	77381
60	Montgomery County Juvenile Facility	200 Academy Drive	Conroe, TX	77301
61	George and Cynthia Woods Mitchell Library	8125 Ashlane Way	The Woodlands, TX	77382
62	Collins Intermediate School	6020 Shadowbend Place	The Woodlands, TX	77381
63	Montgomery ISD District Office	13159 Walden Road	Montgomery, TX	77356
64	Whispering Pines Baptist Church	15200 FM 1485	Conroe, TX	77306
65	J. L. Lyon Elementary School	27035 Nichols Sawmill Road	Magnolia, TX	77355
66	Outback	30405 Dobbin Huffsmith Road	Magnolia, TX	77354
67	Lamar Elementary School	1300 Many Pines Road	The Woodlands, TX	77380
68	Knights of Columbus Hall	29327 South Plum Creek Drive	Spring, TX	77386
69	Barbara Bush Elementary School	7420 Crownridge Drive	The Woodlands, TX	77382
70	The Woodlands Recreation Center	5310 Research Forest Drive	The Woodlands, TX	77381
71	Buckalew Elementary School	4909 West Alden Bridge Drive	The Woodlands, TX	77382
72	Bentwater Yacht Club	200 Bentwater Harbor Drive	Montgomery, TX	77356
73	Conroe Public Works Service Center	401 Sgt. Ed Holcomb Boulevard South	Conroe, TX	77304
74	Smith Elementary School	28747 Hardin Store Road	Magnolia, TX	77354
75	Windsor Hills Homeowners' Association Club House	1 East Windsor Hills Circle	The Woodlands, TX	77384
76	Westwood Landowners' Association Building	406 Mackintosh Drive	Magnolia, TX	77354
77	April Sound Church	67 1/2 April Wind Drive South	Montgomery, TX	77356
78	Galatas Elementary School	9001 Cochrans Crossing Drive	The Woodlands, TX	77381
79	Glen Loch Elementary School	27505 Glen Loch Drive	The Woodlands, TX	77381
80	Imperial Oaks Neighborhood Center	31120 Imperial Oaks Boulevard	Spring, TX	77386
81	Mitchell Intermediate School	6800 Alden Bridge Drive	The Woodlands, TX	77382
82	Lone Star College - Kingwood, Performing Arts Center	500 Royston Drive	Kingwood, TX	77339
83	Security Community Building	18760 Highway 105 East	Cleveland, TX	77328
84	South Montgomery County Fire Station # 1	335 Volunteer Lane	Spring, TX	77380

85	Northridge Baptist Church	10681 FM 1484	Conroe, TX	77303
86	Living Branch Church	13229 Highway 105 West	Conroe, TX	77304
87	Birnam Woods Elementary School	31150 Birnam Woods Drive	Spring, TX	77386
88	York Junior High School	3515 Waterbend Cove	Spring, TX	77386
89	Bear Branch Elementary School	8909 FM 1488	Magnolia, TX	77354
90	Woodforest Homefinder Lodge	101 Elk Trace Parkway	Montgomery, TX	77316
90				

Montgomery County Elections

Exhibit B

Report Time:1/3/2017 11:27:14 AM

City of Houston					
PCT	Polling Location	Suspense	Active	Total	PCT
*32	Wilkerson Intermediate School			0	*32
*35	Robinson Road Community Building	32	222	254	*35
*37	Friendship United Methodist Church	215	994	1,209	*37
*47	South Montgomery County Fire Station #4		1	1	*47
*67	Lamar Elementary School		1	1	*67
*68	Knights of Columbus Hall		2	2	*68
*82	Lone Star College - Kingwood, Performing Arts Center	101	728	829	*82
*84	South Montgomery County Fire Station # 1	9	103	112	*84
*88	York Junior High School			0	*88
		357	2,051	2,408	9

City of Magnolia					
PCT	Polling Location	Suspense	Active	Total	PCT
*18	Magnolia Community Building	43	851	894	*18
*29	W Montgomery County Community Development Center	42	331	373	*29
*30	Magnolia High School			0	*30
		85	1,182	1,267	3

City of Montgomery					
PCT	Polling Location	Suspense	Active	Total	PCT
*19	Montgomery City Hall	27	483	510	*19
*38	West Montgomery County Annex	12	283	295	*38
*39	Lone Star Elementary School		39	39	*39
		39	805	844	3

City of Oak Ridge North					
PCT	Polling Location	Suspense	Active	Total	PCT
*24	Oak Ridge Sr. High School			0	*24
*35	Robinson Road Community Building	100	2,337	2,437	*35
*80	Imperial Oaks Neighborhood Center			0	*80
		100	2,337	2,437	3

* Jurisdiction Occupies only a part of the Precinct

ITEM#6
Montgomery City Council
AGENDA REPORT

Meeting Date:	January 24, 2017	Budgeted Amount:	
Department:	Administration		
		Exhibits:	Joint Election Agreement
Date Prepared:	January 17, 2017		

Agenda Item

Adoption of the Joint Election Agreement with Montgomery County Elections regarding the May 6, 2017 City General Election.

Recommendation

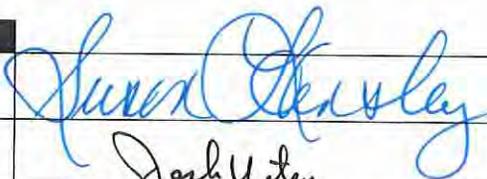
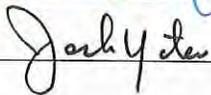
Adoption of the Joint Election Agreement with Montgomery County Elections.

Discussion

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

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

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

Approved By		
City Secretary		Date: 01/17/2017
City Administrator		Date: 1/17/2017

Joint Election Agreement

Political Subdivision of City of Montgomery

WHEREAS, the undersigned Political Subdivisions (collectively referred to hereinafter as "Participating Entities") will each hold an election on May 6, 2017; and

WHEREAS, Montgomery County Elections Administrator, Suzie Harvey, as Montgomery County's Election Officer, has entered into separate Election Services Agreements with each of the undersigned Participating Entities wherein the County's Election Officer will administer elections occurring on May 6, 2017, to be held in precincts in Montgomery County, as authorized under Subchapter D of Chapter 31 of the Texas Election Code ("Election Services Agreements"); and

WHEREAS, the Participating Entities desire to enter into a Joint Election Agreement for the purpose of sharing election equipment, election officials, precinct polling locations, and electronic voting equipment where appropriate.

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

I. Scope of Joint Election Agreement

The Participating Entities enter this Joint Election Agreement ("Agreement") for the purpose of jointly conducting elections to be held on May 6, 2017 ("Joint Election").

II. Appoint Election Officer

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

III. Early Voting and Election Day

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

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

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

V. Reasonable Cooperation

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

VI. Miscellaneous Provisions

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

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

See attached signature page(s):

January 3, 2017
Date

Signature:
Printed name:


Suzie Harvey
Contracting Officer

All correspondence to be directed to:

Address:
City, State, Zip:
Telephone:
Fax:
Email:

Montgomery County Elections Office
P. O. Box 2646
Conroe, Texas 77305-2646
(936) 539-7843
(936) 788-8340
suzie.harvey@mctx.org

Date

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

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

Date

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

()
()

Date

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

()
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Exhibit "D"

Pending response from all participating entities.

ITEM#7
Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo from City Engineer
Date Prepared: January 19, 2017	

Subject

Approval to execute contract for construction of water and sewer lines to Stewart Creek Road from Lone Star Parkway

Discussion

This is the approval to the Mayor to sign the contract, as prepared by City Engineer and City Attorney with review by Public Management (grant administrator).
The bid was awarded at the January 10 City Council meeting.

Reccomendation

Approve the execution of construction contracts as presented.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 19,2017



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

January 18, 2017

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

Re: Execution of Construction Contracts with Big State Excavation, Inc.
Water and Sanitary Sewer to Serve Pizza Shack

Dear Mayor and Council:

Recall, on January 10th we presented to you a Recommendation of Award for the referenced project to the low bidder, Big State Excavation, Inc. (the "Contractor"), in the Base Bid Plus Alternate Item A1 amount of \$347,550.00. We are currently awaiting receipt of completed contract documents from the Contractor. Should they not be returned prior to Tuesday evening we request your authorization to obtain the Mayor's signature and execute said contracts upon receipt.

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

Sincerely,

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

Ed Shackelford, PE
Engineer for the City

EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\Letters\MEMO to Council RE Execution of Pizza Shack Contracts.doc

Enc: N/A

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

CITY ADMINISTRATOR REPORT

- Met with Planning Commission for one meeting
- Met with MEDC twice, kept minutes and worked with new MEDC member
- Attended Montgomery Area Chamber of Commerce Board of Director's meeting and the annual retreat
- Met with city engineers and city attorney several times regarding; plats, system management, upcoming projects, bridge improvements, developments throughout the city, Pizza Shack development, CDBG grant application discussion with Grant Works representative, annexation procedures new development west of Pizza Shack
- Met with several developers during the month regarding; Heritage Apartments, Kroger Development, Villages of Mia Lago, northeast corner of 105/Lone Star Parkway developer, southeast corner of 105/Lone Star Parkway developer, Pizza Shack
- Made several decisions during month as Zoning Administrator, including signs, code enforcement, demolition of dilapidated housing, letters confirming zoning to property owners and working on zoning changes in cooperation with the Planning Commission
- Coordinated with FEMA and State Emergency Management staff and city engineer regarding flood damage in the city and with FEMA.
- Worked with city engineer, financial advisor and bond counsel on the Texas Water Development Board financing. Also, finalized Agreements with bond counsel, engineer and financial advisor
- Communicated, discussed various items with the Council during the month
- Continued work with city staff on virtually all realms of my activities.

Public Works

December 2016 Monthly Report

- Heavy Trash Weekend (Slow due to rain)
- Assisted PD in removing stickers from retired marked units
- Relocated both water meters at Community Center inside perimeter wall
- Repaired broken sewer cleanout on Jenny Ln.
- Replaced sign light at City Hall
- Repaired and painted fence on leased property next to Cozy Grape
- Spread ant killer at City Hall, Cedar Brake, and Community Center
- Setup and cleanup for Christmas festival and parade
- Repaired welcome flag lighting
- Replaced blow off box on Worsham St.
- Patched potholes on Plez Morgan, Westway, and Old Plantersville Rd.
- Replaced stop sign and post at Plez Morgan and Lone Star Parkway
- Assisted with final walkthrough of Waterstone section 2
- Dressed up end of Simonton St. from water leak
- Picked up all trash on Flagship Blvd.
- Installed hydrant extension kit at 105 and Westway Dr.
- Repaired leaking service line in Waterstone
- Cleaned storm inlet at College and Maiden
- Removed dumped trash in Summit Business Park
- Removed and replaced power steering cylinder on mowing tractor
- Set meter vault at Kroger site
- Painted all safety bollards at Sewer Plant
- Monthly weed patrol
- Monthly grease trap inspections
- Monthly door hangers and cutoffs
- Daily utility line locates as necessary
- Monthly safety meeting

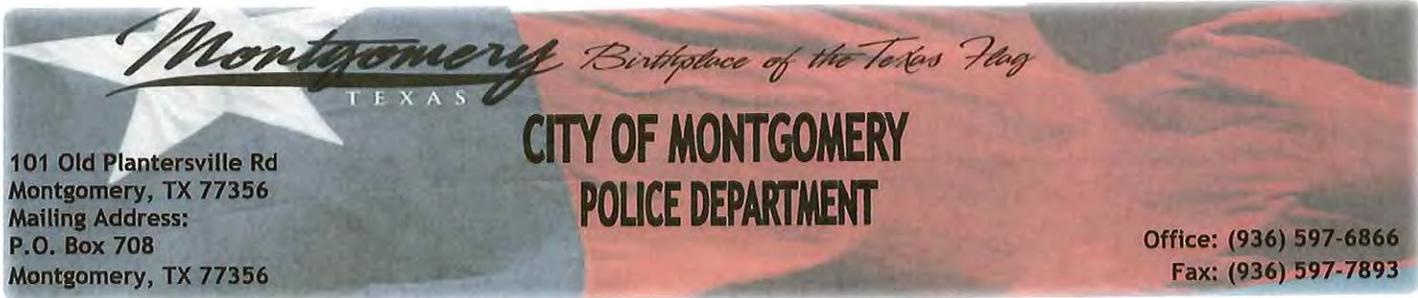
- 4 water taps
- 4 sewer taps
- 2 water leaks
- 1 sewer stop up
- 1 sewer inspection

Parks and Recreation

- Planted 11 new trees at Cedar Brake and continue to water as needed
- Replaced door locks at Community Center
- Installed bed edging, plants, and mulch to fountain at Cedar Brake Park
- Trimmed all low hanging limbs in Cedar Brake Park
- Replaced spotlights for statue and flag in Cedar Brake Park
- Replaced flag light bulb at Homecoming Park
- M/W/F cleaning of parks
- Monthly lighting check
- Monthly irrigation system inspection

The docents at Fernland reported a total of 875 visitors for the month and provided 32 tours.

Prepared by:
Mike Muckleroy
Public Works Manager



MONTGOMERY POLICE DEPARTMENT

MONTHLY REPORT

December 2016



MONTGOMERY POLICE DEPARTMENT REPORTS

During the month of December the Montgomery Police Department Patrol Officers generated **23** reports. The reports are as follows:

Possession of Drug Paraphernalia – Dec 1- Officer Carswell – 2600 Lone Star Parkway

Motor Vehicle Accident – Dec. 4 – Officer Bracht – 2000 Eva St.

Information Report – Dec. 5 – Officer Flores – 101 Old Plantersville Rd.

Warrant Arrest – Dec. 6 – Officer Bauer – 21500 Hwy 105

Poss. of Marijuana/Poss. Of Controlled Substance/Public Intoxication – Dec. 7 – Officer Bracht – 21000 Eva St.

Warrant Arrest – Dec. 10 – Officer Thompson – 21100 Eva St.

Warrant Arrest – Dec. 10 – Officer Thompson – 21000 Eva St.

Poss. of Controlled Substance/DWI – Dec. 11 – Officer Carswell – 100 Old Plantersville Rd.

Motor Vehicle Accident – Dec. 13 – Officer Bauer – 21000 Eva St.

Warrant Arrest – Dec. 15 – Officer Thompson – Hwy 105/Walden Rd.

Motor Vehicle Accident – Dec. 16 – Officer Bauer – 20100 Eva St.

Warrant Arrest – Dec. 19 – Officer Thompson – Liberty St./Pond St.

Warrant Arrest – Dec. 20 – Officer Hernandez – 21200 Eva St.

Warrant Arrest – Dec. 20 – Officer Thompson – LSP/Plez Morgan

Poss. of Controlled Substance – Dec. 21 – Officer Bracht – 14600 Liberty St.



101 Old Plantersville Rd
Montgomery, TX 77356
Mailing Address:
P.O. Box 708
Montgomery, TX 77356

**CITY OF MONTGOMERY
POLICE DEPARTMENT**

Office: (936) 597-6866
Fax: (936) 597-7893

Fail to Stop and Render Aid – Dec. 23 – Officer Thompson – Eva St./Liberty St.

Evading Motor Vehicle/Tampering w. Evidence/Poss. Of Marijuana – Dec. 23 – Officer Thompson – FM 1097/Liberty St.

Driving While License Invalid – Dec. 25 – Officer Thompson – Eva St./FM 2854

Burglary of a Building – Dec. 26 – Officer Bauer – 22300 FM 1097 W

Motor Vehicle Accident – Dec. 28 – Officer Hernandez – 24000 FM 1097 W

Public Intoxication – Dec. 28 – Sgt. Rosario – Plez Morgan/LSP

DWI – Dec. 29 – Officer Thompson – Eva St./FM 2854

Motor Vehicle Accident – Dec. 31 – Officer Bauer – Fm. 1097 W/Liberty ST.



MONTGOMERY POLICE DEPARTMENT NEWS:

On Dec. 6, Officers Hernandez and Riley assisted the Montgomery County Sheriff's Office with a bank robbery located at the BBVA Compass Bank just outside the city limits of Montgomery. Several Minutes later the officers located the suspect vehicle on McCaleb parked outside a residence. Contact was made with 3 male suspects and 1 which fled on foot from the rear of the residence. An arrest was made, monies recovered and all Officers involved were unharmed.

On Dec. 10 was Christmas in Montgomery and the event attracted many from all around the area.

During the month of December the city officers/employees met with citizens handing out stuffed animals during traffic stops, neighborhood stops, and meet the citizens at the Live Oak Assisted Living Community. The purpose was to simply help brighten the day for the children and citizens during the Christmas Holiday and maintain positive community relations. The donations of the furry stuffed bears, dogs and cats were from the Montgomery Rotary Club, Montgomery Chambers of Commerce and Pets Mart located in Conroe. We greatly appreciate the continued support from these supportive organizations.



101 Old Plantersville Rd
Montgomery, TX 77356
Mailing Address:
P.O. Box 708
Montgomery, TX 77356

**CITY OF MONTGOMERY
POLICE DEPARTMENT**

Office: (936) 597-6866
Fax: (936) 597-7893

ARRESTS/CHARGES:

Misdemeanor - 30

Felony – 6

TRAFFIC ENFORCEMENT:

195 - Citations Issued

194 - Warnings Issued

Prepared by:

Lt. Joe Belmares Unit 1601

Montgomery Police Department

101 Old Plantersville Rd.

Montgomery TX, 77356

936-537-1430

jbelmares@ci.montgomery.tx.us



ITEM# 8D

Municipal Court-Monthly Report

December 2016

1/3/2017
Becky Lehn
Court Administrator



Montgomery Municipal Court Monthly Report

December 2016

REVENUE Category	CURRENT	YEAR TO DATE October 1, 2016
<i>Total Cases Filed</i>	195	734
Deposit – City	\$22,670.63	\$73,142.42
Deposit - State	\$15,731.68	\$54,821.81
Deposit - OMNI	\$254.71	\$755.45
Child Safety Fund	\$215.49	\$565.49
Judicial Efficiency	\$137.63	\$472.76
Court Tech Fund	\$763.01	\$2,680.26
Court Bldg. Security Fund	\$572.28	\$2,005.44
Collection Agency	\$2,353.52	\$7,615.35
<i>Total</i>	\$42,698.95	\$142,058.98

Created By: Becky Lehn
Court Administrator
January 3, 2016



Montgomery Municipal Court Monthly Warrant Report

December 2016

Warrants	CURRENT	YEAR TO DATE October 1, 2016
<i>Total Money Collected</i>	\$12,163.00	\$36,570.80
Warrants Paid	31	93
Warrant Dismissals	33	62
Warrant Bonds	7	20
Warrant – Time Served	4	9
Warrants - DSC	0	2
Warrants - Deferred	0	0
Warrant Arrests	14	24
<i>Total Warrants Disposed</i>	89	211

Created By: Angelina C. Flores
Warrant Officer
January 1, 2017



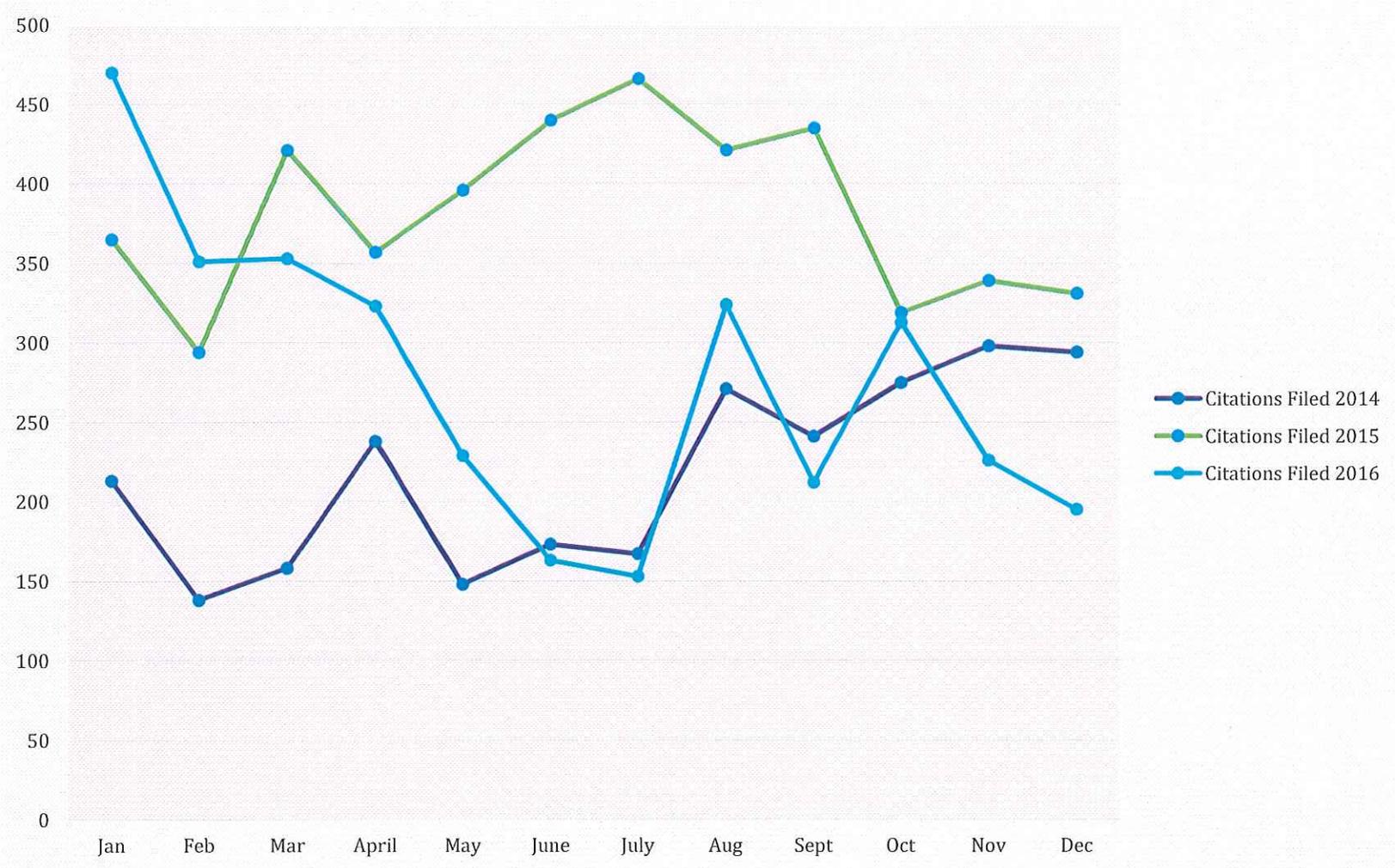
Comparison Chart

Citations/Warrants/Revenue January 2014 - Present

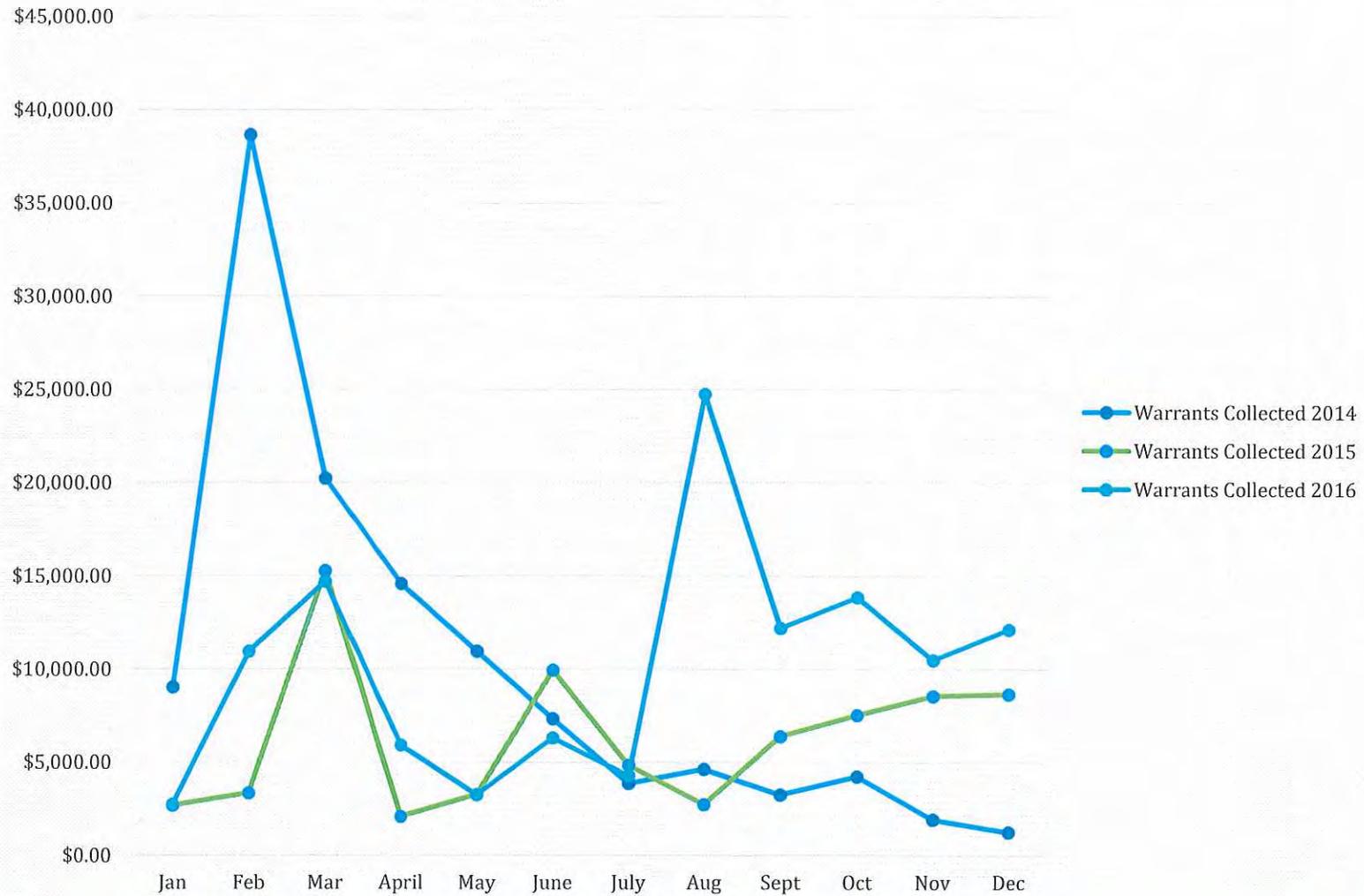
	Citations Filed			Warrants Collected			Total Revenue Collected		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
<i>Jan</i>	213	365	470	\$9,060.80	\$2,708.90	\$2,762.37	\$29,388.10	\$44,544.59	\$44,702.82
<i>Feb</i>	138	294	351	\$38,679.28	\$3,362.90	\$10,976.60	\$64,299.13	\$56,555.03	\$67,466.54
<i>Mar</i>	158	421	353	\$20,260.43	\$15,303.54	\$14,732.43	\$44,481.53	\$63,838.40	\$86,201.43
<i>April</i>	238	357	323	\$14,613.61	\$2,106.50	\$5,940.80	\$40,156.21	\$56,577.20	\$59,388.14
<i>May</i>	148	396	229	\$10,987.28	\$3,286.10	\$3,279.10	\$36,115.98	\$48,760.60	\$50,854.90
<i>June</i>	173	440	163	\$7,354.48	\$9,972.20	\$6,336.57	\$25,471.74	\$67,656.40	\$41,238.67
<i>July</i>	167	466	153	\$3,870.40	\$4,858.20	\$4,291.87	\$29,451.41	\$64,193.80	\$42,990.97
<i>Aug</i>	271	421	324	\$4,651.40	\$2,740.40	\$24,756.07	\$29,328.47	\$47,484.40	\$52,923.17
<i>Sept</i>	241	435	212	\$3,267.40	\$6,399.30	\$12,115.60	\$31,878.10	\$61,912.50	\$44,256.40
<i>Oct</i>	275	319	313	\$4,257.80	\$7,550.70	\$13,892.60	\$31,657.00	\$63,688.50	\$44,138.80
<i>Nov</i>	298	339	226	\$1,948.40	\$8,581.07	\$10,515.20	\$30,271.30	\$51,170.47	\$55,221.23
<i>Dec</i>	294	331	195	\$1,270.00	\$8,675.20	\$12,163.00	\$38,855.10	\$53,315.66	\$42,698.95
Totals	2164	2402	3312	\$120,221.28	\$75,545.01	\$121,762.21	\$431,354.07	\$679,697.55	\$632,082.02

Becky Lehn
 Court Administrator
 01/04/2017

Citations Filed Yearly Comparison



Warrants Collected Yearly Comparison



Total Revenue Collected

Yearly Comparison



UTILITY / PERMITS REPORTS – MONTHLY

Created by Ashley Slaughter

DECEMBER 2016 Report



UTILITY / DEVELOPMENT PERMIT REPORTS – DECEMBER 2016

TOTAL REVENUE SNAPSHOT

Utilities	\$81,533.49
Permits	\$12,545.49
Community Building	\$300.00

UTILITIES

UTILITY ACCOUNT TOTALS

New Water Accounts	6
Disconnected Water Accounts	10
Total number of Active Accounts	557
Number of Idle Services	16
# of Accounts Turned Off For Non Payment	6

CITY ACCOUNT CONSUMPTION

City Venue	October	November	December
Community Building - Irrigation	23	22	11
Community Building	1	0	1
City Cemetary	0		0
City Welcome Sign Irrigation at HWY 105 & Prairie – Rose Garden	0	0	0
North Liberty Sewer Plant	0	0	0
Cedar Break Park Statute Sprinkler	5	6	1
Cedar Break Park Restrooms	3	4	2
Fernland	7	8	1
Memory Park	151	105	17
Community Building Stage Irrigation – Rose Garden	0	0	0
City Hall & Irrigation	36	33	18
Homecoming Park Restrooms	1	1	0
Homecoming Park Drinking Fountain	0	0	0
Buffalo Springs Sewer Plant	357	258	236

PERMITS

Type	Number of Permits	Revenue
Building - Residential	8	\$7,557.99
Building - Commercial	2	\$2,190.00
Building - Pool	1	\$699.00
Building – Misc.	3	\$295.50
Electrical	3	\$365.00
Mechanical	0	\$0.00
Plumbing	8	\$1,338.00
Sign	2	\$100.00
Total:	27	\$12,545.49

COMMUNITY BUILDING – NOVEMBER

Type of Rental	# of Bookings	Revenue
Profit	2	\$300.00
Non - Profit	7	\$0.00
Revenue from lost deposits	0	\$0.00

Created by Ashley Slaughter
JAN 19th , 2017



City of Montgomery

Operations Report

11/18/16-12/18/16

TAP

INTO

TECHNOLOGY

Dear City of Montgomery Council Members:

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

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

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

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

Michael Williams
Senior Area Manager
Gulf Utility Service

SUMMARY OF OPERATIONS

District Alerts

11-20-2016 WWTP Totalizer not recording flow

Oncall operator found no flow from 1am to 9am when operator went to check in the plant. We found that the temperature sensing module went out and it would not be economical to repair. A new totalizer was installed on 11-23-16.

11-25-16 Water Plant 3 Well 3 no run time

The operator tried to troubleshoot the well and found that it would run manually but not in sequence with the alternator. An adjustment within the PLC was made restoring sequence to well 3.

12-03-16 Sewer Backup Old Plantersville Rd.

Operator was called out to troubleshoot sewer backup near lift station 4. The sanitary sewer mains and lift station 4 were found to be clear. Resident was notified the backup was on their side.

12-04-16 Water Plant 2 Air Leak

Operator discovered an air leak bubbling up from underground during a daily facility check. The leak was excavated and repaired.

12-13-16 WWTP Bleach feed failure

It was found that there was no bleach feed upon arrival. The operator investigated the problem and found no suction at the tank. We replaced the underground bleach line and bleach feed was restored.

12-14-16 Lift Station 3 High run time

Lift pump 1 was found with high run time. The pump was pulled and debris removed from pump. Lift station now operating normally.

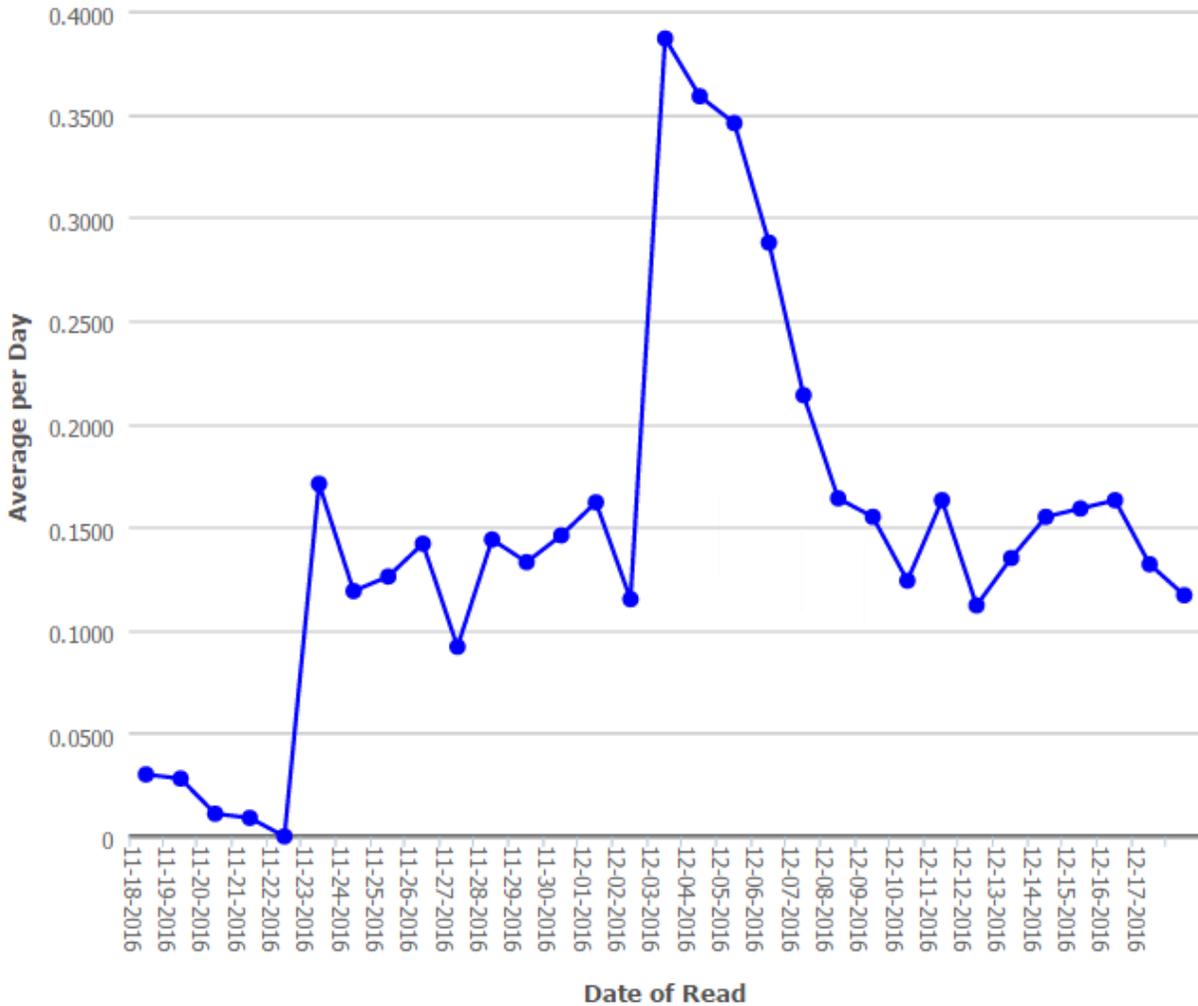
12-16-16 Lift Station 1 Lift Pump 1 No Run Time

Operator found no runtime on lift pump 1. The alternator was found to be non-operational. The alternator was replaced and lift station started operating normally.

12-18-16 Water Plant 2 GST Low Level Lockout

Oncall operator responded to the call out and found that the well would not operate in hand or auto. Also, the gst still had 17 feet of water in the tank. It was discovered that the current imbalance was causing the equipment to be locked out by a safety switch. The probes were repaired to return normal function. We are still working with Entergy to come up with a solution to the power imbalance issue.

OPERATIONS DETAIL



- Flow for the month of December was 4,601,000 gallons
- Daily peak flow December 3, 2016 was 387,000 gallons (.387 MGD)
 - 97% of permitted value
- Average Daily Flow 148,000 gallons (.148 MGD)
 - 37% of permitted value

*Average per day is a non-weighted average.

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

WATER DISTRIBUTION AND MONITORING

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

Flushing

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

COLLECTION SYSTEM

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

WASTEWATER TREATMENT PLANT

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

Permit Information – Stewart Creek

The current permit expires 06/01/2017

Discharge Limitations

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

Lab results

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

Aeration

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

Effluent

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

Buffalo Springs WWTP Effluent Monitoring Report

Effluent Permitted Values	Parameter		Measured	Excursion
Average Monthly T.S.S.	15	MGD	7.44	no
Average Monthly NH3	2	mg/l	.10	no
Minimal CL2 Residual	1	mg/l	1.05	no
Max CL2 Residual	4	mg/l	3.85	no
Rainfall for the Month			5.80	inches

There were no excursions for the month of December

Measured by netatmo.com

DEC 2016

RAIN - RAIN GAUGE

Accumulated over the period: 5.8 in



Measured by netatmo.com

NOV 2016

RAIN - RAIN GAUGE

Accumulated over the period: 5.39 in



Water Report

11/18/2016 – 12/18/2016

Well Name	City Recorded	GULF Recorded	% of Total	Rating g/Day	g/pMonth
Well 2	.486	.486	07.8%	0.864	25.92
Well 3	3.769	3.769	60.5%	0.864	25.92
Well 4	1.973	1.973	31.7%	2.160	64.80
Total	6.228	6.228	100.00%	3.888	116.64
Flushing	.433	.433			
Subtotal	5.795	5.795			
Sold	5.653	5.653			
Percentage Accounted	98%	98%			

**Well 3 is being utilized more at this time to reduce the overall water temperature leaving the plant and due to the shortage in permitted withdraw from well 4.*

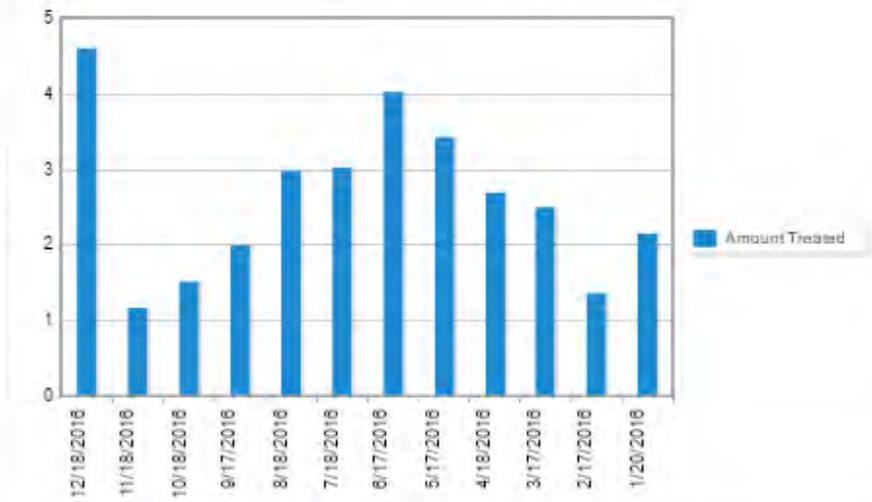
Well Run Times

Well Name	Total Hrs	% Total	Peak Day
2	15.0	9.8%	12/16/2016
3	113.4	74.6%	11/30/2016
4	23.7	15.6%	11/26/2016
Total	152.1	100%	

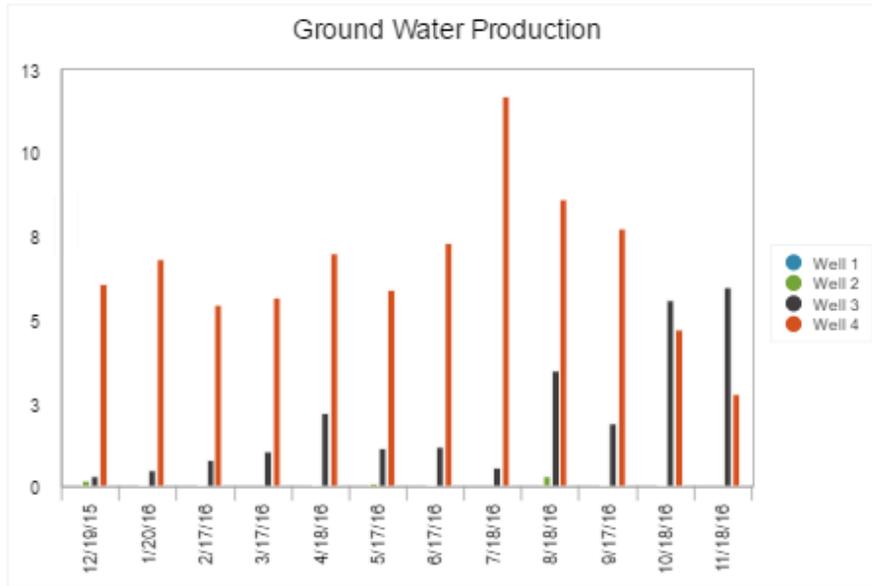
WATER PRODUCTION

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

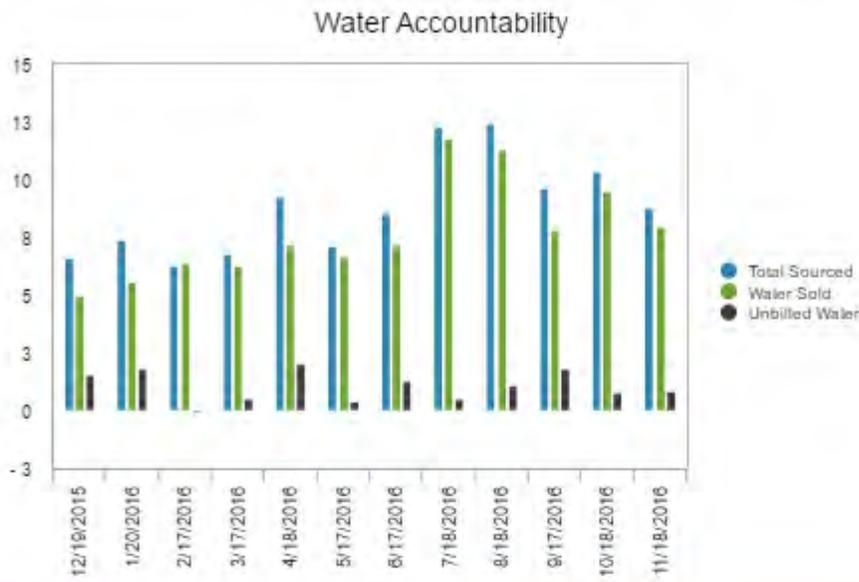
WATER TREATED BY MONTH



MONTH ▼	FLOW	RAIN (INCHES)
12/18/16	4.601	5.800
11/18/16	1.164	5.390
10/18/16	1.515	0.580
9/17/16	1.886	6.430
8/18/16	2.980	5.160
7/18/16	3.012	3.940
6/17/16	4.021	5.670
5/17/16	3.409	14.500
4/18/16	2.878	7.500
3/17/16	2.484	8.500
2/17/16	1.343	2.500
1/20/16	2.136	1.500
12/18/15	2.044	6.250
AVERAGE		5.429
TOTAL		130.300

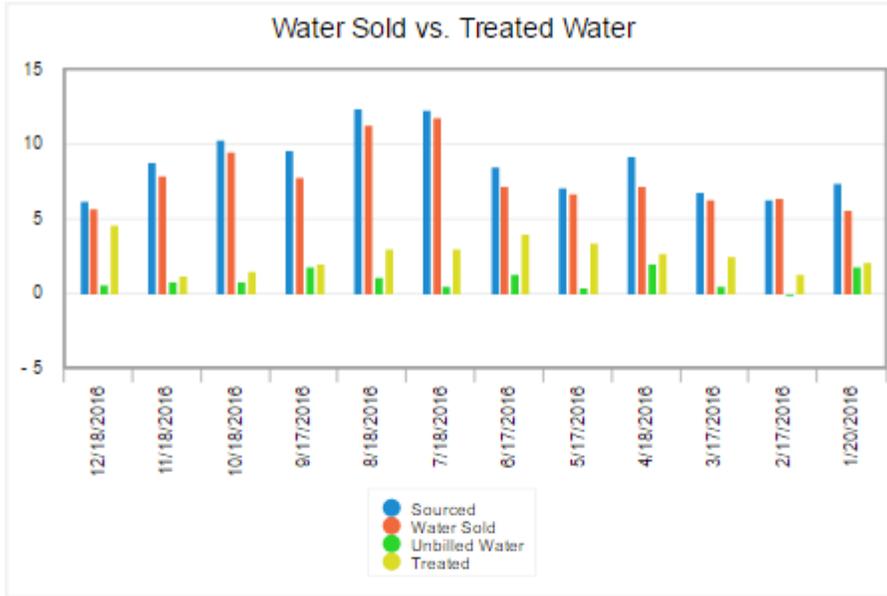


DATE	TOTAL	WELL 1	WELL 2	WELL 3	WELL 4
AVG	8.584	0.000	0.100	2.189	6.295
12/18/16	6.228	0.000	0.488	3.769	1.973
11/18/16	8.770	0.000	0.020	5.976	2.774
10/18/16	10.342	0.000	0.036	5.576	4.730
9/17/16	9.649	0.000	0.028	1.873	7.748
8/18/16	12.432	0.000	0.304	3.482	8.646
7/18/16	12.284	0.000	0.013	0.577	11.694
6/17/16	8.522	0.000	0.028	1.179	7.317
5/17/16	7.107	0.000	0.073	1.137	5.897
4/18/16	9.247	0.000	0.062	2.193	6.992
3/17/16	6.769	0.000	0.005	1.077	5.687
2/17/16	6.313	0.000	0.055	0.796	5.462
1/20/16	7.355	0.000	0.030	0.499	6.826
12/18/15	6.579	0.000	0.160	0.325	6.094
TOTAL	111.597	0.000	1.298	28.459	81.840



DATE ▼	TOTAL SOURCED	WATER SOLD	UNBILLED WATER	FLUSHING/LEAKS	UNACCOUNTED	ACCTBLTY
12/18/16	6.228	5.653	0.575	0.433	0.142	98%
11/18/16	8.770	7.930	0.840	0.411	0.429	95%
10/18/16	10.342	9.541	0.801	0.295	0.508	95%
9/17/16	9.649	7.840	1.809	0.090	1.719	82%
8/18/16	12.432	11.315	1.117	0.466	0.651	95%
7/18/16	12.284	11.764	0.520	0.225	0.295	98%
6/17/16	8.522	7.194	1.328	1.199	0.129	98%
5/17/16	7.107	6.886	0.421	0.380	0.041	99%
4/18/16	9.247	7.218	2.029	1.565	0.464	95%
3/17/16	6.789	6.265	0.504	0.231	0.273	98%
2/17/16	6.313	6.398	-0.085	0.325	-0.410	106%
1/20/16	7.355	5.551	1.804	0.055	1.749	78%
12/18/15	6.579	4.997	1.582	0.000	1.582	78%

Gulf Utility Services Operations Report
 January 24, 2017



DATE ▼	SOURCED	WATER SOLD	UNBILLED WATER	TREATED WATER	RETURN %	RAIN
12/18/16	6.228	5.653	0.575	4.601	81%	5.800
11/18/16	8.770	7.930	0.840	1.164	15%	5.390
10/18/16	10.342	9.541	0.801	1.515	16%	0.560
9/17/16	9.649	7.840	1.809	1.986	25%	6.430
8/18/16	12.432	11.315	1.117	2.98	26%	5.160
7/18/16	12.284	11.764	0.520	3.012	26%	3.940
6/17/16	8.522	7.194	1.328	4.021	56%	5.670
5/17/16	7.107	6.686	0.421	3.409	51%	14.500
4/18/16	9.247	7.218	2.029	2.678	37%	7.500
3/17/16	6.769	6.265	0.504	2.494	40%	8.500
2/17/16	6.313	6.398	- 0.085	1.343	21%	2.500
1/20/16	7.355	5.551	1.804	2.136	38%	1.500

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



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

January 19, 2017

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

Re: Engineering Report
Council Meeting: January 24, 2017
City of Montgomery

Dear Mayor and Council:

The following information summarizes our activities on your behalf since the December 13, 2017 Council Meeting:

Status of Previously Authorized Projects:

a) Joint Mobility Study

We returned comments on the draft Mobility Study and expect to receive the completed final draft for review and comment by City Staff within the month. We will deliver the completed study and accompanying report at the February 28th meeting of the City Council.

b) TPDES Wastewater Treatment Plant Permit Renewals

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

c) Texas Capital Fund Grant (Kroger)

Construction of sanitary sewer and storm sewer is now complete and waterline construction is proceeding along SH-105 and the future Gardner Drive right-of-way. Recall, the contract period for this project is 120 calendar days and the anticipated completion date is February 21st.

d) Texas Capital Fund Grant (Pizza Shack)

As previously reported bids were received on January 4th and Big State Excavation, Inc. (the "Contractor") was the low bidder in the Base Bid plus Alternate No. 1 amount of \$347,550. We have forwarded contract documents to the Contractor and will present to the City for execution upon return receipt.

***Agenda Item** – Consideration and possible action authorizing execution of construction contracts with Big State Excavation, Inc. for construction of Water and Sanitary Sewer to serve Pizza Shack.*

Status of Previously Authorized Projects (cont.):

- e) **Water Distribution System Analysis and Master Plan-CP No. 1, GST Backfill**
Recall, construction drawings were approved by the TCEQ on May 19th, and the project is complete and ready to be advertised for bids. We are prepared to proceed with bidding and construction upon allocation of funding for the project. Recall this project includes the installation of additional piping, valves, and electrical controls to backfill the ground storage tank at Water Plant No. 2 from the existing distribution system.
- f) **Water Distribution System Analysis and Master Plan-CP No. 2, 12-inch Waterline Across Town Creek Bridge**
Completion of this project will remain on hold indefinitely while the bridge damage and adjacent slope stability issues are addressed. However, we looking at additional options to serve the SH-105 & Lone Star Parkway corridor with a looped waterline.

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

- i. **Buffalo Springs Shopping Center, Phase II-Drainage and Paving Facilities** – We received drawings on December 23rd and returned review comments on January 19th.
- ii. **Buffalo Springs Shopping Center, Phase II-Public Water and Sanitary Sewer** – We received drawings on December 23rd and returned review comments on January 19th.
- iii. **Longview Miniature Golf Course** – We received drawings on December 23rd and returned review comments on January 10th.
- iv. **Villas of Mia Lago, Section Two** – We received a revised submission on December 5th and will returned review comments on January 7th. We are scheduled to meet with the Developer and Engineer on January 23rd to discuss repetitive review comments and a DRAFT development agreement.

b) Plat Reviews

- i. **Montgomery First (Preliminary Plat)** – We received a preliminary plat submission on January 12th and returned review comments on January 19th. This submission will be presented to the Planning and Zoning Commission for acceptance on January 24th.

Meetings and Ongoing Activities:

- a) **Buffalo Springs Bridge** – We are awaiting submissions from L.N. McKean, Inc. and Austin Filter Systems, Inc. for proposals for completing pavement restoration and abutment reconstruction. Additionally, we are prepared to assist the City's Grant Administrator is preparing necessary documentation to facilitate and Community Block Development Grant for assistance with the City's FEMA assistance match.

Meetings and Ongoing Activities (cont.):

- b) **Hills of Town Creek, Section Two** – Cooley Construction has completed installation of water, sanitary sewer, paving, and drainage improvements and all punch list items have been satisfied.

***Agenda Item** – Consideration and possible action regarding Certificate of Acceptance for water, sanitary sewer, paving, and drainage improvements to serve Hills of Town Creek, Section Two.*

- c) **Kroger Civil Site Construction, Progress Meetings** – We continue to attend weekly coordination meeting with Key Construction, the Kroger Corporation, and the Milestone Companies.
- d) **LeFevre Property Drainage Improvements** – On December 19th we met with representatives from LeFco Development and City Staff to hear a preliminary presentation for improvements to Town Creek between Lone Star Parkway and Buffalo Crossings Drive and to discuss potential funding mechanism for said improvements. Our understanding is the Developer intends to deliver a formal presentation to Council upon completion of preliminary engineering design
- e) **Lone Star Bend Extension** – We submitted 80% plan sets for the Lone Star Bend extension and Bois D’Arc Bend improvements to the County Engineer’s office on January 9th and are awaiting receipt of review comments.
- f) **Lone Star Parkway (East) Improvements** – We returned revised drawings to the County Engineer’s office on December 16th and are currently awaiting receipt of approved drawings.
- g) **Terra Vista, Section One** – All punch list items resulting from the October 25th inspection have been addressed. The Contractor is working to address punch list items pertaining to the adjacent lift station. We are prepared to present a Statement of Substantial Completion and recommend City acceptance upon completion of the lift station items.
- h) **Texas Water Development Board, Capital Project Funding** – The Water Development Board indicates the City’s Application are now fully complete save for a Designated Management Agency resolution which the City Attorney has prepared for your consideration. Our understanding is the City’s applications will be placed before the Water Development Board for commitment of funds at their meeting to be held on February 23rd.

***Agenda Item** – Consideration and possible action regarding adoption of the following Resolution: A Resolution By The City Council Of The City Of Montgomery, Texas Seeking Designation As A Management Agency For Wastewater Collection And Treatment Within Its City Limits In Accordance With The Federal Water Pollution Control Act; Providing A Texas Open Meetings Act Clause; And Providing An Immediate Effective Date Upon Passage.*

Meetings and Ongoing Activities (cont.):

- i) **Villas of Mia Lago, Section Two Development Agreement** – We are scheduled to meet with the Developer and Engineer on January 23rd to discuss the DRAFT development agreement.
- j) **Waterside Estates** – On January 6th we met with representatives from BGE Engineering, Inc. and City Staff to discuss revisions to the proposed Waterside Estates site plan. Enclosed under separate cover is a variance request as submitted by the Developer.

***Agenda Item** – Consideration and possible action regarding a variance request pertaining to lot width, lot depth, lot area, and side yard setback.*

- k) **Waterstone, Section Two** – Construction of water, sanitary sewer, and paving is complete. At the Contractor's request we conducted an initial inspection on December 13th and delivered the resulting punch list to the Developer and Contractor on December 14th. We are prepared to present a Statement of Substantial Completion and recommend City acceptance upon completion of the punch list items.
- l) **Weekly Operations Conference Call** – We continue hosting a weekly conference call with representatives from Gulf Utility Service, Inc. and City Staff. Items of note discussed during the previous month included replacement of the wastewater treatment plant totalizer and subsequent increase in measured return flows, warranty repair of Cooling Tower Fan Motor No.1 at Water Plant No. 3, and incoming current imbalance affecting well operation at Water Plant No. 2.
- m) **West Side at the Park** – At the Developer's request we conducted an inspection on January 5th and delivered the resulting punch list to the Developer and Engineer on January 10th. We are prepared to present a Statement of Substantial Completion and recommend City acceptance upon completion of the punch list items.

Please contact Glynn Fleming or myself if you have any questions.

Sincerely,



Ed Shackelford, P.E.
Engineer for the City

EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\Engineer's Reports\Engineer's Report 1-24-2017.docx

Enclosures: N/A

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

**CITY OF MONTGOMERY
ACCOUNT BALANCES
For Meeting of January 24, 2017**

	<u>CHECKING ACCT BALANCES</u>	<u>PRIOR MONTH END INVESTMENTS</u>	<u>TOTAL FUNDS AVAILABLE</u>
<u>GENERAL FUNDS</u>			
OPERATING FUND #1017375	\$ 495,174.26		\$ 495,174.26
TEMP GRANT FUNDS - COPS UNIVERSAL #103289	\$ 10.00		\$ 10.00
ESCROW FUND #1025873	\$ -		\$ -
PARK FUND #7014236	\$ -		\$ -
POLICE DRUG & MISC FUND #1025675	\$ 10,675.64		\$ 10,675.64
INVESTMENTS - GENERAL FUND		\$ 300,000.00	\$ 300,000.00
TEXPOOL - GENERAL FUND # 00003		\$ 203,632.37	\$ 203,632.37
TEXPOOL - RESERVE FUND # 00005		\$ -	\$ -
TOTAL GENERAL FUND	\$ 505,859.90	\$ 503,632.37	\$ 1,009,492.27
<u>CONSTRUCTION FUND</u>			
BUILDING FUND #1058528	\$ -		\$ -
CONSTRUCTION ACCOUNT #1058544	\$ 519.58		\$ 519.58
TEXPOOL - CONST # 00009		\$ 569.73	\$ 569.73
INVESTMENTS - CONSTRUCTION		\$ -	\$ -
TOTAL CONSTRUCTION FUND	\$ 519.58	\$ 569.73	\$ 1,089.31
<u>DEBT SERVICE FUND</u>			
DEBT SERVICE FUND #7024730	\$ 97,851.76		\$ 97,851.76
TEXPOOL DEBT SERVICE # 00008	\$ -	\$ 24,274.23	\$ 24,274.23
TOTAL DEBT SERVICE FUND	\$ 97,851.76	\$ 24,274.23	\$ 122,125.99
<u>COURT SECURITY FUND</u> #1058361	\$ 10,113.00	\$ -	\$ 10,113.00
<u>COURT TECHNICAL FUND</u> #1058361	\$ 19,005.16	\$ -	\$ 19,005.16
<u>GRANT FUND</u>			
HOME GRANT ACCOUNT #1059104	\$ 10.00		\$ 10.00
GRANT ACCOUNT #1048479	\$ 287.74		\$ 287.74
TOTAL GRANT FUND	\$ 297.74	\$ -	\$ 297.74
<u>HOTEL OCCUPANCY TAX FUND</u> #1025253	\$ 9,399.90	\$ -	\$ 9,399.90
<u>MEDC</u>			
CHECKING ACCOUNT #1017938	\$ 468,090.10		\$ 468,090.10
TEXPOOL - MEDC # 00003		\$ 233,867.45	\$ 233,867.45
INVESTMENTS - MEDC		\$ 100,000.00	\$ 100,000.00
TOTAL MEDC	\$ 468,090.10	\$ 333,867.45	\$ 801,957.55
<u>POLICE ASSET FORFEITURES</u> #1047745	\$ 4,272.25		\$ 4,272.25
<u>UTILITY FUND</u>			
UTILITY FUND #1017383	\$ 286,958.78		\$ 286,958.78
CUSTOMER DEPOSITS FUND #1017417	\$ -		\$ -
WATER WORKS & SAN SEWER #7013840	\$ -		\$ -
TEXPOOL - UTILITY FUND # 00002		\$ 17,882.74	\$ 17,882.74
TOTAL UTILITY FUND	\$ 286,958.78	\$ 17,882.74	\$ 304,841.52
TOTAL ALL FUNDS	\$ 1,402,368.17	\$ 880,226.52	\$ 2,282,594.69
<u>INVESTMENTS</u>			
TEXPOOL - GENERAL FUND			\$ 203,632.37
INVESTMENTS - GENERAL FUND			\$ 300,000.00
TEXPOOL - CONST # 00009			\$ 569.73
TEXPOOL - DEBT SERVICE # 00008			\$ 24,274.23
TEXPOOL - MEDC			\$ 233,867.45
INVESTMENTS - MEDC			\$ 100,000.00
TEXPOOL - UTILITY			\$ 17,882.74
TOTAL ALL INVESTMENTS			\$ 880,226.52



MUNICIPAL ACCOUNTS
& CONSULTING, L.P.

City of Montgomery

Bookkeeper's Report

January 24, 2017

City of Montgomery
Account Balances

As of January 19, 2017

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
Fund: Operating					
Certificates of Deposit					
ALLEGIANCE BANK (XXXX3545)	10/14/2016	02/11/2017	0.40 %	100,000.00	
GREEN BANK (XXXX0365)	11/21/2016	03/21/2017	0.35 %	100,000.00	
INDEPENDENT BANK (XXXX1533)	12/13/2016	04/12/2017	0.35 %	100,000.00	
Money Market Funds					
TEXPOOL (XXXX0003)	08/01/2005		0.45 %	203,632.37	
Checking Account(s)					
FIRST BANK N.A. (XXXX7375)			0.00 %	495,174.26	Checking Account
FIRST BANK N.A. (XXXX5675)			0.00 %	10,675.64	Police Drug & Misc Fund
FIRST BANK N.A. (XXXX5873)			0.00 %	0.00	Escrow
FIRST BANK N.A. (XXXX2895)			0.00 %	10.00	COPS Universal Award
FIRST BANK N.A. (XXXX4236)			0.00 %	0.00	Park
Totals for Operating Fund:				\$1,009,492.27	
Fund: Capital Projects					
Money Market Funds					
TEXPOOL (XXXX0009)	12/27/2012		0.45 %	569.73	
Checking Account(s)					
FIRST BANK N.A. (XXXX8528)			0.00 %	0.00	Building Fund
FIRST BANK N.A. (XXXX8544)			0.00 %	519.58	Const Ckg-W&S Proj 1058544
Totals for Capital Projects Fund:				\$1,089.31	
Fund: Debt Service					
Money Market Funds					
TEXPOOL (XXXX0008)	12/27/2012		0.45 %	24,274.23	
Checking Account(s)					
FIRST BANK N.A. (XXXX4730)			0.00 %	97,851.76	Checking Account
Totals for Debt Service Fund:				\$122,125.99	
Fund: CT Security					
Checking Account(s)					
FIRST BANK N.A. (XXXX0580)			0.00 %	10,113.00	Cash In Bank
Totals for CT Security Fund:				\$10,113.00	
Fund: CT Tech					
Checking Account(s)					
FIRST BANK N.A. (XXXX8361)			0.00 %	19,005.16	Cash In Bank
Totals for CT Tech Fund:				\$19,005.16	
Fund: Grant					
Checking Account(s)					
FIRST BANK N.A. (XXXX8479)			0.00 %	287.74	Grant Account
FIRST BANK N.A. (XXXX9104)			0.00 %	10.00	Checking Account
Totals for Grant Fund:				\$297.74	

City of Montgomery
Account Balances

As of January 19, 2017

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
Fund: Hotel Occupancy Tax					
Checking Account(s)					
FIRST BANK N.A. (XXXX5253)			0.00 %	9,399.90	Cash In Bank
Totals for Hotel Occupancy Tax Fund:				\$9,399.90	
Fund: MEDC					
Certificates of Deposit					
INDEPENDENT BANK (XXXX6840)	11/22/2016	02/20/2017	0.35 %	100,000.00	
Money Market Funds					
TEXPOOL (XXXX0006)	08/01/2005		0.45 %	233,867.45	
Checking Account(s)					
FIRST BANK N.A. (XXXX7938)			0.00 %	468,090.10	MEDC Checking
Totals for MEDC Fund:				\$801,957.55	
Fund: Policy Asset Forfeiture					
Checking Account(s)					
FIRST BANK N.A. (XXXX7745)			0.00 %	4,272.25	Cash In Bank
Totals for Policy Asset Forfeiture Fund:				\$4,272.25	
Fund: Utility					
Money Market Funds					
TEXPOOL (XXXX0002)	08/01/2005		0.45 %	17,882.74	
Checking Account(s)					
FIRST BANK N.A. (XXXX7383)			0.00 %	286,958.78	Water & Sewer Fund
FIRST BANK N.A. (XXXX7417)			0.00 %	0.00	Customer Deposit Acct
FIRST BANK N.A. (XXXX3840)			0.00 %	0.00	Water Works
Totals for Utility Fund:				\$304,841.52	
Grand total for City of Montgomery:				\$2,282,594.69	

Cash Flow Report - Checking Account

As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$304,413.14
Receipts				
	Sales Tax Revenue 12/16		134,305.68	
	Miscellaneous Deposits CL 12/16		17,562.72	
	Miscellaneous Rev OS 12/16		2,298.67	
	Tax Revenue CL 12/16		162,911.35	
	Tax P&I Rev 12/16		17.29	
	Tax Revenue OS 12/16		115,773.45	
	Tax Revenue EOM 12/16		13,901.17	
	Court Revenue CL 12/16		36,340.25	
	Court Revenue OS 12/16		7,456.80	
	Payroll Item not expensed		17.13	
	Interest		28.64	
Total Receipts				490,613.15
Disbursements				
26780	Petty Cash	Petty Cash Reimbursement @ 12/15/16	(475.68)	
26781	Arrowhead Scientific, Inc.	Supplies - Police #92462	(397.11)	
26782	City of Montgomery - Utility Fund	Water usage	(2,852.64)	
26783	Construction Code Consultants, LLC	Commercial Building Code plan review service- #	(912.50)	
26784	Entergy	Account 105574 - Nov	(1,097.24)	
26785	GALLS, LLC	Uniform wear # 5591280	(49.79)	
26786	Jack Yates	Reimbursement Supplies - PW	(73.59)	
26787	Jim's Hardware	Acct #102 - Invoices - 11/16	(1,704.30)	
26788	Michael Shirley	Prosecutor Fee 12/8/16	(450.00)	
26789	Milton Weinzettle	Headache Rack - Inv 225120	(175.00)	
26790	Municipal Code Corp.	Codification - Codes of Ordinances Inv 279120	(389.10)	
26791	Northwest Pest Patrol	Mosquito fogging - 10/16	(725.00)	
26792	O'Reilly Auto Parts	Acct# 700907 Inv 1838290149, 3115	(495.87)	
26793	Office Depot Business Credit	Supplies Inv 880020273001,817975001,819764001,	(601.14)	
26794	Outdoor Equipment Outlet	Vehicle repairs - Public Works inv 182426	(64.19)	
26795	Pavers Supply Company	Street Repairs - Inv 90715	(143.88)	
26796	Personalized Communications, Inc.	Answering Service - 11/16-12/13/16 - #18253-121	(140.92)	
26797	Solomon Electric, Inc.	Community Center - Inv 10904	(600.00)	
26798	Stowes' Wrecker & Collision	Repairs - Police Inv 33488	(15.00)	
26799	Thomas Printing & Publishing	Business Cards - Napolitano - Inv 8335	(119.50)	
26800	Tyler Technologies, Inc	Monthly fee - Web Site and On Line Billing Compo	(41.00)	
26801	Verizon Wireless	521590387-00001	(1,227.13)	
26802	Weisinger Materials, Inc	W-Native Hardwood Mulch Inv 48965	(48.00)	
26803	Daspit, Laurence F	Payroll 12/22/16	(87.74)	
26804	Office of the Attorney General	0012541428, 0012011313, 0011804850, 001344634	(2,173.07)	
26805	Consolidated Communications	Telephone Service Per Spreadsheet 12/16	(63.58)	
26806	Crown Paper and Chemical	Supplies #99305	(115.85)	
26807	Documation, Inc.	Contract 25366376 / 25378940 Account 124715 -	(1,474.45)	
26808	James F. Napolitano	Reimburse of expenses - 12x15 Plaque Inv 179048	(85.00)	
26809	Rick Hanna, CPI	Inv 16738, 16739, 16749	(4,125.50)	
26810	Valero Marketing & Supply Company-2	Acct 7137-8863 - Invoices for November	(529.95)	
26811	Allen Nelson's Concrete Foundations, Inc.	Building and supplies	(10,350.00)	
26812	Bea Rouse	Deposit refund = Community Building	(150.00)	
26813	Card Service Center	First Financial Credit Card Account XXXX 0869 -	(4,013.86)	
26814	Chief & Law Inforcement Supply	Order 421239 - Drug Test Kits	(144.75)	
26815	G & K Services, Inc.	Uniforms - Inv 1165686578, 692738, 698928, 7051	(584.76)	

Cash Flow Report - Checking Account

As of January 19, 2017

Num	Name	Memo	Amount	Balance
Disbursements				
26816	Gordon B. Dudley, Jr.	Prosecutor Fee 11/3/16 Reissue from Check 2669	(450.00)	
26817	GTIN	Fee per service agreement for 1/17 - Inv 5988	(3,060.00)	
26818	Innovative Outdoors	Mowing Contract - 12/21/16	(6,666.67)	
26819	Lone Star Products & Equipment, LLC	Public Works Equipment Inv 27044	(1,805.34)	
26820	Melissa Benner	CB Deposit refund	(150.00)	
26821	Miller Uniforms & Emblems, Inc.	Uniforms - inv 39197	(951.85)	
26822	Montgomery Area Chamber of Commerce	Membership dues 2017 Invoice 694	(125.00)	
26823	Municipal Accounts & Consulting, L.P.	Bookkeeping 12/16 & CPA Audit Preparation for	(9,588.40)	
26824	Overhead Door Company of Conroe	Install public works item	(1,195.00)	
26825	Prudence Teater	Community Building Deposit Refund	(150.00)	
26826	Robert's Tractor Repair	Steering Cylinder	(374.00)	
26827	Texas Top Cop Shop	Police Supplies Sales Receipt Inv 6065 PO# CM60	(56.85)	
26828	Tyler Technologies, Inc	Monthly fee - Web Site and On Line Billing Compo	(41.00)	
26829	TMRS	0877, 00877	(9,778.90)	
26830	Office of the Attorney General	0012541428, 0012011313, 0011804850, 001344634	(2,270.39)	
26831	City of Conroe	Inv 201610032886, 11012936, 12012983	(4,446.49)	
26832	Conroe/Lake Conroe Chamber of Commerce	Membership Fees 2017 Renewal Inv 93148	(160.00)	
26833	Consolidated Communications	Telephone Service Per Spreadsheet 1/17	(853.49)	
26834	Documation of East Texas, Inc	Contract 8628-01 - Overage thru 11/30/16 Inv 40	(375.25)	
26835	Easley Enterprises of Texas, Inc.	City Hall General Cleaning 12/16	(375.00)	
26836	Entergy	Part Utilities per spreadsheet 12/16	(1,676.24)	
26837	G & K Services, Inc.	Uniforms - Inv 1000557827, 397645, 557838	(209.62)	
26838	Home Depot Credit Services	Acct # *-4458 Inv 6013112 - part	(85.87)	
26839	Jones & Carter, Inc	Inv 0240517,16,14,12,18,19	(27,654.50)	
26840	Perdue, Brandon, Fielder, Collins, & Mott	Collections-Fines and Fees - 11/1-11/3/16	(2,295.10)	
26841	Rick Hanna, CPI	Inspections 12/16/16-12/28/16 Inv 16774	(700.00)	
26842	Robert Rosenquist	Municipal Court Judge - 12/16	(1,500.00)	
26843	Sam's Club	Acct #040241083268-7 Inv 009009, 99999 - Suppl	(502.15)	
26844	State Comptroller	State Criminal Costs and Fees Qtr Ending 12/31/1	(50,938.75)	
26845	Susan Hensley	Reimbursement of Mileage	(369.36)	
26846	Thomas Lundsten	Cedar Brake Park Garden Maintenance - 12/16	(65.00)	
26847	TML-IRP	Contract #6827 - Ins Premium 1/17	(3,675.64)	
26848	TML-Multistate Intergovernmental	Health, Life & AD&D Insurance Jan 2017 - 55017	(11,147.82)	
26849	Allen Nelson's Concrete Foundations, Inc.	Building - Loft - 12x25 -	(1,850.00)	
26850	City of Montgomery - Utility Fund	Water Usage 11/16	(1.00)	
26851	Darden,Fowler & Creighton, L.L.P.	Legal Fees 12/16	(2,206.49)	
26852	Grainger	Park Supplies 9317987940	(27.57)	
26853	Houston Chronicle	Advertising invoices 12/16	(1,129.87)	
26854	Iron Mountain	Document Shredding NHK7963	(102.44)	
26855	Jim's Hardware	Acct #102 - Invoices - 12/16	(1,590.80)	
26856	JK Graphics, Inc.	PW Decals and install Inv 33059	(38.00)	
26857	LDC	CM100017 & CM100032 - Gas Service 101 Planter	(132.65)	
26858	Miguel Rosario	Reimburse of expenses - Red The Uniform Taylor	(207.14)	
26859	Motorola	Purchase of new Radios Inv 13144521	(22,915.29)	
26860	O'Reilly Auto Parts	Acct# 700907 Inv 1838295807, 1838296261	(85.53)	
26861	Office Depot Business Credit	Supplies Inv 12/16	(212.40)	
26862	Pathmark Traffic Products of Texas, Inc.	Inv 21075 - Street Signs	(518.56)	
26863	Personalized Communications, Inc.	Answering Service - 1/17 - #18253-011117	(123.28)	
26864	Solomon Electric, Inc.	Maintenance @ Cedar Brake Park #11022	(65.00)	
26865	Valero Marketing & Supply Company	Acct #62249487 - Fuel 11/15-12/12 (police)	(1,574.27)	
26866	Verizon Wireless	521590387-00001	(1,327.09)	
DD	Bauer, Timothy M	Payroll 12/22/16	(1,328.83)	

Cash Flow Report - Checking Account

As of January 19, 2017

Num	Name	Memo	Amount	Balance
Disbursements				
DD	Belmares, Jose N.	Payroll 12/22/16	(1,921.83)	
DD	Bracht, James C.	Payroll 12/22/16	(1,724.03)	
DD	Carswell, Christopher M	Payroll 12/22/16	(1,184.65)	
DD	Duckett, Kimberly T.	Payroll 12/22/16	(1,119.72)	
DD	Flores, Angelina C.	Payroll 12/22/16	(1,404.19)	
DD	Gonzalez, Krystal	Payroll 12/22/16	(1,208.67)	
DD	Hensley, Susan L.	Payroll 12/22/16	(1,523.87)	
DD	Hernandez, George J.	Payroll 12/22/16	(978.87)	
DD	Kohl, Julie J	Payroll 12/22/16	(232.65)	
DD	Kowarsch, Robert D	Payroll 12/22/16	(50.79)	
DD	Lehn, Rebecca L.	Payroll 12/22/16	(2,069.14)	
DD	Muckleroy, Micha D.	Payroll 12/22/16	(1,696.88)	
DD	Napolitano, James F	Payroll 12/22/16	(2,522.36)	
DD	Raica, Carol D	Payroll 12/22/16	(412.40)	
DD	Riley, James A.	Payroll 12/22/16	(1,323.23)	
DD	Rosario III, Miguel A.	Payroll 12/22/16	(1,298.34)	
DD	Rosendo, Jose A	Payroll 12/22/16	(1,166.13)	
DD	Slaughter, Ashley A.	Payroll 12/22/16	(1,091.82)	
DD	Standifer, Eric L.	Payroll 12/22/16	(1,500.08)	
DD	Thomas, Ryan A	Payroll 12/22/16	(756.79)	
DD	Thompson, Kevin A.	Payroll 12/22/16	(688.68)	
DD	Yates, Jack R	Payroll 12/22/16	(3,248.79)	
DD	Ryan Thomas	To correct error DD to Ryan Thomas on 11/10/16	(128.00)	
DD	Bauer, Timothy M	Payroll 1/6/17	(1,461.10)	
DD	Belmares, Jose N.	Payroll 1/6/17	(1,920.92)	
DD	Carswell, Christopher M	Payroll 1/6/17	(1,389.41)	
DD	Duckett, Kimberly T.	Payroll 1/6/17	(1,067.12)	
DD	Flores, Angelina C.	Payroll 1/6/17	(1,391.95)	
DD	Gonzalez, Krystal	Payroll 1/6/17	(1,094.31)	
DD	Hensley, Susan L	Payroll 1/6/17	(1,525.86)	
DD	Hernandez, George J.	Payroll 1/6/17	(1,195.72)	
DD	Bracht, James C.	Payroll 1/6/17	(1,974.35)	
DD	Kohl, Julie J	Payroll 1/6/17	(354.87)	
DD	Kowarsch, Robert D	Payroll 1/6/17	(36.94)	
DD	Lehn, Rebecca L.	Payroll 1/6/17	(1,825.13)	
DD	Muckleroy, Micha D.	Payroll 1/6/17	(1,697.88)	
DD	Napolitano, James F	Payroll 1/6/17	(2,523.35)	
DD	Raica, Carol D	Payroll 1/6/17	(139.64)	
DD	Riley, James A.	Payroll 1/6/17	(1,777.63)	
DD	Rosario III, Miguel A.	Payroll 1/6/17	(1,430.61)	
DD	Rosendo, Jose A	Payroll 1/6/17	(1,187.35)	
DD	Slaughter, Ashley A.	Payroll 1/6/17	(1,088.33)	
DD	Standifer, Eric L.	Payroll 1/6/17	(1,309.89)	
DD	Thomas, Ryan A	Payroll 1/6/17	(756.79)	
DD	Thompson, Kevin A.	Payroll 1/6/17	(909.86)	
DD	Yates, Jack R	Payroll 1/6/17	(3,250.79)	
DM	ETS Corporation	Credit Card Fees 12/16	(564.48)	
MEMO	City of Montgomery	Dependent Insurance thru 9/30/16	0.00	
MEMO	City of Montgomery	Dependent Insurance 10/1/16 thru 12/31/16	0.00	

City of Montgomery - General
Cash Flow Report - Checking Account
 As of January 19, 2017

Num	Name	Memo	Amount	Balance
Disbursements				
POL	EFTPS	Payroll Liabilities 12/22/16	(11,176.74)	
POL	EFTPS	Payroll liabilities 1/6/17	(11,722.12)	
Total Disbursements			(299,852.03)	(299,852.03)
BALANCE AS OF 01/19/2017				\$495,174.26

Cash Flow Report - Police Drug & Misc Fund Account

As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$10,675.64
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 01/19/2017				\$10,675.64

Cash Flow Report - COPS Universal Award Account

As of January 19, 2017

Num	Name	Memo	Amount	Balance
	BALANCE AS OF 12/13/2016			\$10.00
	Receipts			
	No Receipts Activity		0.00	
	Total Receipts			0.00
	Disbursements			
	No Disbursements Activity		0.00	
	Total Disbursements			0.00
	BALANCE AS OF 01/19/2017			\$10.00

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

December 2016

	Dec 16	Budget	\$ Over B...	Oct - Dec...	YTD Bu...	\$ Over B...	Annual Bu...
Ordinary Income/Expense							
Income							
14000.1 · Taxes & Franchise Fees							
14103 · Beverage Tax	37.50	1,000.00	-962.50	37.50	1,000.00	-962.50	4,000.00
14111 · Franchise Tax	0.00	5,833.34	-5,833.34	5,502.57	17,499.94	-11,997.37	70,000.00
14320 · Ad Valorem Taxes	143,863.53	37,768.00	106,095.53	169,729.56	151,072.00	18,657.56	339,912.00
14330 · Penalties & Interest on Adv Tax	8.50	500.00	-491.50	299.55	750.00	-450.45	2,500.00
14331 · Rendition Penalties	0.00	16.67	-16.67	0.00	49.97	-49.97	200.00
14600 · Sales Tax	100,729.26	138,500.00	-37,770.74	327,427.03	412,500.00	-85,072.97	1,650,000.00
Total 14000.1 · Taxes & Franchise Fees	244,638.79	183,618.01	61,020.78	502,996.21	582,871.91	-79,875.70	2,066,612.00
14000.2 · Permits & Licenses							
14105 · Building Permits	11,705.15	10,833.34	871.81	34,498.05	32,499.94	1,998.11	130,000.00
14146 · Vendor Permits	0.00	8.34	-8.34	0.00	24.94	-24.94	100.00
14611 · Sign Fee	0.00	125.00	-125.00	187.00	375.00	-188.00	1,500.00
14612 · Misc Permit Fees(plats & Zoning)	1,013.15	166.67	846.48	1,477.15	499.97	977.18	2,000.00
Total 14000.2 · Permits & Licenses	12,718.30	11,133.35	1,584.95	36,162.20	33,399.85	2,762.35	133,600.00
14000.4 · Fees for Service							
14380 · Community Bldg Rental	65.00	483.34	-418.34	725.00	1,449.94	-724.94	5,800.00
14381 · Kiosk Revenue	0.00	2.50	-2.50	0.00	7.50	-7.50	30.00
14385 · Right of Way Use Fees	0.34	229.17	-228.83	273.80	687.47	-413.67	2,750.00
Total 14000.4 · Fees for Service	65.34	715.01	-649.67	998.80	2,144.91	-1,146.11	8,580.00
14000.5 · Court Fines & Forfeitures							
14101 · Collection Fees	2,353.52	2,000.00	353.52	7,615.35	6,000.00	1,615.35	24,000.00
14102 · Asset Forfeitures	0.00	91.67	-91.67	0.00	274.97	-274.97	1,100.00
14104 · Bond Fees (Dedicated)	0.00	0.00	0.00	0.00	-500.00	500.00	-500.00
14106 · Child Belt/Safety (Dedicated)	215.49	166.67	48.82	565.49	499.97	65.52	2,000.00
14110 · Fines	39,500.41	41,666.67	-2,166.26	131,763.23	124,999.97	6,763.26	500,000.00
14118 · OMNI	254.71	166.67	88.04	755.45	499.97	255.48	2,000.00
14120 · State - (Dedicated)	0.00	16,666.67	-16,666.67	0.00	49,999.97	-49,999.97	200,000.00
14125 · Warrant Fees	0.00	0.00	0.00	0.00	12.50	-12.50	50.00
14126 · Judicial Efficiency (Dedicated)	137.63	166.67	-29.04	472.76	499.97	-27.21	2,000.00
14130 · Accident Reports	30.00	16.67	13.33	48.00	49.97	-1.97	200.00
Total 14000.5 · Court Fines & Forfeitures	42,491.76	60,941.69	-18,449.93	141,220.28	182,337.29	-41,117.01	730,850.00
14000.6 · Other Revenues							
15380 · Unanticipated Income	5,787.13			5,853.53			
15391 · Interest Income	28.64	41.67	-13.03	178.49	124.97	53.52	500.00
15392 · Interest on Investments	165.26	83.34	81.92	385.18	249.94	135.24	1,000.00
Total 14000.6 · Other Revenues	5,981.03	125.01	5,856.02	6,417.20	374.91	6,042.29	1,500.00
15350 · Proceeds from sales	0.00	0.00	0.00	0.00	10,000.00	-10,000.00	10,000.00
Total Income	305,895.22	256,533.07	49,362.15	687,794.69	811,128.87	-123,334.18	2,951,142.00
Expense							
16000 · Personnel							
16353.1 · Health Ins.	8,764.48	8,213.34	551.14	23,391.48	24,639.94	-1,248.46	98,560.00
16353.4 · Unemployment Ins.	101.82	413.35	-311.53	223.66	1,239.85	-1,016.19	4,960.00
16353.5 · Workers Comp.	1,441.98	1,659.18	-217.20	4,325.94	4,977.38	-651.44	19,910.00
16353.6 · Dental & Vision Insurance	535.58	950.01	-414.43	2,469.50	2,849.91	-380.41	11,400.00
16353.7 · Life & AD&D Insurance	-23.52	120.85	-144.37	182.98	362.35	-179.37	1,450.00
16560 · Payroll Taxes	6,739.79	6,832.52	-92.73	24,104.89	20,497.32	3,607.57	81,990.00
16600 · Wages	78,184.95	86,713.34	-8,528.39	228,322.42	260,139.94	-31,817.52	1,040,560.00
16600.1 · Overtime	3,979.34	1,625.01	2,354.33	7,005.94	4,874.91	2,131.03	19,500.00
16620 · Retirement Expense	3,333.68	3,543.35	-209.67	9,592.39	10,629.85	-1,037.46	42,520.00
Total 16000 · Personnel	103,058.10	110,070.95	-7,012.85	299,619.20	330,211.45	-30,592.25	1,320,850.00
16001 · Communications							
16338 · Advertising/Promotion	658.19	583.34	74.85	1,395.68	3,749.94	-2,354.26	9,000.00

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

Accrual Basis

December 2016

	Dec 16	Budget	\$ Over B...	Oct - Dec...	YTD Bu...	\$ Over B...	Annual Bu...
Total 16001 · Communications	658.19	583.34	74.85	1,395.68	3,749.94	-2,354.26	9,000.00
16002 · Contract Services							
16102 · General Consultant Fees	1,373.25	5,100.01	-3,726.76	5,386.50	15,299.91	-9,913.41	61,200.00
16220 · Omni Expense	0.00	291.67	-291.67	0.00	874.97	-874.97	3,500.00
16242 · Prosecutors Fees	900.00	958.34	-58.34	3,150.00	2,874.94	275.06	11,500.00
16280 · Mowing	6,666.67	7,083.34	-416.67	18,281.67	21,249.94	-2,968.27	85,000.00
16299 · Inspections/Permits	4,825.50	4,583.34	242.16	11,317.50	13,749.94	-2,432.44	55,000.00
16310 · Judge's Fee	1,500.00	1,500.00	0.00	4,500.00	4,500.00	0.00	18,000.00
16320 · Legal	806.49	3,166.67	-2,360.18	3,725.98	9,499.97	-5,773.99	38,000.00
16321 · Audit Fees	0.00	0.00	0.00	0.00	0.00	0.00	19,000.00
16322 · Engineering	0.00	6,250.01	-6,250.01	9,844.50	18,749.91	-8,905.41	75,000.00
16326 · Collection Agency Fees	0.00	2,500.00	-2,500.00	8,397.73	7,500.00	897.73	30,000.00
16333 · Accounting Fees	9,588.40	6,583.34	3,005.06	24,028.42	19,749.94	4,278.48	79,000.00
16335 · Repairs & Maintenance							
16335.1 · Maintenance - Vehicles & Equip							
16334 · Gas/Oil	1,574.27	2,458.34	-884.07	3,907.42	7,374.94	-3,467.52	29,500.00
16343 · Tractor & Mower	0.00	166.67	-166.67	0.00	499.97	-499.97	2,000.00
16357 · Auto Repairs	624.15	1,458.34	-834.19	5,099.55	4,374.94	724.61	17,500.00
16373 · Equipment repairs	452.97	541.67	-88.70	747.16	1,624.97	-877.81	6,500.00
16374 · Building Repairs-City Hall/Comm	664.74	1,541.67	-876.93	1,015.62	4,624.97	-3,609.35	18,500.00
16375 · Street Repairs - Minor							
16375.1 · Streets-Preventive Maintenance	0.00	1,500.00	-1,500.00	10,975.00	4,500.00	6,475.00	18,000.00
16375 · Street Repairs - Minor - Other	143.88	1,250.00	-1,106.12	5,258.05	3,750.00	1,508.05	15,000.00
Total 16375 · Street Repairs - Minor	143.88	2,750.00	-2,606.12	16,233.05	8,250.00	7,983.05	33,000.00
16335.1 · Maintenance - Vehicles & Equip - Ot...	7.50			7.50			
Total 16335.1 · Maintenance - Vehicles & Equip	3,467.51	8,916.69	-5,449.18	27,010.30	26,749.79	260.51	107,000.00
16335 · Repairs & Maintenance - Other	547.08	1,775.00	-1,227.92	2,132.08	5,325.00	-3,192.92	21,300.00
Total 16335 · Repairs & Maintenance	4,014.59	10,691.69	-6,677.10	29,142.38	32,074.79	-2,932.41	128,300.00
16337 · Street Signs	0.00	541.67	-541.67	0.00	1,624.97	-1,624.97	6,500.00
16340 · Printing & Office supplies	2,079.50	666.68	1,412.82	2,416.28	1,999.88	416.40	8,000.00
16342 · Computers/Website	2,490.40	1,233.35	1,257.05	6,543.64	3,699.85	2,843.79	14,800.00
16350 · Postage/Delivery	658.07	441.68	216.39	658.07	1,324.88	-666.81	5,300.00
16351 · Telephone	1,526.39	2,658.34	-1,131.95	4,584.56	7,974.94	-3,390.38	31,900.00
16360 · Tax Assessor Fees	0.00	1,500.00	-1,500.00	222.87	4,500.00	-4,277.13	4,500.00
16370 · Election	0.00	0.00	0.00	0.00	0.00	0.00	16,000.00
17030 · Mobil Data Terminal	2,554.22	666.67	1,887.55	3,781.33	1,999.97	1,781.36	8,000.00
17031 · Police Officer Scheduling Serv	345.38	0.00	345.38	376.29	2,000.00	-1,623.71	2,000.00
17040 · Computer/Technology	2,844.75	1,166.68	1,678.07	5,372.21	3,499.88	1,872.33	14,000.00
17510 · State Portion of Fines/Payouts	50,938.75	16,666.67	34,272.08	50,938.75	49,999.97	938.78	200,000.00
Total 16002 · Contract Services	93,112.36	74,250.15	18,862.21	192,668.68	224,748.65	-32,079.97	914,500.00
16003 · Supplies & Equipment							
16244 · Radio Fees	0.00	416.67	-416.67	0.00	1,249.97	-1,249.97	5,000.00
16328 · Uniforms & Protective Gear	1,211.26	1,333.34	-122.08	1,819.39	3,999.94	-2,180.55	16,000.00
16358 · Copier/Fax Machine Lease	1,474.45	833.35	641.10	4,364.45	2,499.85	1,864.60	10,000.00
16460 · Operating Supplies (Office)							
16460.1 · Streets and Drainage	0.00	291.67	-291.67	954.39	874.97	79.42	3,500.00
16460.2 · Cedar Brake Park	433.87	333.34	100.53	1,540.81	999.94	540.87	4,000.00
16460.3 · Homecoming Park	56.54	500.00	-443.46	104.97	1,500.00	-1,395.03	6,000.00
16460.4 · Fernland Park	28.97	250.00	-221.03	207.41	750.00	-542.59	3,000.00
16460.5 · Community Building	0.00	416.67	-416.67	1,146.99	1,249.97	-102.98	5,000.00
16460.6 · Tools, Etc	170.90	166.67	4.23	340.50	499.97	-159.47	2,000.00
16460.7 · Memory Park	28.94	250.00	-221.06	1,232.69	750.00	482.69	3,000.00
16460 · Operating Supplies (Office) - Other	2,110.76	2,300.01	-189.25	4,108.07	6,899.91	-2,791.84	27,600.00
Total 16460 · Operating Supplies (Office)	2,829.98	4,508.36	-1,678.38	9,635.83	13,524.76	-3,888.93	54,100.00
16503 · Code Enforcement Expenses	0.00	83.34	-83.34	0.00	249.94	-249.94	1,000.00
17010 · Emergency Equipment	0.00	250.00	-250.00	0.00	750.00	-750.00	3,000.00
17050 · Radios	0.00	2,166.67	-2,166.67	0.00	6,499.97	-6,499.97	26,000.00

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

December 2016

	Dec 16	Budget	\$ Over B...	Oct - Dec...	YTD Bu...	\$ Over B...	Annual Bu...
17100 · Capital Purchase Furniture	0.00	0.00	0.00	0.00	23,200.00	-23,200.00	23,200.00
16003 · Supplies & Equipment - Other	34.15	583.34	-549.19	193.01	1,749.94	-1,556.93	7,000.00
Total 16003 · Supplies & Equipment	5,549.84	10,175.07	-4,625.23	16,012.68	53,724.37	-37,711.69	145,300.00
16004 · Staff Development							
16241 · Police Training/Education	0.00	583.34	-583.34	155.25	1,749.94	-1,594.69	7,000.00
16339 · Dues & Subscriptions	200.00	166.67	33.33	712.00	3,499.97	-2,787.97	5,000.00
16341 · Community Relations (Education)	161.24	266.68	-105.44	174.21	799.88	-625.67	3,200.00
16354 · Travel & Training (Travel)	1,233.42	1,541.68	-308.26	3,884.59	4,624.88	-740.29	18,500.00
16004 · Staff Development - Other	0.00			25.00			
Total 16004 · Staff Development	1,594.66	2,558.37	-963.71	4,951.05	10,674.67	-5,723.62	33,700.00
16005 · Maintenance							
16228 · Park Maint-Memory Pk	0.00	708.34	-708.34	248.98	2,124.94	-1,875.96	8,500.00
16229 · Park Maint - Fernland	0.00	816.67	-816.67	49.98	2,449.97	-2,399.99	9,800.00
16230 · Park Maint-Cedar Brake Park	147.99	416.67	-268.68	2,118.40	1,249.97	868.43	5,000.00
16231 · Park Maint. - Homecoming Park	0.00	208.34	-208.34	289.96	624.94	-334.98	2,500.00
Total 16005 · Maintenance	147.99	2,150.02	-2,002.03	2,707.32	6,449.82	-3,742.50	25,800.00
16006 · Insurance							
16353.2 · Liability Ins.	1,792.16	1,385.01	407.15	5,376.48	4,154.91	1,221.57	16,620.00
16353.3 · Property Ins.	441.50	383.35	58.15	1,324.50	1,149.85	174.65	4,600.00
Total 16006 · Insurance	2,233.66	1,768.36	465.30	6,700.98	5,304.76	1,396.22	21,220.00
16007 · Utilities							
16351.1 · Utilities - Memory Park -Water	-420.94			2,656.60			
16351.2 · Utilities-Fernland Pk-Water	-36.82			105.48			
16352.0 · Electronic Sign-City	44.21	41.67	2.54	119.31	124.97	-5.66	500.00
16352.1 · Street Lights	76.22	1,083.34	-1,007.12	2,339.76	3,249.94	-910.18	13,000.00
16352.2 · Traffic Lights	28.55	100.00	-71.45	81.03	300.00	-218.97	1,200.00
16352.3 · Cedar Brake Park	199.41	266.67	-67.26	658.15	799.97	-141.82	3,200.00
16352.4 · Homecoming Park	117.52	100.00	17.52	295.29	300.00	-4.71	1,200.00
16352.5 · Fernland Park	294.49	258.34	36.15	567.46	774.94	-207.48	3,100.00
16352.6 · Utilities - City Hall	722.10	666.67	55.43	2,296.87	1,999.97	296.90	8,000.00
16352.7 · Utilities - Gas	132.65	100.00	32.65	210.60	300.00	-89.40	1,200.00
16352.8 · Utilities - Comm Center Bldg	579.08	625.00	-45.92	1,072.88	1,875.00	-802.12	7,500.00
16352.9 · Utilities-Memory Pk	0.00	1,250.00	-1,250.00	0.00	3,750.00	-3,750.00	15,000.00
16007 · Utilities - Other	73.42			73.42			
Total 16007 · Utilities	1,809.89	4,491.69	-2,681.80	10,476.85	13,474.79	-2,997.94	53,900.00
16008 · Capital Outlay							
16233 · Cap Outlay- Com Building Proj							
16233.1 · Irrigation System	0.00			134.84			
16233 · Cap Outlay- Com Building Proj - Other	0.00	166.67	-166.67	0.00	499.97	-499.97	2,000.00
Total 16233 · Cap Outlay- Com Building Proj	0.00	166.67	-166.67	134.84	499.97	-365.13	2,000.00
17070 · Capital Outlay - Police Cars							
17070.1 · Emergency Lights, Decals	0.00	2,083.34	-2,083.34	0.00	6,249.94	-6,249.94	25,000.00
17070.3 · Vid Tec - In Car	0.00	1,000.00	-1,000.00	0.00	3,000.00	-3,000.00	12,000.00
17070 · Capital Outlay - Police Cars - Other	0.00	0.00	0.00	0.00	63,000.00	-63,000.00	63,000.00
Total 17070 · Capital Outlay - Police Cars	0.00	3,083.34	-3,083.34	0.00	72,249.94	-72,249.94	100,000.00
17071 · Cap Purchase - Computers/Equip							
17071.1 · Copsync	0.00	541.67	-541.67	5,483.88	1,624.97	3,858.91	6,500.00
17071.2 · Radar	0.00	333.34	-333.34	0.00	999.94	-999.94	4,000.00
17071.4 · Laser Fish (Software Equip)	0.00	0.00	0.00	0.00	1,000.00	-1,000.00	1,000.00
17071.6 · Investigative and Testing Equip	0.00	0.00	0.00	0.00	3,000.00	-3,000.00	3,000.00
17071.7 · Ballistic Vests & Shields	0.00	0.00	0.00	0.00	5,000.00	-5,000.00	5,000.00
17071 · Cap Purchase - Computers/Equip - Other	82.00	1,250.00	-1,168.00	164.00	11,450.00	-11,286.00	22,700.00
Total 17071 · Cap Purchase - Computers/Equip	82.00	2,125.01	-2,043.01	5,647.88	23,074.91	-17,427.03	42,200.00
17071.5 · Patrol Weapons	0.00	333.34	-333.34	0.00	999.94	-999.94	4,000.00

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

Accrual Basis

December 2016

	Dec 16	Budget	\$ Over B...	Oct - Dec...	YTD Bu...	\$ Over B...	Annual Bu...
17072 · Capital Outlay-PWorks Items	13,395.00	5,033.34	8,361.66	52,106.61	15,099.94	37,006.67	60,400.00
17080 · Capital Outlay-Improvements	0.00	833.34	-833.34	10,585.15	2,499.94	8,085.21	10,000.00
Total 16008 · Capital Outlay	13,477.00	11,575.04	1,901.96	68,474.48	114,424.64	-45,950.16	218,600.00
16009 · Miscellaneous Expenses							
16590 · Misc. Expense	564.48	300.02	264.46	1,472.35	899.82	572.53	3,600.00
16009 · Miscellaneous Expenses - Other	128.00			1,056.00			
Total 16009 · Miscellaneous Expenses	692.48	300.02	392.46	2,528.35	899.82	1,628.53	3,600.00
16010 · Contingency	0.00	0.00	0.00	0.00	100.00	-100.00	100.00
16500 · Leases - Parks and Recreation							
16504 · Adams Park	0.00	0.00	0.00	0.00	0.00	0.00	2,800.00
Total 16500 · Leases - Parks and Recreation	0.00	0.00	0.00	0.00	0.00	0.00	2,800.00
17500 · Sales Tax Rebatement	0.00	12,333.34	-12,333.34	0.00	36,999.94	-36,999.94	148,000.00
Total Expense	222,334.17	230,256.35	-7,922.18	605,535.27	800,762.85	-195,227.58	2,897,370.00
Net Ordinary Income	83,561.05	26,276.72	57,284.33	82,259.42	10,366.02	71,893.40	53,772.00
Other Income/Expense							
Other Income							
14000.3 · Transfers In							
14620.2 · Admin Transfer from MEDC	0.00	9,375.00	-9,375.00	0.00	9,375.00	-9,375.00	37,500.00
14620.4 · Admin Trf from Court Security	0.00	850.00	-850.00	0.00	850.00	-850.00	3,400.00
Total 14000.3 · Transfers In	0.00	10,225.00	-10,225.00	0.00	10,225.00	-10,225.00	40,900.00
Total Other Income	0.00	10,225.00	-10,225.00	0.00	10,225.00	-10,225.00	40,900.00
Net Other Income	0.00	10,225.00	-10,225.00	0.00	10,225.00	-10,225.00	40,900.00
Net Income	83,561.05	36,501.72	47,059.33	82,259.42	20,591.02	61,668.40	94,672.00

Cash Flow Report - Const CkgW&S Proj 1058544 Account

As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$519.58
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 01/19/2017				\$519.58

City of Montgomery - Capital Projects Acct
Profit & Loss Budget Performance
December 2016

Accrual Basis

	<u>Dec 16</u>	<u>Budget</u>	<u>% of ...</u>	<u>Oct - ...</u>	<u>YTD ...</u>	<u>% of ...</u>	<u>Annual B...</u>
Ordinary Income/Expense							
Income							
43956 · Proceeds of Sale - TWDB 2017	0.00			0.00			2,667,000.00
45391 · Interest Earned	0.31	8.34	3.7%	1.04	24.94	4.2%	100.00
Total Income	0.31	8.34	3.7%	1.04	24.94	4.2%	2,667,100.00
Expense							
43890 · Engineering -Series 2012							
43890.1 · Eng-Catahoula Aquifer WW	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
43890.2 · Eng-WP #3 Improvements	0.00	0.00	0.0%	0.00	0.00	0.0%	106,080.00
43890.4 · Eng - Waterline replacement	0.00	0.00	0.0%	0.00	0.00	0.0%	86,640.00
43890.5 · Eng-Carwile LS & Force Main	0.00	0.00	0.0%	0.00	0.00	0.0%	127,200.00
43890 · Engineering -Series 2012 - Other	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 43890 · Engineering -Series 2012	0.00	0.00	0.0%	0.00	0.00	0.0%	319,920.00
44000 · Wastewater System							
44000.1 · Wastewater-Lift Station Repair	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
44002 · Cap Outlay-SS Diversion/Permit	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
44006 · LS #1 Expansion	0.00			0.00			756,800.00
44007 · LS#3 Forcemain Reroute	0.00			0.00			176,000.00
Total 44000 · Wastewater System	0.00	0.00	0.0%	0.00	0.00	0.0%	932,800.00
45000 · Water System- Capital Proj							
43976.1 · SH 105 Water Lines	0.00	0.00	0.0%	0.00	0.00	0.0%	635,360.00
43992.1 · Water Plant #3 -Cat Well Improv	0.00	0.00	0.0%	0.00	0.00	0.0%	777,920.00
Total 45000 · Water System- Capital Proj	0.00	0.00	0.0%	0.00	0.00	0.0%	1,413,280.00
46000 · Roadway System Improvements							
46000.1 · Water - Meters	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
46000 · Roadway System Improvements - Ot...	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 46000 · Roadway System Improvements	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
48000 · Cap Outlay-Fac, Equip. & Plng							
48000.1 · Water-Buffalo Sp Bridge Proj	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
48000 · Cap Outlay-Fac, Equip. & Plng - Other	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 48000 · Cap Outlay-Fac, Equip. & Plng	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total Expense	0.00	0.00	0.0%	0.00	0.00	0.0%	2,666,000.00
Net Ordinary Income	0.31	8.34	3.7%	1.04	24.94	4.2%	1,100.00
Net Income	0.31	8.34	3.7%	1.04	24.94	4.2%	1,100.00

City of Montgomery - Debt Service
Cash Flow Report - Checking Account
 As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$97,847.62
Receipts				
	Interest		4.14	
Total Receipts			<u>4.14</u>	4.14
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	0.00
BALANCE AS OF 01/19/2017				<u><u>\$97,851.76</u></u>

City of Montgomery - Debt Service Profit & Loss Budget Performance

December 2016

	Dec 16	Budget	\$ Over Bu...	Oct - Dec 16	YTD Budget	\$ Over Bu...	Annual Bu...
Income							
34000 - Taxes & Franchise Fees							
34320 - Ad Valorem Taxes	0.00	90,000.00	-90,000.00	0.00	124,625.90	-124,625.90	348,091.00
34330 - Penalty & Interest	0.00	31.65	-31.65	0.00	266.51	-266.51	3,300.00
Total 34000 - Taxes & Franchise Fees	0.00	90,031.65	-90,031.65	0.00	124,892.41	-124,892.41	351,391.00
34100 - Transfers							
34301.4 - Transfers in-MEDC Fund	0.00	31,875.00	-31,875.00	0.00	31,875.00	-31,875.00	127,500.00
34301.5 - Transfers in - Utility Fund	0.00	31,400.00	-31,400.00	0.00	31,400.00	-31,400.00	125,600.00
Total 34100 - Transfers	0.00	63,275.00	-63,275.00	0.00	63,275.00	-63,275.00	253,100.00
34200 - Proceeds-Bond Series Refundings	0.00	0.00	0.00	0.00	0.00	0.00	0.00
35000 - Other Revenues							
35390 - Interest on Checking	4.14	6.74	-2.60	12.03	20.12	-8.09	40.00
35391 - Interest on Investments	9.40	122.00	-112.60	25.17	362.00	-336.83	1,460.00
Total 35000 - Other Revenues	13.54	128.74	-115.20	37.20	382.12	-344.92	1,500.00
Total Income	13.54	153,435.39	-153,421.85	37.20	188,549.53	-188,512.33	605,991.00
Expense							
37000 - Debt Service							
37360 - Interest Payments On Note	0.00	0.00	0.00	0.00	0.00	0.00	46,022.91
37363 - Paying Agent Fees	0.00	0.00	0.00	0.00	1,250.00	-1,250.00	2,500.00
37365 - Interest 2012 Series Premium	0.00	0.00	0.00	0.00	0.00	0.00	193,343.76
37395 - Principal Note Payments	0.00	0.00	0.00	0.00	0.00	0.00	305,000.00
Total 37000 - Debt Service	0.00	0.00	0.00	0.00	1,250.00	-1,250.00	546,866.67
37370 - Expenses-Refunding Bond Act	0.00	0.00	0.00	0.00	0.00	0.00	0.00
37440 - Payment to Refunding Bond Agent	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expense	0.00	0.00	0.00	0.00	1,250.00	-1,250.00	546,866.67
Net Income	13.54	153,435.39	-153,421.85	37.20	187,299.53	-187,262.33	59,124.33

City of Montgomery - Ct Security Fund
Cash Flow Report - Checking Account
 As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$18,502.68
Receipts				
	Interest		0.32	
Total Receipts				0.32
Disbursements				
1018	Fairweather Group, LLC	City Hall Interior Renovations - Est. #1	(8,390.00)	
Total Disbursements				(8,390.00)
BALANCE AS OF 01/19/2017				<u>\$10,113.00</u>

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

Accrual Basis

December 2016

	<u>Dec 16</u>	<u>Budget</u>	<u>\$ Over...</u>	<u>Oct - ...</u>	<u>YTD B...</u>	<u>\$ Over ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
84110 · Court Fines & Forfeitures							
84110.1 · Court Security Fees	0.00	458.34	-458.34	0.00	1,374.94	-1,374.94	5,500.00
Total 84110 · Court Fines & Forfeitures	0.00	458.34	-458.34	0.00	1,374.94	-1,374.94	5,500.00
84120 · Other Revenues							
84120.1 · Interest Income	0.32	0.42	-0.10	0.90	1.22	-0.32	5.00
Total 84120 · Other Revenues	0.32	0.42	-0.10	0.90	1.22	-0.32	5.00
Total Income	0.32	458.76	-458.44	0.90	1,376.16	-1,375.26	5,505.00
Expense							
86005 · Miscellaneous Expenses	0.00	100.00	-100.00	0.00	100.00	-100.00	1,000.00
Total Expense	0.00	100.00	-100.00	0.00	100.00	-100.00	1,000.00
Net Ordinary Income	0.32	358.76	-358.44	0.90	1,276.16	-1,275.26	4,505.00
Other Income/Expense							
Other Expense							
86560 · Interfund Transfers							
86551 · Baliff Transfer to General Fund	0.00	850.00	-850.00	0.00	850.00	-850.00	3,400.00
Total 86560 · Interfund Tranfers	0.00	850.00	-850.00	0.00	850.00	-850.00	3,400.00
Total Other Expense	0.00	850.00	-850.00	0.00	850.00	-850.00	3,400.00
Net Other Income	0.00	-850.00	850.00	0.00	-850.00	850.00	-3,400.00
Net Income	<u>0.32</u>	<u>-491.24</u>	<u>491.56</u>	<u>0.90</u>	<u>426.16</u>	<u>-425.26</u>	<u>1,105.00</u>

City of Montgomery - Ct Tech Fund
Cash Flow Report - Checking Account
 As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$19,004.84
Receipts				
	Interest		0.32	
Total Receipts			<u>0.32</u>	0.32
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	0.00
BALANCE AS OF 01/19/2017				<u><u>\$19,005.16</u></u>

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

December 2016

Accrual Basis

	<u>Dec 16</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct - De...</u>	<u>YTD Bu...</u>	<u>\$ Over ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
74100 - Court Fines and Forfeitures							
74110 - Court Technology Fees	0.00	500.00	-500.00	0.00	1,500.00	-1,500.00	6,000.00
Total 74100 - Court Fines and Forfeitures	0.00	500.00	-500.00	0.00	1,500.00	-1,500.00	6,000.00
74200 - Other Revenues							
74291 - Interest Income	0.32	0.17	0.15	0.92	0.47	0.45	2.00
Total 74200 - Other Revenues	0.32	0.17	0.15	0.92	0.47	0.45	2.00
Total Income	0.32	500.17	-499.85	0.92	1,500.47	-1,499.55	6,002.00
Expense							
76200 - Contract Services							
76362 - Computer/Website Services	0.00	0.00	0.00	0.00	0.00	0.00	4,800.00
Total 76200 - Contract Services	0.00	0.00	0.00	0.00	0.00	0.00	4,800.00
Total Expense	0.00	0.00	0.00	0.00	0.00	0.00	4,800.00
Net Ordinary Income	0.32	500.17	-499.85	0.92	1,500.47	-1,499.55	1,202.00
Net Income	<u>0.32</u>	<u>500.17</u>	<u>-499.85</u>	<u>0.92</u>	<u>1,500.47</u>	<u>-1,499.55</u>	<u>1,202.00</u>

Cash Flow Report - Grant Account Account

As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$287.74
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 01/19/2017				\$287.74

City of Montgomery - Grant
Cash Flow Report - Checking Account
 As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 01/19/2017				<u>\$10.00</u>

City of Montgomery - Hotel Occupancy Tax Fund
Cash Flow Report - Checking Account
 As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$9,399.90
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 01/19/2017				<u><u>\$9,399.90</u></u>

City of Montgomery - MEDC
Cash Flow Report - MEDC Checking Account
As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$473,143.97
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
1773	Arnette Marketing	Final Invoice 6843 - Seasonal Decorations (Shiny	(995.44)	
1774	Cheryl King	Christmas 2016	(100.00)	
1775	Hodge Podge Lodge	Christmas 2016	(250.00)	
1776	Jennifer Olson	Christmas 2016	(250.00)	
1777	Jim's Hardware	Christmas 2016	(150.00)	
1778	Lisa Martin	Christmas 2016	(150.00)	
1779	Skinner Carpet	Christmas 2016	(500.00)	
1780	Kirk Jones	Training - Reimbursement of expense - Eco Dev. S	(321.31)	
1781	Impact Data Source	Economic impact analysis - Longview Greens Mini	(750.00)	
1782	TEDC	2017 Membership fees Inv #5738	(500.00)	
1783	Trophy House, LLC	Christmas Plaques 2016	(91.50)	
1784	Home Depot	Inv 6013113, 3076088 11/16 - Blight	(995.62)	
Total Disbursements				(5,053.87)
BALANCE AS OF 01/19/2017				\$468,090.10

City of Montgomery - MEDC
Actual to Budget Performance
December 2016

	Dec 16	Budget	\$ Over Bu...	Oct - Dec ...	YTD Bud...	\$ Over Bu...	Annual B...
Income							
55000 · Taxes & Franchise Fees							
55400 · Sales Tax	33,576.42	22,118.61	11,457.81	109,142.36	113,638.32	(4,495.96)	557,000.00
Total 55000 · Taxes & Franchise Fees	33,576.42	22,118.61	11,457.81	109,142.36	113,638.32	(4,495.96)	557,000.00
55300 · Other Revenues							
55391 · Interest Income	90.75	41.67	49.08	329.55	124.97	204.58	500.00
Total 55300 · Other Revenues	90.75	41.67	49.08	329.55	124.97	204.58	500.00
Total Income	33,667.17	22,160.28	11,506.89	109,471.91	113,763.29	(4,291.38)	557,500.00
Expense							
56000 · Pub Infrastructure - Category I							
56000.6 · DowntownDev Improvments	0.00	0.00	0.00	12,316.00	23,333.33	(11,017.33)	35,000.00
56000.8 · Utility Extensions	0.00	16,666.67	(16,666.67)	0.00	49,999.97	(49,999.97)	200,000.00
56000.9 · Flagship Dev Improvements	0.00	833.34	(833.34)	0.00	2,499.94	(2,499.94)	10,000.00
56430 · Tsf to Debt Service	0.00	31,875.00	(31,875.00)	0.00	31,875.00	(31,875.00)	127,500.00
Total 56000 · Pub Infrastructure - Category I	0.00	49,375.01	(49,375.01)	12,316.00	107,708.24	(95,392.24)	372,500.00
56001 · Business Dev & Ret -Category II							
56001.8 · Sales Tax Reimbursement	0.00	67,000.00	(67,000.00)	0.00	67,000.00	(67,000.00)	67,000.00
56423 · Economic Development Grant Prog	0.00	20,000.00	(20,000.00)	0.00	20,000.00	(20,000.00)	20,000.00
Total 56001 · Business Dev & Ret -Category II	0.00	87,000.00	(87,000.00)	0.00	87,000.00	(87,000.00)	87,000.00
56002 · Quality of Life - Category III							
56404 · Seasonal Decorations	995.44	0.00	995.44	995.44	3,000.00	(2,004.56)	3,000.00
56420.2 · Christmas Lighting(Civic Assn)	1,491.50	1,600.00	(108.50)	2,543.42	1,600.00	943.42	1,600.00
56423.1 · Walking Tours	0.00	6,000.00	(6,000.00)	0.00	6,000.00	(6,000.00)	6,000.00
56424.1 · Heritage Village Det. Pond Imp	10,450.00	0.00	10,450.00	10,450.00	0.00	10,450.00	10,000.00
56429 · Removal of Blight	0.00	0.00	0.00	995.62	0.00	995.62	25,000.00
56433 · Downtown Signs	0.00	1,000.00	(1,000.00)	0.00	1,000.00	(1,000.00)	1,000.00
56435 · Fermland Improvements	0.00	0.00	0.00	0.00	5,000.00	(5,000.00)	5,000.00
56439 · Downtown Enhancement Projects	0.00	2,500.00	(2,500.00)	0.00	5,000.00	(5,000.00)	25,000.00
Total 56002 · Quality of Life - Category III	12,936.94	11,100.00	1,836.94	14,984.48	21,600.00	(6,615.52)	76,600.00
56003 · Marketing & Tourism-Category IV							
56408.1 · Promotional Video	0.00	0.00	0.00	1,900.00	0.00	1,900.00	1,000.00
56409 · Antique Show & Fest	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
56413 · Brochures/Printed Literature	0.00	0.00	0.00	0.00	3,000.00	(3,000.00)	8,000.00
56414 · Wine & Music Fest	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
56415 · Texian/Heritage Festival	0.00	0.00	0.00	8,000.00	0.00	8,000.00	8,000.00
56418 · Christmas in Montgomery	0.00	0.00	0.00	5,000.00	5,000.00	0.00	5,000.00
Total 56003 · Marketing & Tourism-Category IV	0.00	0.00	0.00	14,900.00	8,000.00	6,900.00	42,000.00
56004 · Administration - Category V							
56004.1 · Admin Transfers to Gen Fund	9,375.00	9,375.00	0.00	9,375.00	9,375.00	0.00	37,500.00
56004.2 · MACC Administration & Office	2,566.67	2,666.67	(100.00)	7,700.01	7,999.97	(299.96)	32,000.00
56004.3 · Miscellaneous Expenses	665.00	0.00	665.00	714.71	2,000.00	(1,285.29)	6,000.00
56004.4 · Staffing (1 Pt Time/1 Interim)	0.00	3,750.00	(3,750.00)	0.00	11,250.00	(11,250.00)	45,000.00
56327 · Consulting (Professional servi)	200.00	1,250.00	(1,050.00)	1,030.00	3,750.00	(2,720.00)	15,000.00
56354 · Travel & Training Expenses	321.31	0.00	321.31	1,205.31	875.00	330.31	3,500.00
Total 56004 · Administration - Category V	13,127.98	17,041.67	(3,913.69)	20,025.03	35,249.97	(15,224.94)	139,000.00
Total Expense	26,064.92	164,516.68	(138,451.76)	62,225.51	259,558.21	(197,332.70)	717,100.00
Net Income	7,602.25	(142,356.40)	149,958.65	47,246.40	(145,794.92)	193,041.32	(159,600.00)

City of Montgomery - Police Asset Forfeiture
Cash Flow Report - Checking Account
 As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$4,272.25
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 01/19/2017				<u><u>\$4,272.25</u></u>

City of Montgomery - Police Asset Forfeiture Profit & Loss Budget Performance

December 2016

Accrual Basis

	<u>Dec 16</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct - De...</u>	<u>YTD Bu...</u>	<u>\$ Over ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
74000 - Police Asset Forfeitures							
74102 - Asset Forfeitures	0.00	500.00	-500.00	0.00	500.00	-500.00	1,000.00
Total 74000 - Police Asset Forfeitures	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>1,000.00</u>
Total Income	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>1,000.00</u>
Net Ordinary Income	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>1,000.00</u>
Net Income	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>1,000.00</u>

Cash Flow Report - Water & Sewer Fund Account

As of January 19, 2017

Num	Name	Memo	Amount	Balance
BALANCE AS OF 12/13/2016				\$229,741.70
Receipts				
	W&S Revenue CL 12/16		118,934.77	
	W&S Revenue OS 12/16		9,159.78	
	ETS Fees OS 12/16		7.50	
	ETS Fees CL 12/16		121.00	
	Customer Meter Deposits CL 12/16		1,125.00	
	Interest		12.15	
Total Receipts				129,360.20
Disbursements				
13285	DXI Industries Inc.	Chemicals - WP #3 -Inv.055020674-16	(298.40)	
13286	Gulf Utility Service, Inc.	Operations - Inv 14849 11/16	(14,934.61)	
13287	R & C Joy, Inc.	Testing Inv 5566	(564.00)	
13288	Thomas Printing & Publishing	Door Hangers - Inv 8339	(115.00)	
13289	TRWA	Membership Dues 2017	(545.00)	
13290	Waste Management	October and November fees	(14,236.04)	
13291	Consolidated Communications	936-597-4774 - New Summit Business Park Auto	(37.80)	
13292	DXI Industries Inc.	Chemicals - WP #3 -Inv. DE05009039-16	(100.00)	
13293	Star Hand Car Wash	Carwash - Inv 1501	(35.00)	
13294	Texas Excavation Safety System, Inc.	Monthly Message Fees for 11/16- Inv 16-17393	(42.75)	
13295	Accurate Utility Supply, LLC	Operating Supplies Inv 135096	(245.00)	
13296	Consolidated Communications	936-597-4826 - New Summit Business Park Auto	(37.80)	
13297	DSHS Central Lab MC2004	Acct CEN CD2782_102016 PWS ID #1700022 Se	(103.85)	
13298	Magna Flow Environmental, Inc	Sludge Hauling #45030	(2,796.60)	
13299	Montgomery County UD#3-GRP Sponsor	GRP Fees Billing for 12/16	(4,174.00)	
13300	Montgomery County UD#4-GRP Sponsor	GRP Fees Billing for 12/16	(4,174.00)	
13301	Municipal Accounts & Consulting, L.P.	Accounting Service Inv 44996 12/16	(400.00)	
13302	Neil Technical Services, Inc	LS #3 - Investigate Well not Alternating Inv 71031	(407.50)	
13303	Solomon Electric, Inc.	Maintenance Bldg. Repair Inv 10943	(486.00)	
13304	Accurate Utility Supply, LLC	Operating Supplies Inv 135154, cr-135156	(400.00)	
13305	Consolidated Communications	936-597-8846/0 - Stewart Creek WWTP 1/17	(37.73)	
13306	DXI Industries Inc.	Chemicals - WP #3 -Inv.055022206-16	(298.40)	
13307	Entergy	PartUtilities per spreadsheet 12/16	(6,849.37)	
13308	Fairweather Group, LLC	City Hall Interior Renovations - Part Est 1	(10.00)	
13309	Home Depot	Acct # 6035 3225 0289 4458 Part Inv 6013112 11	(48.10)	
13310	Jones & Carter, Inc	Inv 0240516, 15, 13, 11	(7,174.50)	
13311	Solomon Electric, Inc.	Maintenance Bldg. Repair Inv 10982	(340.00)	
13312	Texas Excavation Safety System, Inc.	Monthly Message Fees for 12/16- Inv 16-19047	(46.55)	
13313	TML - IRP	Insurance Premiums 1/17	(1,188.43)	
13314	Tyler Technologies	Insite Transaction Fees - Utility Billing #025-1659	(2,200.00)	
13315	Waste Management (2)	Acct 7-23166-83000 - Inv 5403324-1792-7 1/17	(572.66)	
13316	Badger Meter	Orion Cellular Serv Unit Inv 80009862	(574.94)	
13317	City of Montgomery - Utility Fund	Water Usage Buffalo Spring Sewer Plant - 12/16	(1,800.42)	
13318	Coburn's Conroe	509650659 - 12/16	(236.23)	
13319	DataProse, Inc.	DP1603840 - 12-16	(942.97)	
13320	Ella and Otha Drummond	Deposit refund 14563 Liberty	(77.10)	
13321	Entergy	PartUtilities per spreadsheet 12/16	(2,300.22)	
13322	Grainger	Supplies and equipment #9316862433	(98.86)	
13323	Irma & Offerrel English	Deposit refund 515 Simonton	(77.10)	
13324	Kimberly Dougherty	Deposit refund 205 Bessie Price Owen	(40.71)	
13325	LDC	Generator - 149 South #1 Gen & 105 West #2 Ge	(47.97)	

Cash Flow Report - Water & Sewer Fund Account

As of January 19, 2017

Num	Name	Memo	Amount	Balance
Disbursements				
13326	Motik Custom Homes	Deposit Refund 116 Racetrack Lane	(94.78)	
13327	Neil Technical Services, Inc	Inv 71352, 71385	(733.25)	
13328	Tyler Technologies	Insite Transaction Fees - Utility Billing #025-1778	(42.50)	
13329	State Comptroller	TIN 1-74-2063592-6 sales tax - 4th Qtr Fees 2016	(1,984.30)	
DM	ETS Corporation	To record Credit Card Fees 12/16	(171.42)	
DM	Return Deposit	Returned deposit item	(21.26)	
Total Disbursements				<u>(72,143.12)</u>
BALANCE AS OF 01/19/2017				<u><u>\$286,958.78</u></u>

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

December 2016

	Dec 16	Budget	\$ Over B...	Oct - Dec...	YTD Bud...	\$ Over B...	Annual Bu...
Ordinary Income/Expense							
Income							
24000 · Charges for Service							
24100 · Water Revenue							
24100.1 · Refunds	583.06			583.06			
24100 · Water Revenue - Other	32,855.54	40,939.00	(8,083.46)	129,221.46	122,809.00	6,412.46	491,260.00
Total 24100 · Water Revenue	33,438.60	40,939.00	(7,500.40)	129,804.52	122,809.00	6,995.52	491,260.00
24118 · Surface Water Revenue	395.50	416.67	(21.17)	1,586.34	1,249.97	336.37	5,000.00
24119 · Application Fee	0.00	30.00	(30.00)	(30.00)	60.00	(90.00)	200.00
24120 · Disconnect Reconnect	300.00	266.67	33.33	1,650.00	799.97	850.03	3,200.00
24200 · Sewer Revenue	28,307.82	25,833.34	2,474.48	106,525.30	77,499.94	29,025.36	310,000.00
24310 · Tap Fees/Inspections	19,360.00	0.00	19,360.00	41,119.99	25,000.00	16,119.99	50,000.00
24319 · Grease Trap Inspections	650.00	833.34	(183.34)	2,450.00	2,499.94	(49.94)	10,000.00
24330 · Late Charges	1,014.38	865.84	148.54	3,815.80	2,597.44	1,218.36	10,390.00
24333 · Returned Ck Fee	50.00	0.00	50.00	100.00	0.00	100.00	0.00
25403 · Solid Waste Revenue	8,124.90	6,666.67	1,458.23	24,173.23	19,999.97	4,173.26	80,000.00
Total 24000 · Charges for Service	91,641.20	75,851.53	15,789.67	311,195.18	252,516.23	58,678.95	960,050.00
24101 · Taxes and Franchise Fees							
24110 · Sales Tax Rev for Solid Waste	661.44	466.67	194.77	1,967.68	1,399.97	567.71	5,600.00
Total 24101 · Taxes and Franchise Fees	661.44	466.67	194.77	1,967.68	1,399.97	567.71	5,600.00
24121 · Groundwater Reduction Revenue	9,322.50	10,441.67	(1,119.17)	37,392.30	31,324.97	6,067.33	125,300.00
25000 · Other Revenues							
25391 · Interest Income	19.08	8.34	10.74	41.93	24.94	16.99	100.00
25392 · Interest earned on Investments	0.00	12.50	(12.50)	5.83	37.50	(31.67)	150.00
25399 · Miscellaneous Revenue	128.50	30.00	98.50	331.00	90.00	241.00	360.00
Total 25000 · Other Revenues	147.58	50.84	96.74	378.76	152.44	226.32	610.00
Total Income	101,772.72	86,810.71	14,962.01	350,933.92	285,393.61	65,540.31	1,091,560.00
Expense							
26001 · Personnel							
26353.1 · Health Ins.	994.80	1,005.25	(10.45)	2,945.36	3,015.75	(70.39)	12,063.00
26353.4 · Unemployment Ins	0.00	29.17	(29.17)	0.00	87.47	(87.47)	350.00
26353.5 · Workers Comp.	125.34	154.17	(28.83)	376.02	462.47	(86.45)	1,850.00
26353.6 · Dental Insurance	93.28	87.09	6.19	267.36	261.19	6.17	1,045.00
26353.7 · Life & AD&D Insurance	27.80	28.34	(0.54)	83.40	84.94	(1.54)	340.00
26501 · Retirement Expense	294.97	383.34	(88.37)	866.24	1,149.94	(283.70)	4,600.00
26560 · Payroll Taxes	546.35	625.00	(78.65)	1,604.51	1,875.00	(270.49)	7,500.00
26600 · Wages	7,141.91	8,104.17	(962.26)	20,974.03	24,312.47	(3,338.44)	97,252.00
Total 26001 · Personnel	9,224.45	10,416.53	(1,192.08)	27,116.92	31,249.23	(4,132.31)	125,000.00
26200 · Contract Services							
26320 · Legal Fees	0.00	1,666.67	(1,666.67)	3,106.49	4,999.97	(1,893.48)	20,000.00
26322 · Engineering	0.00	2,908.34	(2,908.34)	7,174.50	8,724.94	(1,550.44)	34,900.00
26323 · Operator	0.00	3,333.34	(3,333.34)	6,400.00	9,999.94	(3,599.94)	40,000.00
26324 · Billing and Collections	1,073.05	541.67	531.38	2,236.58	1,624.97	611.61	6,500.00
26328 · Testing	0.00	666.67	(666.67)	564.00	1,999.97	(1,435.97)	8,000.00
26331 · Sales Tax for Solid Waste	1,984.30	1,750.00	234.30	1,984.30	1,750.00	234.30	7,000.00
26333 · Accounting Fees	400.00	400.00	0.00	1,200.00	1,200.00	0.00	4,800.00
26336 · Sludge Hauling	2,796.60	2,833.34	(36.74)	2,796.60	8,499.94	(5,703.34)	34,000.00
26350 · Postage	487.36	275.00	212.36	1,015.26	825.00	190.26	3,300.00
26351 · Telephone	182.64	183.34	(0.70)	579.84	549.94	29.90	2,200.00
26399 · Garbage Pickup	572.66	7,500.00	(6,927.34)	15,954.02	22,500.00	(6,545.98)	90,000.00
Total 26200 · Contract Services	7,496.61	22,058.37	(14,561.76)	43,011.59	62,674.67	(19,663.08)	250,700.00
26300 · Communications							
26338 · Advertising/Promotion	0.00	0.00	0.00	470.93	0.00	470.93	900.00
Total 26300 · Communications	0.00	0.00	0.00	470.93	0.00	470.93	900.00
26326 · Permits & Licenses	0.00	0.00	0.00	4,958.20	5,200.00	(241.80)	23,000.00
26371 · Dues & Subscriptions	545.00	0.00	545.00	545.00	2,000.00	(1,455.00)	2,000.00
26400.1 · Supplies & Equipment							
26342 · Chemicals	298.40	1,333.34	(1,034.94)	1,291.99	3,999.94	(2,707.95)	16,000.00

	Dec 16	Budget	\$ Over B...	Oct - Dec...	YTD Bud...	\$ Over B...	Annual Bu...
26358 · Copier/Fax Machine Lease	0.00	326.67	(326.67)	0.00	979.97	(979.97)	3,920.00
26460 · Operating Supplies	742.05	1,833.34	(1,091.29)	6,873.63	5,499.94	1,373.69	22,000.00
26485 · Uniforms	0.00	158.34	(158.34)	0.00	474.94	(474.94)	1,900.00
27040 · ComputerTechnology Equipment	0.00	283.34	(283.34)	0.00	849.94	(849.94)	3,400.00
26400.1 · Supplies & Equipment - Other	0.00	281.67	(281.67)	120.25	844.97	(724.72)	3,380.00
Total 26400.1 · Supplies & Equipment	1,040.45	4,216.70	(3,176.25)	8,285.87	12,649.70	(4,363.83)	50,600.00
26401 · Groundwater Reduction Expenses	8,348.00	2,500.00	5,848.00	30,582.00	7,500.00	23,082.00	30,000.00
26500 · Staff Development							
26354 · Travel & Training (Travel)	0.00	316.67	(316.67)	0.00	949.97	(949.97)	3,800.00
26355 · Employee Relations (Education)	0.00	0.00	0.00	0.00	0.00	0.00	200.00
Total 26500 · Staff Development	0.00	316.67	(316.67)	0.00	949.97	(949.97)	4,000.00
26600.2 · Maintenance							
26335 · Repairs & Maintenance	2,413.30	13,500.00	(11,086.70)	37,106.11	40,500.00	(3,393.89)	162,000.00
26335.1 · Vehicle Rep. & Maint.	35.00	0.00	35.00	35.00	0.00	35.00	1,000.00
26349 · Gas & Oil	0.00	333.34	(333.34)	541.51	999.94	(458.43)	4,000.00
Total 26600.2 · Maintenance	2,448.30	13,833.34	(11,385.04)	37,682.62	41,499.94	(3,817.32)	167,000.00
26700 · Insurance Expense							
26353.2 · Liability Ins.	176.50	176.67	(0.17)	529.50	529.97	(0.47)	2,120.00
26353.3 · Property Ins.	886.59	740.00	146.59	2,659.77	2,220.00	439.77	8,880.00
Total 26700 · Insurance Expense	1,063.09	916.67	146.42	3,189.27	2,749.97	439.30	11,000.00
26800 · Utilities Expense							
26352.1 · Utilities - Gas for Generators	47.97	35.17	12.80	129.64	105.47	24.17	422.00
26352.2 · Utilities-Water Plants	4,976.76	5,000.00	(23.24)	15,558.81	15,000.00	558.81	60,000.00
26352.3 · Utilities-WW Treatment Plants	2,745.21	1,666.67	1,078.54	10,103.27	4,999.97	5,103.30	20,000.00
26352.4 · Utilities - Lift Stations	1,416.30	166.67	1,249.63	3,825.82	499.97	3,325.85	2,000.00
26352.5 · Utilities - Security Light	11.32	10.67	0.65	35.79	31.97	3.82	128.00
26800.1 · Buffalo Springs STP- Water Usag	1,800.42			5,028.68			
Total 26800 · Utilities Expense	10,997.98	6,879.18	4,118.80	34,682.01	20,637.38	14,044.63	82,550.00
26900 · Capital Outlay	0.00	8,750.00	(8,750.00)	0.00	26,250.00	(26,250.00)	105,000.00
26901 · Util Projects/Prev Maintenance	0.00	7,916.67	(7,916.67)	1,223.00	23,749.97	(22,526.97)	95,000.00
27000 · Miscellaneous Expenses							
26359 · Misc Expense	171.42	83.34	88.08	431.31	249.94	181.37	1,000.00
Total 27000 · Miscellaneous Expenses	171.42	83.34	88.08	431.31	249.94	181.37	1,000.00
Total Expense	41,335.30	77,887.47	(36,552.17)	192,178.72	237,360.77	(45,182.05)	947,750.00
Net Ordinary Income	60,437.42	8,923.24	51,514.18	158,755.20	48,032.84	110,722.36	143,810.00
Other Income/Expense							
Other Expense							
27001 · Other Expenses							
27001.2 · Transfer to Debt Service	0.00	10,466.67	(10,466.67)	0.00	31,399.97	(31,399.97)	125,600.00
Total 27001 · Other Expenses	0.00	10,466.67	(10,466.67)	0.00	31,399.97	(31,399.97)	125,600.00
Total Other Expense	0.00	10,466.67	(10,466.67)	0.00	31,399.97	(31,399.97)	125,600.00
Net Other Income	0.00	(10,466.67)	10,466.67	0.00	(31,399.97)	31,399.97	(125,600.00)
Net Income	60,437.42	(1,543.43)	61,980.85	158,755.20	16,632.87	142,122.33	18,210.00

District Debt Service Payments

01/01/2017 - 12/31/2017

Paying Agent	Series	Date Due	Date Paid	Principal	Interest	Total Due
Debt Service Payment Due 03/01/2017						
Amegy Bank of Texas	2012	03/01/2017		120,000.00	58,887.50	178,887.50
Amegy Bank of Texas	2012R	03/01/2017		105,000.00	39,209.38	144,209.38
First National Bank of Huntsville	2015R	03/01/2017		80,000.00	8,261.25	88,261.25
		Total Due 03/01/2017		305,000.00	106,358.13	411,358.13
Debt Service Payment Due 09/01/2017						
Amegy Bank of Texas	2012	09/01/2017		0.00	57,087.50	57,087.50
Amegy Bank of Texas	2012R	09/01/2017		0.00	38,159.38	38,159.38
First National Bank of Huntsville	2015R	09/01/2017		0.00	7,761.25	7,761.25
		Total Due 09/01/2017		0.00	103,008.13	103,008.13
		District Total		\$305,000.00	\$209,366.26	\$514,366.26

City of Montgomery
Summary of Pledged Securities

As of January 19, 2017

Financial Institution: ALLEGIANCE BANK

Total CDs, MM:	\$100,000.00	Collateral Security Required:	No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File:	No
Total pledged securities:	\$0.00	Investment Policy Received:	Yes
Ratio of pledged securities to investments:	N/A		

Financial Institution: FIRST BANK N.A. (Depository Bank)

Total CDs, MM, and Checking Accounts:	\$1,402,368.17	Collateral Security Required:	Yes
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File:	Yes
Total pledged securities:	\$0.00	Investment Policy Received:	Yes
Ratio of pledged securities to investments:	0.00 %		

Financial Institution: GREEN BANK

Total CDs, MM:	\$100,000.00	Collateral Security Required:	No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File:	No
Total pledged securities:	\$0.00	Investment Policy Received:	Yes
Ratio of pledged securities to investments:	N/A		

Financial Institution: INDEPENDENT BANK

Total CDs, MM:	\$200,000.00	Collateral Security Required:	No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File:	No
Total pledged securities:	\$0.00	Investment Policy Received:	Yes
Ratio of pledged securities to investments:	N/A		

Financial Institution: TEXPOOL

Total CDs, MM:	\$480,226.52	Collateral Security Required:	No
Less FDIC coverage:	\$0.00	Collateral Security Agreement On File:	Yes
Total pledged securities:	\$0.00	Investment Policy Received:	Yes
Ratio of pledged securities to investments:	N/A		

ITEM# 9
Montgomery City Council
AGENDA REPORT

Meeting Date: January 24,2017	Budgeted Amount: MEDC \$1.00 /year
Department:	
Prepared By: Jack Yates, City Administrator	Exhibits: The lease as signed by Tom Cronin, minutes from MEDC meeting
Date Prepared: January 19, 2017	

Subject

Lease Agreement with Tom Cronin for south of Cozy Grape Restaurant.

Discussion

This is a lease reviewed by the City Attorney and recommended by the MEDC. The lease is valid enough on its own merits, because paving the property is not a requirement of the lease, but the intention is for the MEDC to fund paving of Mr. Cronin's and Mr. Laughter's property south of the Cozy Grape to Caroline Street. Before any paving would occur the planned expenditure would come to the Council since it will be more than \$10,000. The lease is \$1.00/year to be paid from MEDC.

Reccomendation

Approve the lease as presented

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 19,2017

**DISCUSSION
REGARDING LEASE OF TOM CRONIN PROPERTY
AT MEDC BOARD
AT JANUARY 16, 2017 MEETING**

Discuss/take action regarding agreement with Tom Cronin for lease of property to create a public parking lot – – Jack Yates reported the area involved in the lease and that over a long period of time the possibility of a lease had been discussed by MEDC members. He said the signed lease was in the Board packet. He said that along with the Col. Laughter property to the south, the intention over time is to pave the area for a parking lot anchor for downtown, using MEDC funds. There was discussion regarding the one-year lease on Col. Laughter's property. Jack and Pres. Jones replied that they had met with the Col.'s son in late December and that the son said he had no intention of not renewing a lease over a long period of time and that he would give the city the first option should they decide to sell the property. Jack said that he would be back, probably in February, with the cost of the paving project for the Boards consideration.

Motion by Hanover seconded by Kerr to recommend the lease with Mr. Cronin as presented to the City Council. All in favor.

LEASE AGREEMENT BETWEEN
CITY OF MONTGOMERY, TEXAS
AND TOM CRONIN

DATE: January 26, 2017

LANDLORD: TOM CRONIN, and his heirs, administrators, and successors

Landlord's Address:

14340 Liberty Street
Montgomery, Texas 77356

Tenant: CITY OF MONTGOMERY, TEXAS

Tenant's Address:

P.O. Box 708
Montgomery, Texas. 77356

Premises:

TRACT 1: A tract of land containing the southern half of a 0.1768 acres of land, more or less, in the John Corner Survey, A-8, Montgomery County, Texas and being the same tract of land conveyed to L.A. Peel called Tract 10 by deed recorded in Volume 226, Page 196, Montgomery County Deed Records; said 0.1768 acre tract is being more particularly described by metes and bounds in Exhibit "A" attached.
and

TRACT 2: A tract of land containing 0.083 acres of land, more or less, in the John Corner Survey, Abstract No. 8, Montgomery County, Texas and being more particularly described by metes and bounds in Exhibit "B" attached.

Term (months): Twenty (20) years

Commencement Date: February 1, 2017

Termination Date: January 31, 2036

~~**Early Termination:** Notwithstanding anything herein to the contrary, termination with mutual consent may happen at any time during the term of the lease with 30 days' written notice. No partial month payments will be paid, except if termination is initiated by Tenant, in which case the tenant pays the full amount for the month. Tenant understands Landlord is actively marketing the land for sale. When a contract for purchase is accepted by the Landlord, Landlord will give 45-day notice to the Tenant. After the 45th day the contract will be terminated.~~

Rent: Tenant shall pay to Landlord each year up front the amount of \$1.00 paid within the month of January of each year of this 20-year term. Tenant shall remit payment without invoices from the Landlord. Tenant may prepay the rent amount for any, or all, of the years of the term of this Agreement.

Permitted Use of Premises:

1. Tenant and its agents shall be permitted to host special public events on the Premises for event vendors and event parking at no additional cost to the Tenant.
2. Tenant shall be permitted to construct, install, maintain, utilize and operate a parking lot on the Premises, along with related appurtenances, including but not limited to, overhead lighting, fencing, benches, gazebos, paving, and other improvements necessary to promote public use for public events. Tenant may use the Premises as an overflow parking area and an events area for the City of Montgomery and the public.

Clauses and Covenants

A. Tenant agrees to:

1. Lease the Premises for the entire Term beginning on the Commencement Date and ending on the Termination Date.
2. Accept the Premises in their present condition "AS IS," the Premises being currently suitable for the Permitted Use.
3. Obey (a) all laws relating to Tenant's use, maintenance of the condition, and occupancy of the Premises and Tenant's use of any common areas and (b) any requirements imposed by utility companies serving or insurance companies covering the Premises.
4. Obtain and pay for all utility services used by Tenant and not provided by Landlord.
5. Allow Landlord to enter the Premises to perform Landlord's obligations, inspect the Premises, and show the Premises to prospective purchasers.
6. Repair, replace and maintain any part of the Premise that Landlord is not obligated to repair, replace, or maintain, normal wear excepted.
7. Vacate the Premises on the last day of the Term.
8. Maintain a liability insurance policy covering the Premises in an amount similar to other property owned and or leased by Tenant and provide Landlord certificates of insurance or other proof of said insurance on request. The liability policy must be endorsed to name Landlord as additional insured.
9. Maintain the premises in a neat and attractive condition, and reasonably mowed and maintained.

B. Tenant agrees not to:

1. Use the Premises for any purpose other than the Permitted Use.
2. Create a nuisance.
3. Permit any waste
4. Allow a lien to be placed on the Premises.
5. Assign this lease or sublease any portion of the Premises without Landlord's written consent.

C. Landlord agrees to:

1. Lease to Tenant the Premises subject to the Term and Termination Date provisions.
2. Obey all laws relating to Landlord's operation of the Premises.

D. Landlord agrees not to:

1. Interfere with Tenant's possession of the Premises so long as Tenant is not in default.
2. Unreasonably withhold consent to a proposed assignment or sublease.

E. Landlord and Tenant agree to the following:

1. *Alterations.* Any physical additions or improvements to the Premises made by Tenant will become the property of Landlord. Landlord may require in writing that Tenant, at the end of the Term and at Tenant's expense, remove any physical additions and improvements, repair any alterations, and restore the Premises to the condition existing at the Commencement Date, normal wear excepted.
2. *Abatement.* Tenant's covenant to pay Rent and Landlord's covenants are independent. Except as otherwise provided, Tenant will not be entitled to abate Rent for any reason.
3. *Default by Landlord/Event.* Defaults by Landlord are failing to comply with any provision of this lease within thirty days after written notice.
4. *Default by Landlord/Tenant's Remedies.* Tenant's remedies for Landlord's default are to sue for damages.
5. *Default by Tenant/Events.* Defaults by Tenant are (a) failing to pay timely Rent after being given thirty (30) day's written notice by Landlord; (b) abandoning or vacating a substantial portion of the Premises, and (c) failing to comply within ten days after

written notice with any provision of this lease other than the defaults set forth in (a) and (b).

6. *Default by Tenant/Landlord's Remedies.* Landlord's remedies for Tenant's default are to terminate this lease by written notice and sue for damages.
7. *Default/Waiver/Mitigation.* It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this lease does not preclude pursuit of other remedies in this lease or provided by applicable law. Landlord and Tenant have a duty to mitigate damages.
8. *Holdover.* If Tenant does not vacate the Premises following termination of this lease, Tenant will become a tenant-at-will and must vacate the Premises on receipt of written notice from Landlord. No holding over by Tenant, whether with or without the consent of Landlord, will extend this Term.
9. *Alternative Dispute Resolution.* Landlord and Tenant agree to mediate in good faith before filing a suit for damages.
10. *Attorney's Fees.* If either party retains an attorney to enforce this lease, the party prevailing in litigation is entitled to recover reasonable attorney's fees and other fees and court and other costs.
11. *Venue.* Exclusive venue is in Montgomery County, Texas.
12. *Entire Agreement.* This lease constitutes the entire agreement of the parties concerning the lease of the Premises by Landlord to Tenant. There are no representations, warranties, agreements, or promises pertaining to the lease of the Premises by Landlord to Tenant that are not in this lease.
13. *Amendment of Lease.* This lease may be amended only by an instrument in writing signed by Landlord and Tenant.
14. *Limitation of Warranties.* THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY, OF FITNESS FOR A PARTICULAR PURPOSE, OR OF ANY OTHER KIND ARISING OUT OF THIS LEASE, AND THERE ARE NO WARRANTIES THAT EXTEND BEYOND THOSE EXPRESSLY STATED IN THIS LEASE.
15. *Notices.* Any notice required or permitted under this lease must be in writing. Any notice required by this lease will be deemed to be delivered (whether received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this lease. Notice may also be given by regular mail, person delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when received. Any address for notice may be changed by written notice delivered as provided herein.

16. *Abandoned Property.* Landlord may retain, destroy or dispose of any property left on the Premises at the end of the Term.
17. *Binding on Successors.* This lease shall be binding on the parties' heirs, administrators, successors and assigns.
18. *Recording the Lease Agreement.* Landlord and Tenant agree that this Lease Agreement may be recorded in the Real Property Records of the County Clerk of Montgomery, County.

LANDLORD:



TOM CRONIN, Owner

TENANT:

CITY OF MONTGOMERY, TEXAS

KIRK JONES, Mayor

ATTEST:

SUSAN HENSLEY City Secretary

After Recording Return To:

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

Exhibit "A"

A tract of land containing 0.1768 acres of land, more or less, in the John Comer Survey, A-8, Montgomery County, Texas and being the same tract of land conveyed to L. A. Peel called tract 10 by Deed recorded in Volume 226, Page 196, Montgomery County Deed Records, said 0.1768 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a "mag" nail found in the East line of Liberty Street, (50.00' R.O.W.) for the Southwest corner of the herein described tract, same being the Northwest corner of a tract conveyed to Country Life Construction, Inc. by Deed recorded in Volume 476, Page 1810, Deed Records, Montgomery County, Texas, and being located North 00° 30' 00" West, a distance of 110.00 feet from the North line of Caroline Street (30.00' R.O.W.);

THENCE North 00° 30' 00" West, along the East line of said Liberty Street, a distance of 70.00 feet to a 1/2 inch iron rod found marking the Northwest corner of the herein described tract, same being the Southwest corner of a tract conveyed to Elizabeth Siler by Deed recorded in Volume 745, Page 773, Deed Records, Montgomery County, Texas;

THENCE North 89 deg 10' 30" East, along Siler's South line a distance of 110.00 feet to an "X" found in concrete for the Northeast corner of the herein described tract, in the Westerly right of way line of McCown Street (50' R.O.W.);

THENCE South 00° 30' 00" East, along the Westerly line of said McCown Street, a distance of 70.00 feet to a 5/8 inch iron rod found marking the Southeast corner of the herein described tract, same being the Northeast corner of the said Country Life Construction tract;

THENCE South 89° 10' 31" West, along the North line of said Country Life Construction tract, a distance of 110.00 feet to the POINT OF BEGINNING and containing 0.1768 acre of land, more or less.

Exhibit "B"

**0.083 ACRES
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS**

Being 0.083 acres of land situated in the John Corner Survey, Abstract Number 8 in Montgomery County, Texas and being that same tract described in Deed to Linnie R. Clover and Sonya Reed Clover under Clerk's File Number 2000-071834 of the Real Property Records of Montgomery County, Texas as referenced in Deed conveyed from Montgomery Co-operative Association, Patrons and Husbandry to W.B. Wood recorded in Volume 10, Page 78 of the Deed Records of Montgomery County, Texas; said 0.083 acres being more particularly described by metes and bounds as follows with all bearings referenced to the South line of said Clover tract:

BEGINNING at a ½ inch iron rod, found in the East line of Liberty Street, also called F.M. 149, for the Southwest corner of the herein described tract and the aforementioned Clover tract in the North line of a 0.055 acre and 0.139 acre tract described in deed to Ramon M. Laughter under Clerk's File Number W244431 of the Real Property Records of Montgomery County, Texas;

THENCE North 00°30'00" West, along the East line of Liberty Street and the West line of said Clover tract, a distance of 33.00 feet (Deed call: North, 33.00 feet) to a "PK" nail, set in pavement for the Northwest corner of the herein described tract and the Southwest corner of a 0.1788 acre tract described in Deed to Elizabeth Siler and Jimmie Bryan, Jr. under Clerk's File Number 2000-0822086 of the Real Property Records of Montgomery County, Texas;

THENCE North 88°10'31" East, leaving the East line of Liberty Street and following along the South line of said 0.1788 acre tract, a distance of 110.00 feet (Clover Deed call: East, 125 feet) to a 5/8 inch iron rod with survey cap marked "Glazman RPLS 4627", set for the Northeast corner of the herein described tract in the West line of McCown Street;

THENCE South 00°02'57" East, following along the West line of McCown Street; a distance of 33.00 feet (Deed call: South, 33.00 feet) to a bent nail, found at the edge of pavement for the Southeast corner of the herein described tract and the Northeast corner of the aforementioned Laughter tract;

THENCE South 88°10'31" West, leaving the West line of McCown Street and along the North line of said Laughter tract (Deed Call: South 88°10'31" West, 110.00 feet) and along the South line of the said Clover tract (Deed Call: West 125 feet), a distance of 109.80 feet, back to the Point Of Beginning and containing 0.083 acres of land based on the survey and plat prepared by Glazman Surveying, Inc., dated April 12, 2008
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Montgomery City Council
AGENDA REPORT

Meeting Date: January 24,2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates, City Administrator	Exhibits: TWDB Loan matters: A memo from the Bond Attorney explain the request for Council Action, A memo from the Financial Advisor providing further explanation of request of Council w/timetable for closing on the loan, Resolution regarding sanitary sewer system loan
Date Prepared: January 19, 2017	

Subject

Resolution authorizing a published notice stating the intent is to borrow these funds, giving the maximum par value of the Certificates of Obligation which provides an opportunity for a petition to be filed calling for an election before the borrowing occurs.

Discussion

This is a document that came from the Bond Counsel on the upcoming TWDB Certificates of Obligation. The Resolution states that the Council intends to borrow these funds through Certificates of Obligation and then after the Resolution by law, a petition could be prepared and presented that could require a voter approval of the borrowing.

Jonathon Friels, bond Attorney will be present to answer questions/provide further information.

The expectation is that the TWDB will approve the Montgomery project funding at its February 23rd Board meeting.

By adopting and getting started on the public notices that will move up the time that the city can get the funds available.

Reccomendation

Approve the Resolution as presented

Montgomery City Council
AGENDA REPORT

Approved By		
Department Manager		Date:
City Administrator	Jack Yates	Date: January 19,2017

January 18, 2017

Jack,

Per our conversation, below is language for a cover memo to the City Council for the agenda items. Please let me know if you have any questions or comments.

Summary of Request for Council Action:

During the fall of 2016, the City applied for financial assistance from the Texas Water Development Board (TWDB) for a set of water projects and a set of sanitary sewer projects. The TWDB staff has indicated that they intend to recommend that the TWDB board approve the financial assistance for both sets of projects at their meeting on February 23. The City's ability to receive financial assistance is contingent upon receiving TWDB board approval. The receipt of financial assistance from the TWDB will reduce the borrowing costs for the City versus a market sale.

The City's borrowing from the TWDB will be evidenced through the issuance of certificates of obligation. State law requires that the City publish notice of its intention to issue certificates of obligation, with the first publication being at least 30 days before the ordinance approving the certificates of obligation is approved by the City Council. The two resolutions being presented to City Council authorize the publication of the required notices for the two TWDB financings. By approving the resolutions at this time, the City will be in a position to approve the sale of certificates of obligation to the TWDB at the City Council meeting on March 28, with proceeds from the sale being delivered to the City on or about April 5. The notice of intent sets the maximum par amount of the certificates of obligation, and that amount is tied to the resolutions requesting financial assistance from the TWDB previously approved by the City. Administration currently anticipates that the actual amount borrowed will be less than the noticed amounts.

JONATHAN K. FRELS, Bond Counsel

January 17, 2017

Jack,

Attached is a draft timetable for the City's CW & DW financings showing a March 28th sale and an April 27th closing. The TWDB team indicated that they should be able to accommodate this schedule (barring any unforeseen delays on their end). This schedule proposes that the City Council adopt two Notices of Intent ("NOI") to issue the Certificates of Obligation, Series 2017 A & B. I'll try to give a rough summary of what the Council will be considering at their next meeting, but Jonathan can certainly explain it much better and correct any errors I might have made. As you know, Certificates of Obligation require a notification process to allow citizens the opportunity to submit a valid petition which would require the CO's be voted prior to issuance. The City will be required to publish a notice in the local paper for two consecutive weeks and the City cannot adopt the ordinances authorizing the CO's until 30 days after the first posting.

Please confirm that you will need the appropriate agenda language for the two separate items by tomorrow and that you will need the relevant documents for inclusion in the Council packet by Friday. Jonathan mentioned he and his team should be able to provide these on time.

If you have any questions please don't hesitate to call.

Thank you,

James Gilley, Jr., Financial Advisor
U.S. Capital Advisors LLC

CITY OF MONTGOMERY, TEXAS
\$1,090,000 CERTIFICATES OF OBLIGATIONS, SERIES 2017A (CWSRF)
\$1,730,000 CERTIFICATES OF OBLIGATIONS, SERIES 2017B (DWSRF)

Draft
1/4/2017

COUNCIL MEETS 2ND & 4TH TUESDAY OF THE MONTH (6:00PM)

Tentative Timetable of Events

AUGUST – 2016						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24/31	25	26	27	28	29

NOVEMBER						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JANUARY – 2017						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Complete By	Day	Event	Parties
August 23	Tuesday	City Council Meeting to approve the Resolution requesting financial assistance from the Texas Water Development Board ("TWDB").	C
August 25	Thursday	Deadline for Applications to be declared 'Administratively Complete' by the TWDB.	All
October 28	Friday	City advertises Request for Proposals ("RFP") for professional services to satisfy procurement requirements.	C
November 28	Monday	RFP responses due.	C

December 13	Tuesday	City Council Meeting to consider RFP responses and select firms for professional services.	C
<u>2017</u>			
January 10	Tuesday	City Council Meeting to consider an ordinance to adopt the Water Conservation Plan.	
January 24	Tuesday	City Council approves the Notice of Intent ("NOI") to issue Certificates of Obligation, Series 2017 A & B (the "Certificates").	C, BC, FA
January 25	Wednesday	City provides NOI to local paper "Montgomery County News" for publication: <u>due to Paper before *****.</u>	C, BC
February 1	Wednesday	City publishes first NOI in local paper.	C
February 8	Wednesday	The Montgomery News publishes second NOI.	C
February 23	Thursday	Texas Water Development Board ("TWDB") approves the Clean Water and Drinking Water State Revolving Fund ("CWSF" and "DWSRF") loan commitments.	TWDB
February 24	Friday	Bond Counsel provides documents to the TWDB 30 days prior to sale	BC
March 21	Tuesday	Apply for CUSIPs.	FA
March 22	Wednesday	TWDB provides final interest rates for the Certificates.	TWDB, FA
March 28	Tuesday	Sale date. City Council Meeting to adopt and approve Ordinance authorizing the Certificates.	C, BC, FA
March 29	Thursday	Distribute draft Closing Memorandum.	FA
April 5	Wednesday	Transcript to the Attorney General.	BC
April 19	Wednesday	Provide all documents for closing to the TWDB.	ALL
April 27	Thursday	Deliver Certificates.	C, BC

Legend

City of Montgomery
 Bracewell LLP
 US Capital Advisors LLC
 Texas Water Development Board

Issuer (C)
 Bond Counsel (BC)
 Financial Advisor (FA)
 Purchaser (TWDB)

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION FOR SANITARY SEWER SYSTEM PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §
CITY OF MONTGOMERY §

WHEREAS, the City Council of the City of Montgomery, Texas (the "City") deems it advisable to issue certificates of obligation (the "Certificates") in accordance with the notice hereinafter set forth; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code; NOW, THEREFORE

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

Section 1. The findings, determinations, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City's intention to issue the Certificates (the "Notice").

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication to be at least thirty-one (31) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. The City reasonably expects to reimburse itself for costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the projects listed in Exhibit A (the "Financed Project") from proceeds of the Certificates.

Section 5. The City reasonably expects that the maximum principal amount of obligations issued to reimburse the City of the costs associated with the Financed Project will be \$1,300,000.

Section 6. The Mayor, City Secretary and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 7. This resolution shall take effect immediately upon its passage.

[Execution Page to Follow]

PASSED AND APPROVED on this the 24th day of January, 2017.

Mayor, City of Montgomery, Texas

ATTEST:

City Secretary, City of Montgomery, Texas

(SEAL)

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Montgomery, Texas (the "City"), will meet at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas at 6:00 p.m. on the 28th day of March, 2017, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City's certificates of obligation, in the maximum aggregate principal amount not to exceed \$1,300,000, payable from ad valorem taxes and a pledge of a lien on surplus revenues of the City's water and sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the certificates of obligation, and maturing over a period not to exceed forty years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with improvements to the City's sanitary sewer system, including (i) the construction of improvements to and the expansion and equipment of Lift Station No. 1, (ii) the construction of improvements to and relocation of the force main for Lift Station No. 3, (iii) the replacement of existing lift pumps, and (iv) the costs of professional services incurred in connection therewith.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 24th day of January, 2017.

Susan Hensley
City Secretary
City of Montgomery, Texas

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF HARRIS §

I, the undersigned officer of the City Council of the City of Montgomery, Texas, hereby certify as follows:

1. The City Council of the City of Montgomery, Texas, convened in a regular meeting on the 24th day of January, 2017, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Kirk Jones	Mayor
Jon Bickford	Council Member, Position 1
John Champagne	Council Member, Position 2
T.J. Wilkerson	Council Member, Position 3
Rebecca Huss	Council Member, Position 4
Dave McCorquodale	Council Member, Position 5

and all of said persons were present, except the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

RESOLUTION NO. _____

A Resolution By The City Council Of The City Of Montgomery, Texas,
Authorizing Publication Of Notice Of Intention To Issue Certificates Of
Obligation For Sanitary Sewer System Projects; And Approving Other Matters
Incidental Thereto

was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

AYES: _____ Members shown present voted "Aye."

NOES: _____ Members shown present voted "No."

2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said resolution has been duly recorded in said City Council's minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 24th day of January, 2017.

City Secretary
City of Montgomery, Texas

[SEAL]

ITEM# 11
Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: TWDB Loan matters: Resolution regarding Water system loan
Date Prepared: January 19, 2017	

Subject

Resolution authorizing a published notice stating the intent is to borrow these funds, giving the maximum par value of the Certificates of Obligation which provides an opportunity for a petition to be filed calling for an election before the borrowing occurs.

Discussion

This is a document that came from the Bond Counsel on the upcoming TWDB Certificates of Obligation. The Resolution states that the Council intends to borrow these funds through Certificates of Obligation and then after the Resolution by law, a petition could be prepared and presented that could require a voter approval of the borrowing.

Jonathon Friels, bond Attorney will be present to answer questions/provide further information.

The expectation is that the TWDB will approve the Montgomery project funding at its February 23rd Board meeting.

By adopting and getting started on the public notices that will move up the time that the city can get the funds available.

Reccomendation

Approve the Resolution as presented

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 19,2017

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION FOR WATER SYSTEM PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §
CITY OF MONTGOMERY §

WHEREAS, the City Council of the City of Montgomery, Texas (the "City") deems it advisable to issue certificates of obligation (the "Certificates") in accordance with the notice hereinafter set forth; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code; NOW, THEREFORE

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

Section 1. The findings, determinations, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City's intention to issue the Certificates (the "Notice").

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication to be at least thirty-one (31) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. The City reasonably expects to reimburse itself for costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the projects listed in Exhibit A (the "Financed Project") from proceeds of the Certificates.

Section 5. The City reasonably expects that the maximum principal amount of obligations issued to reimburse the City of the costs associated with the Financed Project will be \$2,000,000.

Section 6. The Mayor, City Secretary and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 7. This resolution shall take effect immediately upon its passage.

[Execution Page to Follow]

PASSED AND APPROVED on this the 24th day of January, 2017.

Mayor, City of Montgomery, Texas

ATTEST:

City Secretary, City of Montgomery, Texas

(SEAL)

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Montgomery, Texas (the "City"), will meet at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas at 6:00 p.m. on the 28th day of March, 2017, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City's certificates of obligation, in the maximum aggregate principal amount not to exceed \$2,000,000, payable from ad valorem taxes and a pledge of a lien on surplus revenues of the City's water and sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the certificates of obligation, and maturing over a period not to exceed forty years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with improvements to the City's water system, including (i) the construction of improvements to and the expansion and equipment of Water Plant No. 3, (ii) the construction of improvements to and the expansion and replacement of water distribution lines, and (iii) the costs of professional services incurred in connection therewith.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 24th day of January, 2017.

Susan Hensley
City Secretary
City of Montgomery, Texas

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF HARRIS §

I, the undersigned officer of the City Council of the City of Montgomery, Texas, hereby certify as follows:

1. The City Council of the City of Montgomery, Texas, convened in a regular meeting on the 24th day of January, 2017, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Kirk Jones	Mayor
Jon Bickford	Council Member, Position 1
John Champagne	Council Member, Position 2
T.J. Wilkerson	Council Member, Position 3
Rebecca Huss	Council Member, Position 4
Dave McCorquodale	Council Member, Position 5

and all of said persons were present, except the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION FOR WATER SYSTEM PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

AYES: _____ Members shown present voted "Aye."

NOES: _____ Members shown present voted "No."

2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said resolution has been duly recorded in said City Council's minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 24th day of January, 2017.

City Secretary
City of Montgomery, Texas

[SEAL]

Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Resolution, e-mail from applicant
Date Prepared: January 19, 2017	

Subject

Consideration of Resolution to support Star of Texas Seniors Limited application to Texas Department of Housing and Community Affairs (TDCHA) to receive Housing Tax Credits and to receive \$2,000 reduction towards water and sewer tap fees. Wade Bienski will present the item.

Discussion

This is a request for your support that will help the Star of Texas Seniors, Ltd. in their application to the TDCHA for construction of senior housing in the city. The resolution itself grants them points in the application process-- as does any sort of contribution from the city toward their project -- which brings up the \$2000 toward water and sewer tap fees. The \$2000 is the amount previously approved to Blazer Development (off Flagship Blvd.) for their applications in the past for similar type of funds, Mr. Bienski is planning the Senior Center immediately south of Lone Star Community Center. He appeared before the Council several months ago and gave a presentation regarding his plans. The MEDC could provide the \$2,000 payment for the water and sewer tap fees involved.

Reccomendation

Approve the Resolution as presented.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 19,2017

CITY OF MONTGOMERY, TEXAS
RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY,
TEXAS REGARDING STAR OF TEXAS SENIORS LTD AT LONE STAR PARKWAY
FOR SUPPORT AND LOCAL POLITICAL SUBDIVISION FUNDING**

WHEREAS, Star of Texas Seniors Ltd. has proposed a development for a Senior Housing Development located on Lone Star Parkway, named Star of Texas Seniors, in the city of Montgomery, Montgomery County, Texas;

WHEREAS, Star of Texas Seniors Ltd. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2017 Competitive 9% Housing Tax Credits for Star of Texas Seniors;

WHEREAS, Chapter 380 of the Texas Local Government Code authorizes municipalities to administer programs to establish and provide for the making of loans and grants of public funds for the purpose of promoting state and local economic development and to stimulate business and commercial activity in the municipality;

It is hereby RESOLVED, that the City of Montgomery, acting through its governing body, hereby confirms that it supports the proposed development of Star of Texas Seniors, located on Lone Star Parkway, in the City of Montgomery, Montgomery County, Texas and its application to the TDHCA.

FUTHER RESOLVED, that the City of Montgomery, acting through its Governing Body for the purposes of Local Political Subdivision Funding, will grant a reduction of \$2,000 towards water/sewer tap fees.

FUTHER RESOLVED, that for and on behalf of the Governing Body, Mayor Kirk Jones is hereby authorized, empowered, and directed to certify these resolutions to TDHCA. This formal action has been taken to put on record the opinion expressed by the City of Montgomery on _____ day of _____, 2017.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas on the 24th day of January, 2017.

Kirk Jones, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Larry Foerster, City Attorney

January 18, 2017

We will be at the meeting on the 24th to answer any question by Council. The Tax Credit program provides federal tax credits to developers to help offset the cost of providing below market rate rents to the Seniors at this development. It is a very competitive application process, with just one development being awarded in the Rural 6 region of 91 different cities. Receiving a financial contribution, such as the \$2,000 fee reduction, from the city helps make the application more competitive. The highest scoring application will get the award, and this contribution is worth an additional point. Hope this helps, see you Tuesday. Thanks

Wade Bienski
Homestead Development

ITEM# 13
Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Petition for annexation
Date Prepared: January 19, 2017	

Subject

Consideration of calling to public hearings for consideration of the petition for annexation from Kenneth Ray Vaught, Jr. and Rocky Del Papa for a property inside the extra-jurisdiction area of the city.

Discussion

This is an initial presentation of an annexation petition for a 14.5003 acre tract of land situated immediately south of the Estates of Mia Lago and immediately north of the 300' city limits north of State Highway 105 - also described as the "gap" area between the new Pizza Shack location and Lone Star Pkwy.

Although not formally submitted, the developers have shown the City Engineer a plan for the area that includes three pad sites for small restaurants along 105 (in the area that is now in the city) and one 18,000 sq.ft. building and one 26,000 sq. ft. building in the area to be annexed.

This is also the site that you approved and the immediate past City Council meeting for a feasibility study to be accomplished. That study should be completed by the February 14 City Council meeting.

Reccomendation

Approve the calling of the proper public hearing dates as identified by the City Attorney.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 19,2017

PETITION REQUESTING ANNEXTION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF MONTGOMERY, TEXAS

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

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. Said 14.5003 acres being more fully described in the attached Exhibit "A".

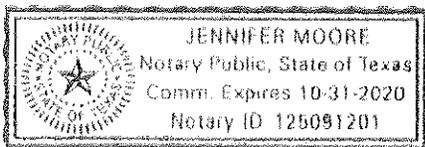
I certify that the above described tract of land is contiguous and adjacent to the City of Montgomery, Texas, in the City's Extraterritorial Jurisdiction (ETJ), is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having an interest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

Signed: *Kenneth Ray Vaught Jr*
Kenneth Ray Vaught Jr
General Partner-Vaught Investment, LTD
Trustee-Vaught 1997 Family Trust

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared *Kenneth R Vaught Jr* known to me to be the person whose name is subscribed to the forgoing instrument, is the Member/Manager of KENROC FOURTEEN, LLC, a Texas limited liability company, that he/she has the authority to execute this Petition Requesting Annexation, and acknowledged to me that he/she executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 18 day of January, 2017.



Jennifer Moore
Notary Public in and for the State of Texas

PETITION REQUESTING ANNEXTION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF MONTGOMERY, TEXAS

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

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. Said 14.5003 acres being more fully described in the attached Exhibit "A".

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

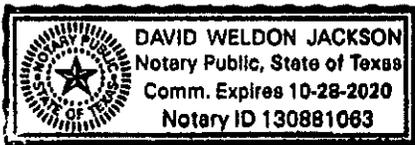
Signed: _____

Rocky Del Papa
President-R. Del Papa, LLC

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared Rocky Del Papa, known to me to be the person whose name is subscribed to the forgoing instrument, is the Member/Manager of KENROC FOURTEEN, LLC, a Texas limited liability company, that he/she has the authority to execute this Petition Requesting Annexation, and acknowledged to me that he/she executed this Petition for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 18 day of January, 2017.



Notary Public in and for the State of Texas

RESOLUTION NO. _____

A RESOLUTION GRANTING A PETITION FOR ANNEXATION OF A TOTAL OF 14.5003 ACRES OF LAND, MORE OR LESS; SETTING A DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF SAID PROPERTIES BY THE CITY OF MONTGOMERY, TEXAS; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS AND MAKE AVAILABLE TO THE PUBLIC THE CITY ANNEXATION SERVICE PLAN

WHEREAS, the City has received a Petition Requesting Annexation of a contiguous tract of land of 14.5003 acres owned by **KENROCK FOURTEEN, LLC**, which tract is contiguous to the city limits and within the extraterritorial jurisdiction of the City of Montgomery (attached hereto as Exhibit “A”); and

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

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

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

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

SECTION 2. The City Council grants and approves the Petition requesting annexation of 14.5003 acres of land, more or less, as described in the Exhibit “A” attached hereto.

SECTION 3. On the 14th day of February, 2017, at 6:00 p.m. o’clock and again on the 28th day of February, 2017, at 6:00 p.m. o’clock, in the City Council Chamber of the City Hall of the City of Montgomery, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Montgomery, Texas of the following described tract of land, to wit:

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

PASSED AND APPROVED this _____ day of January, 2017.

CITY OF MONTGOMERY, TEXAS

Kirk Jones, Mayor

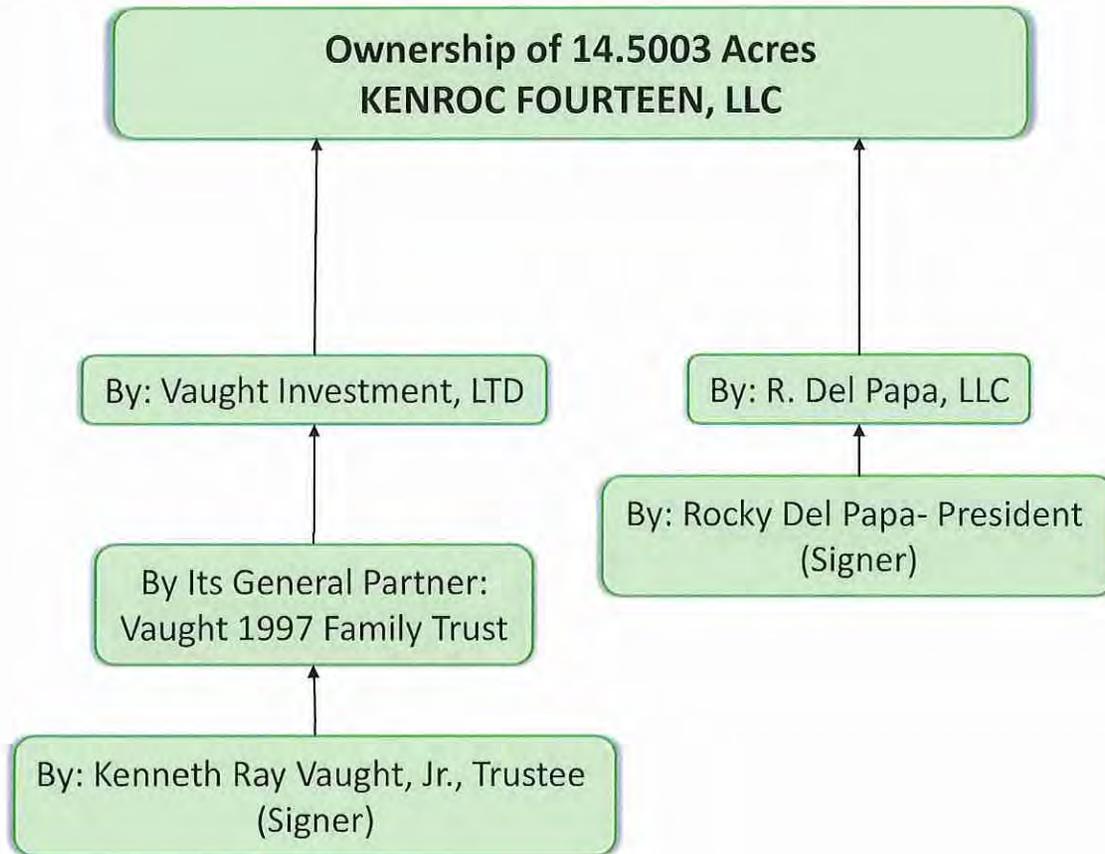
ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

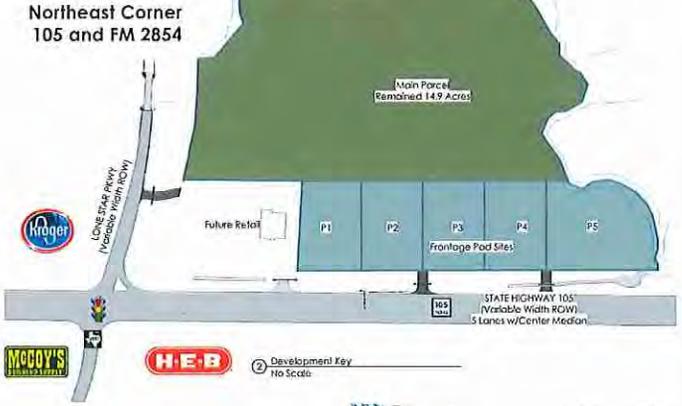
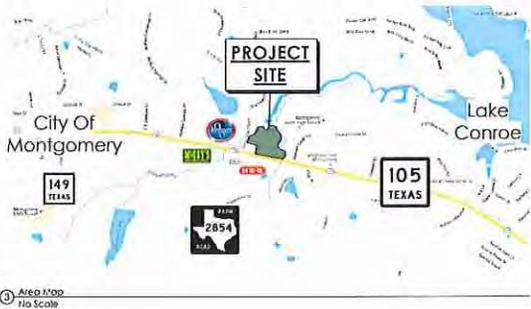
Montgomery First- Ownership Tract to Annex 14 Acres Within City



20.7 Acres Montgomery, Texas



Services Provided By:
SYMMETRY DEVELOPMENT, INC.
 2610 Conroy Cove Lane
 Spring, Texas 77081
 832.743.1553
 symmetrydevelopment.com



KENROC Montgomery
 20000 Block SH 105
 Montgomery, Texas 77356

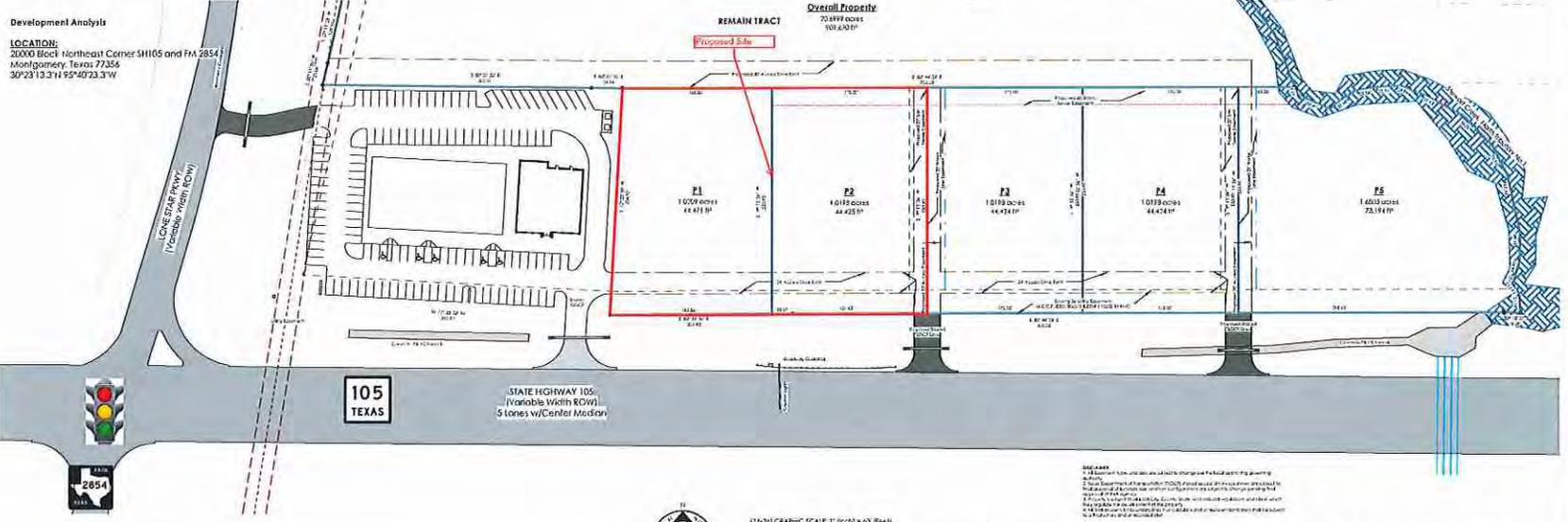
Project For:
KENROC

Revision	Rev.	Date	Description

Sheet: 24 of 31
 8/9/2016 10:58:53 AM
 Edition:
 Concept Review
 Project No.: SD1-3049

Scale:
 As Indicated

A1.20



Development Plan (XDOT front)
 1" = 60'-0"



TXDOT Front Tracts-Development Plan

Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount: none, but would be ultimately \$4400/year for maintenance and upkeep
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Area planting map, planting plan, cost spreadsheet
Date Prepared: January 19, 2017	

Subject

Greenbelt separation between Heritage Apartments and Shopping Center

Discussion

This is an intention of the MEDC for the past two years. The thought is to provide a visual barrier to the apartment residents to the backside of the shopping center and to generally improve the appearance of Flagship Boulevard. The intention of this planning has been discussed, though not promised, with the owner of Heritage Apartments for several years.

The staff has reviewed the planting area and the plan can be accomplished on the ground.

MEDC will provide the funding for the project with the expectation that Heritage Apartments will provide part of the funding in the shopping center possibly providing part of the funding. The annual maintenance cost would be borne by the city, in part because MEDC funds cannot be used for maintenance.

Attached is the planting plan for each of the areas intended for planting. Also attached is a total cost spreadsheet showing planting cost to the Planting Provider Contractor, the cost of watering and an estimated cost of maintenance.

My reason for bringing this before the City Council is to assure me that you want to make this improvement and are willing to bear the annual maintenance cost. It is thought that the MEDC will fund future plantings, and a commitment from Heritage Apartments in the shopping center, will provide for the payment of the initial planting for each of the areas. The thought is to complete areas one and two now, with areas three, four and five coming in the next two years.

If you approve the planting the work will be done before mid-February.

Montgomery City Council
AGENDA REPORT

Reccomendation

Approve the planting plan, including the allowance of city maintenance..

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 19,2017

Task	AREA 1	AREA 2	AREA 3	AREA 4	AREA 5	
Plants; trees and shrubs	\$ 2,811	\$ 2,811	\$ 3,905	\$ 3,918	\$ 2,585	
Labor	\$ 640	\$ 640	\$ 640	\$ 640	\$ 640	
Sub-total	\$ 3,451	\$ 3,451	\$ 4,545	\$ 4,558	\$ 3,225	\$ 19,230
Irrigation - water *	\$ 600	\$ 800	\$ 800	\$ 800	\$ 800	
City staff *	\$ 700	\$ 1,000	\$ 1,600	\$ 2,000	\$ 2,400	* cumulative totals
Maintenance *	\$ 600	\$ 600	\$ 900	\$ 900	\$ 1,200	
	\$ 1,900	\$ 2,400	\$ 3,300	\$ 3,700	\$ 4,400	

New World Botanical

Conserving our natural history.

2701 Lone Star Parkway
Montgomery, TX 77356
(936)689-8751

INVOICE

DATE: 7/13/2016

INVOICE # 378

Customer ID 350

[Help](#)

BILL TO:

City of Montgomery

DESCRIPTION	AMOUNT
Planting Area 1	
2 - 30 gallon trees (Texas Palo Verde, Loblolly Pine)	420.00
9- 15 gallon trees (Parsley-leaf Hawthorn, Cedar Elm, Kidneywood)	990.00
42 - 5 gallon trees and shrubs (Red Buckeye, Mexican Redbud, Mexican Buckeye, American Beaut	1,176.00
5 cubic yards humus	225.00
Planting Area 2	
2 - 30 gallon trees (Texas Palo Verde, Loblolly Pine)	420.00
9 - 15 gallon trees (American Sycamore, Sweet Acacia, Kidneywood, Mexican Buckeye)	990.00
42 - 5 gallon trees and shrubs (Cedar Elm, Parsley-leaf Hawthorn, Texas Redbud, Aromatic Sumac	1,176.00
5 cubic yards humus	225.00
Planting Area 3	
3 - 30 gallon Sweet Acacia	630.00
13 - 15 gallon trees (Red Buckeye, Kidneywood, Indigobush Amorpha)	1,430.00
55- 15 gallon trees and shrubs (Mexican White Oak, Parsley-leaf Hawthorn, American Beautyberry	1,540.00
7 cubic yards humus	305.00

Planting Area 4	
3 - 30 gallon trees (Loblolly Pine, Texas Palo Verde)	
19- 15 gallon trees (Cedar Elm , Sweet Acacia, Red Buckeye, Parsley-leaf Hawthorn)	2,090.00
46 - 5 gallon trees and shrubs (Fiddlewood, Aromatic Sumac, Sotol, Goldenball Leadtree, Bur Oak)	1,288.00
12 cubic yards humus	540.00

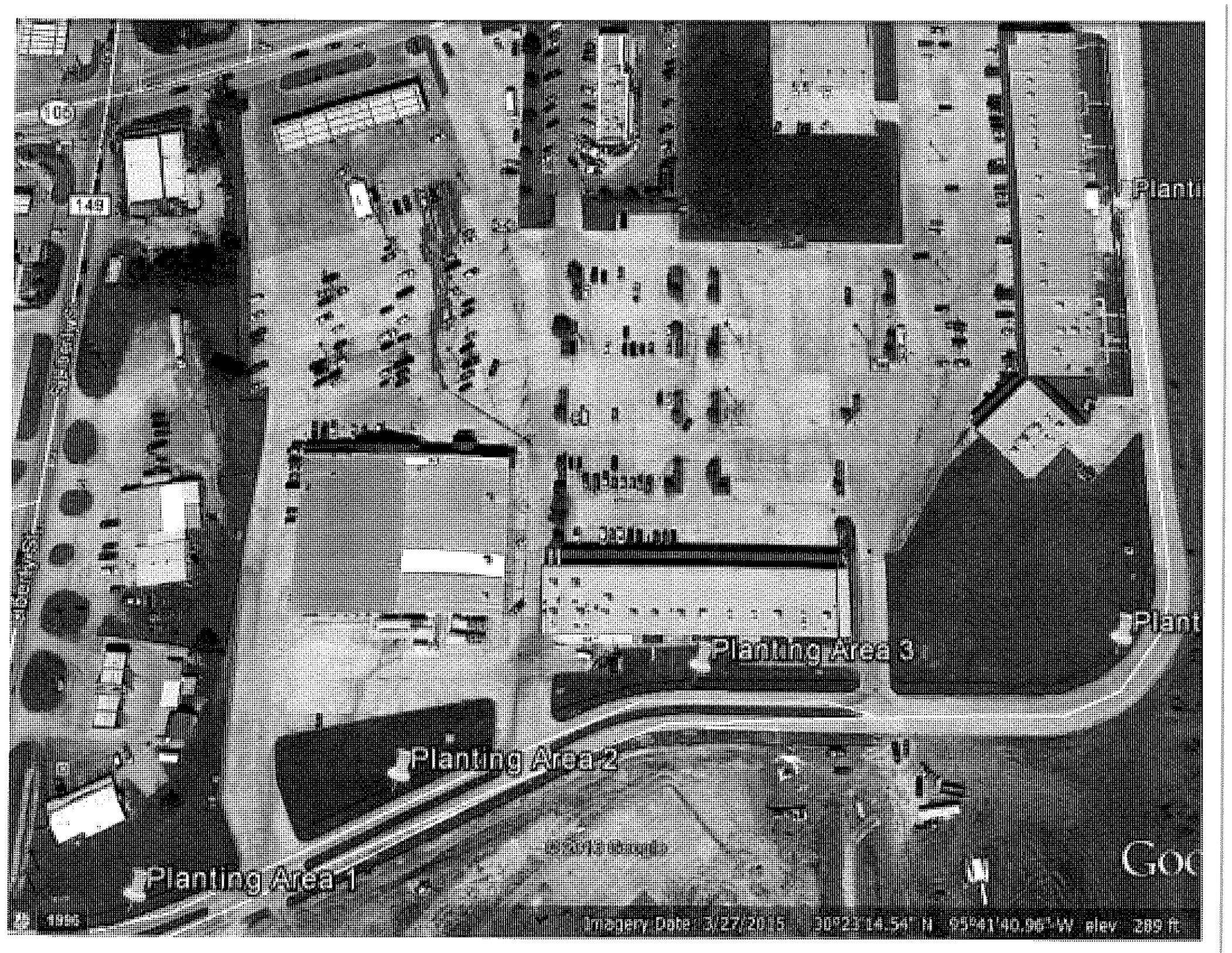
Planting Area 5	
10 - 15 gallon trees (Sweet Acacia, Texas Palo Verde, Kidneywood)	1,100.00
45 - 5 gallon trees and shrubs (Texas Redbud, Cedar Elm, Sotol, Texas Lantana, Mexican White O)	1,260.00
5 cubic yards humus	225.00
Labor	3,200.00

OTHER COMMENTS Payment due upon completion	SUBTOTAL	\$19,230.00
	TAX RATE	0.000%
	TAX	\$0.00
	OTHER	\$0.00
	TOTAL	\$19,230.00

Make all checks payable to
New World Botanical

If you have any questions about this invoice, please contact
martin.simonton@gmail.com

Thank You For Your Business!



Planting Area 1

Planting Area 3

Planting Area 2

Planting Area 1

Planting Area 1

© 2015 Google

Google

4453

Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits Ordinance amending the Mentioned Codes
Date Prepared: January 20, 2017	

Subject

Consideration of Building Codes amendment

Discussion

This is the result of the Building Code Review Committee that you appointed several months ago. The Committee consisted of: Rick Hanna (building inspector), Mike Ogorchock (builder familiar with the Codes), Brian Solomon (electrical contractor), Bill Simpson (roofing contractor) and Glynn Fleming (city engineer). The committee met three times. The proposed Ordinance is their recommended changes to the Codes.

Below is the message sent from Rick Hanna, regarding the changes:

Basically we adopted the off the shelf version of the code. These amendments increase the minimum requirements of the codes. These amendments are in line with the City of Conroe and other neighboring cities.

The Residential Code applies to one & two family dwellings. The Plumbing code applies to both residential but primarily commercial and multi-family structures. The proposed amendments will require the use of better quality pipe for supply and drain pipes. The plumbing companies typically are using these products, the amendment would prohibit someone from coming in and using a lesser quality pipe.

The Electrical code amendments will require the use of one gauge larger of wiring which is considered safer and prohibit the use of aluminum or copper clad-aluminum wire.

The committee discussed these changes and felt that the industry was accustomed to the more restrictive materials. The additional cost is not too significant for the safer and better quality results.

Montgomery City Council
AGENDA REPORT

Reccomendation

Approve the Ordinance as presented.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017

ORDINANCE

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

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, TO AMEND CITY ORDINANCE NO. 2015-10, DATED AUGUST 25, 2015, AND CITY ORDINANCE NO. 2011, DATED AUGUST 25, 2015, BY AMENDING SPECIFIC SECTIONS OF THE CITY INTERNATIONAL PLUMBING CODE, INTERNATIONAL RESIDENTIAL CODE AND NATIONAL ELECTRIC CODE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE ON FEBRUARY 1, 2017 AFTER PUBLICATION.

WHEREAS, the City Council of the City of Montgomery, Texas, by Ordinance No. 2015-11, dated August 25, 2015, adopted certain codes published by the International Code Council, relating to all applicable building, mechanical and plumbing codes for both commercial and residential structures; and

WHEREAS, the City Council of the City of Montgomery, Texas, by Ordinance No. 2015-10, dated August 25, 2015, adopted the NFPA 70® National Electric Code®, relating to all applicable electric rules and regulations for both commercial and residential structures; and

WHEREAS, the adoption of these 2015 International Code Series as published by the International Code Council and the NFPA 70® National Electric Code® was done to facilitate proper inspection activities by the City of Montgomery, Montgomery County, Texas, relating to construction and to maintenance of all buildings and structures within the corporate limits of said City of Montgomery, Texas, and relating to public safety, health, and general welfare; and

WHEREAS, upon the recommendation of the City staff, the City Council desires to amend certain plumbing, sanitary drainage, and electrical wiring regulations set out in the 2015 International Code Series and the NFPA 70® National Electric Code® as they relate to improving public safety, health and the general welfare of the residents of the City of Montgomery;

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

SECTION I.

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

SECTION II.

AMENDMENTS TO INTERNATIONAL PLUMBING AND RESIDENTIAL CODES AND THE NATIONAL ELECTRIC CODE: The following amendments to the International Code Council Editions including Appendix Chapters (“the Codes”) and to the NFPA 70® National Electric Code® are hereby adopted by reference as though they were copied herein fully:

A. INTERNATIONAL RESIDENTIAL CODE

1. PLUMBING: Water Supply and Distribution - Materials, Joints and Connections.

Sections 2906.4, 2906.5 and 2906.06 of the 2015 International Residential Code is amended by the addition of the following:

- a. The use of ABS plastic piping and fittings is prohibited.
- b. All PVC or CPVC plastic shall be schedule 40 or better.

2. SANITARY DRAINAGE: Materials

Section 3002.1 of the 2015 International Residential Code is amended by the addition of the following:

- a. All PVC plastic pipe shall be Schedule 40.
- b. No-hub pipe (also known as hubless pipe) shall not be allowed under ground.
- c. All plastic pipe underground covered by concrete shall be schedule 40 or better.
- d. Outside building sewer schedule shall be schedule 40 or SDR 26 only.

B. INTERNATIONAL PLUMBING CODE

1. PLUMBING: Water Supply and Distribution - Materials, Joints and Connections

Sections 605.3, 605.04 and 605.05 of the 2015 International Plumbing Code is amended by the addition of the following:

- a. The use of ABS plastic piping and fittings is prohibited.
- b. All PVC or CPVC plastic shall be schedule 40 or better.

2. SANITARY DRAINAGE: Materials

Section 702 of the 2015 International Plumbing Code is amended by the addition of the following:

All PVC plastic pipe shall be Schedule 40.

- a. The use of ABS plastic piping and fittings is prohibited.
- b. No-hub pipe (also known as hubless pipe) shall not be allowed under ground.
- c. All plastic pipe underground covered by concrete shall be Schedule 40 or better.
- d. Outside building sewer shall be Schedule 40 or SDR 26 only.

C. NATIONAL ELECTRIC CODE: Conductors for General Wiring

Section 310 of the NFPA 70[®] National Electric Code[®] is amended to adopt the following wiring methods and materials:

1. General requirements:

- a. No conductor smaller than #12 AWG Copper shall be permitted within the city limits with the exception of control wiring. All receptacles shall be the grounding type.
- b. Requirements applying to all overhead service conductors: All service conductors shall be installed in galvanized metal conduit.

c. Aluminum or copper clad aluminum is permissible for use only on 120/240 volt, single phase, four-wire systems limited to 50 amps or less for temporary illumination lighting on wooden poles with a minimum clearance of 12 feet at its lowest point.

d. All underground service conductors shall be encased in conduit, including where they extend up the pole, and shall be placed on the face of the pole designated by the power company, and to the height designated by them.

SECTION III.

REPEALING CLAUSE. These amendments to the International Building Codes and Appendixes and to the NFPA 70® National Electric Code® which are contrary to existing City Ordinances No. 2015-10 and 2015-11, dated August 25, 2015, and Code of Ordinances of the City of Montgomery, Montgomery County, Texas, shall prevail and all other Ordinances in conflict are hereby repealed to the extent of any conflict.

SECTION IV.

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

SECTION V.

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

SECTION VI.

EFFECTIVE DATE. This Ordinance shall take effect and be in force from February 1, 2017 after its publication as provided by law.

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

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Letter of Request , City Engineer letter to Council
Date Prepared: January 20, 2017	

Subject

Consideration of Variance requests for Waterside Estates for lot width, lot depth, side building line and a minimum residential lot area.

Discussion

This is a similar request from Steve Bowen, property owner, as one received early in 2016 that was summarily rejected due the Council feeling that high density was not right for this area and generally feeling that Mr. Bowen's past developments has not lived up to expectations.

Mr. Bowen has hired bill Kotlan as his project engineer so Mr. Kotlan will present the item to the Council.

Reccomendation

Consider the request and act as you desire.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017



January 12, 2017

Mr. Jack Yates
City Administrator
City of Montgomery
P.O. Box 708
Montgomery, Texas 77356

RE: Waterside Estates Preliminary Plat
 Variance Request

Dear Mr. Yates:

As we discussed, I am resubmitting a request for variance for the referenced 60.293-acre tract known as Waterside Estates. Please find enclosed a conceptual land plan for a subdivision of the property as follows:

- 174 Residential Lots:
 - Typical Width: 60'
 - Typical Depth: 120'
- 2 – Commercial Reserves (9.93 Acres)
- 2 – Green Space/ Park Reserves (3.20 Acres)

The proposed lot size has been reduced to better match the current market for home sales in the area outside of a utility district.

The following variances are requested for the proposed land plan:

- Minimum Lot Width: 60' (at front BL)
- Minimum Lot Depth: 110' (Typical 120')
- Side Building Line: 5'
- Minimum Residential Lot Area: 6,800 square feet

Upon approval of the minimum lot size for the subdivision, we plan to prepare a new preliminary plat based on the requested variances.

Thank you for your consideration.

Sincerely

A handwritten signature in black ink, appearing to read "William J. Kotlan", is written over the typed name.

William J. Kotlan, PE

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January 18, 2017

The Planning & Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77356

Re: Requests for Variance
Proposed Waterside Estates Development
City of Montgomery

Commission Members:

Section 78-92(c) of the City of Montgomery Code of Ordinances specifies minimum residential lot width shall be 75-feet.

- The Developer is requesting reduction to 60-feet.

Section 78-92(d) of the City of Montgomery Code of Ordinances specifies minimum residential lot depth shall be 120-feet.

- The Developer is requesting a reduction to 110-feet.

Section 78-92(e) of the City of Montgomery Code of Ordinances specifies minimum residential lot area shall be 9,000 square feet.

- The Developer is requesting a reduction to a minimum of 6,800 square feet.

Section 98-93(a)(3) of the City of Montgomery Code of Ordinances specifies there shall be a side yard on each side of a lot having a width not less than 10-feet from the property line.

- The Developer is requesting a reduction to 5-feet from the property line.

Recall, a preliminary plat for this development which proposed 85 single family residential lots and variance requests pertaining to lot width, lot depth, lot area, side yard setback, lot orientation, and street radii were presented in December 2015. This Commission accepted the preliminary plat and acted favorably on the stated requests, however City Council subsequently tabled action on the requested variances and no further correspondence was received from the Developer. Per Section 78-61(d) of the City's Code of Ordinances, preliminary plat approval shall expire after a period of 12-months.



Enclosed you will find a summation of the requested variances and a revised conceptual land plan which proposes 174 single family residential lots as submitted by BGE, Inc. We offer no objection to the requested variances, but it should be noted the enclosure appears to lack sufficient compensating greenspace to fully offset the proposed reduction in lot area. Should this Commission, and subsequently the City Council, act favorably upon the requested variances we will work to ensure they are adhered to during the platting, planning, and construction processes.

If you have any questions or comments, please contact, Glynn Fleming and or myself.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Shackelford'.

Ed Shackelford, P.E.
Engineer for the City

EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\P&Z Reports\1.23.2017\Waterside Estates, Variance Request.doc

Enclosure:

Waterside Estates – Conceptual Land Plan

cc/enc:

The Honorable Mayor and City Council – The City of Montgomery

Mr. Jack Yates – City of Montgomery, City Administrator

Ms. Susan Hensley – City of Montgomery, City Secretary

Mr. Larry Foerster– Darden, Fowler and Creighton, LLP, City Attorney

ITEM# 17
Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: City Engineer letter to Council
Date Prepared: January 20, 2017	

Subject
 Consideration of Certificate of Acceptance. For water, sanitary sewer, drainage, and paving improvements to serve Hills of Town Creek, Section 2.

Discussion
 The memo from the City Engineer is included in your packet.

Reccomendation
 Approve the Certificate of Acceptance . For water, sanitary sewer, drainage, and paving improvements for Hills of Town Creek, Section 2

Approved By		
Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017

**CERTIFICATE OF SUBSTANTIAL COMPLETION FOR
CONSTRUCTION OF WATER, SANITARY SEWER, DRAINAGE, AND PAVING
CITY OF MONTGOMERY, TEXAS**

January 17, 2017

OWNER: City of Montgomery
101 Old Plantersville Road
Montgomery, TX 77316

CONTRACTOR: Cooley Construction, LLC
15115 FM 1488
Magnolia, TX 77354

CONTRACT: Hills of Town Creek, Section Two
HKR Investments, LP

Gentlemen:

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

We recommend that the **OWNER** issue the **CONTRACTOR** a Certificate of Acceptance of the Work, and that final payment be made to the **CONTRACTOR**. We also recommend that the Contractor's guarantee warranty period of 1 year begin January 24, 2017.

Sincerely,



Ed Shackelford, PE
Engineer for the City

CERTIFICATE OF ACCEPTANCE

Mr. Harry Ray
HKR Investments, LP
20 Woodwind Shay Ct
Montgomery, TX 77356

Re: Construction of Water, Sanitary Sewer, Drainage, and Paving
Hills of Town Creek, Section Two
Montgomery, Texas

Mr. Ray,

This is to certify that the **CITY OF MONTGOMERY** accepts the referenced improvements on the basis of the Certificate of Substantial Completion issued by our City Engineer, and understands that a warranty guarantee shall cover a period of one (1) year beginning January 24, 2017.

By: _____
Mr. Jack Yates
City Administrator, City of Montgomery

Approved by City Council on _____ 20____

EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-1008-00 Hills of Town Creek Secs. 2,3,4, & 5\Letters\CERTIFICATE OF ACCEPTANCE Hills of Town Creek, Section Two.doc

Enclosures: N/A

cc/enc.: The Honorable Mayor and City Council – City of Montgomery
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler, & Creighton, LLP, City Attorney
Mr. Ed Shackelford, P.E. – Jones & Carter, Inc., City Engineer
Mr. Jamie Cooley – Cooley Construction, LLC



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

January 18, 2017

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

Re: Execution of Construction Contracts with Big State Excavation, Inc.
Water and Sanitary Sewer to Serve Pizza Shack

Dear Mayor and Council:

Recall, on January 10th we presented to you a Recommendation of Award for the referenced project to the low bidder, Big State Excavation, Inc. (the "Contractor"), in the Base Bid Plus Alternate Item A1 amount of \$347,550.00. We are currently awaiting receipt of completed contract documents from the Contractor. Should they not be returned prior to Tuesday evening we request your authorization to obtain the Mayor's signature and execute said contracts upon receipt.

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

Sincerely,

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

Ed Shackelford, PE
Engineer for the City

EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\Letters\MEMO to Council RE Execution of Pizza Shack Contracts.doc

Enc: N/A

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

ITEM# 18
Montgomery City Council
AGENDA REPORT

Meeting Date: January 24, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: January 20, 2017	

Subject
 Presentation regarding Camillo 33 acre tract next to city.

Discussion
 This is a presentation regarding a 33 acre tract that lies immediately north of the new pizza shack location on State Highway 105 and Stewart Creek Road. The presentation will involve a sketch plat of the subdivision, a discussion about water and sewer service to the area, annexation plans (the property is not in the city presently), and possibly some variances they foresee requesting.

Reccomendation
 Listen to the presentation giving thought in speaking with any comments you may have about the proposal

Approved By		
Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017

ITEM# 19
Montgomery City Council
AGENDA REPORT

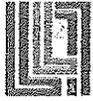
Meeting Date: January 24 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Letter of Request, City Engineer letter
Date Prepared: January 20, 2017	

Subject
 Consideration of living Savior Lutheran Church variance request regarding driveway spacing.

Discussion
 The letter requesting the variance gives the information about why the variance is needed. The City Engineer's letter offers no objection to the requested variance.

Reccomendation
 Approval of this requested variance.

Approved By		
Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017



Date: January 13, 2017

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

ATTN.: Glynn Flemming, P.E.

RE: **Living Savior Lutheran Church Variance Request**

The proposed site plan being submitted for the improvement of Living Savior Lutheran Church requires a variance due to a conflict of the driveway spacing between the proposed driveway between Church Street and Caroline Street. According to the City of Montgomery Ordinance Section 78-125(4)(a), the minimum driveway spacing for secondary streets is 185'; however, the spacing between the proposed driveway entrance and Church Street is approximately 55'. The variance justifications are as follows:

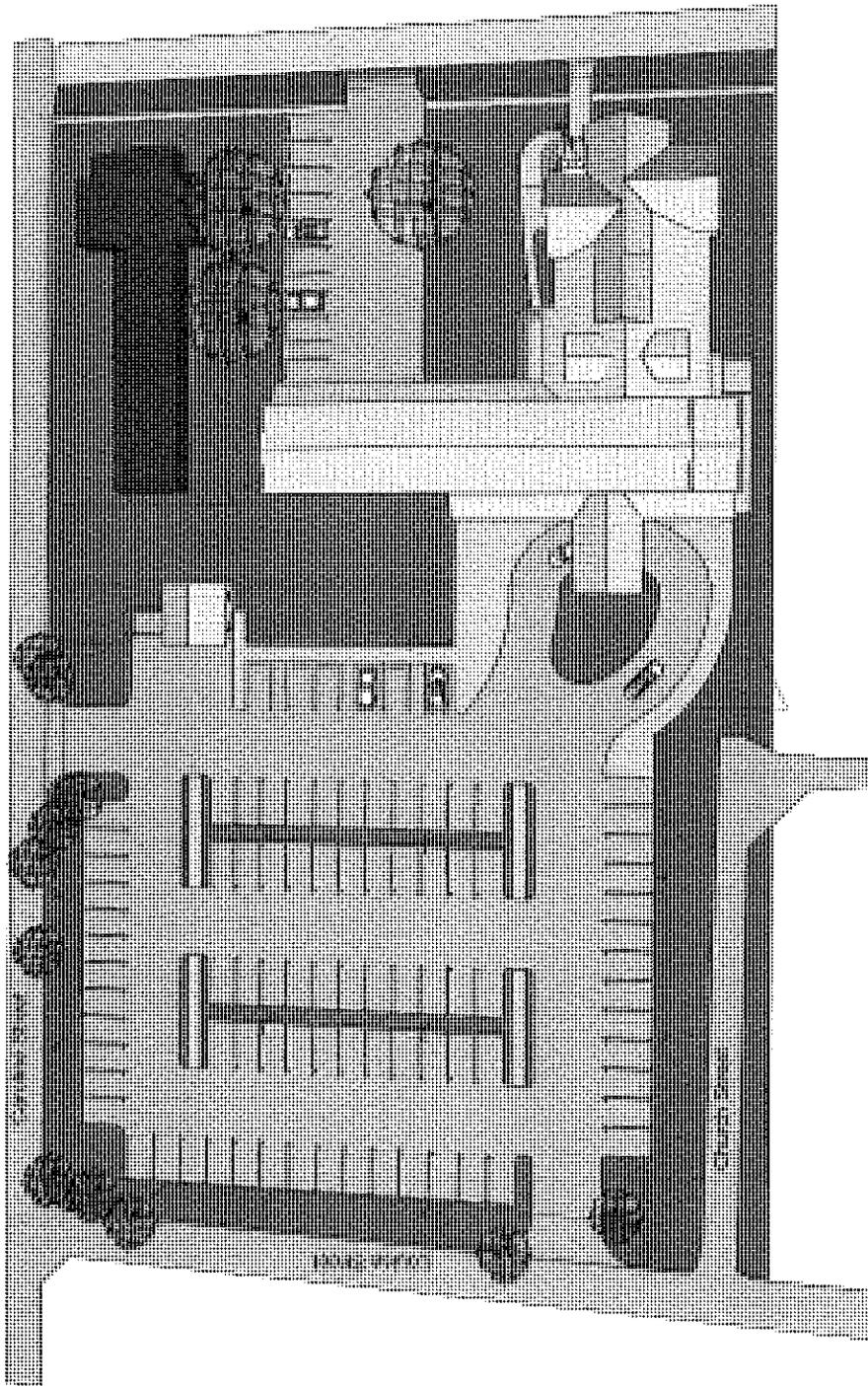
1. The property line along Louisa Street is only 226' long. A driveway cannot be placed onto Louisa at any location and meet the 185' spacing requirement between both Church Street and Caroline Street. The proposed location allows for adequate circulation throughout the parking lot and we believe it is in the least impactful location along Louisa Street.
2. The proposed driveway was located closer to Church Street since it is approximately 12' wide and has minimal vehicular traffic. This will create little to no impact on current traffic conditions.
3. This will allow the driveway to comply with the 185' required spacing to Caroline, which has more vehicular traffic than Church Street.
4. The proposed driveway will be used by the Church and Sunday school attendees primarily on Sunday mornings when entering or exiting the Church grounds. The other times during the week, the driveway will have limited use for church activities.
5. In the spirit of the ordinance, only one driveway is being proposed on each frontage. The variance request deals with adjacent streets and not one driveway to the next.

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

Thank you,

Jonathan White, EIT
Jwhite@L2engineering.com
936-647-0420





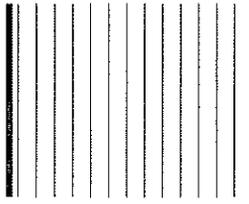


**INVENTURE
DESIGN**

PROFESSIONAL ARCHITECT
1600 N. W. 10th Street, Suite 200
Fort Lauderdale, FL 33304
Phone: 754.365.1111



Living Savior
Lutheran Church
308 Pond Street
Montgomery, TX 77356



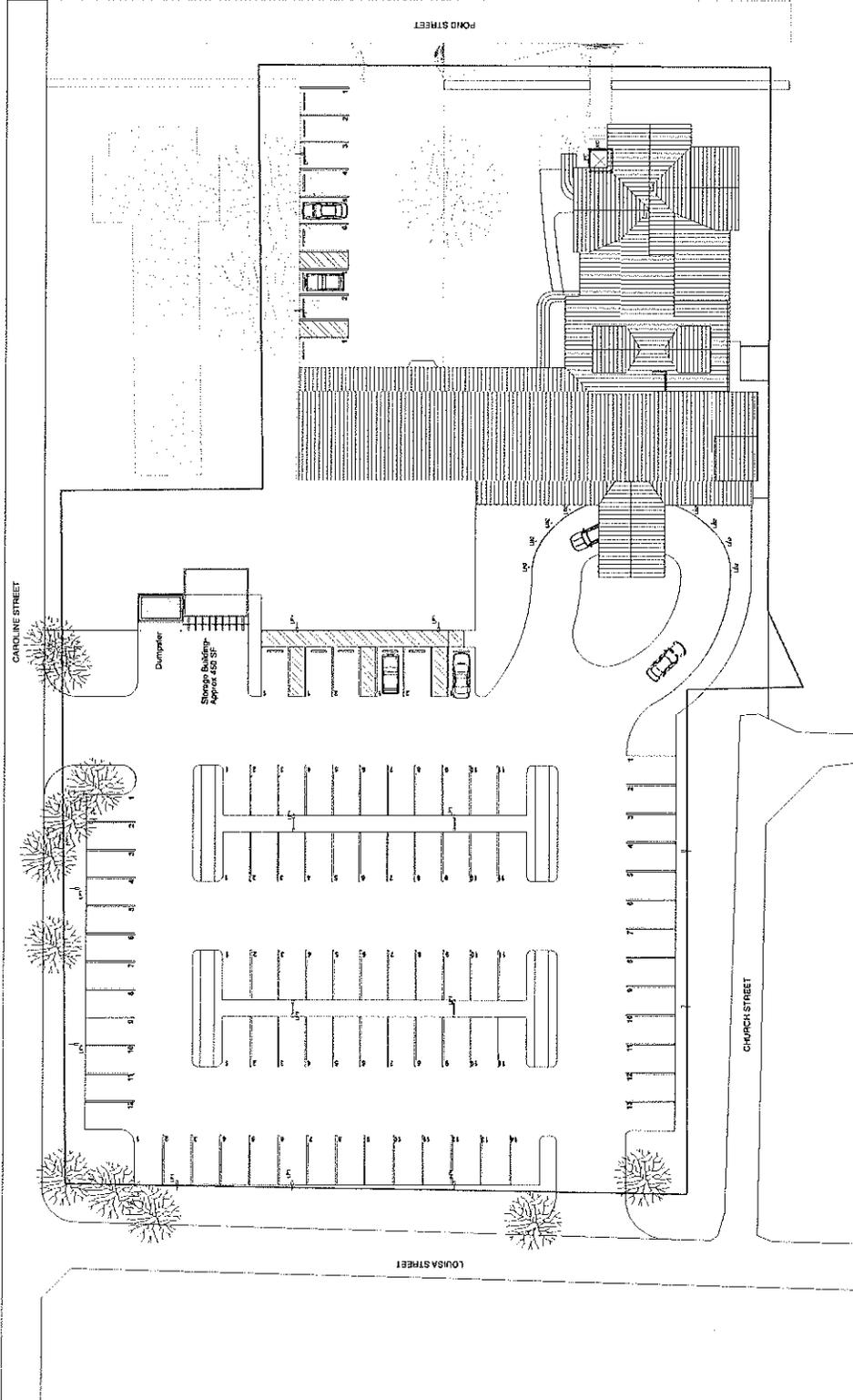
Form Review Only
Not for regulatory approval,
permitting, or construction.

As Shown, Check Date: 11/14/2014, 11:00 AM
City of Montgomery Planning Office

16.045

Architectural Site Plan

AS.001



50 Architectural Site Plan



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The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

January 18, 2017

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

Re: Variance Request-Reduction in Driveway Spacing Requirement
Living Savior Lutheran Church
City of Montgomery

Commission Members:

Section 78-133(d)(1) of the City of Montgomery Code of Ordinances specifies adjacent left, adjacent right, and opposite right corner clearance for non-residential driveway(s) intersecting a secondary street shall be a minimum of 185-feet.

- The Developer is requesting a variance from these spacing requirements because the parcel lacks sufficient thoroughfare frontage to maintain the desired spacing.

★ → Enclosed you will find a request for variance and a preliminary site plan as submitted by L Squared Engineering. We offer no objection to the requested variance as the area in question, while currently unpaved, is used as a surface parking lot during church services and events. It should be noted the location in question lies within the City's Historic Preservation District and immediately abuts only minor residential streets with approximate paving widths of 14'-16', and grass lined roadside ditches. As shown in the attached site plan, the proposed surface lot adds significant impervious cover to the area and will require the design engineer and developer to carefully consider the traffic impact on minor residential streets and the developed condition impact on storm water runoff and conveyance within the Louisa Street and Caroline Street rights-of-way. It may be incumbent upon the Developer, with prior City approval, to undertake improvements to the roadside ditches in order to adequately convey increased storm water runoff. 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, Glynn Fleming and or myself.

Sincerely,

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

Ed Shackelford, P.E.
Engineer for the City

EHS/gef: lr2

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Enclosures: Living Savior Lutheran Church – Variance Request
Living Savior Lutheran Church – 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