

**NOTICE OF PUBLIC HEARING and REGULAR MEETING**

**January 10, 2017**

**MONTGOMERY CITY COUNCIL**

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that a Public Hearing and Regular Meeting of the Montgomery City Council will be held on Tuesday, January 10, 2017 at 6:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO FLAGS**

**PUBLIC HEARING:**

Convene into Public Hearing:

1. 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.

Reconvene into Regular Session:

**VISITOR/CITIZENS FORUM:**

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

**CONSENT AGENDA:**

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

**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.
4. Presentation of Development Plans by Phillip LeFevre.

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.
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.
7. Consideration and possible action regarding a five (5) foot building line setback variance for Living Savior Lutheran Church.
8. Consideration and possible action regarding Stylecraft Final Plat for the Hills of Town Creek, Section 2.
9. Consideration and possible action regarding authorizing preparation of an amendment to the Corridor Enhancement Ordinance to prohibit exposed cement block construction.
10. Consideration and possible action regarding award of the bid for the Pizza Shack area Water and Sewer Improvement Project.
11. Consideration and possible action regarding the Comprehensive Policy of Guidelines and Criteria for Economic Development Incentives.
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.
13. Discussion regarding water and sewer tap fees.
14. Discussion regarding subdivision platting process.
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.

**EXECUTIVE SESSION:**

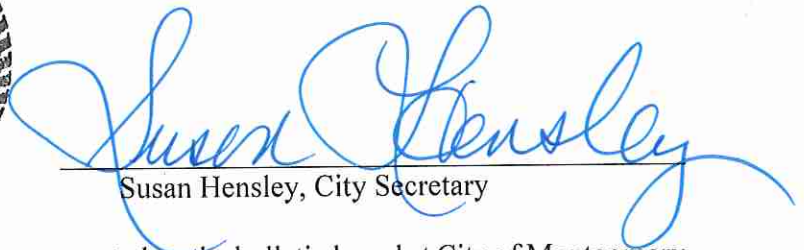
The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding 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 6<sup>th</sup> day of January 2017 at 2:10 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

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Montgomery City Council  
**AGENDA REPORT**

ITEM# 1

<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b>	<b>Exhibits:, letter of request from Mrs. Sims, copy of minutes from Planning Commission</b>
<b>Date Prepared: December 29, 2016</b>	

**Subject**

Public Hearing regarding Mrs. Sims Bed and Breakfast Special Use Permit application for 811 Caroline Street

**Discussion**

This is a public hearing, an opportunity for the public to speak on the subject. Letters have been sent to property owners within 200 feet, plus the notice was in the newspaper and posted at City Hall. There was one response to the posted notices and letters. Mrs. Norma Dean, a neighbor, called to say that she had no problems with what Mrs. Sims is proposing to do

**Recommendation**

Listen and consider to any comments.

**Approved By**

Department Manager		Date:
City Administrator	Jack Yates	Date: December 29, 2016

Mary Eckhart Sims  
811 Caroline St.  
Montgomery, Texas 77356  
(940) 839-5946

October 25, 2016

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

Re: Special Use Permit

To: Jack Yates, Council Members, and Planning and Zoning Commission

Dear Sirs/Madams:

I am hereby requesting that my property, located at 811 Caroline Street, again be considered for a Special Use Permit. I had to close The Caroline House-A Bed and Breakfast in 2013 for personal reasons, but would like permission to reopen. While open as a business for the seven years, we provided wonderful lodging/accommodations to several hundred visitors to our area.

Enclosed is Check #1270 in the amount of \$500 for various fees. My email address is [maryeckhart@yahoo.com](mailto:maryeckhart@yahoo.com). Please let me know if you need any additional information.

Thank you in advance for considering this application. I look forward to reopening and again becoming very active in our growing community.

Sincerely,

Mary Eckhart Sims

**PLANNING COMMISSION ITEM REGARDING  
SPECIAL USE PERMIT FOR SIMS AT 811 CAROLINE ST.  
AT DECEMBER 27, 2016 MEETING**

1. Public Hearing

Public hearing regarding granting of a Special Use Permit to Mary Eckhart Sims to operate a Bed and Breakfast at 811 Caroline Street.

Chairman Cox called the public hearing ~~to~~ order at 6:01 p.m. Jack Yates gave a brief report that one response had been received from the letters sent to the neighboring property owners. He said one response from Andy and Norma Dean who said that they had no problem with what Mary Simmons is proposing to do. The Public hearing was closed by the Chairman Cox at 6:03 p.m.

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5. Consideration and possible action regarding granting of a Special Use Permit to Mary Eckhart Sims to operate a Bed and Breakfast at 811 Caroline Street

Jack Yates said that Mrs. Sims had the same use of this property from 2007 to 2014. Mrs. Sims was present. Mr. Simpson asked about off-street parking and her answer was that they were eight off-street parking spaces. Mr. Waddell asked about the recent changes to the building and the answer was that after renting the house for several years that the recent work were cosmetic but nothing structurally changed in the building.

Motion by Mr. Simpson, seconded by Mr. Waddell to recommend approval for the Special Use Permit at 811 Caroline Street to Mary Sims. All in favor.

**MINUTES OF PUBLIC HEARINGS and REGULAR MEETING****December 13, 2016****MONTGOMERY CITY COUNCIL****CALL TO ORDER**

Mayor Kirk Jones declared a quorum was present, and called the meeting to order at 6:03 p.m.

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

Absent:

Also Present:	Jack Yates	City Administrator
	Larry Foerster	City Attorney
	Nelson Cox	Chairman, Capital Improvement Advisory Committee
	Jennifer Brown	Secretary, Capital Improvement Advisory Committee
	Jeffrey Waddell	Member, Capital Improvement Advisory Committee

**INVOCATION**

T.J. Wilkerson gave the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS****PUBLIC HEARING:****Convene into Public Hearing:**

Mayor Jones convened into the Public Hearing at 6:04 p.m. Mayor Jones asked Nelson Cox, Chairman of the Montgomery Capital Improvements Advisory Committee to call his meeting to order, so that they can conduct simultaneous Public Hearings,

Chairman Cox called their meeting to order at 6:04 p.m., and noted that they had three members, a quorum, present, which included Jeffrey Waddell and Jennifer Brown.

1. Receive report from the Montgomery Capital Improvements Advisory Committee regarding Impact Fees; and

Nelson Cox, Chairman of the Capital Improvement Advisory Committee stated that the Committee had reviewed the report and information, and they were recommending the Impact Fee.

2. Regarding adoption of Impact Fees for Water and Wastewater for the City of Montgomery, Texas. The amount of the proposed impact fee per service unit is \$4,045.00.

Mr. Glynn Fleming, City Engineer, stated that this was the culmination of the process that City Council had asked them to undertake approximately 6-8 months ago. Mr. Fleming said that as they look at the City of Montgomery, they know that there is a lot of commercial and residential growth that they are starting to see around town. Mr. Fleming said that there are some shortcomings and needs in the water and wastewater systems in order to be able to serve those developments. Mr. Fleming said that the idea behind the impact fee is that it is a way to shift the financial burden of providing that infrastructure, to the actual new growth that it will serve, as opposed to trying to place that burden on existing customers and/or existing residents of the City.

Mr. Fleming said that going back two years ago when they first came on as the City Engineer, they took a long look at the current status of the City's water and wastewater infrastructure. They identified a lengthy list of items that needed to be done, which totaled \$25-\$30 million dollars' worth of work, to be implemented over the next 10-15 years. Mr. Fleming said that some of that work needs to be done strictly to serve the new growth, and some of the work is for both new and existing customers. Mr. Fleming said that the Impact Fee Study takes a look at all of those projects and divvies up what needs to be done to serve the new customers.



Mr. Fleming said that the City Council appointed a Capital Improvement Advisory Committee that is made up of existing residents and business people from the City. The Committee listened to what they had to say about this information and went through each of the projects individually to make recommendations to City Council about the proposed impact fee.

Mr. Fleming advised that one month ago there was a Public Hearing to discuss Land Use Assumptions and to settle on Capital Projects and Plan that the Impact Fees are predicated upon. Mr. Fleming said that tonight they would consider adoption of the actual impact fee.

Mayor Jones asked if a service unit described is the equivalent of a 5/8's inch water meter. Mr. Fleming said that the Texas Local Government Code mandates how they go about the process, with specific guidelines and terms for the process. Mr. Fleming said that one of the terms that comes up a lot is a "service unit." Mr. Fleming said that in terms of this process a "service unit" amounts to one residential water meter, which the City's standard residential water meter is a 5/8 inch meter. Mayor Jones asked if they would also take wastewater into consideration. Mr. Fleming said that was correct, and it was broken out to show the assessments for just water or just wastewater projects.

Jon Bickford asked if that fee would apply to any permits. Mr. Fleming said that if the City did elect to adopt the impact fees tonight, there would be a 12-month moratorium. Rebecca Huss said that until that time, the City's current fee structure would be what is in place. Mr. Fleming said that the fee structure would remain the same. Mr. Fleming said that it was important to remember that if the impact fee goes into effect, it would only be for new growth that would come in next year and beyond within the City. Mr. Fleming said that it would include new areas in the City and ETJ's. There are some areas in the City that will be excluded from impact fees based on prior development agreements.

Mr. Yates asked how it would work if someone wanted to purchase taps prior to the end of the 12-month period. Mr. Foerster said that the fee would not be effective until

December 13, 2017, and by law they can't place a moratorium on them and refuse serving them because they want them to pay the impact fee. Mr. Fleming said that was built into the Government Code, where they will not allow the City to hold off until the time period it up.

Mr. Fleming stated that the tap fee and impact fee were two separate issues. So if they were both in place, they would both be assessed. Mr. Fleming said that the tap fee is a way for the City to cover the costs for public works to physically go out and make the tap connection to the City's water and wastewater system. The tap fee is just to cover the actual costs, so that fee will remain in place. The impact fee is an additional assessment and is strictly to fund infrastructure needed for the new growth.

Rebecca Huss said that another thing that came up at the meetings and for the record, this isn't exactly a revenue bonanza that releases City Council from finding funds to do all the infrastructure that is necessary. Rebecca Huss stated that the funds identified are not 100 percent recoverable, so there is a shortfall of \$5-\$10 million dollars just on that amount, and then the recoverable amount itself is reduced by 50 percent due to state law, unless they want to hire ten accountants to figure out the precise one. Rebecca Huss said that the impact fee is necessary and tries to shift the burden to the people that are requiring the new service, but it does not fix the looming amount of money that they need to come up with to fund the projects.

Mr. Fleming said that it is important to say that when they first started talking about some of the problems facing the City, the first place that this City Council looked at, to start addressing that matter, was internally. Mr. Fleming said that they looked at operational efficiency across the board. Mr. Fleming said that in the last two years the City has done a tremendous amount of buttoning up their operations. They looked at water and sewer rates, so they have taken some steps to address their shortcomings in the water and sewer rates to help address some of the existing shortcomings for the people that are already here. Mr. Fleming said that in terms of getting their own accountability up, to make sure that they are not losing water and potential revenue, they have installed a brand new, state of the art, automated metering system. Mr. Fleming said that with the new system they

should not be losing water. Mr. Fleming said that the City looked internally to correct all issues and inefficiencies.

Reconvene into Regular Session:

Mayor Jones adjourned the Public Hearing at 6:16 p.m. and reconvened into Regular Session.

Chairman Cox then closed the Capital Improvement Advisory Committee Public Hearing at 6:16 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.

Ms. Shirley Schneider spoke about the Christmas in Montgomery that took place last Saturday, and said that it was bigger than ever. Ms. Schneider said that she wanted to thank all of the City Council for all that they do throughout the year to make all the citizens happy. Ms. Schneider then thanked the Police Chief and all the officer's for their help during the Christmas Parade and at the funeral home during the year. Ms. Schneider thanked City staff for their help during the season to get the Community Center. Ms. Schneider said that the City has an excellent employee named Kimberly Duckett, who went above and beyond to help her. Ms. Schneider said that the City has wonderful staff. Ms. Schneider thanked the City for the new Christmas trees and additional decorations that really added to the festivities and they received a lot of nice compliments. Ms. Schneider said that people are already asking about next year.

Ms. Schneider said that she would like consideration to create more tourism in Montgomery, because we are missing a lot of opportunities. The City needs a consulting person to come in and see what Montgomery can do. This person should have good people communication skills, a lot of marketing experience and a vast knowledge of tourism. Ms. Schneider wished the City a Merry Christmas.

### **CONSENT AGENDA:**

3. Matters related to the approval of minutes for the Public Hearings and Regular Meeting held on October 25, 2016, and Regular Meeting held on November 15, 2016.
4. Consideration and possible action regarding Cedar Crest Manufactured Home Park License Renewal.
5. Consideration and possible action to regarding rescheduling a Public Hearing for a Special Use Permit for Mary Eckhart Sims to open a Bed and Breakfast operation at 811 Caroline Street, Montgomery, originally scheduled to be held on December 13, 2016, to be held on January 10, 2017 at 6:00 p.m.

Rebecca Huss commented that she would like to see the visitor comments section of the minutes abbreviated. Rebecca Huss said that the last two minutes were probably 12-15 pages regarding comments. Rebecca Huss said that getting to the point would serve everyone well. City Council concurred with summarizing the comments in the minutes.

Dave McCorquodale moved to approve the items on the consent agenda as presented. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

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

6. Consideration and possible action on Department Reports.
  - A. Administrator's Report – Mr. Yates presented his report to City Council. Mr. Yates said that the one thing that he wanted to highlight was working with the Grantworks people and Mr. Fleming on Baja Street. Mr. Yates said that they also held a neighborhood meeting of the north side residents to discuss the CDBG project, home project possibilities and police visibility in the area. Mr. Yates said that the meeting was well attended.

Jon Bickford asked for an update on the Kroger Store opening. Mr. Yates said that he has had two different answers, but he would see what he could do to get that information. Mr. Fleming said that he meets with the Kroger people weekly and right now they are saying early to mid-April.

B. Public Works Report – Mr. Mike Muckleroy presented his report to City Council. Mr. Muckleroy advised that they had repaired a main line lead at 524 Simonton Street. Mr. Muckleroy said the numbers for Fernland were 861 visitors and 41 tours.

Rebecca Huss said that she noticed that the west side of Flagship Boulevard the striping had been done to provide a turn lane to the right, and left going west bound. Rebecca Huss said that it works, and said that it was a job well done. Mr. Muckleroy said that striping had actually been done a couple of months ago. Mr. Muckleroy said that once the work was completed, he thought that they could expand the turn lane a little longer.

John Champagne asked about the culvert at the end of Baja and whether it had collapsed. Mr. Muckleroy advised that when Montgomery County did the project two years ago, they removed a crossover culvert and tried to make 100% percent of the water flow to MLK on each side. Mr. Harris' house at the end of Baja was still holding quite a bit of water, so they put a culvert back across there so that it would carry some of the water across, which seems to have worked.

Mayor Jones asked about the concrete work on Flagship Boulevard and whether they were waiting for the funds from FEMA. Mr. Yates said that was correct. Mr. Muckleroy said that they would coordinate that work when there was at least a couple of weeks of no school, so they do not have the traffic congestion. John Champagne asked if the holidays would be a good time to do the work. Mr. Muckleroy said it would if they had the FEMA funds. John Champagne asked how much money they were talking about receiving from FEMA. Mr. Yates said it was going to be \$50,000 to \$60,000 dollars. Mr. Muckleroy said that there was more work involved, because they are talking about removing the median during the same project.

John Champagne asked whether it would impede the removal of the median by just paving the area that needs to be paved. Mr. Fleming said that the idea was to avoid the appearance of piece meal fashion that has been addressed over the years, so when the FEMA funding comes through they would like to remove the paving in its entirety and replace it back in its entirety. Mr. Fleming said the next time that school will be out will be the end of the spring semester.

- C. Police Department Report – Chief Napolitano presented his report to City Council. Chief Napolitano said that they had hired a new police officer, James Riley, who came from Panorama, and he has 9 1/2 years of experience in law enforcement, and should be on the streets next week. Chief Napolitano said that he would bring Officer Riley in next month to introduce him to City Council. Chief Napolitano said that he wanted to thank Ms. Schneider for all her cooperation on the parade, because the parade would not get done without her efforts. Chief Napolitano also commented on Mr. Yates great meeting with the residents on the north side, which he attended, and said that they will work on some things to hopefully help them out.
- D. Court Department Report – Court Administrator Becky Lehn presented her report to City Council. Ms. Lehn said that warrant collection is at the highest it has ever been during the month of November. Ms. Lehn said that the revenue collection is also at its highest that she has seen in the last five years. Ms. Lehn also commented to Ms. Schneider that she appreciated the wonderful complements about Mrs. Kimberly Duckett, and said that she just received an award for customer service.
- E. Utility/Development Report – Mrs. Ashley Slaughter, Utility Billing Clerk, presented her report to City Council. Mrs. Slaughter said that there were 11 new water accounts for the month that bring their total accounts to 561. There was one new residential home and three new commercial building permits issued during the month. Jon Bickford asked where the new commercial businesses were located. Mrs. Slaughter said that one was for Heritage Plaza.
- F. Water Report – Mr. Mike Williams, Gulf Utilities, presented his report to City Council. Mr. Williams said that they had very few district alerts during the month. Mayor Jones asked about grease clogs in the lift stations. Mr. Williams advised that Lift Station 3 had the pump clogged with debris, typically it is rags that are flushed into the system. Jon Bickford said that the report stated that they conducted top cleanings at lift stations showing grease build up in excess of 50 percent within the City. Mr. Williams said that the grease that gets washed down into the system starts building up and once you get to 50 percent you need to clean it out so that you do run the risk of

equipment not operating properly. Mayor Jones asked if they had to call someone in to clean that out of the system. Mr. Williams advised that was correct.

Mayor Jones asked if there was a way to have the grease pass through and be collected at the wastewater treatment plant. Mr. Williams said that you can't really keep the grease from floating up to the top of the water, and it can occur at any of the lift stations because it depends on what people are flushing down the system. Mayor Jones asked if the lift stations were only cleaned as needed. Mr. Williams said that on their routine maintenance program they clean the lift stations semiannually, and as needed. Rebecca Huss asked, for efficiency sake, if they cleaned Lift Station 3 would they clean the other ones at the same time. Mr. Williams said that they would not have a vacuum truck come out for just one lift station, they would get a survey of all the ones that need to be done so they can try to get as many done in one trip.

Mr. Williams said that last month they had reported that they were trying to get a temporary totalizer installed at the wastewater treatment plant to verify the flow of the current totalizer. Mr. Williams said that a couple days after the meeting during the weekend the temperature sensing module went out, so they flat lined the flow at the sewer plant. Mr. Williams said that they were able to get a new unit for \$3,485. Mr. Williams said that when they looked at the old totalizer, in order to get it up and running it would have required numerous upgrades due to the age of the unit, which would have cost \$3,400. Mr. Williams said that the existing totalizer was a unit that had a bunch of different parts on it, but now they have a new unit that is very accurate. Mr. Williams advised that since they have changed out the totalizer, they have seen a moderate increase in the flow and they are looking at 130,000 gallons, which is approximately a 30% percent return.

Rebecca Huss asked if the City was in any risk of violation during the time the totalizer was down. Mr. Williams said that they had done everything within TCEQ standards and they have recorded everything daily, but he would check into the information further to make sure that they were not in any violation with TCEQ.

Mr. Williams said that there were no excursions during the month and they were at 95% percent accountability. Mr. Williams said that they were still running Well No. 3 because of the shortage of the permit for Well No. 4, through the end of the calendar year.

Mayor Jones asked about the status of the water reuse for the chlorination project. Mr. Williams advised that last week the contractor came in and installed the skimmer basket in the contact basin. Mr. Williams said that he also had the bottom of the contact basin cleaned out at the same time that they had the lift stations cleaned. Mr. Williams said that he thought that they were on track to have the project done by the end of the year.

John Champagne said that he remembered Mr. Williams stating that the chlorine levels were checked daily. Mr. Williams said that was correct. John Champagne asked about the City's water system range levels and whether they were in the middle, high or low side. Mr. Williams said that he would have to go back and look to find out exactly, but the acceptable chlorine levels for groundwater levels are between .2 and 4.0. Mr. Williams said that the City has been within the acceptable range because they monitor that closely. Mayor Jones asked if the operating data was tighter than that. Mr. Williams advised that it was tighter than that and said that he has advised the operators that he wants to see a 2.0 at the water plant. Mr. Williams said that lowest reading he has seen was a .79 for the far reaches. Mr. Williams said that the reading will drop off, which is when you will start smelling the chlorine smell. Mr. Williams said that what you are smelling is not actually the chlorine in the water, but the chlorine spent that is out of the water and turns into gas.

- G. Engineer's Report – Mr. Fleming presented his report to City Council. Mr. Fleming said that he had a couple updates on the public infrastructure projects. Mr. Fleming said that Kroger has been on site and making good progress on the water and wastewater construction coming down Gardner Drive, and they are beginning to do some work on SH 105.

Mr. Fleming said that the other grant funded project to serve Pizza Shack, will advertise for bids this Thursday, and come back to Council at the first meeting in January with



the bid tabulation and recommendation for award of the bid. Mr. Fleming said that site construction for Pizza Shack is currently underway, and the other retail center around the corner broke ground last week. Mr. Fleming advised that the retail center would be a 1,800 square foot commercial shell building.

Mr. Fleming said that regarding the bridge, the FEMA package submission will be submitted before the end of the year. Mr. Fleming stated that they have plans to meet with the upstream property owner, Mr. LeFevre, to discuss action on his property on Monday, December 19, 2016.

Mr. Fleming said the City's wastewater permit renewals have been submitted, with the review time running approximately 4-6 months. Mr. Fleming advised that the Water Development Board fund applications continue to be reviewed and he hopes to hear from them sometime after the first of the year.

- H. Financial Report – Mr. Yates presented the summary report, in the absence of Mrs. Cathy Branco, financial consultant, to City Council. Mr. Yates advised that he thought the City was doing fine because the only large expenditure that has been made so far this year is the Public Works truck. Mr. Yates said that sales tax was down last month, but was up this month about \$30,000 dollars. Mr. Yates said that last month the State took back \$58,000 due to an overpayment. Mr. Yates said that the utility fund was also doing well.

Rebecca Huss moved to accept the Departmental Reports as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

7. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ARTICLE III, "IMPACT FEES" OF CHAPTER 90 "UTILITIES" OF THE CITY CODE OF ORDINANCES BY ADOPTING NEW IMPACT FEES FOR WATER AND WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE CITY'S PROPOSED WATER AND WASTEWATER IMPACT FEE SERVICE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING FOR IMPACT FEE COLLECTION AND ACCOUNTING FOR FEES AND

INTEREST; PROVIDING FOR IMPACT FEE WAIVERS; PROVIDING FOR SEMI-ANNUAL REVIEW OF IMPACT FEES BY CAPITAL IMPROVEMENT ADVISORY COMMITTEE; REPEALING CITY ORDINANCE NO. 2013-08 AND ALL ORDINANCES IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION.

John Champagne moved to approve the Ordinance as presented. Jon Bickford seconded the motion.

Discussion: Mayor Jones asked about when the impact fees are collected, and asked if they would go into a separate fund and must be spent on specific things. Mr. Foerster said that was correct.

Mr. Foerster stated, for the benefit of the public, this ordinance repeals and replaces an impact fee ordinance that City Council passed in 2013, which was only for the northwest quadrant of the City. Mr. Foerster said that he did not know if the City had really ever implemented that impact fee program, but this will be City wide. Mr. Foerster said that there will need to be a semiannual review by the Capital Improvements Advisory Committee, and then within at least five years from now they will need to revisit the entire analysis of the impact fees. Mayor Jones said that the other impact fee ordinance just never had anybody build in the zone so they never got to use it. Dave McCorquodale asked whether it was on the outside of the loop, in reference to the development that is going on out there on the interior side of the Lone Star Parkway. Dave McCorquodale asked if they would fall under the existing impact fee ordinance. Mayor Jones said that development might very well fall under the existing ordinance. Dave McCorquodale said that for some reason he did not feel like it could go on the outside of the loop there at SH 105, but he thought that it was on the inside. Dave McCorquodale said that it would come down to whether or not that property was annexed into the City and where the City limits fell. Mayor Jones said that they are in the City. Dave McCorquodale said that it may be worth looking at that ordinance, with reference to them to make sure that they were the only ones that built out there and were they subject to that impact fee. Dave McCorquodale said that he did not know what process they did to get the taps.

Mayor Jones asked if staff understood what Dave McCorquodale was talking about. Mr. Fleming said that he did understand and he had a couple of thoughts there. Mr. Fleming said that, if memory served him correctly, the area identified was actually north of there, and was

intended to address more potential industrial development period. Rebecca Huss said if anyone in the next twelve months applies for a tap pays under our current fee schedule, if they fall under the previous impact fee zone, would they pay under that, as opposed to not having to pay anything. Rebecca Huss said that everyone would be under the current laws that they are under, and if they pass this ordinance, it would repeal those rules. Mr. Foerster asked to clarify, because that brings up a point that he had not thought of as they drafted the ordinance. Mr. Foerster said that he was led to believe that there was no activity in the northwest quadrant of the City, and he did not contemplate the fact that there might be some in the next twelve (12) months. Mr. Foerster said that the ordinance, as it is written, effectively repeals the 2013 ordinance for impact fees, and to address that tonight they could make an amendment to the ordinance, modifying it, to make the repealing effective in twelve (12) months from the date of adoption. Mr. Foerster said that would need to be reflected in the minutes, and the change could easily be made so that if there was development in the northwest quadrant of the City, the City could still impose an impact fee for that quadrant for the next twelve (12) months.

Mr. Foerster said that he would suggest that, for the record, would be to entertain a motion to amend the ordinance, which was just passed, with respect to Section 9 of that ordinance, so that City Ordinance No. 2013-08 dated May 28, 2013, be repealed effective twelve (12) months from the date of this ordinance. Mayor Jones asked to confirm whether John Champagne wanted to amend his motion. John Champagne stated that he wanted to amend his motion.

John Champagne moved to amend his motion, as previously stated by the City Attorney, "to amend the ordinance, which was just passed, with respect to Section 9 of that ordinance, so that City Ordinance No. 2013-08 dated May 28, 2013, be repealed effective twelve (12) months from the date of this ordinance." Jon Bickford amended his second. John Champagne asked the City Secretary to read the motion back. The City Secretary read the motion back. Mr. Foerster advised that he would make the change to the ordinance and send it to the City Secretary tomorrow. Jon Bickford said that was a good catch by Dave McCorquodale.

The motion carried unanimously. (5-0)

8. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH

CODE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE UPON PUBLICATION AS PROVIDED BY LAW.

Mr. Yates advised that this was the formal adoption of the City Code of Ordinances. Mr. Yates advised that the City Attorney had prepared and approved the ordinance. Mr. Yates said that the penalty language that is included in the ordinance is tracking Vernon's Civil Statutes 54.001, which needs to be specifically listed in the ordinance. The City Attorney asked if the Code Book had been received. The City Secretary advised that it had been received by the City. Mr. Foerster said that the penalties are recognized according to what the violation might be, and Mr. Carroll, Attorney with Municode recommended that penalty language be incorporated in the ordinance.

Rebecca Huss moved to adopt the Ordinance as presented, and include the penalty language from VTCA Local Government Code 54.001. T.J. Wilkerson seconded the motion.

Discussion: Mayor Jones said that he just wanted to say again, even though he mentioned it last time, but City staff did a great job on this and it has been a long time coming. Mayor Jones said special thanks to Susan Hensley, City Secretary.

The motion carried unanimously. (5-0)

9. Consideration and possible action regarding funding of East SH 105 water/sewer extension.

Mr. Yates said that this was a request from the Montgomery EDC ("MEDC"), for City Council to agree to their decision to use \$195,000 from the MEDC funds to fund the project for the water and sewer lines from SH 105 and Lone Star Parkway, down to Pizza Shack, if Pizza Shack were not able to meet their grant requirements. Mr. Yates said that it appears that Pizza Shack is making considerable progress and this won't be necessary, but in case it is necessary, the MEDC asked for approval for them to spend their funds to fund the entirety of the project, if necessary.

Rebecca Huss asked if it was clear that this would be subject to pro rata reimbursement as people buy on to the line. Mr. Yates said that was correct. Rebecca Huss said that MEDC would get its money back if they have to spend the money. Mayor Jones said that was the way that MEDC understood it. Mr. Yates said that was correct.

Jon Bickford moved to approve MEDC funding of east SH 105 water/sewer extension, as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

Dave McCorquodale stepped out of the meeting at 7:02 p.m.

10. Consideration and possible action regarding City Sponsorship Letter for Heritage Place Medical Center, Houston Street driveway permit.

Mr. Yates said that the applicant was not able to be at the meeting and has requested that this item be postponed until the January 10, 2017 meeting.

John Champagne moved to table this item. Jon Bickford seconded the motion, the motion carried unanimously. (4-0)

Dave McCorquodale returned to the meeting at 7:06 p.m.

11. Consideration and possible action regarding adoption of the following Resolution:  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS,  
CALLING UPON THE TEXAS LEGISLATURE TO AMEND THE GOVERNING LAW OF  
THE LONE STAR GROUNDWATER CONSERVATION DISTRICT TO PROVIDE FOR  
THE DIRECT ELECTION OF THE MEMBERS OF THE BOARD OF DIRECTORS OF  
THE LONE STAR GROUNDWATER CONSERVATION DISTRICT.

Mr. Yates advised that this resolution is being requested by the City of Conroe. Mr. Yates included a copy of the Conroe resolution, which he felt made allegations that he did not think the City of Montgomery was ready to make, so he included a second resolution that had that language removed.

Rebecca Huss said that she would like to offer a third option, to table this item, because she did not feel that direct elections would solve any of the problems that they are stating. John Champagne stated that he was getting to the same mind set. Mr. Yates said that the third option would be to do nothing. Mayor Jones said that one of the board members believes that it should be an election. Rebecca Huss said that she would rather have the governing bodies elect the representative.

After discussion, Rebecca Huss moved to take no action on this item. John Champagne seconded the motion, the motion carried unanimously. (5-0)

12. Consideration and possible action regarding voting for City Representative to the Lone Star Groundwater Conservation District.

Mr. Yates said that this was a 4-year term on the board. Mr. Yates said that the present representative, who is completing his 8<sup>th</sup> year, as the City's representative, is Scott Weisinger. Mr. Yates advised that the only other person who has presented themselves is Greg Smith, City Administrator for the City of Shenandoah. Mr. Yates said that he and the Mayor had spoken to Mr. Weisinger, and he assured them that he would be getting back to Council Meetings in the future, if requested, because not hearing from Mr. Weisinger was one of Mr. Yates issues. John Champagne confirmed that there were two options, Greg Smith and Scott Weisinger. Mr. Foerster advised that the City of Shenandoah has a Joint GRP with the City of Panorama Village. Jon Bickford asked where Panorama gets their water. Mr. Foerster advised they have a Catahoula Water Well.

After discussion, Jon Bickford moved to nominate Greg Smith as our candidate. John Champagne seconded the motion.

Discussion: Mayor Jones said that before they vote on this matter, he has a very strong feeling in the other direction. Mayor Jones said that he knew he did not get a vote, but on the other hand, the Mayor is appointed to select this candidate, but he brought it to City Council to try and convince them otherwise. Mayor Jones said that Scott Weisinger has been on there a long time, and he is one of three members that buck the rest of the committee. Mayor Jones said that Scott Weisinger has enormous experience in water, and his whole business is water wells.

Mayor Jones said that Greg Smith knows water to the extent of a City Administrator, but it is not his life. Mayor Jones said that he thinks that Scott's continued representation would be a better choice. Jon Bickford asked if in the last 8-10 years whether they have seen anything good come out of the Lone Star Conservation District. Mayor Jones said not much, because it is usually a 6-3 vote. Rebecca Huss said that Mr. Yates notes said that Weisinger has been the "3" on a lot of those votes. Mayor Jones said that was a good thing.

Mr. Foerster said that Scott Weisinger contacts him on a somewhat regular basis about issues that are coming up with the Lone Star Groundwater Conservation District Board, and when it is appropriate, he forwards them to the City Administrators of his cities. Mr. Foerster said that Scott Weisinger has been keeping him apprised of some of the issues. Mr. Foerster said that there is some controversy there, which they know that, and Scott is sensitive on the City's needs and brings them to the attention of the appropriate people, which has been his experience. Rebecca Huss said that she would be comfortable reappointing Scott Weisinger, personally.

Jon Bickford rescinded his motion.

Rebecca Huss moved to support the reappoint of Scott Weisinger as the City representative. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

13. Consideration and possible action regarding approval of designating an engineering service provider for the 2017 Texas Water Development Board Safe Drinking and Clean Water Revolving Loan Fund application and project related engineering services.

Mr. Yates advised that this selection process is required by the TWDB as part of their loan approval process. Mr. Yates said that the recommendation is the result of a City Council appointed Committee consisting of Rebecca Huss, TJ Wilkerson, Susan Hensley and himself, soliciting RFP's and interviewing prospective engineers.

The Committee interviewed two firms, Jones and Carter and AEI of Houston. Mr. Yates said that the Committee is recommending Jones and Carter because of their experience with the City in general, and specifically the current TWDB application process.

Rebecca Huss moved to select Jones and Carter as the engineer for the 2017 Texas Water Development Board Safe Drinking and Clean Water Revolving Loan Fund application and project related engineering services. John Champagne seconded the motion, the motion carried unanimously. (5-0)

14. Consideration and possible action regarding approval of designating a Financial Advisor service provider for the 2017 Texas Water Development Board Safe Drinking and Clean Water Revolving Loan Fund application and project related Financial Advisor services.

Mr. Yates advised that this is also the same selection process by the same Committee listed under the previous item. Mr. Yates said that two submittals were received from U.S. Capital Advisors and PFM of Houston.

Mr. Yates said that the Committee thought very well of PFM as an alternative to using Jim Gilley. Ultimately, the Committee came to the recommendation of U.S. Capital Advisors as the Financial Advisor based on their work on the application for TWDB funding and their experience with the City in general, and specifically on the current applications.

John Champagne moved to select U.S. Capital Advisors as the Financial Advisor service provider for the 2017 Texas Water Development Board Safe Drinking and Clean Water Revolving Loan Fund application and project related Financial Advisor services. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

15. Consideration and possible action regarding approval of designating a Bond Counsel provider for the 2017 Texas Water Development Board Safe Drinking and Clean Water Revolving Loan Fund application and project related Bond Counsel services.

Mr. Yates advised that the same process was followed for this item as the two previous items. Mr. Yates said that the two firms that were interviewed were Sechrist and Duckers and Bracewell Company.

Mr. Yates advised that Sechrist and Duckers is a small firm, consisting of two attorneys, which have accomplished many borrowings, some with TWDB.



The Bracewell Company is represented by Jonathan Fries, who has performed the role of bond counsel on the last several borrowings by the City and has familiarity with the City's legal position, and worked on the application for TWDB funding.

Mr. Yates said that because of Bracewell's experience with the City in general and specifically in the current TWDB application process, the Committee recommends selecting Bracewell Company as Bond Counsel.

Jon Bickford moved to approve selection of Bracewell Company as the Bond Counsel provider for the 2017 Texas Water Development Board Safe Drinking and Clean Water Revolving Loan Fund application and project related Bond Counsel services. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

16. Consideration and possible action regarding approval appointment of four (4) Directors on the Montgomery Economic Development Corporation Board, whose 2-year term expires January 2017, currently served by: Kirk Jones, Randy Moravec, Bob Kerr and Andy Dill.

Mr. Yates advise that the Board consists of seven (7) members for two-year staggered terms. At least three directors shall be persons who are not employees or member of the governing body, and two members of the Board shall be members of City Council. Mr. Yates said that all the directors shall be residents of the County, with the majority of the Board being residents of the City.

Rebecca Huss said that her personal feeling is that if they have applicants who are residents of the City of Montgomery, they should consider them, because there are three non-residents. Rebecca Huss said that she knows Amy Brown, applicant, personally. Rebecca Huss said that Amy Brown is a business woman that took an internet business and turned it into a brick and mortar business, she is in the City and is not affiliated with either HMBA or the Chamber of Commerce. Rebecca Huss said that Amy Brown has not obtained funds from MEDC in the past, but she does have a lot of creative ideas and she would like to see more residents of the City deciding how the MEDC funds are best spent for the City.

John Champagne said that he would agree with Rebecca Huss, but he would just say from his experience, the new members, and Bob Kerr being a resident, Kirk Jones has been forever. John Champagne said that Randy Moravec is doing a lot of additional financial support and direction for the Corporation. John Champagne said that these guys are really good.

Rebecca Huss said that she agreed with those three, but she thought of maybe swapping Amy Brown for Andy Dill might be something that would accomplish the goal of City residents determining how the money is spent without harming the good work that Randy Moravec has done on the financial and organizational things.

Mayor Jones said that they will treat this item like an election. Mayor Jones said that they will nominate people for positions, which they will number 1-4.

Nominations:

Position 1:

Rebecca Huss nominated Amy Brown for Position 1.

No other nominations were submitted.

City Council, by a vote of acclamation, elected Amy Brown to the MEDC Board of Directors.

Position 2:

Jon Bickford nominated Kirk Jones for Position 2.

No other nominations were submitted.

City Council, by a vote of acclamation, elected Kirk Jones to the MEDC Board of Directors.

Position 3:

Jon Bickford nominated Bob Kerr for Position 3.

No other nominations were submitted.

City Council, by a vote of acclamation, elected Bob Kerr to the MEDC Board of Directors.

Position 4:

Rebecca Huss nominated Randy Moravec for Position 4.

No other nominations were submitted.

City Council, by a vote of acclamation, elected Randy Moravec to the MEDC Board of Directors.

Mayor Jones stated for the record that the MEDC Board Members that will fill out the next term are: Amy Brown, Kirk Jones, Bob Kerr and Randy Moravec.

17. Consider and take action on a resolution that authorizes submission of an application to the Texas Department of Agriculture for a 2017-18 Texas Community Development Block Grant Program – Community Development Fund grant of up to \$350,000 to construct water, sewer, street, and drainage system improvements in Baja Street target area and designates the City Administrator as the City’s authorized signatory.

Mr. Yates said that this was a resolution needed to apply for the CDBG grant in the amount of \$350,000, and it also offers \$17,500 as match money, which is not a requirement, but does get extra points. Mr. Yates said that the funds needed for Baja Street will be first, which they believe will be roughly \$200,000, and the additional funds will be used either for drainage improvements at the corner of MLK and Community Center Drive, or for waterline extending down MLK and adding some fire hydrants, depending on how they work out the points on the application. Mr. Yates said that the preference is to help the drainage at that intersection, but you don’t get very many points for drainage. Mr. Yates said that the majority of the grant will be water and sewer, and they might be able to squeeze in some drainage.

Rebecca Huss asked if the match money being only \$17,500 and the rest of it being FEMA, was that something that Grantworks came up with. Mr. Yates said that was correct.

Mr. Yates stated that due to an illness in the family, Mrs. Martha Drake with Grantworks, is not here tonight.

Jon Bickford moved to adopt the Resolution that authorizes submission of an application to the Texas Department of Agriculture for a 2017-18 Texas Community Development Block Grant

Program – Community Development Fund grant of up to \$350,000 to construct water, sewer, street, and drainage system improvements in Baja Street target area and designates the City Administrator as the City’s authorized signatory. Dave McCorquodale seconded the motion.

Discussion: Rebecca Huss asked if they needed to specifically designate Mr. Yates as the authorized signatory. Mr. Yates advised that was in the Resolution.

The motion carried unanimously. (5-0)

18. Consideration and possible action on adoption of a Citizen Participation Plan and Citizen Complaint Procedures to be followed during implementation of Texas Community Development Block Grant Program projects.

Mr. Yates advised that this is a requirement of the CDBG grant application process. Mr. Yates said that the plan covers how complaints are handled, and that the City will assist groups that might want to develop other proposals for CDBG grants, public hearing provisions and how the public is notified of the process after a grant is received. Mr. Yates stated this was boiler plate language.

Rebecca Huss moved to adopt a Citizen Participation Plan and Citizen Complaint Procedures to be followed during implementation of Texas Community Development Block Grant Program projects as presented. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

**EXECUTIVE SESSION:**

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

**COUNCIL INQUIRY:**

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

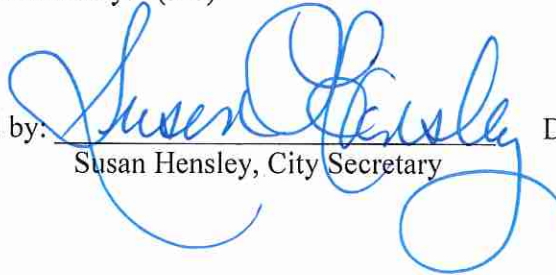
Rebecca Huss stated that she was wondering if either January or February, might be a good time to get a status of financial update on the parks and the status of their arrangements with the City. Rebecca Huss said that two or three of the parks have agreements signed with the City, but Cedar Brake Park is still outstanding. Rebecca Huss said that City Council had discussed getting something every six months. Jon Bickford said if the truth be told, it was every quarter. Rebecca Huss said that now might be the time to get the information. Rebecca Huss said that she would rather have semi-annual reports form the parks.

Jon Bickford asked that City Council request to be apprised of funding allocations from the corporations, such as the 501(3)(c)'s, which are the park mentors, that are collecting donations, taking tips and accepting money out of drop boxes, as to where those funds are going, very specifically.

**ADJOURNMENT**

Jon Bickford moved adjourn the meeting at 7:35p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

Submitted by:



Susan Hensley, City Secretary

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

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

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<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b>	<b>Exhibits: Minutes of November 15<sup>th</sup> presentation regarding Green Zone Buildings project</b>
<b>Date Prepared: January 4, 2016</b>	

### Subject

Request from Green Zone Veteran's Support Group to lease city property to build their buildings upon, with the structures moved away after completion-  
Melanie Davis

### Discussion

Ms. Davis gave a presentation regarding the Green Zone Housing project to the Council in November, 2016. Mayor Jones told me today that she had come to him with a proposal that they (the Green Zone board?) obtain a sub-lease for the property that the city now leases across (west of) Jim's Hardware store. The purpose of the lease would be to create a public awareness campaign by actually constructing the home on that site, so that the public could see the building and that, with volunteers, over the course of 2 to 3 months the building/home would be built, then hauled away on skids to its permanent location. The permanent location would not necessarily be in Montgomery.

The city, I have been told but have not researched myself, has a lease on the property north of the Sewing business. I thought that the city owned that property as an old, unused street right-of-way. So, I do not know the boundaries of the property that the city may have available for Green Zone to use. The property under city control should be researched and determined if the Council is inclined to make this arrangement.

Not to say all of the following cannot be worked out but----

My questions would be how would the property be maintained during construction of the new home, where/how would construction materials be stored on the property ( in a storage building, under a tarp, open/just laying around) how would access/parking be built to the property without a driveway now (a gravel drive, no gravel – how would the driveway be removed after Green Zone's use), what is the appearance of the building during construction (is a

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shell of a building delivered to the site or is it a skeleton of a frame that is built around by volunteers), what signage do they want to display on the property to advertise their purpose, what should be legally written into agreement/lease so that the city has no responsibility/liability (does the city need a liability/theft/damage Certificate of Insurance in amount of \$1,000,000 as financial protection) to , responsibility claims, should part of the agreement/lease be a statement as to who pays attorney fees in case of suit brought against the city, who cleans up the property at the end of the use and how long should the agreement/lease term extend ( one six-month term to see how it goes, then renewable after that?).

Since the city cannot give anything, but can contract for about anything so long as there is consideration – how much/what service can the Green Zone people provide the city in return for the use of the property?

**Recommendation**

Give instruction to the City Administrator as to the preparation of the sub-lease, if you desire to agree to the proposal.

**Approved By**

City Administrator

Jack Yates

Date: January 4, 2016

## **DISCUSSION REGARDING GREEN ZONE BUILDINGS PRESENTATION TO CITY COUNCIL AT NOVEMBER 15, 2016 MEETING**

Presentation and discussion regarding The Giving Trees Festival, which is raising funds for the Green Zone Housing: Supporting our Homeless Veterans by Melanie Davis, Vice Chairman and Campaign Director.

Ms. Melanie Davis made the presentation to City Council regarding The Giving Trees Festival that is raising funds for the Green Zone Housing to support homeless Veterans. This program gives Veterans the opportunity to be a project manager in the construction of their own home. Ms. Davis showed how they take shipping containers and transform them into homes for the Veterans, with the help of volunteers. Ms. Davis said that they will unveil an example of what they homes will look like at the Giving Trees Festival. Ms. Davis said they are hoping to establish the first Green Zone Housing area in the City of Montgomery with one of the homes on exhibit.

Mayor Jones said that they need a donation of trees for the auction at the Festival. Mayor Jones and Judge Wayne Mack will be judges at the Festival judging the trees. Ms. Davis said that she is getting a lot of support from the community and the Chamber of Commerce. It is nice to see how the community will come together to show our love and support for the Veterans. Ms. Davis said that once you do this event, it becomes a tradition. Ms. Davis said that they have a moving company that will come and pick up the donated trees. Ms. Davis asked about the signage placement. Mayor Jones advised Ms. Davis to speak to Mr. Yates.



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ITEM# 4

<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b>	<b>Exhibits:</b>
<b>Date Prepared: January 4, 2016</b>	

**Subject**

Presentation from Philip LeFevre regarding his plans for developing his property and how that affects the city at large.

**Discussion**

Mr. LeFevre asked for time to make this presentation. As a large property owner in the city I thought it worthwhile to hear his presentation. I estimate the time of the presentation to be approximately 10 minutes. He gave a similar presentation to the MEDC in April, 2016. Those minutes are attached.

**Recommendation**

Give consideration to his presentation

**Approved By**

City Administrator	Jack Yates	Date: January 4, 2016
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**DISCUSSION OF MEDC  
REGARDING PHILIP LeFEVRE  
PRESENTATION TO MEDC  
REGARDING DEVELOPMENT PLANS  
AT APRIL 18, 2016 MEETING**

Presentation by Philip LeFevre regarding his development plans and issues - Mr. Philip LaFevre stated that he wanted to present his plans in order to coordinate as much as possible with the MEDC. He went on to say that Montgomery has an atmosphere that is unique and he wants the MEDC to keep this quality of life. The Board generally said they agreed with Mr. LaFevre about the quality-of-life issue. Mr. Champagne said that the City Council, Planning Commission and MEDC should agree with the vision of the high quality of life.

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ITEM# 5

<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b>	<b>Exhibits: copy of minutes from Planning Commission, proposed ordinance of Special Use Permit</b>
<b>Date Prepared: December 29, 2016</b>	

**Subject**

Mrs. Sims Bed and Breakfast Special Use Permit application for 811 Caroline Street

**Discussion**

Mrs. Sims operated a bed-and-breakfast at 811 Caroline St. from 2007 to 2014, then moved away. The property owners were within 200 feet of her property were sent notices of this meeting.

No negative comment from the staff.

The special use permit ordinance is exactly the same, except for dates, as her previous special use permit ordinance.

**Recommendation**

Approve the Special Use Permit Ordinance for the bed-and-breakfast operation at 811 Caroline St. to Mrs. Mary Sims

**Approved By**

Department Manager		Date:
City Administrator	Jack Yates	Date: December 29, 2016

**PLANNING COMMISSION ITEM REGARDING  
SPECIAL USE PERMIT FOR SIMS AT 811 CAROLINE ST.  
AT DECEMBER 27, 2016 MEETING**

1. Public Hearing

Public hearing regarding granting of a Special Use Permit to Mary Eckhart Sims to operate a Bed and Breakfast at 811 Caroline Street.

Chairman Cox called the public hearing ~~to~~ order at 6:01 p.m. Jack Yates gave a brief report that one response had been received from the letters sent to the neighboring property owners. He said one response from Andy and Norma Dean who said that they had no problem with what Mary Simmons is proposing to do.

The Public hearing was closed by the Chairman Cox at 6:03 p.m.

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5. Consideration and possible action regarding granting of a Special Use Permit to Mary Eckhart Sims to operate a Bed and Breakfast at 811 Caroline Street

Jack Yates said that Mrs. Sims had the same use of this property from 2007 to 2014. Mrs. Sims was present. Mr. Simpson asked about off-street parking and her answer was that they were eight off-street parking spaces. Mr. Waddell asked about the recent changes to the building and the answer was that after renting the house for several years that the recent work were cosmetic but nothing structurally changed in the building.

Motion by Mr. Simpson, seconded by Mr. Waddell to recommend approval for the Special Use Permit at 811 Caroline Street to Mary Sims. All in favor.

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

**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.**

**WHEREAS**, the City of Montgomery has received a request from Mary Eckhart Sims for a special use permit pursuant to Section 98-33 of the Code of Ordinances of the City of Montgomery, Texas, authorizing the maintenance and use of a portion of the herein below referenced real property (the "Property") as a bed and breakfast; and

**WHEREAS**, the matter was referred to the City of Montgomery Planning and Zoning Commission for consideration and recommendation, and the Planning and Zoning Commission, after due notice and public hearing, did consider and make a recommendation on the request for the special use permit, as provided by Section 98-33 (a) of the Code of Ordinances; and

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

**WHEREAS**, the City Council, pursuant to such notices, held its public hearing and heard all persons wishing to be heard both for and against the proposed special use permit, on the \_\_\_\_ day of December, 2016; and

**WHEREAS**, the City Council, after determining that all legal requirements of notice and hearing have been met, is of the opinion and finds that the requested special use of the Property is a permitted use of the Property in the zoning district in which the Property is situated; and

**WHEREAS**, the City Council further finds that the granting of a use permit to the Mary Eckhart Sims will not have an adverse effect on the City's comprehensive zoning plan or on the character and development of the neighborhood in which the Property is situated;

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

**SECTION 1.** A special use permit is hereby granted to Mary Eckhart Sims for the purpose of using the Property as a bed and breakfast.

**SECTION 2.** The granting of the special use permit is expressly conditioned upon the premise that no overnight parking shall be permitted on any public street and on the condition that the bed and breakfast project comply with any and all local, state and federal law.

**SECTION 3.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 4.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF MONTGOMERY, TEXAS**

By: \_\_\_\_\_  
Mayor Kirk Jones

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Larry Foerster, City Attorney

Montgomery City Council  
**AGENDA REPORT**

Gives five and 10 years targets of overall

ITEM# 6

<b>Meeting Date:</b>	January 10, 2017	<b>Budgeted Amount:</b>	N/A
<b>Department:</b>			<i>Memo from Engineer</i>
			<p><b>Current City Code of Water Conservation and Drought Contingency Plan from City Code</b></p> <p><b>Proposed Water Conservation Plan, with Appendixes "A" Utility Profile for Retail Water Supplier, "B" Ordinance Regarding Current Water Rates, "C" Proposed Ordinance Adopting a Water Conservation Plan. Appendix "D" letter from City Engineer to San Jacinto River Authority informing them of the adoption of the plan</b></p>
<b>Date Prepared:</b>	January 4, 2017	<b>Exhibits:</b>	

**Subject**

**Consideration of adoption of Water Conservation Plan for the city. This Plan is required by the Texas Water Development Board in order to receive the loan that is now pending TWDB approval.**

## Discussion

The proposed Water Conservation Plan is based on TWDB requirements. The Plan was written by Glynn Fleming of the Jones/Carter Engineering firm.

Section 3 of the Plan gives 5 and 10 year targets of overall (not just during a drought) water consumption from present 311 gallons per capita per day (gpcd) to 302 in 2021 and to 269 by 2026. For residents – from present 207 gpcd to 184 in 2021 and 165 by 2026. Water loss also has a goal from the present 6.0% to 5.4% in 2021 and 5.2% in 2026.

All of this reduction will be accomplished by raising public awareness, a showerhead and aerator retrofit program, water – efficient toilet replacement program, customer water audits and landscape management education.

The goal is to reduce per capita per day consumption by 1% per year, with periodic evaluations. Pages 5 and 6 of the Plan give details to the methods of attaining conservation goals.

Appendix “A” is a snapshot of the city’s current water usage.

Appendix “B” is a copy of the current water/sewer rate ordinance passed in September 2016.

Appendix “C” is the proposed ordinance adopting the proposed Water Conservation Plan for the city of Montgomery.

Appendix “D” is a letter to the SJR letting them know of the city’s conservation goals.

The conservation goals are goals only and have no effect on future funding from TWDB, or, if not met, have any negative ramifications.

---

The existing Water Conservation and Drought Contingency Plan in the city code is written for use as a regulatory guideline to manage water use during time of drought or lack of water supply – none of which is provided in the proposed TWDB driven Water Conservation Plan. There is no need to amend, nor delete, the existing Drought Contingency Plan. Each Plan has its separate direction with no overlapping of wording/purposes.



Montgomery City Council  
**AGENDA REPORT**

**Recommendation**

**Adopt the Ordinance and Water Conservation Plan as submitted.**

**Approved By**

**Department  
Manager**

**Date:**

**City  
Administrator**

**Jack Yates**

**Date: January 4, 2017**



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[www.jonescarter.com](http://www.jonescarter.com)

January 5, 2017

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

Re: Adoption of Water Conservation Plan

Dear Mayor and Council:

Over the last several months we have briefed you on the City's pursuit of loan monies from the Texas Water Development Board (the "TWDB"). Recall, applications were first submitted in August and we have since filled multiple requests from the various reviewing entities for additional information. In order to fully comply with TWDB criteria for approval of the City's applications you are being asked to adopt a Water Conservation Plan, the purpose of which is to maximize efficiency within your water system operation. This plan represents a combination of strategies for reducing the consumption of water, reducing the loss or waste of water, improving or maintaining efficiency in the use of water, and increasing recycling and reuse of water as the City's population and water consumption grow due to new development. It contains recommended best management practice measures aimed at meeting the targets and goals identified within the plan. While there is no obligation on behalf of the City to realize the goals contained within the plan, adoption is a requirement of TWDB in order to receive loan approval, and we recommend it be maintained and updated on a biennial basis in order to easily facilitate future applications to the TWDB.

Enclosed in your meeting packets you will find a draft copy of the plan as well as an ordinance prepared by your City Attorney which formally adopts the plan. 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 over a light blue circular stamp.

Ed Shackelford, PE  
Engineer for the City

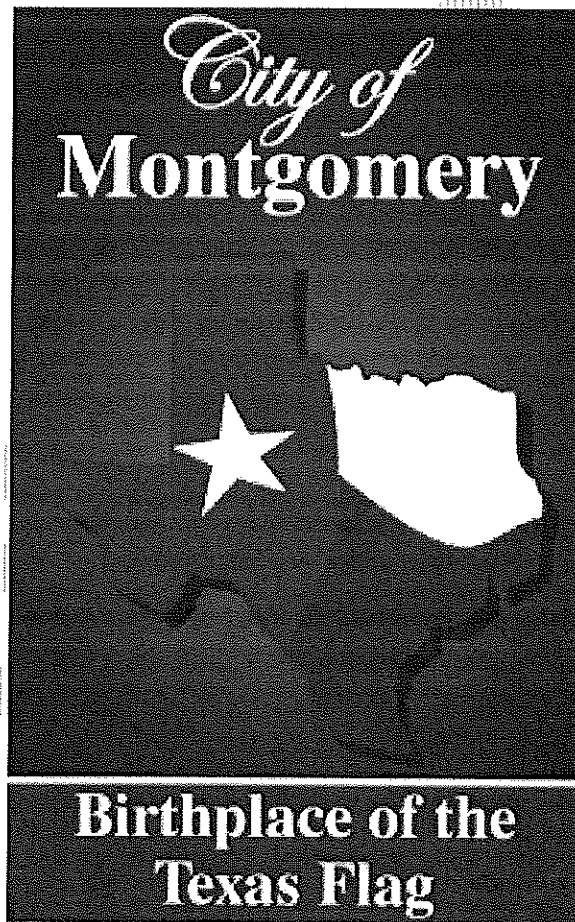
EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\Letters\MEMO to Council RE Adoption of Water Conservation Plan.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

**WATER CONSERVATION PLAN  
FOR  
CITY OF MONTGOMERY  
IN  
MONTGOMERY COUNTY, TEXAS**



**December 2016  
Public Water Supply Identification Number: 1700186/1700022  
Regional Water Planning Group H**

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## **Section 1 – Introduction and Purpose**

The City of Montgomery, Texas (the “City”) was chartered in 1837 and is centered at the junction of SH 105 and FM 149. According to the Texas Water Development Board (the “TWDB”) Region H Planning Group, the City’s population is currently 722 with a projected population of 2,676 by 2020. This projected population increase is due to rapid development occurring around the Lake Conroe area and throughout Montgomery County. Significant levels of residential and commercial growth are now beginning within the city limits. As such, the City recognizes the need to maximize the efficient use of its existing water supply and treatment facilities, and hereby adopts the following water conservation plan for the purposes of identifying and establishing principals, practices, and standards to effectively monitor and conserve the efficient use of available water supplies and distribution system capacity. This plan is prepared in general accordance with The TWDB’s Water Conservation Plan requirements contained in Title 31, Part 10, Chapter 363, Subchapter A, Division 2, Rule 363.15 of the Texas Administrative Code.

## **Section 2 – Utility Profile**

The City currently provides water service to approximately 600 connections situated within a 4.5 square mile area. Roughly 70% of existing connections are single family residential users, however large scale commercial development is beginning to impact the SH 105 corridor. The largest single users in the system are the Montgomery Independent School District facilities and the Town Creek Village apartments both of which are located on the west side of the City.

The existing water system consists of two (2) water plants and approximately 114,000 linear feet of waterline. Water Plant No. 2 is located in the south-west quadrant of the City and is directly accessible from Stewart Street. Water Plant No. 3 is located in the north central area of the City and is directly accessible from FM 1097.

The City is located within the Lone Star Groundwater Conservation District (the “LSGCD”) and as such abides by the groundwater withdrawal rules and regulations set forth in the City’s Groundwater Reduction Plan (the “GRP”) as approved by the LSGCD. According to the GRP, the City is required to supply a minimum 70% of its demand from alternate water sources such as the Catahoula Aquifer. Currently Water Well No. 4 (Catahoula Aquifer) at Water Plant No. 3 supplies the majority of water for the system. During peak demand hours Water Well No. 2 (Jasper Aquifer) at Water Plant No. 2 is utilized to provide pressure maintenance in the West and Southwest areas of town. Water Well No. 3 (Jasper Aquifer) at Water Plant No. 3 is utilized primarily when Well No. 4 is offline or unable to meet peak demands. Water Use Data, Supply System, and Wastewater System

**Appendix A** to this Water Conservation Plan is an evaluation of the City’s water and wastewater system completed using the TWDB’s Utility Profile for Retail Water Suppliers (Form 1965-R). The profile includes information regarding population, customer data, water use data, water supply system information, and wastewater treatment system information.

### **Section 3 – Conservation Goals**

#### **3.1 Five-year and Ten-year Targets**

The purpose of this Water Conservation Plan is to reduce long-term demand on limited water resources by encouraging more efficient water use practices within the City. Table 1 below shows historical and projected per capita municipal water use for the City in gallons per capita per day (gpcd).

Table 1. 5-Year and 10-Year Goals for Water Savings

	<b>Historic 5-yr Average</b>	<b>5-yr Goal 2021</b>	<b>10-yr Goal 2026</b>
<b>Total (gpcd)</b>	311	302	269
<b>Residential (gpcd)</b>	207	184	165
<b>Water Loss (gpcd)</b>	18	16	14
<b>Water Loss (%)</b>	6.0	5.4	5.2

The City's water conservation goals include the following:

- Achieve a 2021 per capita municipal water use of 302 gpcd (five-year goal) and a 2031 per capita municipal water use of 269 gpcd (ten-year goal).
- Continue the City's program of universal metering and meter maintenance.(See Section 4.2)
- Strive to keep the level of unaccounted water in the system less than 10 percent in 2017 and subsequent years.
- Raise public awareness of water conservation and encourage responsible water use habits through public education and information programs, as discussed in Section 4.5
- Partner with local schools to further water conservation efforts by offering instructional assistance, classroom presentations, and/or educational materials which promote water conservation.
- Decrease residential water usage by encouraging the following programs:
  1. Showerhead and aerator retrofit program
  2. Water-efficient toilet replacement program
  3. Customer Water Audits
  4. Water-efficient clothes washer rebate program
  5. Landscape Management Requirements

### 3.2 Schedule

The TWDB State Water Conservation Implementation Task Force recommends that municipalities set goals of reducing per capita consumption by 1% per year until such time as the entity achieves a total gpcd of 140 or less. The goals proposed in this plan are structured so that consumption is reduced by 1% each year, meeting the ultimate goal within ten years. The District will periodically evaluate the plan in accordance with State and Federal regulations to determine the extent, if any, that the plan needs modification.

## **Section 4 – Water Conservation Plan Elements**

### 4.1 Master Metering of Water Wells

The City meters and records all water produced at Water Plant Nos. 2 and 3 on a daily basis. Each master meter has an accuracy of plus or minus 5 percent and is calibrated on a semiannual basis by the City's Public Works personnel or its contract Utility Operations staff.

### 4.2 Universal Metering of Customer and Public Uses, Meter Testing, Repair, and Replacement

The City's Code of Ordinances (the "Code") mandates water connections for all customer and public use to the water distribution system be metered. Per the Code, city staff shall inspect all proposed service connections before service is initiated, and actual metered connection to the system may only be made the City's Public Works personnel or contract Utility Operations staff.

In November 2016 the City completed system-wide installation of a real-time Automatic Meter Read system. Each meter automatically totals and transmits water consumption data, and returns diagnostic information on its level of performance and possible tampering. Additionally, the meters provide an additional level of leak detection by automatically issuing an alert to the city if continuous flows are measured for an extended period of time.

The City now tracks individual meter performance and will replace underperforming or faulty meters on an as needed basis as well as automatic replacement of any residential meter which surpasses 1,000,000 gallons in total flow.

### 4.3 Determination and Control of Water Loss

The goal of the City's water loss control program is to maintain unaccounted for water loss at or below 10% of water produced, on a monthly basis. In order to meet this goal, the City has authorized the contract Utility Operator to prepare an annual water loss audit and report which compares the amount of water produced and purchased versus the amount of known water usage. The report assists in identifying actions the City may take to improve water accountability and reduce water use in general.

#### 4.4 Program of Leak Detection, Repair, and Water Loss Accounting

The City's Public Works Department in conjunction with contract Utility Operations staff administers a leak detection and repair program for the water distribution system. This program includes visual inspections of system lines, leak repairs, investigation of abandoned or unauthorized service connections, use of leak detection equipment, and meter testing and accuracy checks.

#### 4.5 Continuing Public Education and Information

The City will promote water conservation by informing the public of ways to conserve water. The following methods will be used to inform water users.

- a. Distribution of educational materials on water conservation to all customers at least annually.
- b. Work with builders and developers to encourage use of water-conserving plumbing fixtures and irrigation systems.
- c. Include water conservation tips in monthly billing statements to the City's customers.
- d. Distribute general conservation information to new customers when applying for service.
- e. Participation in the Association of Water Board Directors' Water Smart Program.

Also the City shall notify residents of the initiation of any conservation efforts that are outlined in the City's Drought Contingency Plans.

#### 4.6 Non-Promotional Water Rate Structure

The City most recent water and wastewater rate analysis was completed in September 2015 and the current water rate structure, which was adopted in September 2016, is formulated to adequately recoup the cost of service and considers depreciation of large capital assets in order to establish a reserve fund for major maintenance. Water rates are tiered in an increasing structure to encourage conservation and discourage excessive use. A copy of the current water and wastewater rate structure as adopted by the City Council is included as **Appendix B**.

#### 4.7 Reservoir Systems Operation Plan

The City does not own any reservoirs within a common watershed or river basin.



#### 4.8 Records Management System

In addition to the City's existing Records Management Plan, the contract Utility Operator and the contract Engineer administer and maintain a comprehensive cloud based systems which accounts for water use characteristics throughout the water system and allows for the separation of aggregate water delivery, sales, losses and water usage characteristics. These systems are configured to allow determination of water sales and uses associated with the following customer-specific categories: residential, commercial, public and institutional and industrial.

#### 4.9 Implementation and Enforcement

**Appendix C** contains a copy of the ordinance/resolution adopting this water conservation plan. The resolution designates responsible officials or agents to implement and enforce the water conservation plan.

#### 4.10 Coordination with Regional Water Planning Group

**Appendix D** includes a copy of the letter sent to the Chair of Region H Water Planning Group with this water conservation plan.

APPENDIX "A"

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

Fill out this form as completely as possible.  
If a field does not apply to your entity, leave it blank.

### CONTACT INFORMATION

Name of Utility: City of Montgomery

Public Water Supply Identification Number (PWS ID): 1700186/1700022

Certificate of Convenience and Necessity (CCN) Number: \_\_\_\_\_

Surface Water Right ID Number: \_\_\_\_\_

Wastewater ID Number: WQ0011521001/WQ0014737001

Completed By: Glynn Fleming, PE Title: Project Engineer

Address: 8701 New Trails Drive, Suite 200 City: The Woodlands Zip Code: 77381

Email: gfleming@jonescarter.com Telephone Number: 281-363-4039

Date: 16 Aug 2016

Regional Water Planning Group: H Map

Groundwater Conservation District: 48 Map

Check all that apply:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

## Section I: Utility Data

### A. Population and Service Area Data

- Current service area size in square miles: 5  
 (Attach or email a copy of the service area map.)
- Provide historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Service
2016	722	0	722
2015	719	0	719
2014	710	0	710
2013	695	0	695
2012	686	0	686

- Provide the projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Service
2020	2,676	0	2,676
2030	4,985	0	4,985
2040	6,185	0	6,185
2050	7,393	0	7,393
2060	8,625	0	8,625

- Describe the source(s)/method(s) for estimating current and projected populations.

TWDB Region H Planning Group

*Appendix "A"*

**B. System Input**

Provide system input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Self-supplied Water in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2016	88,593,000	0	0	88,593,000	336
2015	82,310,000	0	0	82,310,000	314
2014	80,174,000	0	0	80,174,000	309
2013	75,581,000	0	0	75,581,000	298
2012	74,594,000	0	0	74,594,000	298
<b>Historic 5-year Average</b>	80,250,400	0	0	80,250,400	311

**C. Water Supply System (Attach description of water system)**

1. Designed daily capacity of system \_\_\_\_\_ 567,568 gallons per day.
2. Storage Capacity:  
 Elevated \_\_\_\_\_ 0 gallons  
 Ground \_\_\_\_\_ 520,000 gallons
3. List all current water supply sources in gallons.

Water Supply Source	Source Type*	Total Gallons
Water Well No. 2-Jasper	Ground	225,000
Water Well No. 3-Jasper	Ground	300,000
Water Well No. 4-Catahoula	Ground	720,000
	Choose One	
	Choose One	
	Choose One	

\*Select one of the following source types: *Surface water, Groundwater, or Contract*

4. If surface water is a source type, do you recycle backwash to the head of the plant?  
 Yes \_\_\_\_\_ estimated gallons per day  
 No

Appendix "A"

### D. Projected Demands

1. Estimate the water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demands (gallons)
2017	714	82,000,000
2018	1,204	138,274,509
2019	1,694	194,549,019
2020	2,194	250,823,529
2021	2,674	307,098,039
2022	3,164	363,372,549
2023	3,654	419,647,058
2024	4,144	475,921,568
2025	4,634	532,196,078
2026	5,124	644,745,098

2. Describe sources of data and how projected water demands were determined. Attach additional sheets if necessary.

Population projections based upon TWDB Region H Planning Group. Water demands projections based from current historical data.

**E. High Volume Customers**

- List the annual water use, in gallons, for the five highest volume **RETAIL customers**. Select one of the following water use categories to describe the customer; choose Residential, Industrial, Commercial, Institutional, or Agricultural.

Retail Customer	Water Use Category*	Annual Water Use	Treated or Raw
Town Creek Apartments	Residential	5,423,000	Treated
Montgomery ISD (irrigation)	Agricultural	3,612,000	Treated
Montgomery ISD	Institutional	3,047,000	Treated
Town Creek Apartments (irrigation)	Agricultural	2,139,000	Treated
Buffalo Springs Sewer Plant	Institutional	2,117,000	Treated

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

- If applicable, list the annual water use for the five highest volume **WHOLESALE customers**. Select one of the following water use categories to describe the customer; choose Municipal, Industrial, Commercial, Institutional, or Agricultural.

Wholesale Customer	Water Use Category*	Annual Water Use	Treated or Raw
	Choose One		Choose One
	Choose One		Choose One
	Choose One		Choose One
	Choose One		Choose One
	Choose One		Choose One

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

**F. Utility Data Comment Section**

Provide additional comments about utility data below.

The City currently has approximately 300 single family lots which are platted but undeveloped.

## Section II: System Data

### A. Retail Connections

- List the active retail connections by major water use category.

Water Use Category*	Active Retail Connections			
	Metered	Unmetered	Total Connections	Percent of Total Connections
Residential – Single Family	407		407	70%
Residential – Multi-family (units)			0	0%
Industrial			0	0%
Commercial	91		91	16%
Institutional	38		38	6%
Agricultural	49		49	8%
<b>TOTAL</b>	<b>585</b>	<b>0</b>	<b>585</b>	

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

- List the net number of new retail connections by water use category for the previous five years.

Water Use Category*	Net Number of New Retail Connections				
	2016	2015	2014	2013	2012
Residential – Single Family	52	43	34	21	21
Residential – Multi-family (units)	0	0	0	0	0
Industrial	0	0	0	0	0
Commercial	24	31	32	22	19
Institutional	0	0	1	0	0
Agricultural	17	21	16	11	12
<b>TOTAL</b>	<b>93</b>	<b>95</b>	<b>83</b>	<b>54</b>	<b>52</b>

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

**B. Accounting Data**

For the previous five years, enter the number of gallons of RETAIL water provided in each major water use category.

Water Use Category*	Total Gallons of Retail Water				
	2016	2015	2014	2013	2012
Residential - Single Family	32,507,000	30,420,000	27,705,000	26,083,000	23,736,000
Residential - Multi-family					
Industrial					
Commercial	16,260,000	15,442,000	14,387,000	15,494,000	16,439,000
Institutional	18,699,000	17,127,000	15,692,000	15,308,000	15,496,000
Agricultural	18,893,000	17,145,000	18,915,000	17,195,000	16,447,000
<b>TOTAL</b>	<b>86,359,000</b>	<b>80,134,000</b>	<b>76,699,000</b>	<b>74,080,000</b>	<b>72,118,000</b>

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

**C. Residential Water Use**

For the previous five years, enter the residential GPCD for single family and multi-family units.

Water Use Category*	Residential GPCD				
	2016	2015	2014	2013	2012
Residential - Single Family	204	212	204	202	213
Residential - Multi-family					

**D. Annual and Seasonal Water Use**

1. For the previous five years, enter the gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Retail Water				
	2016	2015	2014	2013	2012
January	6,509,000	5,143,000	5,405,000	4,658,000	4,537,000
February	7,614,000	4,028,000	4,375,000	4,083,000	4,156,000
March	6,160,000	6,761,000	4,396,000	5,084,000	4,548,000
April	7,066,000	5,503,000	7,633,000	6,081,000	5,607,000
May	9,390,000	6,459,000	7,097,000	6,852,000	6,967,000
June	7,370,000	8,806,000	8,200,000	7,002,000	6,733,000
July	8,704,000	6,503,000	6,010,000	6,627,000	6,305,000
August	9,315,000	8,498,000	7,282,000	7,730,000	8,849,000
September	7,840,000	7,694,000	7,159,000	8,847,000	7,946,000
October	8,461,000	6,559,500	7,128,000	6,652,000	5,225,000
November	7,930,000	6,559,500	6,845,000	5,523,000	6,170,000
December		7,620,000	5,169,000	4,941,000	5,075,000
<b>TOTAL</b>	<b>86,359,000</b>	<b>80,134,000</b>	<b>76,699,000</b>	<b>74,080,000</b>	<b>72,118,000</b>



2. For the previous five years, enter the gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Retail Water				
	2016	2015	2014	2013	2012
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
<b>TOTAL</b>	0	0	0	0	0

3. Summary of seasonal and annual water use.

Water Use	Seasonal and Annual Water Use					Average in Gallons
	2016	2015	2014	2013	2012	
Summer Retail (Treated + Raw)	25,389,000	23,807,000	21,492,000	21,359,000	21,887,000	22,786,800 5yr Average
TOTAL Retail (Treated + Raw)	86,359,000	80,134,000	76,699,000	74,080,000	72,118,000	77,878,000 5yr Average

**E. Water Loss**

Provide Water Loss data for the previous five years.

Water Loss GPCD = [Total Water Loss in Gallons ÷ Permanent Population Served] ÷ 365

Water Loss Percentage = [Total Water Loss ÷ Total System Input] x 100

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2016	4,078,000	15	5%
2015	5,761,700	22	7%
2014	2,405,220	9	3%
2013	10,656,921	42	14%
2012		0	0%
<b>5-year average</b>	4,580,368	18	6%

**F. Peak Water Use**

Provide the Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2016	250,623	300,747	1.20
2015	225,506	254,821	1.13
2014	219,655	230,637	1.05
2013	207,071	252,626	1.22
2012	205,353	240,263	1.17

**G. Summary of Historic Water Use**

Water Use Category	Historic 5-year Average	Percent of Connections	Percent of Water Use
Residential SF	28,090,200	70%	0%
Residential MF	0	0%	0%
Industrial	0	0%	0%
Commercial	15,604,400	16%	0%
Institutional	16,464,400	6%	0%
Agricultural	17,719,000	8%	0%

**H. System Data Comment Section**

Provide additional comments about system data below.

## Section III: Wastewater System Data

If you do not provide wastewater system services then you have completed the Utility Profile. Save and Print this form to submit with your Plan. Continue with the Water Conservation Plan Checklist to complete your Water Conservation Plan.

### A. Wastewater System Data (Attach a description of your wastewater system.)

- Design capacity of wastewater treatment plant(s): 400,000  
gallons per day.
- List the active wastewater connections by major water use category.

Water Use Category*	Active Wastewater Connections			
	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	407		407	70%
Industrial			0	0%
Commercial	112		112	19%
Institutional	17		17	3%
Agricultural	49		49	8%
<b>TOTAL</b>	<b>585</b>	<b>0</b>	<b>585</b>	

- What percent of water is serviced by the wastewater system? 39%
- For the previous five years, enter the number of gallons of wastewater that was treated by the utility.

Month	Total Gallons of Treated Wastewater				
	2016	2015	2014	2013	2012
January	2,136,000	1,869,000			
February	1,343,000	1,698,000			
March	2,494,000	2,929,000			
April	2,678,000	2,497,000			
May	3,409,000	4,296,000			
June	4,021,000	3,598,000			
July	3,012,000	3,213,000			
August	2,980,000	3,619,000			
September	1,986,000	3,596,000			
October	1,515,000	3,335,000			
November	1,164,000	2,626,000			
December		2,044,000			
<b>TOTAL</b>	<b>26,738,000</b>	<b>35,320,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

Appendix "A"

4. Can treated wastewater be substituted for potable water?  
 Yes       No

**B. Reuse Data**

1. Provide data on the types of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site irrigation	0
Plant wash down	0
Chlorination/de-chlorination	0
Industrial	0
Landscape irrigation (parks, golf courses)	0
Agricultural	0
Discharge to surface water	0
Evaporation pond	0
Other	0
<b>TOTAL</b>	<b>0</b>

**C. Wastewater System Data Comment**

Provide additional comments about wastewater system data below.

You have completed the Utility Profile. Save and Print this form to submit with your Plan. Continue with the Water Conservation Plan Checklist to complete your Water Conservation Plan.

## APPENDIX "B"

Motion was made by John Champagne, seconded by Jon Bickford, and passed by a 5 to 0 vote that the following Ordinance by passed:

**ORDINANCE NO. 2016-18**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, REPEALING ORDINANCE NO. 2011-22 AND ORDINANCES AMENDING SAME, ESTABLISHING AND ADOPTING NEW MONTHLY SERVICE RATES AND CHARGES FOR WATER AND SEWER SERVICE FOR CONSUMERS INSIDE AND OUTSIDE THE CITY PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; PROVIDING AND ESTABLISHING THAT AN AMOUNT BE COLLECTED TO OFFSET COSTS AND EXPENSES TO THE CITY FOR COSTS AND EXPENSES THE CITY WILL INCUR FOR MEETING GROUNDWATER REDUCTION REQUIREMENTS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT IN ADOPTING ITS JOINT GROUNDWATER REDUCTION PLAN, SO THAT THESE EXPENSES MAY BE PASSED ON TO CONSUMERS; DESCRIBING THE METHOD FOR CHARGES AND BILLING; ESTABLISHING AN AMENDED SCHEDULE OF FEES, DEPOSITS, RETURNED CHECKS, AND OTHER CHARGES REQUIRED BY CHAPTR 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCE IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the Chapter 90 of the Code of Ordinances of the City of Montgomery, Texas, authorizes City Council, by ordinance, to establish monthly service rates and charges for water and sewer services inside and outside the City and to establish fees for inspections, tap fees, deposits, returned checks, and other charges related to providing utilities; and

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

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

WHEREAS, the Lone Star Groundwater Conservation District has established a regulatory plan to reduce groundwater production from certain aquifers located within Montgomery County, Texas, by its establishment of regulatory deadlines subject to its enforcement; and

*Appendix "B"*

**WHEREAS**, the City is mandated to comply with the Lone Star Groundwater Conservation District's regulatory deadlines, and as a result, has entered into a contract for groundwater reduction planning with the Montgomery County Utility District No. 3 and Montgomery County Utility District No. 4 (collectively the "MUDS") in order to comply with the requirements of the Lone Star Groundwater Conservation District; and

**WHEREAS**, under said contract with the MUDS (the "Contract"), the City is required to pay an amount equal to 80% of certain monthly pumpage fees, rates and charges that certain other large volume groundwater users ("LVGU"), which have entered into a Contract for Groundwater Reduction Planning, Alternative Water Supply, and Related Goods and Service with the San Jacinto River Authority (the "SJRA"), which are set in accordance with the SJRA rate order (the "SJRA Rate Order"); and

**WHEREAS**, the SJRA adopted an initial Rate Order that imposed a pumpage fee to other LVGU's and participants in said SJRA contracts of \$0.50 per thousand gallons of water consumed, and said rate is currently set at \$2.50 per thousand gallons of water consumed; and

**WHEREAS**, the City Council believes it is in the best interest of the City and its customers that an amount equal to the monthly pumpage fees, rates, and charges, and other anticipated penalty expenses of complying with the Contract, be passed through to the individual water and sewer customers inside and outside the City, on the basis of the amount of water consumed monthly by each customer, as set out in the Contract in order to recover the City's additional costs associated with the Contract or other expenses anticipated for groundwater reduction planning; and

**WHEREAS**, the City Council believes it is appropriate to repeal the existing Ordinance No. 2011-22 passed on September 27, 2011, while concurrently creating this new Ordinance providing for residential and commercial water and sewer rates and other charges.

**WHEREAS**, the City Secretary caused to be posted a notice of public hearing; and

**WHEREAS**, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the proposed water and sewer rates and fee schedule on the 13th day of September 2016;

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

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

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

Appendix "B"

**SECTION 2. FEES FOR GROUNDWATER REDUCTION PLANNING AND CONTRACT PUMPAGE FEES, RATES, AND CHARGES.**

In addition to the above rates in order to defray costs and expense of groundwater reduction planning, an additional charge of \$0.70 per thousand gallons of water consumed, shall be charged to all water customers, both inside and outside the City. This charge may be adjusted from time to time, and is based on anticipated groundwater reduction plan pumpage fees, rates, and charges to be assessed the City pursuant to the Contract with the MUDS, or for other anticipated expense and costs for the City's mandated groundwater reduction planning.

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

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

**SECTION 4. DEPOSITS, RETURNED CHECK CHARGES, FEES FOR INSPECTIONS, TAP FEES, AND OTHER CHARGES**

The following schedule of charges required by Chapter 90 of the Code of Ordinances of the City of Montgomery is as follows:

Deposits (Section 90-61)

Residential Consumers	\$125.00
Residential Renter/Lease Consumer	\$225.00
Commercial Consumers	\$250.00
Institutional Consumers	\$250.00
Industrial Consumers	\$250.00
Application Fee for Service	\$ 30.00
Returned Check Charge (Section 90-12)	\$ 50.00
Discontinuation or Refund of Water Service Fee for failure to pay (Section 98-68)	\$ 75.00
Discontinuation or Refund of Water Service Fee upon request of consumer (Section 98-68)	\$ 35.00
Meter Turn-off/Turn-On Fee (each time)	\$ 30.00
Sewer service tap inspection (Section 90-74(e))	\$ 45.00

Appendix "B"

Monthly grease trap inspections (Section 90-80)	\$ 50.00
Customer service inspections (Section 90-81)	\$100.00
Lone Star Groundwater Pumpage Fee	\$ 0.07 per 1,000 gallons of usage
Groundwater Reduction Plan Fee	\$ 1.65 per 1,000 gallons of usage

**SECTION 5. Construction.** This Ordinance shall not be construed so as to conflict with any state or federal statute.

**SECTION 6. Repeal of Conflicting Ordinances.** All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 7. Severability Clause.** If any provision, section, subsection, sentence, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held to be unconstitutional, void, or invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

**SECTION 8. Texas Open Meetings Clause.** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 9. Effective Date.** This Ordinance shall become effective and be in full force after publication as required by law.

PASSED AND APPROVED this 13<sup>th</sup> day of September 2016.

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

ATTEST:

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

APPROVED AS TO FORM:

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



*Appendix "B"*

Monthly Utility Rates for the City of Montgomery as of 9/2016 (Yr 1)

Water Rates - 100	Amount	Amount
<b>Residential Consumers</b>	<b>Inside</b>	<b>Outside</b>
	<i>Code 100</i>	<i>Code 110</i>
For the first 2,000 gallons of water used	Up to First 2K-\$16.00	Up to First 2K-\$20.00
Next 2,000 gallons (3 - 4)	Next 2K-\$2.25	Next 2K-\$2.50
Next 2,000 gallons (5 - 6)	Next 2K-\$2.75	Next 2K-\$3.00
Next 2,000 gallons (7 - 8)	Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (9 - 10)	Next 2K-\$3.75	Next 2K-\$4.00
Next 5,000 gallons (11 - 15)	Next 5K-\$4.25	Next 5K-\$4.50
Next 5,000 gallons (16 - 20)	Next 5K-\$4.75	Next 5K-\$5.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$5.50	Over 20K-\$5.75
<b>Commercial Consumers</b>	<b>Code 120</b>	<b>Code 130</b>
For the first 2,000 gallons of water used	Up to First 2K-\$19.50	Up to First 2K-\$24.50
Next 2,000 gallons (3 - 4)	Next 2K-\$2.75	Next 2K-\$3.00
Next 2,000 gallons (5 - 6)	Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (7 - 8)	Next 2K-\$3.75	Next 2K-\$4.00
Next 2,000 gallons (9 - 10)	Next 2K-\$4.25	Next 2K-\$4.50
Next 5,000 gallons (11 - 15)	Next 5K-\$4.75	Next 5K-\$5.00
Next 5,000 gallons (16 - 20)	Next 5K-\$5.25	Next 5K-\$5.50
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$5.75	Over 20K-\$6.00
<b>Institutional Consumers (Schools)</b>	<b>Code 140</b>	
For the first 30,000 gallons of water used	Up to First 30K-\$396	
Next 10,000 gallons (31 - 40)	Next 10K-\$4.25	
Next 10,000 gallons (41 - 50)	Next 10K-\$4.50	
Next 5,000 gallons (51 - 55)	Next 5K-\$4.75	
Next 45,000 gallons (56 - 100)	Next 45K-\$5.00	
For water used in excess of 100,000 gallons, the rate per thousand gallons used	Over 100K-\$5.35	
<b>Multi-Family Consumers</b>	<b>Code 102</b>	
For the first 30,000 gallons of water used	Up to First 30K-\$500	
Next 10,000 gallons (31 - 40)	Next 10K-\$4.25	
Next 10,000 gallons (41 - 50)	Next 10K-\$4.50	
Next 5,000 gallons (51 - 55)	Next 5K-\$4.75	
Next 45,000 gallons (56 - 100)	Next 45K-\$5.00	
For water used in excess of 100,000 gallons, the rate per thousand gallons used	Over 100K-\$5.50	

*Appendix "B"*

Monthly Utility Rates for the City of Montgomery as of 9/2016 (Yr 1)

Water Rates (continued)	Amount
<i>Irrigation Consumers (meter less than 1 inch in size)</i>	
	<i>Inside</i>
	<i>Code 105</i>
For the first 2,000 gallons of water used	Up to First 2K-\$12.00
Next 2,000 gallons (3 - 4)	Next 2K-\$2.50
Next 2,000 gallons (5 - 6)	Next 2K-\$3.00
Next 2,000 gallons (7 - 8)	Next 2K-\$3.50
Next 2,000 gallons (9 - 10)	Next 2K-\$4.00
Next 5,000 gallons (11 - 15)	Next 5K-\$4.50
Next 5,000 gallons (16 - 20)	Next 5K-\$5.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$5.75
<i>Irrigation Consumers (meter 1 inch or larger in size)</i>	
	<i>Code XXX</i>
For the first 2,000 gallons of water used	Up to First 2K-\$25.00
Next 2,000 gallons (3 - 4)	Next 2K-\$2.50
Next 2,000 gallons (5 - 6)	Next 2K-\$3.00
Next 2,000 gallons (7 - 8)	Next 2K-\$3.50
Next 2,000 gallons (9 - 10)	Next 2K-\$4.00
Next 5,000 gallons (11 - 15)	Next 5K-\$4.50
Next 5,000 gallons (16 - 20)	Next 5K-\$5.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$6.00
<i>Industrial Consumers</i>	
Rates for this Class will be handled on a case by case basis	

Appendix "B"

Monthly Utility Rates for the City of Montgomery as of 9/2016 (Yr 1)

Sewer Rates - 200		Amount	Amount
<b>Residential Consumers</b>		<i>Inside</i>	<i>Outside</i>
		<i>Code 100</i>	<i>Code 110</i>
For the first 2,000 gallons of water used		Up to First 2K-\$12.50	Up to First 2K-\$16.00
Next 2,000 gallons (3 - 4)		Next 2K-\$2.25	Next 2K-\$2.50
Next 2,000 gallons (5 - 6)		Next 2K-\$2.75	Next 2K-\$3.00
Next 2,000 gallons (7 - 8)		Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (9 - 10)		Next 2K-\$3.75	Next 2K-\$4.00
Next 5,000 gallons (11 - 15)		Next 5K-\$4.25	Next 5K-\$4.50
Next 5,000 gallons (16 - 20)		Next 5K-\$4.75	Next 5K-\$5.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used		Over 20K-\$5.50	Over 20K-\$5.75
<b>Commercial Consumers</b>		<i>Code 120</i>	<i>Code 130</i>
For the first 2,000 gallons of water used		Up to First 2K-\$21.50	Up to First 2K-\$25.00
Next 2,000 gallons (3 - 4)		Next 2K-\$4.00	Next 2K-\$4.25
Next 2,000 gallons (5 - 6)		Next 2K-\$4.25	Next 2K-\$4.50
Next 2,000 gallons (7 - 8)		Next 2K-\$4.50	Next 2K-\$4.75
Next 2,000 gallons (9 - 10)		Next 2K-\$4.75	Next 2K-\$5.00
Next 5,000 gallons (11 - 15)		Next 5K-\$5.00	Next 5K-\$5.25
Next 5,000 gallons (16 - 20)		Next 5K-\$5.25	Next 5K-\$5.50
For water used in excess of 20,000 gallons, the rate per thousand gallons used		Over 20K-\$6.50	Over 20K-\$6.75
<b>Institutional Consumers (Schools)</b>		<i>Code 140</i>	
A fixed rate fee of		Flat rate - \$150	
For the first 30,000 gallons of water used		Up to First 30K-\$3.00	
Next 10,000 gallons (31 - 40)		Next 10K-\$4.25	
Next 10,000 gallons (41 - 50)		Next 10K-\$4.50	
Next 5,000 gallons (51 - 55)		Next 5K-\$4.75	
Next 45,000 gallons (56 - 100)		Next 45K-\$5.00	
For water used in excess of 100,000 gallons, the rate per thousand gallons used		Over 100K-\$9.35	
<b>Multi-Family Consumers</b>		<i>Code 102</i>	
A fixed rate fee of		Flat rate - \$200	
For the first 30,000 gallons of water used		Up to First 30K-\$3.00	
Next 10,000 gallons (31 - 40)		Next 10K-\$4.25	
Next 10,000 gallons (41 - 50)		Next 10K-\$4.50	
Next 5,000 gallons (51 - 55)		Next 5K-\$4.75	
Next 45,000 gallons (56 - 100)		Next 45K-\$5.00	
For water used in excess of 100,000 gallons, the rate per thousand gallons used		Over 100K-\$9.50	
<b>Industrial Consumers</b>			
Rates for this Class will be handled on a case by case basis			

Appendix "B"

Miscellaneous Utility Fees for City of Montgomery as of 9/2016

Other rates/fees	Amount
<i>Deposits</i>	
Residential Consumer	\$125.00
Commercial Consumer	\$250.00
Institutional Consumer	\$250.00
Industrial Consumer	\$250.00
Residential Renter/Leaser Consumer	\$125.00
<i>Lone Star Groundwater Fee</i>	\$ .07 per 1000 gallons of usage
<i>Groundwater Reduction Plan Fee</i>	\$1.65 per 1000 gallons of usage
<i>Application fee for service</i>	\$30.00
<i>Water turn-off or turn-on fee</i>	\$30.00 each time
<i>Returned Check Charge</i>	\$50.00
<i>Disconnect Fee/Failure to pay</i>	\$75.00
<i>Monthly grease trap inspection</i>	\$50.00

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

**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.**

**WHEREAS**, the City of Montgomery, Texas is experiencing significant current and projected residential and commercial growth; and

**WHEREAS**, as such, the City Council recognizes the need to maximize the efficient use of its existing water supply and treatment facilities; and

**WHEREAS**, the City Council desires to adopt the attached *Water Conservation Plan for the City of Montgomery, Texas*; and

**WHEREAS**, the Water Conservation Plan has been prepared in accordance with the Texas Water Development Board's Water Conservation Plan requirements contained in Title 31, Part 10, Chapter 363, Subchapter A, Division 2, Rule 363.15 of the Texas Administration Code;

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

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

**SECTION II. ADOPTION OF WATER CONSERVATION PLAN.** The City Council for the City of Montgomery, Texas, hereby adopts the *Water Conservation Plan for the City of Montgomery, Texas*, which is attached and incorporated here as Exhibit "A."

**SECTION III. REPEALER.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**SECTION IV. SEVERABILITY.** If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Montgomery in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall

Appendix "C"

become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

**SECTION V. PROPER NOTICE AND MEETING.** The City Council hereby officially finds and determines that the meeting at which this Ordinance was passed 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**SECTION VI. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from its date of approval.

**PASSED, APPROVED AND ADOPTED** on this the \_\_\_\_\_ day of January, 2017.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry Foerster, City Attorney

Appendix "D"



JONES | CARTER

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

January 11, 2016

San Jacinto River Authority  
Region H Planning Group  
1577 Dam Site Road  
Conroe, Texas 77304

Attn: Mr. Mark Evans  
Chair

Re: City of Montgomery  
Water Conservation Plan

Mr. Evans:

Enclose please a copy of the newly adopted Water Conservation Plan for the City of Montgomery, Texas. This Plans and a copy of the Ordinance adopting the plan (included as Appendix D to the Plan) are submitted in accordance with the Texas Commission on Environmental Quality Rules.

Should you have additional questions or require additional information, please contact myself or Mr. Glynn Fleming, PE.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Shackelford'.

Ed Shackelford, P.E.  
Engineer for the City

EHS/gef:lr2

C:\Users\GEF\Desktop\TWDB 12-15-16 Submission\City of Montgomery Water Conservation Plan\Apdx. E-Letter to TWDB Regional Planning Group.docx

Enclosures: Water Conservation Plan for City of Montgomery, Texas  
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, LLP, City Attorney

DIVISION 4. - WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN<sup>[2]</sup>

Footnotes:

--- (2) ---

State Law reference— Drought contingency plan required, V.T.C.A., Water Code § 11.1272.

Existing

## Subdivision I. - In General

## Sec. 90-136. - Definitions.

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

*Aesthetic water use* means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

*Commercial and institutional water use* means water use which is integral to the operations of commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

*Conservation* means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

*Customer* means any person using water supplied by the city.

*Domestic water use* means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, and sanitation, or for cleaning a residence, business, industry, or institution.

*Even-numbered address* means a street address, box number, or rural postal route number ending in "0," "2," "4," "6," or "8," and locations without addresses.

*Industrial water use* means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

*Landscape irrigation use* means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

*Non-essential water use* means water uses that are not essential or required for the protection of public, health, safety and welfare, including:



- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this division;
- (2) Use of water to wash any motor vehicle, motorbike, boat trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak within a reasonable period after having been given notice directing the repair of such leak; and
- (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

*Odd-numbered address* means a street address, box number, or rural postal route number ending in "1," "3," "5," "7," or "9."

(Code 2002, § 90-131; Ord. No. 2000-4, § 1(VII), 9-19-2000)

Sec. 90-137. - Violations; enforcement; penalty.

- (a) No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this division, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the mayor or his designee in accordance with provisions of this division.
- (b) Any person who violates this division is guilty of a misdemeanor, and upon conviction, shall be punished as provided for in section 1-13. If a person is convicted of three or more distinct violations of this division, the mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occurred. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established by the city council and kept on file in the city secretary's office, and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the mayor that the same action shall not be repeated while the drought contingency plan is in effect. Compliance with this division may also be sought through injunctive relief in the district court.
- (c)

Existing

Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, and proof that a violation committed by a child occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he proves that he had previously directed the child not to use the water as it was used in violation of this division, and that the parent could not have reasonably known of the violation.

- (d) Any employee of the city or police officer designated by the mayor may issue a citation to a person he reasonably believes to be in violation of this division. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, and the offense charged, and shall direct him to appear in the municipal court. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this division. If the alleged violator fails to appear in municipal court, a warrant for his arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant.

(Code 2002, § 90-132; Ord. No. 2000-4, § 1(X), 9-19-2000)

#### Sec. 90-138. - Applicability.

The provisions of this division shall apply to all persons, customers, and property utilizing water provided by the city. The term "customer," as used in this division, includes individuals, corporations, partnerships, associations, and all other legal entities.

(Code 2002, § 90-133; Ord. No. 2000-4, § 1(VI), 9-19-2000)

#### Sec. 90-139. - General policy; purpose and intent.

- (a) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the regulations and restrictions in this division on the delivery and consumption of water.
- (b) Water uses regulated or prohibited under this division are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water supply conditions is deemed to constitute a waste of water which subjects the offender to penalties as defined in section

*Existing*90-137.

(Code 2002, § 90-134; Ord. No. 2000-4, § 1(I), 9-19-2000)

Sec. 90-140. - Public involvement in preparation of plan.

Opportunity for the public to provide input into the preparation of the drought contingency plan was provided by the city by means of a public hearing held on September 13, 2000, as duly posted in accordance with the Open Meetings Act, V.T.C.A., Government Code ch. 551.

(Code 2002, § 90-135; Ord. No. 2000-4, § 1(II), 9-19-2000)

Sec. 90-141. - Public education and information.

The city will periodically provide the public with information about the drought contingency plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of having the plan available for inspection at city hall, and the use of a press release.

(Code 2002, § 90-136; Ord. No. 2000-4, § 1(III), 9-19-2000)

Sec. 90-142. - Coordination with regional water planning groups.

The service area of the city is located within the Houston Region (H), and the city has provided a copy of the ordinance from which this division is derived to the Houston Region (H), c/o the San Jacinto River Authority, P.O. Box 329, Conroe, Texas 77305-0329.

(Code 2002, § 90-137; Ord. No. 2000-4, § 1(IV), 9-19-2000)

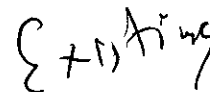
Secs. 90-143—90-167. - Reserved.

Subdivision II. - Administration

Sec. 90-168. - Initiation and termination of drought response measures.

The mayor or his designee is hereby authorized and directed to implement the applicable provisions of this division upon determination that such implementation is necessary to protect public health, safety, and welfare. The mayor or his designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this division.

(Code 2002, § 90-151; Ord. No. 2000-4, § 1(V), 9-19-2000)



## Sec. 90-169. - Variances.

- (a) The mayor or his designee may, in writing, grant temporary variance for existing water uses otherwise prohibited under this division if it is determined that failure to grant such variance would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the person requesting such variance, and if one or more of the following conditions are met:
- (1) Compliance with this division cannot be technically accomplished during the duration of the water supply shortage or other condition for which the drought contingency plan is in effect.
  - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) Persons requesting an exemption from the provisions of this division shall file a petition for variance with the city within five days after the drought contingency plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the mayor or his designee, and shall include the following:
- (1) The name, address, email address and telephone number of the petitioner.
  - (2) The purpose of water use.
  - (3) The specific provision of this division from which the petitioner is requesting relief.
  - (4) A detailed statement as to how the specific provision of this division adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this division.
  - (5) A description of the relief requested.
  - (6) The period of time for which the variance is sought.
  - (7) Alternative water use restrictions or other measures the petitioner is taking, or proposes to take, to meet the intent of this division and the compliance date.
  - (8) Other pertinent information.
- (c) Variances granted by the city shall be subject to the following conditions, unless waived or modified by the mayor or his designee:
- (1) Variances granted shall include a timetable for compliance.
  - (2) Variances granted shall expire when the drought contingency plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this division occurring prior to the issuance of the variance.

(Code 2002, § 90-152; Ord. No. 2000-4, § 1(XI), 9-19-2000)

Secs. 90-170—90-191. - Reserved.

Subdivision III. - Drought Response Stages

Existing

Sec. 90-192. - Criteria for initiation and termination.

The mayor or his designee shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the drought contingency plan, that is, when the specified triggers are reached. The triggering criteria described in this section are based on total pumping capacity on a daily basis.

(1) *Stage 1: Mild water shortage conditions.*

- a. *Requirements for initiation.* Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in section 90-194, when total daily water demand equals or exceeds 75 percent of total daily pumping capacity.
- b. *Requirements for termination.* Stage 1 may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of five consecutive days.

(2) *Stage 2: Moderate water shortage conditions.*

- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in section 90-195 when total daily water demand equals or exceeds 80 percent of total daily pumping capacity.
- b. *Requirements for termination.* Stage 2 may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of five consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

(3) *Stage 3: Severe water shortage conditions.*

- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 when total daily water demand equals or exceeds 85 percent of total daily pumping capacity.
- b. *Requirements for termination.* Stage 3 may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of five consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

(4) *Stage 4: Critical water shortage conditions.*

- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 when total daily water demand equals or exceeds 90 percent of the total daily pumping capacity.
- b. *Requirements for termination.* Stage 4 may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of five consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

(5) *Stage 5: Emergency water shortage conditions.*

- a.

*Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions for Stage 5 when the mayor or his designee determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures, which cause unprecedented loss of capability to provide water service; or
  2. Natural or man-made contamination of the water supply source.
- b. *Requirements for termination.* Stage 5 shall be rescinded and Stage 4 shall be operational when all of the conditions listed as triggering events have ceased to exist for a period of two consecutive days.

(Code 2002, § 90-171; Ord. No. 2000-4, § 1(VIII), 9-19-2000)

Sec. 90-193. - Notification requirements.

(a) The mayor or his designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 90-192, shall determine that a mild, moderate, severe, critical, or emergency water shortage condition exists, and shall implement the following notification procedures:

- (1) *Notification of the public.* The mayor or his designee shall notify the public by means of:
  - a. Public service announcements.
  - b. Signs posted in public places.
- (2) *Additional notifications.* The mayor or his designee shall notify directly, or cause to be notified directly, the following individuals and entities:
  - a. The members of the city council.
  - b. The fire chief.
  - c. The Texas Natural Resources Conservation Commission (TNRCC), when mandatory restrictions are imposed.
  - d. The superintendent of the Montgomery Independent School District.

(b) The drought contingency plan should specify direct notice only as appropriate to respective drought stages.

(Code 2002, § 90-172; Ord. No. 2000-4, § 1(IX), 9-19-2000)

Sec. 90-194. - Stage 1 response.

The response to Stage 1 (mild water shortage conditions) shall be as follows:

- (1) *Goal.* The goal is to achieve a voluntary five percent reduction in daily water demand.
- (2) *Supply management measures.* Routine flushing of fire hydrants shall be discontinued.
- (3)

Existing

*Voluntary water use restrictions.* Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes. Outdoor watering and irrigation by customers should occur between the hours of 8:00 p.m. and 10:00 a.m. only.

(Code 2002, § 90-173; Ord. No. 2000-4, § 1(IX), 9-19-2000)

Sec. 90-195. - Stage 2 response.

The response to Stage 2 (moderate water shortage conditions) shall be as follows:

- (1) *Goal.* The goal is to achieve a five percent reduction in daily water demand.
- (2) *Supply management measures.* All flushing of water mains shall be discontinued and use of non-fire department tank trucks shall be discontinued.
- (3) *Water use restrictions.* Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
  - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours between 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a handheld hose, a faucet-filled bucket or a watering can of five gallons or less, or a drip irrigation system.
  - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a handheld bucket or a handheld hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing of such garbage trucks and vehicles used to transport food and perishables.
  - c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
  - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
  - e.

Existing

Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.

- f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.
- g. All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h. The following uses of water are defined as non-essential and are prohibited:
  - 1. Washdown of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - 3. Use of water for dust control;
  - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - 5. Failure to repair a controllable leak within a reasonable period after having been given notice directing the repair of such leak.

(Code 2002, § 90-174; Ord. No. 2000-4, § 1(IX), 9-19-2000)

Sec. 90-196. - Stage 3 response.

Response to Stage 3 (severe water shortage conditions) shall be as follows:

- (1) *Goal.* The goal is to achieve a five percent reduction in daily water demand.
- (2) *Supply management measures.* Supply management measures shall include measures, if any, to be implemented directly by the city to manage limited water supplies and/or reduce water demand. Examples include reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas, use of an alternative supply sources, and use of reclaimed water for nonpotable purposes.
- (3) *Water use restrictions.* All requirements of Stage 2 shall remain in effect during Stage 3, except:
  - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of handheld hoses, handheld buckets, drip irrigation, or permanently installed automatic sprinkler systems only. The use of hose-end sprinklers is prohibited at all times.
  - b. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city.



*Existing*

- c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(Code 2002, § 90-175; Ord. No. 2000-4, § 1(IX), 9-19-2000)

Sec. 90-197. - Stage 4 response.

Response to Stage 4 (critical water shortage conditions) shall be as follows:

- (1) *Goal.* The goal is to achieve a five percent reduction in daily water demand.
- (2) *Water use restrictions.* All requirements of Stage 2 and 3 shall remain in effect during Stage 4, except:
  - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight, and shall be by means of handheld hoses, handheld buckets or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
  - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial carwash or commercial service station and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial carwashes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
  - c. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
  - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
  - e. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

(Code 2002, § 90-176; Ord. No. 2000-4, § 1(IX), 9-19-2000)

Sec. 90-198. - Stage 5 response.

Response to Stage 5 (emergency water shortage conditions) shall be as follows:

- (1) *Goal.* The goal is to achieve a five percent reduction in daily water demand.
- (2) *Water use restrictions.* All restrictions of Stages 2, 3 and 4 shall remain in effect during Stage 5, except:

{existing}

- a. Irrigation of landscaped areas is absolutely prohibited.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

(Code 2002, § 90-177; Ord. No. 2000-4, § 1(IX), 9-19-2000)

Secs. 90-199—90-219. - Reserved.

Montgomery City Council  
AGENDA REPORT

ITEM# 7

<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b>	<b>Exhibits: Memo from City Engineer, the site plan for the Church, copy of minutes from Planning Commission</b>
<b>Date Prepared: December 29, 2016</b>	

**Subject**

Building line variance for Living Savior Lutheran Church

**Discussion**

The is a variance request to allow the construction on the south side of their existing building to within five foot of their south property line, the adjacent use is the "Old Cemetery".

As you will read, at the Planning Commission the question of a need for a variance on the parking lot driveways and drainage entered into the discussion – the Planning Commission decided to recommend approval on the five foot building line variance and not make any comment on the possible other variances that may or may not be needed.

A memo from the city engineer is attached. Also attached is the minutes of the Planning Commission discussion of this item.

**Recommendation**

Approve the building line Variance requested by Living Savior Lutheran Church.

**Approved By**

Department Manager		Date:
City Administrator	Jack Yates	Date: December 29, 2016



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

December 19, 2016

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

Re: Variance Request-Reduction in Side Yard Setback  
Living Savior Lutheran Church  
City of Montgomery

Commission Members:

Section 98-93(a)(2) 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.

- The Developer is requesting a reduction to 5-feet along the southern property line as shown in the enclosed preliminary site plan.

Enclosed you will find a request for variance and a preliminary site plan as submitted by L Squared Engineering. While we offer no objection to the requested variance the location in question lies within the City's Historic Preservation District and the requested variance, which is shaded in yellow on the enclosed preliminary site plan, immediately abuts the Peel Cemetery. Additionally, the enclosed preliminary site plan shows a proposed surface parking area at the intersection of Caroline and Louisa Streets. This is a potentially problematic feature as it pertains to traffic impact in the area, and vehicular loading on roads designed to function as minor residential streets. Multiple variance requests would need to be considered for approval in order to accommodate the driveway locations shown, and significant improvements to both Cemetery and Louisa Streets would be necessary in order to accommodate the traffic impact and potential increased storm water runoff.

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 over a white background.

Ed Shackelford, P.E.  
Engineer for the City

EHS/gef: lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2016\P&Z Reports\12-27-2016\Living Savior Lutheran Church, Variance Request-P&Z Opinion.doc

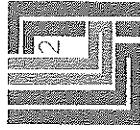
Enclosures: Living Savior Lutheran Church – Variance Request  
Living Savior Lutheran Church – Preliminary Site Plan

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



# INVENTURE DESIGN

1701 KENNEDY BLVD #200  
MONTGOMERY, TX 77124  
PH: 281.333.4477  
WWW.INVENTUREDESIGN.COM



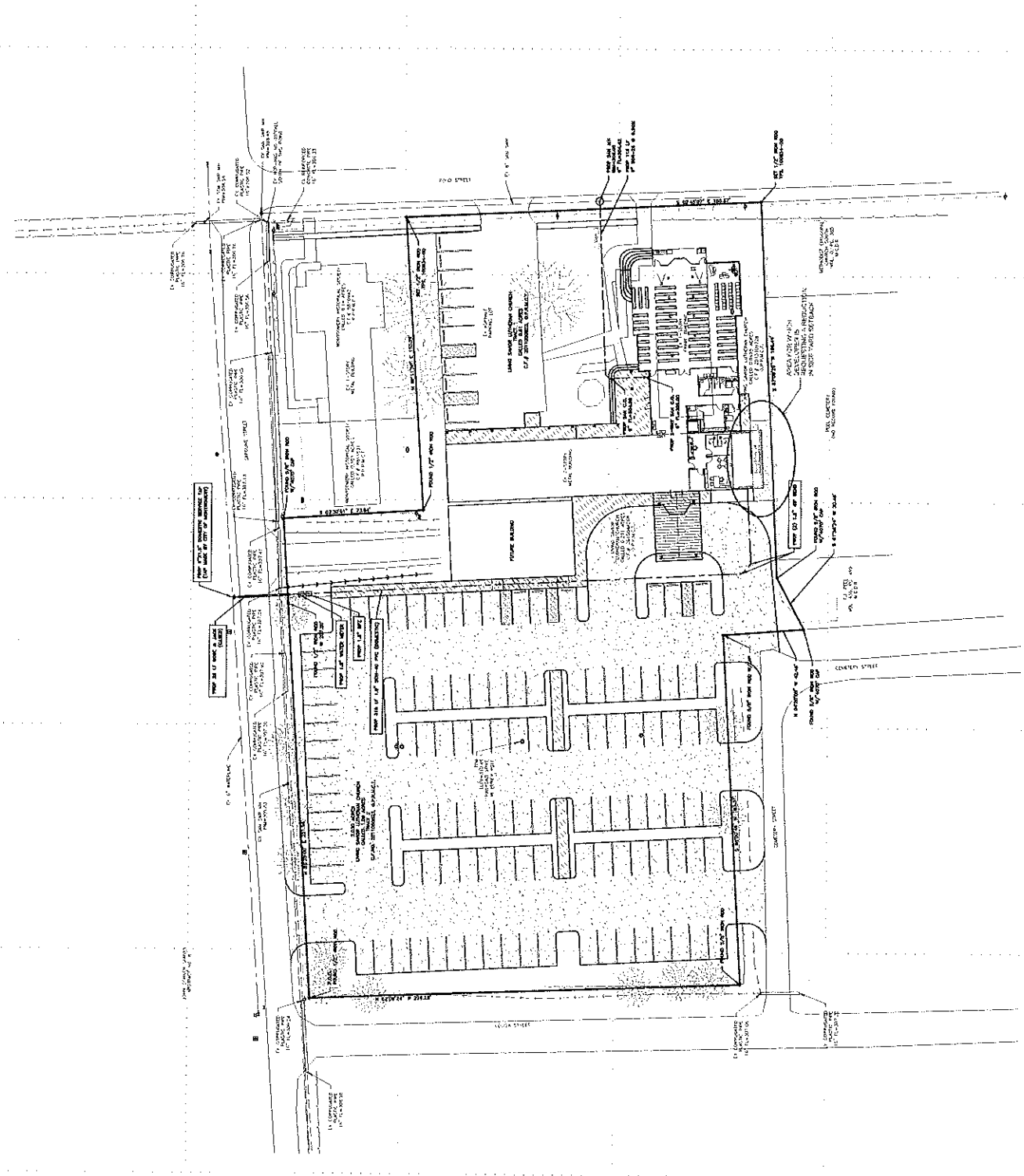
**L SQUARED ENGINEERING**  
REGISTERED PROFESSIONAL ENGINEERS  
2400 W. WASHINGTON AVE., SUITE 200  
MONTGOMERY, TX 77124

**Living Savior  
Lutheran Church**  
309 Pond Street  
Montgomery, TX 77356



**LEGEND**

1	EXISTING ASPHALT DRIVE
2	EXISTING CONCRETE DRIVE
3	EXISTING SIDEWALK
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16.045  
UTILITY PLAN

**PLANNING COMMISSION ITEM REGARDING  
LIVING SAVIOR LUTHERAN CHURCH  
REQUEST FOR BUILDING LINE VARIANCE  
AT DECEMBER 27, 2016 MEETING**

8.Consideration and possible action regarding a building line setback of  
Living Savior Lutheran Church Preliminary Plat

Doug Krenz, Chairman of the Building Committee for the Church, Pete Ames, Chairman of the Board at the Church, and Jonathon White, engineer for the project presented the item in behalf of the Church.

Mr. Krenz presented plans for the building improvements planned for the Church. The one point since the project is to utilize the existing structure. Since it is in the historic district that churches choosing to maintain the historic appearance of the improvements. Mr. Krenz said the main entrance to the Church will be on the west side immediately adjacent to the new parking lot. The new sanctuary will seat approximately 225 persons.

The variance request is for a five foot building line on the south side of their property, in order to allow construction as planned. The Commission briefly discussed the five foot variance. Ed Shackelford said that the driveways for the parking lot were less than the ordinance required 175 feet and the drainage was also an issue, leading to the question of whether more variances may be necessary. The Commission agreed with the traffic issue review and the drainage issue. Discussion followed regarding the wisdom to approve the five foot building line variance with the question that other variances may be forthcoming.

Motion by Mrs. Langley, seconded by Mr. Simpson to approve the variance with the condition that the Church get all variances needing approval before a building permit is issued. All in favor

Montgomery City Council  
**AGENDA REPORT**

ITEM# 8

Meeting Date:	January 10, 2017	Budgeted Amount:	N/A
Department:			
Date Prepared:	December 29, 2016	Exhibits:	Memo from city Engineer, plat, Planning Commission discussion

**Subject**

Construction Plans and Final Plat of Hills of Town Creek Section 2

**Discussion**

This is Section 2 of the presently under construction Section 1 of Hills of Town Creek going on immediately west of Emma's Way west of the town Creek apartments on the western end of the City.

The City Engineer's memo and plat are attached.

**Recommendation**

Approval of the Construction Plans and final Plat of Hills of Town Creek Section 2

**Approved By**

<b>Department Manager</b>		Date:
<b>City Administrator</b>	Jack Yates	Date: December 29, 2016





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December 19, 2016

The Planning and Zoning Commission  
City of Montgomery  
101 Old Plantersville Rd.  
Montgomery, Texas 77356

Re: Submission of Final Plat  
Hills of Town Creek, Section Two  
City of Montgomery

Commission Members

We reviewed the Final Plat submission for the referenced development on behalf of the City of Montgomery. Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 61 and any other applicable chapters. We offer no objection to the plat and recommend the Commission approve the plat as submitted.

If you have any questions or comments, please contact, Glynn Fleming and or myself.

Sincerely,

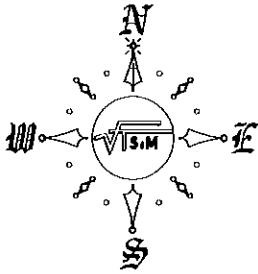
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Ed Shackelford, P.E.  
Engineer for the City

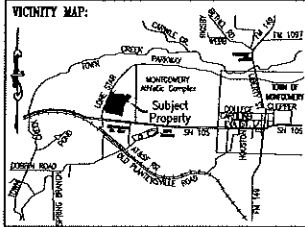
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P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2016\P&Z Reports\12-27-2016\Hills of Town Creek, Section Two Final Plat P&Z Opinion.doc

Enclosures: Hills of Town Creek – Final Plat  
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



The bearings shown hereon are based on TEXAS STATE PLANE COORDINATE SYSTEM, Central Zone based on GPS Observation.



A Final Plat of:  
**THE HILLS OF TOWN CREEK Sec 2**  
 51 Lots 4 Reserves  
 A Subdivision of 12.476 Acres or 543,440 Square Feet of Land,  
 lying in the BENJAMIN RIGBY LEAGUE, Abstract No. 31  
 in Montgomery, Montgomery County, Texas.

STATE OF TEXAS §  
 COUNTY OF MONTGOMERY §

That we, HKR INVESTMENTS, LP hereinafter acting individually or through the undersigned duly authorized agents, do hereby adopt this plat designating the herein described real property as THE HILLS OF TOWN CREEK, Sec 2, and do hereby make subdivision of said property according to the Home, streets, alleys, parks, and easements therein shown, and dedicate to public use forever all streets shown on this plat as streets, alleys, parks, and easements, except those specifically indicated as private, and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and do hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the City of Montgomery, Texas, and that a rough proportionality exists between the dedications, improvements, and easements required under such regulations and the projected impact of the subdivision.

Where streets or alleys are dedicated for private use, such dedication shall include an easement covering the street area which permits the installation, operation and maintenance of water, sewer, gas, electric, telephone, cable television or other such utility facilities by the city and other utilities lawfully entitled to provide service to the abutting property. The easement shall also provide a right of access to public agencies engaged in both routine and emergency public services including law enforcement, fire protection, medical response, inspection and code enforcement.

IN TESTIMONY WHEREOF, HKR INVESTMENTS, LP have caused these presents to be signed by Harry Ray, Partner thereunto authorized, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

HKR INVESTMENTS, LP

By: Harry Ray, Managing Partner

STATE OF TEXAS §  
 COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared Harry Ray, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of such corporation.

GIVEN UNDER MY HAND AND SEAL, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

My Commission Expires: \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS:

That I, Donald K. Hall, EPLS, do certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas.

Donald K. Hall, Registered Professional Land Surveyor No. 4070



VALUE TECHNOLOGIES,  
 SURVEYING & MAPPING  
 Texas Registered Firm Number 10163500  
 14306 Summerwood Lakes Drive  
 Houston, Texas 77044-5078  
 Phone: (281) 225-8876  
 Telefax: (281) 225-8877  
 Email: vlxm@valuetouch.net

I, THE UNDERSIGNED, Engineer for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which his approval is required.

City Engineer - Montgomery

This plat and subdivision has been submitted to and considered by the City Planning and Zoning Commission and the City Council of the City of Montgomery, Texas, and is hereby approved by such Commission and Council.

Dated This \_\_\_\_ Day of \_\_\_\_\_, 2016.

ATTEST:

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

City Secretary

By: \_\_\_\_\_  
 Chairman Planning and Zoning Commission

STATE OF TEXAS §  
 COUNTY OF MONTGOMERY §

LIENHOLDERS ACKNOWLEDGEMENT AND SUBORDINATION STATEMENT

I, Joe Salvata, Senior Vice President acting on behalf of The Bank & Trust of Bryan/College Station, owner and holder of a lien against the property described in the plat known as THE HILLS OF TOWN CREEK Sec 2, said lien being evidenced by instruments of record in the Clerk's File No.'s 2016061797 and 2016061798 of the O.P.R.D.P. of Montgomery County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown hereon to said subdivision plat and we hereby confirm that we are the present owner said lien and have not assigned the same nor any part thereof.

The Bank & Trust of Bryan/College Station

By: \_\_\_\_\_  
 Joe Salvata, Senior Vice President

STATE OF TEXAS §  
 COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared Joe Salvata, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of such corporation.

GIVEN UNDER MY HAND AND SEAL, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS §  
 COUNTY OF MONTGOMERY §

I, MARK TURNBULL, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on \_\_\_\_\_, 2016, at o'clock, \_\_\_\_M., and duly recorded on \_\_\_\_\_, 2016, at o'clock, \_\_\_\_M., in Cabinet \_\_\_\_\_, Sheet \_\_\_\_\_, of record of for said County.

WITNESS MY HAND AND SEAL OF OFFICE, at Conroe, Montgomery County, Texas, the day and date last above written.

MARK TURNBULL, Clerk, County Court,  
 Montgomery County, Texas

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

- NOTES: 1.) MI = Found 5/8 inch iron rod with cap  
 2.) Cross-hatched area is temporary easement for turnaround until Brock's lane is extended Northeast in a recorded plat.  
 3.) The Coordinates shown hereon are Texas Central Zone No. 4203 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor of: 1.000077360.  
 4.) According to the Flood Insurance Rate Map, Community No. 480483, Panel No. 02002, dated August 18, 2014, the tract hereon surveyed lies wholly within zones "C" and being defined as an area of minimal flooding not within any flood plane zone.

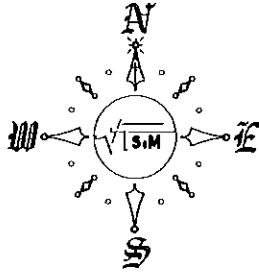
OWNER:

HKR INVESTMENTS, LP  
 20 Wood Shay Ct.  
 Montgomery, Texas 77358

SURVEYOR:

VALUE TECHNOLOGIES,  
 SURVEYING & MAPPING  
 Texas Registered Firm Number 10163500  
 14306 Summerwood Lakes Drive  
 Houston, Texas 77044-5078  
 Phone: (281) 225-8876  
 Telefax: (281) 225-8877  
 Email: vlxm@valuetouch.net

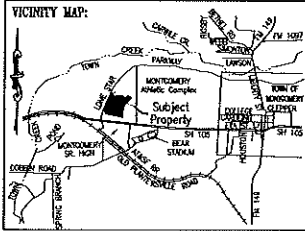
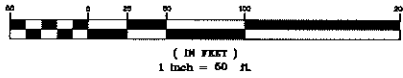
REVISIONS		
No.	Date	Content



The bearings shown herein are based on TEXAS STATE PLANE COORDINATE SYSTEM, Central Zone based on GPS Observation.

NOTES: 1.) M1 = Found 5/8 inch iron rod with cap  
 2.) Cross-hatched area is temporary easement for turnaround until Brock's Lane is extended Northeast in a recorded plat.  
 3.) The Coordinates shown herein are Texas Central Zone No. 4200 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor of 1.000077580.  
 4.) According to the Flood Insurance Rate Map, Community No. 490858, Flood No. 02006, dated August 18, 2014, the tract herein surveyed lies wholly within zone "X" and being defined as an area of minimal flooding not within any flood plain zone.

GRAPHIC SCALE



A Final Plat of:  
**THE HILLS OF TOWN CREEK**  
 Sec 2

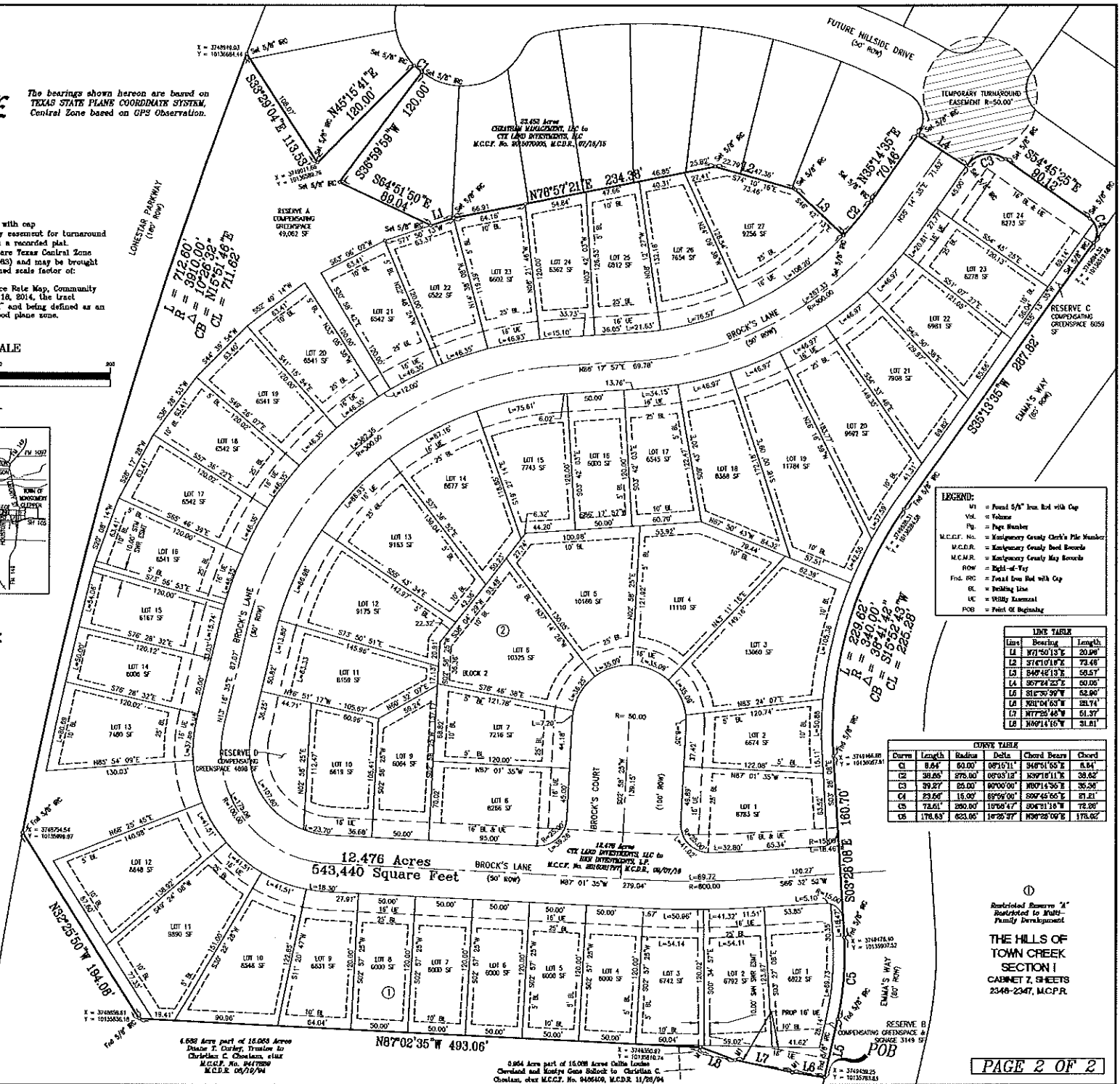
51 Lots 4 Reserves  
 A Subdivision of 12.476 Acres or 543,440 Square Feet of Land lying in the BENJAMIN RUGBY LEAGUE, Abstract No. 31 in Montgomery County, Texas.

OWNER:

HR INVESTMENTS, LP  
 20 Wood Shay CL  
 Montgomery, Texas 77358

SURVEYOR:

**VALUE TECHNOLOGIES, SURVEYING & MAPPING**  
 Texas Registered Firm Number 10153600  
 14308 Summerwood Lakes Drive  
 Houston, Texas 77041-6078  
 Phone: (281) 225-0878  
 Telefax: (281) 225-8877  
 Email: vtm@entouch.net



LEGEND:

- M1 = Found 5/8" Iron Rod with Cap
- Vol. = Volume
- Pg. = Page Number
- M.C.C.F. No. = Montgomery County Clerk's File Number
- M.C.D.R. = Montgomery County Deed Records
- M.C.M.R. = Montgomery County Map Records
- ROW = Right-of-Way
- Fin. ROC = Fossil Iron Rod with Cap
- BL = Building Line
- UC = Utility Easement
- POB = Point of Beginning

LINE TABLE

Line	Bearing	Length
L1	N70°50'13" E	20.89'
L2	S74°10'18" E	73.48'
L3	S40°48'13" E	50.57'
L4	S67°24'23" E	50.05'
L5	S1°30'39" W	82.90'
L6	S20°04'03" W	28.74'
L7	N77°04'03" W	51.57'
L8	S36°14'16" W	31.81'

CURVE TABLE

Curve	Length	Radius	Delta	Chord Bears	Chord
C1	8.64'	60.00'	09°10'11"	34°01'50" E	8.84'
C2	38.65'	875.00'	09°03'13"	N39°18'11" E	38.82'
C3	39.27'	85.00'	80°00'00"	N00°14'36" E	36.58'
C4	23.62'	15.00'	89°06'00"	S29°45'56" E	21.21'
C5	12.81'	280.00'	10°00'17"	S08°11'16" W	12.82'
C6	176.63'	623.00'	18°26'37"	N30°28'09" E	178.02'

① Restricted Reserve "A" Restricted to Multi-Family Development  
**THE HILLS OF TOWN CREEK**  
 SECTION I  
 CABINET 2, SHEETS  
 2348-2347, M.C.P.R.

**PLANNING COMMISSION ITEM: REGARDING  
STYLECRAFT FINAL PLAT OF HILLS OF TOWN CREEK  
SECTION 2  
AT DECEMBER 27, 2016 MEETING**

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

Ed Shackelford presented a memo recommending approval of the construction plans and the final plat. If approved, the owner can start building on the lots. Mr. Shackelford said that the plat met all city standards. Mr. Waddell asked about the size of the houses, the answer from Jonathon White, engineer on the project, was around 2,000 square feet.

Motion by Mr. Simpson, seconded by Mrs. Langley to approve the construction plans and Final Plat for Hills of Town Creek Section 2.

Montgomery City Council  
AGENDA REPORT

ITEM# 9

Parentheses a • 364

<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b>	<b>Exhibits: Pages from City Code of Corridor Enhancement section, minutes from Planning Commission discussion on this subject.</b>
<b>Date Prepared: January 3, 2016</b>	

**Subject**

Possible amendment to City Code, regarding Corridor Enhancement section - to prohibit "exposed cement blocks" from allowed construction in Corridor Enhancement area.

**Discussion**

In re-reading the ordinance it was really was recently noticed that cement blocks buildings exteriors were not prohibited. The proposed amendment would change that.

You have the entire sections of the ordinance attached. Section 98 – 390 (a), on the second line, would be added the words " and exposed cement blocks" after the word "panels".

The Planning Commission discussed and unanimously recommended the Amendment.

**Recommendation**

Approve the ordinance to be prepared by the City Attorney with the direction to amend City Code Section 98-364 (a) to add the words " and exposed cement blocks" after the word "panels" in that section.

**Approved By**

City Administrator	Jack Yates	Date: January 3, 2016
--------------------	------------	-----------------------

(3) *Civil action.* As an additional remedy in addition to the penalties stated above, the city attorney or his designee shall have the power to take all necessary civil action to enforce the provisions hereof and to request appropriate legal or equitable remedies or relief. (Ord. No. 2014-03, § 1, 5-20-2014)

**Secs. 98-358—98-387. Reserved.**

## ARTICLE VII. CORRIDOR ENHANCEMENT

### **Sec. 98-388. Purpose.**

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

(Ord. No. 2014-03, § 1, 5-20-2014)

### **Sec. 98-389. District boundaries and designation of properties.**

(a) Properties initially subject to the requirements of this article and initially designated as the corridor enhancement district include all properties located within 300 feet of the right-of-way of:

- (1) Texas State Highway 105, extending from the eastern boundary of the corporate limits of the city to the western boundary of the corporate limits of the city;
- (2) Texas State Farm Road 149, extending from the northern boundary of the corporate limits of the city to the southern boundary of the corporate limits of the city; and
- (3) The entire Lone Star Parkway, extending from Texas State Highway 105 on the east to Texas State Highway 105 on the west.

(b) The city council may, from time to time, following recommendation either for or against such designation by the planning and zoning commission, designate certain additional areas in the city as a corridor enhancement district, and define, amend, or eliminate the boundaries of designation. Such designation and the requirements thereof shall be in addition to any other zoning district designation or requirement established in this chapter. All zoning maps shall reflect the corridor enhancement district by the letters "CE" as a suffix to the use designated. Changes to the corridor enhancement district may be initiated by any person by request submitted to the city secretary.

(Ord. No. 2014-03, § 1, 5-20-2014)

- (5) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors;
- (6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

(Ord. No. 2014-03, § 1, 5-20-2014)

**Sec. 98-357. Penalties.**

In addition to the penalties set out under this chapter, the following penalties, which are non-exclusive, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this article:

- (1) *Restrictions on future development.* If an historic resource, either a landmark or one located within the boundaries of the historic preservation district, is demolished or relocated without proper approval, or in the event the plans are changed for the property from which the resource was removed without approval of the changed plans by the planning and zoning commission, then the following restrictions, in addition to any other penalties or remedies set forth in this article, shall be applicable to the site where the structure or property was formerly located:
  - a. No building or other permits will be issued for construction on the site, with the exception of a permit to restore such structure or property after obtaining a permit, for a period of two years after the date of such demolition or removal. The city may file a certificate evidencing a violation of this section in the city's official public records of real property.
  - b. No permits shall be issued by the city for any curb cuts on the site for a period of two years from and after the date of such demolition or removal.
  - c. No parking lot for vehicles shall be operated whether for remuneration or not on the site for a period of two years from and after the date of such demolition and removal.
  - d. The owner of the site shall maintain the site in a clean and orderly state and shall properly maintain all existing trees and landscaping on the site. When these restrictions become applicable to a particular site, the city building official shall cause to be filed a verified notice thereof in the real property records of the county and such restrictions shall then be binding on future owners of the property.
- (2) *Cumulative remedies.* The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under V.T.C.A., Local Government Code § 315.006 and V.T.C.A., Government Code § 442.016, as the same may be amended from time to time, with injunctive remedies and the like.

**Sec. 98-390. General requirements***and exposed cement blocks*

(a) The construction of metal buildings is allowed within the corridor enhancement district; however, metal panels are prohibited on the exterior walls and façades of such buildings. Areas zoned as District ID are partially exempt from this requirement, provided that the main entrance of the building visible from the main entryways and corridors shall be 100 percent covered by the approved materials listed in subsection (b) of this section. The remaining exterior façades of a building within an area zoned as District ID must be at least 50 percent covered by a wainscoting of approved materials listed in subsection (b) of this section, from the front to the back of the façade wall.

(b) Within the corridor enhancement district, acceptable façade materials that may be used on buildings or structures, individually or in combination, include:

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

(c) New construction within the corridor enhancement district or buildings moved into the corridor enhancement district will be subject to the construction standards defined in this article.

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

(Ord. No. 2014-03, § 1, 5-20-2014)

**Sec. 98-391. Exceptions and exemptions.**

(a) Commercial, institutional, and residential structures existing within the corridor enhancement district, prior to the effective date of the ordinance from which this article is derived, shall not be required to be altered, repaired or modified to meet existing design criteria unless major façade or structural renovations are planned by the property owner. Major façade or structural renovations are defined as changes or renovations to 25 percent or more of any façade of the structure or improvements facing a public right-of-way, street or roadway.



(b) Exceptions to these requirements may be reviewed by the planning and zoning commission for a recommendation to city council for approval on a case-by-case basis, provided that the commission and city council find that the proposed building materials and arrangement of these materials will enhance and preserve the character along the corridor in which the structure is located. Consideration for exceptions to the above requirements shall be based on the architectural design and creativity of the structure, and its compatibility with surrounding developed properties.

(c) Exceptions reviewed by the planning and zoning commission and approved by city council shall be in effect for only the structure specifically authorized and shall become null and void should no building permit be issued within 90 days or should the building permit for the specific structure expire.

(d) The provisions of this article shall not be construed to apply to properties located within any planned development district in which deed restrictions have already been approved by the city.

(Ord. No. 2014-03, § 1, 5-20-2014)

**Sec. 98-392. Enforcement.**

(a) A list of intended exterior materials will be submitted along with the building permit application. Building permits will not be approved unless acceptable external materials will be used.

(b) The city engineer and/or building inspector will review construction to ensure compliance with this article, and no certificate of occupancy will be granted until compliance with this article is achieved.

(Ord. No. 2014-03, § 1, 5-20-2014)

**PLANNING COMMISSION ITEM REGARDING  
CORRIDOR ENHANCEMENT ORDINANCE AMENDMENT  
AT DECEMBER 27, 2016 MEETING**

3.Consideration and possible recommendation to City Council regarding an amendment to the Corridor Enhancement Ordinance

Jack Yates reported that in reviewing the Corridor Enhancement Ordinance that was noticed that cement blocks construction is not expressly prohibited as a method of construction. He said the proposal was to add the words “cement blocks” in Ordinance 98 – 364 second line after the word ”panels”. Mr. Simpson suggested that the word “exposed” before the words “cement blocks”.

Motion by Mr. Simpson, seconded by Mr. Waddell to recommend to the city Council to add “exposed cement blocks” to ordinance 98 – 364 (a) after the words “metal panels”. All in favor.

Montgomery City Council  
**AGENDA REPORT**

ITEM# 10

<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b>	<b>Exhibits: Memo from City Engineer, Bid tabulation</b>
<b>Date Prepared: January 5, 2017</b>	

**Subject**

Awarding of bid for placement of water and sewer from intersection of 105 and Lone Star Parkway to corner of 105 and Stewart Creek Road.

**Discussion**

As the Engineer's memo states, the lowest bid recommended is within the budget for this project. Alternate One is if the project is bored through the high part of the topography, but Glynn Fleming said that the contractor is planning to open cut that area, so the actual contract amount will be \$297,5550. On top of the bid the project also has \$45,000 of grant administration and approximately \$60,000 of engineering fees so the total comes for project cost. The Texas Capital Fund grant is \$325,000 with the remainder to come from MEDC funds. I will confirm all of these numbers and have a precise, accurate total for you by the Council meeting time.

**Recommendation**

Award the contract

**Approved By**

City Administrator	Jack Yates	Date: January 5, 2017
--------------------	------------	-----------------------



8701 New Trails Drive, Suite 200  
The Woodlands, Texas 77381-4241  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

January 6, 2017

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

Re: Construction of Water and Sanitary Sewer to Serve Pizza Shack  
City of Montgomery  
TIN No. 74-2063592

Dear Mayor and Council:

We received bids for the referenced contract in our office on January 4, 2017 at 2:00 pm. Bids were publicly opened and read at that time.

Eleven (11) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. Big State Excavation, Inc. submitted the lowest Base Bid Plus Alternate Item A1 proposal in the amount of \$347,550.00.

We have worked with Big State Excavation, Inc. in the past and find them to be an acceptable contractor. We recommend the referenced contract be awarded to Big State Excavation, Inc. on the basis of their proposal in the amount of \$347,550.00.

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

Sincerely,

Ed Shackelford, PE

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

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

EHS:jim/amk

P:\PROJECTS\W5841 - City of Montgomery\W5841-0015-01 Pizza Shack-Public\Construction\Contract Docs\W5841-0015-01 ROA.doc

Enclosure Big State Excavation, Inc.

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



**BID TABULATION SHEET**

BIDS WERE RECEIVED IN THE OFFICE OF

Construction of Water and Sanitary Sewer to Serve Pizza Shack

Jones & Carter, Inc. - The Woodlands

City of Montgomery

Time: 2:00 PM

Job No. W5841-0015-01

Date: 1/4/2017

Public Bid

	BIDDERS						
	Big State Excavation, Inc.	AR Turnkee Construction Company, Inc.	Monarch Civil Constructors, LLC	Texas Pride Utilities, LLC	Kenneth Lamb Construction Co., Ltd.	MMG Contractors, LLC	Randy Roan Construction, Inc.
Base Bid	\$297,550.00	\$337,955.00 *	\$344,665.00	\$371,700.00	\$418,275.00	\$428,803.00	\$468,461.00 *
Total Base Bid Plus Alternate A1	\$347,550.00	\$374,355.00 *	\$360,665.00	\$382,100.00 *	\$538,275.00	\$440,803.00	\$543,261.00 *
Bid Security	X	X	X	X	X	X	X
HB 1295 Form	--	X	X	X	--	X	X
	D Grimm, Inc.	Doughtie Construction Co., Inc.	E. P. Brady, Ltd.	R Construction Civil, LLC dba R Construction Company			
Base Bid	\$495,000.00	\$582,065.00	\$683,295.00	\$702,400.00			
Total Base Bid Plus Alternate A1	\$544,912.00	\$644,065.00	\$823,295.00	\$842,400.00			
Bid Security	X	X	X	X			
HB 1295 Form	X	--	--	X *			

\* Denotes Mathematical Error by Contractor

Montgomery City Council  
**AGENDA REPORT**

ITEM# 11

<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b>	<b>Exhibits: Proposed policy, minutes of MEDC discussion on item</b>
<b>Date Prepared: December 29, 2016</b>	

**Subject**

MEDC recommended Economic Incentives Policy

**Discussion**

The MEDC Board recommends adoption of this Economic Incentives Policy in order to have, of record, a policy of possible incentives available to a business interested in locating in Montgomery. All of the listed 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 the City Council.

The MEDC thought that a Policy was needed to be formally adopted and by including all the incentives, but not requiring any incentive, that the City would be publicly open to the possibilities without a commitment.

**Recommendation**

Approve the Economic Incentives Policy

**Approved By**

Department Manager		Date:
City Administrator	Jack Yates	Date: December 29, 2016



**City of Montgomery, Texas  
Comprehensive Policy of Guidelines and Criteria for Economic  
Development Incentives**

The City of Montgomery (the "City") is committed to the promotion of quality development in all areas of the City and to an ongoing improvement in the quality of life for its citizens. In so far as these objectives are generally served by the enhancement and expansion of the local economy, the City will, on a case-by-case basis, give consideration to providing incentives as a stimulus for economic development. It is the policy of the City that said consideration will be provided in accordance with the procedures and criteria outlined in this document; however, nothing herein shall imply or suggest that the City is under obligation to provide any incentive to any applicant. All applications shall be considered on a case-by-case basis by the Montgomery City Council.

As authorized by the Texas Constitution, Chapters 311 (Texas Tax Code), 312 (Texas Tax Code) and 380 (Texas Local Government Code), and other applicable laws, the City has established this incentives policy so as to work in concert with other taxing authorities as part of an overall publicly supported incentive program designed to create economic tax base and job opportunities which bring new economic advantages to and strengthen the current and future economic base of the City.

All incentives requests will be reviewed by the Montgomery City Council, who will either approve incentives with modifications, as is, or deny. All incentive approvals will be memorialized in an economic development agreement between the City and recipient.

### **Overview of Incentives**

#### **Tax Abatement/Tax Grant**

Tax abatements, or tax grants, may be offered for improvements to real property and/or for business personal property, and do not apply to land. Tax abatements, or tax grants, for improvements to real property may be offered to an applicant that constructs a new or expanded facility to house the applicable project. The tax abatement, or tax grant, will apply to the taxable value of the new or expanded improvements. Tax abatements, or tax grants, for business personal property may be offered to an applicant that purchases or long-term leases existing or new facilities, and will apply to the taxable value or the business personal property added to the facility after the execution of the tax abatement or tax grant agreement.

#### **Sales Tax Rebates**

The City collects 2% sales tax on any taxable retail sale made in the city limits and is divided as follows: 1% is allocated to the City's general fund, 0.5000% to the general fund as a reduction of property taxes, the 0.250% is maintenance, and the remaining 0.500% is allocated to the Montgomery Economic Development Corporation. An applicant may apply for a rebate of all or a portion of the City's local option sales tax for a maximum of three (3) years collected by the Grantee's business pursuant to the following schedule:

- Annual sales over \$4 million - up to 50% rebate for a maximum of three years.
- Annual sales between \$2 million - \$3,999,999 - up to 40% rebate for Year 1, up to 30% for Year 2, and up to 20% for Year 3.
- Annual sales less than \$2 million - up to 20% rebate for Year 1, up to 10% for Year 2, and up to 5% for Year 3.

**Note: The City will pay any rebates based upon receipt of actual sales taxes and the confidential sales report received from the State of Texas Comptroller's Office, and shall be solely responsible for determining the amount of the rebate.**

## **Building Permit, Development, Connection and Impact Fees**

The City may approve a waiver, deferral, grant or rebate of all or a portion of related fees, including but not necessarily limited to: building permit fees, development fees, connection fees and impact fees.

## **Cost Participation in Infrastructure**

The City may agree to participate in the cost of the extension, construction, or reconstruction of public infrastructure necessary for the development of a project. Participation by the city is considered on a case-by-case basis and shall be limited to infrastructure improvements within municipal right-of-ways or easements.

## **Hotel/Motel Occupancy Tax**

The City is committed to attracting lodging and conference center space to the community. A 6% hotel occupancy tax is levied by the State of Texas and the City levies a 6% hotel occupancy tax, for a total of 12%. These taxes may be used for purposes as allowed by law.

## **Tax Increment Financing (TIF) or Tax Increment Reinvestment Zone (TIRZ)**

- Chapter 311 of the Texas Tax Code allows political subdivisions to create TIF Zones in order to use the increased tax value of land from development toward financing of the public improvements in the reinvestment zone.
- TIF Districts may assist in financing development of unimproved or blighted land by dedicating the real estate property taxes to be generated by the built project to a TIF Fund for payment of the principal and interest on TIF Bonds.
- Under a TIF, the property owner pays taxes on the full value of the property, and the taxing entities pay into the TIF Fund the taxes attributed to the added value of the property due to the new development.
- TIF Bonds may be issued for a maximum of 20 years and may be used to pay for public improvements associated with a development (i.e. parking, infrastructure, land acquisition, utilities, etc).
- A TIF Reinvestment Zone must meet set criteria as defined by law.
- The municipality establishes the TIF Reinvestment Zone and other taxing entities approve agreements to participate in the TIF District and set forth the percentage of tax increment they are willing to dedicate to the TIF Fund, up to a maximum of 100%.
- A TIF Board, consisting of 9 to 15 members, is established with representatives from the participating taxing entities and other representatives as set forth in the state law.

## **Public Improvement District**

A Public Improvement District is a public financing vehicle (Chapter 372 of the Texas Local Code) that can be used to finance the cost of public infrastructure related to his project. Under a Public Improvement District:

- A Public Improvement District is formed over property that will benefit from public improvement projects to be constructed
- Assessments are levied in a manner that apportions costs according to the benefits received from the public improvements
- Bonds are issued to fund the improvements. Bond proceeds are deposited to a construction fund
- As eligible projects are completed, the proceeds in the construction fund are used to acquire facilities from the developer
- Assessments are paid by the property owners (usually over a period of years, although assessments may be prepaid in full or in part at any time). Assessments transfer along with title to the property. Therefore, end users typically pay the bulk of assessments. This is fitting, as the public improvements benefit the end users' property.



## **Neighborhood Empowerment Zone**

A Neighborhood Empowerment Zone is a tool for cities that would promote at least one of the following: (1) the creation of affordable housing, including manufactured housing, in the zone; (2) an increase in economic development in the zone; (3) an increase in the quality of social services, education, or public safety provided to residents in the zone; or (4) the rehabilitation of affordable housing in the zone. Tax Code § 378.002.

## **Fast Track Permitting**

At the request of the applicant, permitting time can be shortened if the project needs and justifies the reduced time frame through the Montgomery Fast Track program.

## **Montgomery Historic District Facade Improvement Matching Grant Program**

Montgomery Historic District Facade Improvement offers matching grants to eligible property owners within the Montgomery Historic to renovate and enhance building facades. Eligible businesses and residents can receive up to 50% reimbursement of their project up to \$5,000 for their enhancements. This program is a part of the City's ongoing effort to revitalize and promote the Montgomery Historic District.

## **Structure/Building**

The City may construct, or provide funding to construct a building or structure needed for a project.

### **General Guidelines**

#### **I. Criteria for Economic Development Incentives**

- A. Must be reasonably expected to increase the appraised value of the property in the amount specified in the agreement after the period of abatement has expired.
- B. Project does not have any negative environmental impacts on the community (e.g.; significant pollution, excessive water usage or hazardous waste).
- C. The degree to which the specified project meets the purposes and objectives of the City, the relative impact of the project will be used to determine the total value and duration of the incentives, tax abatement or tax grant provided to any applicant. In compliance with state law no abatement will be for more than a maximum of 10 years in duration.

#### **II. Objective Criteria**

In order for the economic development incentives application to be considered the following must be addressed in written format by the applicant using "City of Montgomery Application for Economic Development Incentives" attached to this policy as Exhibit B:

- A. Number of new jobs in Montgomery that will be created by the project.
- B. Average salary detailed by skilled, unskilled and management positions.
- C. Total annual payroll created by the project.
- D. The net tax base valuation (real and personal property) that will be added by the project.
- E. Projected annual sales tax that will be directly generated by the project for a time period of 5 years and 10 years.

#### **III. Subjective Criteria**

In addition to the objective criteria for which specific values can be assigned, several additional

considerations must be evaluated. Using "City of Montgomery Application for Economic Development Incentives" attached to this policy as Exhibit B title applicant must respond to the following in written narrative format, with backup documentation:

- A. Explain the types and values of public improvements, if any, which will be made by the applicant.
- B. Explain to what extent the project will complement existing businesses.
- C. If the project poses any negative operational, visual/image, style impacts or additional noise, etc., provide details.
- D. Provide information including at least five years financial and operating history of the company. If company is a start-up provide at least five years of financial information of the sole proprietor and/or any investors and business plan.
- E. The applicant must indicate whether or not they are willing to commit to a definite construction/completion schedule for the project and to define exactly what will be built (i.e.; what will be on the tax roll and when).
- F. State in the application whether the project is a franchise, expansion, relocation/consolidation from elsewhere, or the start-up of a new operation.

#### **IV. Value Of Economic Development Incentive Provided**

The objective criteria and subjective criteria outlined in Sections II and III will be used by the City Council in determining whether or not it is in the best interests of the City to provide economic development incentives for a particular project. Specific considerations will include the degree to which the individual project furthers the goals and objectives of the community, as well as the relative impact of the project.

#### **V. Procedural Guidelines**

Any person, organization or corporation desiring that the City consider providing economic development incentives to encourage location or expansion within the city limits of Montgomery shall be required to comply with the following procedural guidelines. Nothing within these guidelines shall imply or suggest that the City is under obligation to provide any incentive to any applicant.

A. **Application Steps:** To apply for economic development incentives complete "City of Montgomery Application for Economic Development Incentives" attached to this policy as Exhibit B and available via the City of Montgomery's website, [www.montgomerytexas.gov](http://www.montgomerytexas.gov). The application must be submitted to the Montgomery Economic Development Department (the "Department").

#### **B. Application Review Steps**

- 1. All information submitted as detailed above will be reviewed by the Department for completeness, accuracy and the rationale for projections made. Additional information may be requested as needed.
- 2. If applicable, the application will be distributed to the appropriate departments for internal review and comments. Additional information may be requested as needed.
- 3. If necessary copies of the complete application package may be provided to the other appropriate taxing entities.

#### **C. Consideration of the Application**

- 1. After review by the Economic Development Department the application will be reviewed by the appropriate city staff. If needed, this team will meet with the applicant to negotiate final terms of the

incentives.

2. Prior to approval of an economic development incentive agreement, the economic incentive request may be scheduled for review by City Council in an executive session meeting. All necessary legal documents will be considered for approval following evaluation of all relevant staff and review team recommendations and reports.
3. For a tax abatement, additional steps, including a public hearing, must be incorporated into the process. These procedures are mandated by State law and are detailed in the Property Redevelopment and Tax Abatement Act.

## **VI Execution of Agreements**

Should the City Council determine that it is in the best interests of the City to approve economic development incentives to a particular applicant, a resolution shall be adopted declaring that under the guidelines and criteria established herein, the application is eligible for an economic development incentive in the form of an economic development incentive agreement. The resolution shall further authorize the Mayor to execute a contract with the applicant governing the provision of the incentives.

Any agreement so adopted must include at least the following specific items:

- A. Amount of the incentive
- B. Duration of the incentive
- C. Legal description of the property

## **Application Procedure**

Any person or company requesting that the City provide an economic development incentive shall comply with the following procedure:

1. The applicant will submit a completed application for the requested incentive(s) utilizing the application outline provided by Montgomery Economic Development Department attached to this policy as Exhibit B, and available at [www.MontgomeryTexas.gov](http://www.MontgomeryTexas.gov)
2. The applicant will address all applicable criteria set forth in this policy and the application.
3. The applicant will provide a plat, map or survey showing the location of the property and the proposed project.
4. The applicant will provide a legal description of the property; the name, address, phone number, fax number of the owner of the property; the tenants or proposed tenants, if any; and state whether the property is to be owner occupied or leased.
5. The applicant will describe in detail the proposed project and the type of economic development incentive(s) requested.
6. The application will be submitted by either mail to Montgomery Economic Development Department, P.O. Box 708, Montgomery, TX 77356, or deliver to 101 Old Plantersville Rd., Montgomery, TX 77316 or via email to the Economic Development Department.
7. Montgomery Economic Development Department will review the economic development incentive request and may request additional information from the applicant prior to considerations by City Council. Failure to timely submit any additionally requested information will cause the application to be rejected and will be deemed withdrawn by the applicant without further action by the City.
8. The City Council will review the requested incentive request pursuant to this policy and recommendations by City staff.
9. When necessary under this policy the City Council will, at a regular meeting and when allowed by law at a special meeting, consider proposed economic development incentive agreement.
10. Information submitted by the applicant regarding the requested incentive is confidential to the extent allowed by law.

### **Impact Analysis**

The City reserves the right to perform an economic impact analysis for any project to determine the impact the project will have on the City. If deemed necessary this analysis will be made before an incentive is offered to the applicant.

### **Negotiation Process**

The initial contact and preliminary discussions relating to available incentives is to be between the authorized representatives of the applicant and the Montgomery Economic Development Department

All negotiations for Economic Development Incentives shall be between the authorized representative(s) of the applicant and the Economic Development Department and any City employee as designated by the City Manager.

City Council's decision shall be based upon an evaluation of the criteria that each applicant has addressed in narrative format in their application.

### **Execution of Agreement**

If it is necessary for City Council to take action on the application a resolution shall be adopted declaring that under the guidelines and criteria established herein, the application is eligible for economic development incentives. The resolution shall further authorize the Mayor to execute a contract with the applicant governing the provision of the incentives.

**MONTGOMERY ECONOMIC DEVELOPMENT  
CORPORATION ITEM REGARDING  
ECONOMIC INCENTIVES POLICY  
AT TWO MEETINGS**

May 16, 2016

Discuss/take action regarding Economic Incentives Policy -- Mr. Moravec said that he was proposing the incentives listed on the presented city of Keller documents. The issue came up about whether or not to put this information on the website. The Board generally thought that it should not be openly displayed, although they incentives package would be open record. The Board directed Jack to get the incentives policy into approval form for possible action at next month's meeting.

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September 19, 2016

Comprehensive Policy of Guidelines and Criteria for Economic Development Incentives -Jack Yates had a few typos and corrections then gave a brief synopsis of the Incentives Policy, saying that all the incentives were allowed by state law and that the only difference between the model Colleyville Incentives Policy involved the percentage of sales tax rebate under the "Sales Tax Rebate" section of the policy. There was brief discussion among the Board members.

Motion by Moravec, seconded by Hanover, to approve the Policy and to recommend to the City Council. All in favor

Montgomery City Council  
**AGENDA REPORT**

ITEM# 12

Meeting Date:	January 10, 2017	Budgeted Amount:	N/A
Department:			
Date Prepared:	December 29, 2016	Exhibits:	Letter of request, Application for Service and Annexation

**Subject**  
Consideration of approving a Utility and Annexation Study for Master Planned Development located at Lone Star Parkway and Highway 105

**Discussion**  
This is a request for the engineering study normally accomplished regarding availability of service to a proposed development. The property owner will place \$5,000 in escrow to pay for the study.  
The study normally takes approximately one month and is reported back to the Council and given to the property owner.  
  
This property is located in the “gap” between Pizza Shack and the Highway 105 Development now under construction at the northeast corner of 105 and the Parkway. The development plan for this development presently shows two large buildings (26,000 and 18,000 sq. ft. each) off 105 and three smaller pad sites on 105.

**Recommendation**  
Approval of the Study upon deposit of the escrow amount to the City.



L SQUARED ENGINEERING  
MUNICIPAL COMMERCIAL RESIDENTIAL

21123 Eva St. #200  
Montgomery, Texas 77356  
P: 936-647-0420 F: 936-647-2366  
www.L2Engineering.com

December 23, 2016

City of Montgomery City Council  
c/o Jack Yates, City Administrator  
101 Old Plantersville Road  
Montgomery, Texas 77356

Re: Utility Request for Master Planned Development located at Lonestar Parkway and Highway 105

To Whom It May Concern:

The purpose of this letter is to formally request water and sewer utility service from the City of Montgomery for a Master Planned Development located at Lonestar Parkway and Highway 105. This development will entirely consist of commercial development that can include anchor retail facilities, restaurants, offices, and retail lease spaces. The development will require the extension of some public utilities throughout the development to service all tracts. The estimated capacity being requested for the overall development is approximately 40,000 GPD of water and 30,000 GPD of sewer. As part of this request, approximately 14 acres of the subject tract will be requesting annexation into the City of Montgomery at the time of plat submittal.

Please feel free to contact me directly if you have any questions.

Thank you,

Jonathan White, EIT  
L Squared Engineering  
Jwhite@L2engineering.com

**CITY OF MONTGOMERY**  
**APPLICATION FOR SERVICE/ANNEXATION**

Type of Application:  Residential  Non-residential  
Contact Name: Jonathan White (Representing KenRoc Fourteen, LLC & KenRoc Six, LLC)  
Name of Business: L Squared Engineering  
Address: 21123 Eva St #200 Montgomery, TX matt@symmetrydevelopment.com  
Contact Info: Phone 936-647-0420 Fax other 832-795-1553 Email iwhite@L2engineering.com  
Type of Business: Mixed Use  
Type of Service Requested (mark all that apply):  In City  In ETJ  Beyond ETJ  
Estimated Date Utility Construction is to Begin: April 2017  
Estimated Proposed Acreage in Development: 20.7031 Acres  
Estimated Total Taxable Value: \$373,360 Land \$10,000,000 Improvements  
Estimated Number of Lots: 6 Estimated Commercial Value: \$10,000,000  
Estimated Size(s) of Lots: Varies 1.02 Acres to 14.943 Acres  
Estimated Value of House and Lot: Varies  
Estimated Construction Cost for Public Facilities, if Applicable: \$100,000  
Estimated Detention Basin Land Cost, if Applicable: \_\_\_\_\_  
Type of Wastewater to be Put in System: Commercial  
Water Capacity Requested: 40,000 gpd Wastewater Capacity Requested: 30,000 gpd  
Type of Streets:  Public  Private  
Name and Address of Title Holder to Referenced Property: KenRoc Six LLC, & KenRoc Fourteen, LLC

Status of Property:  Acquired  Under  Contract Optioned  
Due diligence period closes on (date) N/A

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
Relationship to Owner: \_\_\_\_\_

Please attach a metes and bounds description of the tract, land plan, conceptual plat, and location map along with applicable deposit made payable to the City, to the Application indicating proposed location of project and boundaries of subject tract.

Applicant agrees that it shall notify the City if any of the above information (including ownership of the tract) should change during the Application process.

---

**City Contact Info:**

City Administrator  
City of Montgomery  
101 Old Plantersville Road  
Montgomery Texas 77356  
Ph: (936) 597-6434  
Fx: (936) 597-6437  
Email: jyates@ci.montgomery.tx.u



**For City Use Only**

Engineer's Recommendation: \_\_\_\_\_

Operator's Recommendation: \_\_\_\_\_

Is Annexation Required: \_\_\_\_\_

Amount of Deposit Paid: \_\_\_\_\_

Amount of Service Recommended: \_\_\_\_\_

Additional Capacity Required: Water \_\_\_\_\_ gpd    Wastewater \_\_\_\_\_ gpd

Cost of Additional Capacity: Water \_\_\_\_\_    Wastewater \_\_\_\_\_

Fees Required: Capital Recovery Fee \_\_\_\_\_ Capacity Fee \_\_\_\_\_

Tap Fee \_\_\_\_\_ Plan Review Fees \_\_\_\_\_ Inspection Fees \_\_\_\_\_

Additional Considerations: \_\_\_\_\_

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Montgomery City Council  
**AGENDA REPORT**

ITEM# 13

<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
	<b>Exhibits: Notes to Council for May 10<sup>th</sup> meeting from City Administrator on the subject of the water and sewer tap item on the May 10<sup>th</sup> agenda, May 10<sup>th</sup> first page of minutes showing Council members present and absent, May 10<sup>th</sup> Council minutes of discussion regarding Water/Sewer tap fee increase, Ordinance 2016-10 Adopting new Fees</b>
<b>Prepared By: Jack Yates</b>	
<b>Date Prepared: January 5, 2017</b>	

**Subject**

Request from Council member to revisit the water and sewer tap fees established May 10, 2016

**Discussion**

This item was requested by a Council member who said that he had been approached by developers who said that the fees are onerous and that he would like to get a clearer understanding of the benefits to the city and the reason for the fees.

The reason for the fee increase was that Gulf Utilities was charging \$550 for a water and the city was only charging \$350--- and for sewer Gulf Utilities was charging \$1300 and the city was only charging \$550. So the thought was to increase water taps to \$900 and sewer taps to \$2600. The sewer increase was in part due to, also, to the sewer rate review just received showing how much sewer was under charging for the service. Also an overriding reason for the increase was so that future connections were assured to be paying for their cost of entering into the system.

Montgomery City Council  
**AGENDA REPORT**

**Recommendation**

Take no action, leaving the current fees in place.

**Approved By**

City Administrator

Jack Yates

Date: January 5, 2017

# Information from City Administrator

To: Mayor and City Council members  
From: Jack Yates  
Subject: May 10<sup>th</sup> Council meeting  
Date: May 6<sup>th</sup>, 2016

Item #1 Final report from P and Z Commission regarding Martin Special Use Permit—A memo is in your binder under this item number.

Item #2 Final report from P and Z Commission regarding McCoy's rezoning request— A memo is in your binder under this item number.

Item #3 Public hearing regarding city water and sewer tap fees— The proposed ordinance is in your binder. For the water and sewer residential taps I have Gulf actual expenses times 200%, for the irrigation tap I have it at the Gulf price without the 200% markup. My thinking on the irrigation tap, is to encourage such taps to prevent as much water as possible from getting into the sewer system-which should help prevent/delay the capital cost of sewer treatment plant for a period of years.

Item #4 Approval of Minutes

Item #5 Action regarding Martin Special Use Permit— A memo is in your binder under this item number.

Item #6 Action on the water and sewer tap fees -- The reason this subject is before you is that Gulf is charging more than what the city is charging. This is an effort to at least recover what the city is getting charged, but also to allow new customers to pay their rightful share of the past improvements to the system and future improvements as well.

Item #7 Review city budget 2015 – 2016--in your binder is a copy of the general fund and utility fund and the capital projects fund with highlighted areas that I will cover during the presentation.

Item #8 Discussion regarding borrowing funds for capital outlay projects—Jim Gilley will be present at the meeting. In your packet is a review of projects and a rough plan for multi-year staging of the projects.

117 page of minutes

**MINUTES OF REGULAR MEETING**

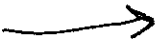
May 10, 2016

**MONTGOMERY CITY COUNCIL**

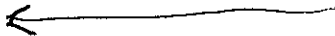
**CALL TO ORDER**

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

Present:	Kirk Jones	Mayor
	Jon Bickford	City Council Position # 1
	T.J. Wilkerson	City Council Position # 3
	Rebecca Huss	City Council Position # 4
	Dave McCorquodale	City Council Position # 5



Absent:	John Champagne, Jr.	City Council Position # 2
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Also Present:	Jack Yates	City Administrator
	Larry Foerster	City Attorney

**INVOCATION**

T.J. Wilkerson gave the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**PUBLIC HEARINGS:**

1. Receive Final Report from the Planning and Zoning Commission regarding a request from Michele Martin for a Special Use Permit for the property located at 14375 Liberty Street, Montgomery, Texas 77356, located immediately adjacent to Liberty Street, for a micropigmentation tattoo business, exclusively for eyebrows and eye shade, as an accessory use of an otherwise approved and permitted use.

# Minutes of May 10<sup>th</sup> action

would strike that wording regarding the alteration or change to the outside appearance, character of the premises. Mr. Foerster said that he would agree with them on this matter.

Jon Bickford seconded the motion.

Discussion: Rebecca Huss asked Ms. Martin if she was okay with the changes that had been made to the document. Ms. Martin said that she was okay with the changes.

The motion carried unanimously. (4-0)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, REPEALING ORDINANCE NO. 2011-22 AND ORDINANCES AMENDING SAME, ESTABLISHING AND ADOPTING CHARGES FOR RESIDENTIAL WATER AND SEWER SERVICE TAP FEES FOR CONSUMERS INSIDE AND OUTSIDE THE CITY PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; ESTABLISHING AN AMENDED SCHEDULE OF TAP FEES AS REQUIRED BY CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION.

Jon Bickford asked whether the \$550 fee being charged today includes a meter. Mr. Yates said that fee does not include that cost. Jon Bickford said that they were actually lowering the cost for irrigation meters. Rebecca Huss said that the cost today for the irrigation meter is \$550. Mr. Muckleroy said that the current \$550 charge includes the cost of the meter. Rebecca Huss said that the City was actually losing cash. Jon Bickford asked if it was a similar situation with the residential taps. Jon Bickford confirmed that the City was only obliged to provide water outside the City limits where they choose to have pipe in the ground. The Mayor said that was correct.

# Minutes of May 10<sup>th</sup> agenda

Mayor Jones asked whether previous ordinances addressed water taps outside the City limits, and are there any meters that are going to be outside the City limits, and should they be charged the same fee. Mr. Muckleroy said the tap fees are the same, but the water rates were higher.

T.J. Wilkerson asked what the sewer tap rate would be. Mr. Yates advised that the residential sewer tap fee would be \$2,600. Jon Bickford said that it would cost \$3,500 plus the cost of the meter to connect a home up to the system for water and sewer. Mr. Yates said that the meters were \$185. Mayor Jones said that would be \$3,700 for a new home to hook up the City. Rebecca Huss said that the \$2,600 reflects the average between the costs. Mr. Muckleroy said that right now the City is charging the customer \$550 when Gulf Utility does a sewer tap it is in the \$1,000 - \$1,400 range. Mr. Muckleroy said that Gulf Utility is giving the City a flat rate for the tap up to 8 feet deep and 40 feet in length, and anything that falls in that perimeter will be the \$1,300.

Jon Bickford moved to accept the ordinance as proposed. Dave McCorquodale seconded the motion.

The motion carried with 3-Ayes and 1-Nay vote by T.J. Wilkerson. (3-1)

Mayor Jones asked T.J. Wilkerson if he wanted to comment why he was opposed to the ordinance. T.J. Wilkerson said that he would rather not discuss the matter right now, but said that he had been talking to some people and the rate was a little too steep for them. T.J. Wilkerson said he told them that he would come back with a better understanding and have a comparison of certain areas and other cities. T.J. Wilkerson said that he felt that the rate was steep, but he was only one vote.

## 7. Discussion regarding 2015-2016 City Budget.

Mr. Yates stated that \$17,000 remains to be collected in ad valorem taxes, but since the tax will be coming in right at \$1,340,000 budgeted amount, even though we are over for the first six months, the \$321,944 under fines is actually a net of \$195,000 after the

# Ordinance Adopting New Fees

## ORDINANCE NO. 2016-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, REPEALING ORDINANCE NO. 2011-22 AND ORDINANCES AMENDING SAME, ESTABLISHING AND ADOPTING CHARGES FOR RESIDENTIAL WATER AND SEWER SERVICE TAP FEES FOR CONSUMERS INSIDE AND OUTSIDE THE CITY PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; ESTABLISHING AN AMENDED SCHEDULE OF TAP FEES AS REQUIRED BY CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, Chapter 90 of the Code of Ordinances of the City of Montgomery, Texas, at Sections 90-73(b) and 90-74(b), authorizes the City Council by ordinance to establish charges for residential water and sewer tap fees serving residential customers; and

WHEREAS, the City Council, having previously considered advice and input from the City Engineer and City Staff, has determined appropriate rates and tap fee schedules for certain residential water and sewer utility services, based on historical data and other factors related to the costs of providing such services to the customers; and

WHEREAS, the City Council believes it is appropriate to repeal only Section 6 of Ordinance No. 2011-22, dated September 27, 2011, as it applies to residential sewer and water tap charges while concurrently creating this new Ordinance providing for residential water and sewer tap charges; and

WHEREAS, the City Secretary caused to be posted a notice of public hearing on this matter; and

WHEREAS, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the proposed residential water and sewer tap charges, on the 10<sup>th</sup> day of May, 2016;

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

### SECTION 1.

#### RESIDENTIAL WATER AND SEWER TAP FEES

The following schedule of water and sewer tap charges required by Chapter 90 of the Code of Ordinances of the City of Montgomery is hereby adopted and shall read as follows:



Residential water tap charge (Section 90-73(b)) .....	\$900.00
	Plus cost of meter
Residential irrigation tap.....	\$450.00
	Plus cost of meter
Residential sewer tap charge (Section 90-74(b)).....	\$2,600.00

**SECTION 2. Construction.** This Ordinance shall not be construed so as to conflict with any state or federal statute.

**SECTION 3. Repeal of Conflicting Ordinances.** All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4. Severability Clause.** If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

**SECTION 5. Texas Open Meetings Clause.** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that 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 6. Effective Date.** This Ordinance shall become effective and be in full force from after publication as required by law.

**PASSED AND APPROVED** this the 10<sup>th</sup> day of May, 2016.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Larry Foerster, City Attorney

Montgomery City Council  
**AGENDA REPORT**

ITEM# 14

<b>Meeting Date: January 10, 2017</b>	<b>Budgeted Amount: N/A</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b>	<b>Exhibits:</b>
<b>Date Prepared: January 5, 2017</b>	

**Subject**

Request from Council member to discuss the platting process of the City.

**Discussion**

This item was requested by a Council member who said that he had been approached by developers who said that the platting process is onerous and time consuming--- he would like to get a clearer understanding of the reason for the current process.

The City Engineer will present the formal required process and the reasons for the review processes now in place.

**Recommendation**

Take no action, leaving the current process in place.

**Approved By**

City Administrator	Jack Yates	Date: January 5, 2017
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Montgomery City Council  
**AGENDA REPORT**

ITEM# 15

<b>Meeting Date:</b>	June 14, 2016	<b>Budgeted Amount:</b>	N/A
<b>Department:</b>			
<b>Date Prepared:</b>	January 6, 2017	<b>Exhibits:</b>	Minutes from MEDC, information provided by Jason Long regarding the miniature golf course.

**Subject**

Approval of up to \$15,000 of MEDC funds to be used for city tap fees on Mr. Long's connection for a miniature golf course development.

**Discussion**

The MEDC considered a \$38,700 request and after discussion (MEDC minutes attached) decided to provide up to \$15,000 that would be paid to the City Utility Fund for actual tap fees with the thoughts that the funds would only be spent toward the end of his development (meaning that the project was in the building phase before any MEDC funds would be used) and so the funds would stay internal to the city (with the City Utility Fund receiving payment, not Mr. Long).

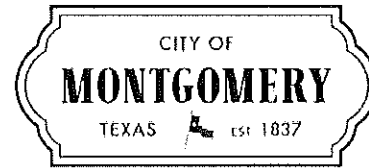
**Recommendation**

Approval of the use of the MEDC funds as proposed

**Approved By**

<b>Department Manager</b>		<b>Date:</b>
<b>City Administrator</b>	Jack Yates	Date: June 7, 2016

**City of Montgomery, TX  
Economic Development Corporation  
Grant Application**



Company Name: Longview Greens Miniature Golfing	
Company Contact: Jason Long	Title: Co-Owner
Best Phone: 815.514.0420	Alt. Phone:
Email Address: jason.long@commscope.com	
Physical Address: 614 Fantasy Lane	City, State, Zip: Montgomery, TX 77356
Mailing Address (if different):	City, State, Zip:
Applicant's years of experience in this business: 0	How long has his business been located in Montgomery? 0
Do you own or lease this facility? <input checked="" type="checkbox"/> OWN <input type="checkbox"/> LEASE	If leased, please provide owner information and a copy of lease agreement. Owner Name: _____ Owner Phone: _____
Provide a detailed description of the proposed project as "Exhibit A" attached	
What is the estimated total cost of the project? (Include supporting information, ie estimates/quotes as "Exhibit B" attached)	\$ 876,374
How much funding are you requesting from the MEDC for this project? (Typical grants are awarded at 1/3 the total project cost or up to \$5,000)	\$ 38,700
Are you requesting an exception for additional funding on this project? (Please provide additional supporting evidence for this request as "Exhibit C")	\$
When will this project begin? Q4 of 2016	What is the estimated completion date? Q1 of 2017
Attach all drawings of planned improvements as "Exhibit D"	
Include a description of expected commercial revitalization impact & sales tax revenue impact as "Exhibit E"	
If this project will employ Montgomery vendors, please supply details as "Exhibit F"	
Applicant's Signature: <u>Jason Long</u> Title: <u>Owner</u> Date: <u>11/11/16</u>	
<b>OFFICE USE:</b>	
Date Application Received:	Date Presented to Board: <input type="checkbox"/> APPROVED <input type="checkbox"/> DECLINED
Performance Agreement Received:	Project Completion Date: _____ Funding Date: _____ Check Number: _____

**DISCUSSION  
REGARDING JASON LONG  
PRESENTATION TO MEDC BOARD  
AT NOVEMBER 21, 2016 MEETING**

Jason Long request for MEDC funding of a miniature golf course -- Shannan Reid presented the request of \$38,700 of Mr. Long. She also presented the Economic Impact Report. Mr. Long was present and said that he had presented his proposition to about 20 banks and the SBA and had been turned down by all. President Jones asked what the funds would be used for, the answer was water and sewer connections fees. Mr. Moravec asked if he had done any marketing research and the answer was that he had.

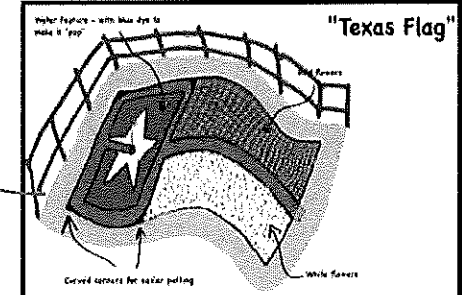
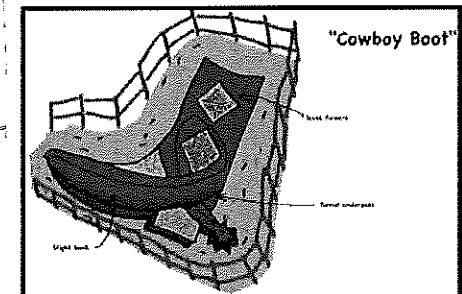
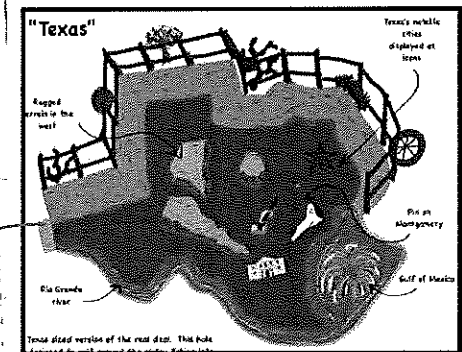
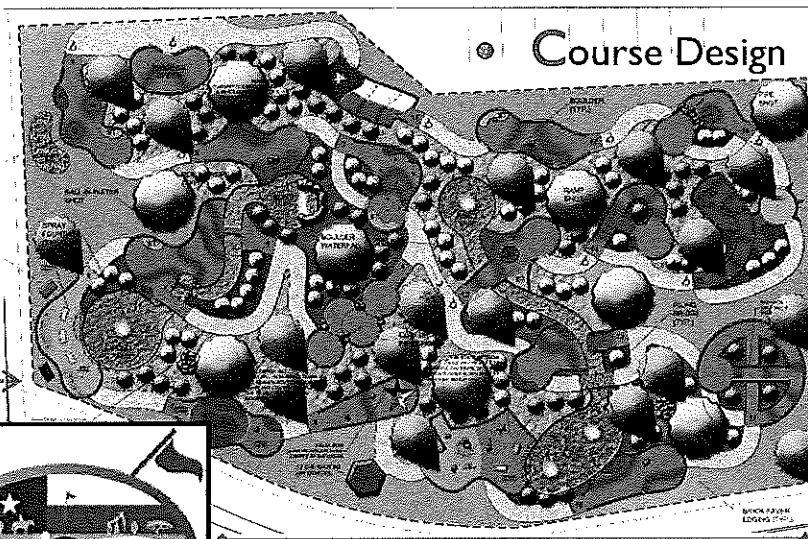
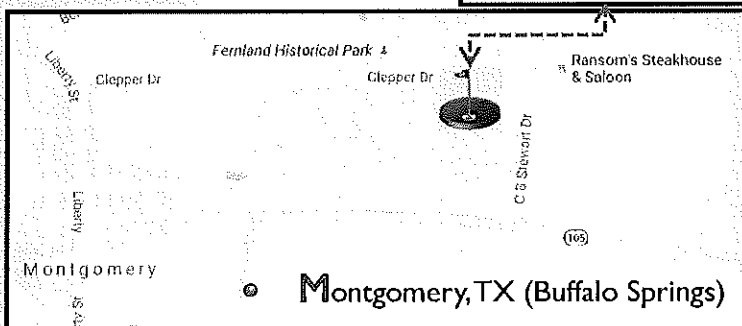
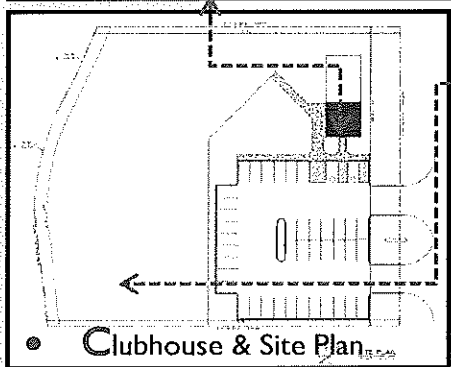
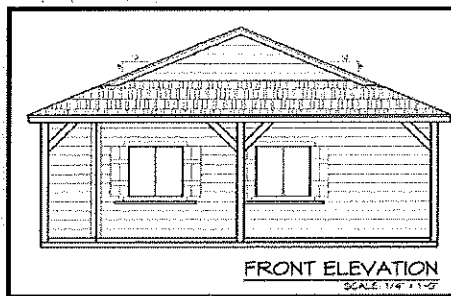
Motion by Moravec, seconded by Fox that Mr. Long receive an amount not to exceed \$15,000 for water and sewer tap fees at the time of connection. The vote was Moravec, Fox, Champagne, Kerr and Hanover voting yes and Dill and Jones voting no. Motion passed.

# Longview Greens Miniature Golfing

Owners: Julie & Jason Long

Jason.long@commscope.com / 815.514.0420

- Longview Greens (LG) is a proposed miniature golf course development, to be built in Montgomery, TX. LG would be designed, built, maintained and presented to our customers as a premium miniature golfing experience for all ages to enjoy. Unlike other family entertainment centers that attempt to mix other family entertainment angles (e.g. batting cages, arcades, go-karts, etc.), this venue will have a laser sharp focus on one thing and do it very, very well: offer our customers the highest quality miniature golfing experience for miles and miles around.



## Course Sketches:

- We want the course to appeal to all ages, not just kids; we want adults of all ages to want to go there too – no exclusions.
- Therefore, the theme will be something that transcends all age groups:
- Botanical – Waterfalls, ponds, lush greenery, flowers, trees, etc.
- Texas Icons in green designs – Montgomery is the birthplace of the Texas Flag; we pay homage with our course designs.