

NOTICE OF REGULAR MEETING

September 27, 2016

MONTGOMERY CITY COUNCIL

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that a Regular Meeting of the Montgomery City Council will be held on Tuesday, September 27, 2016 at 6:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

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

CONSENT AGENDA:

1. Matters related to the approval of minutes for the Budget Workshop Meeting held on August 4, 2016, Budget Workshop Meeting held on August 13, 2016, Special Meeting held on September 6, 2016, and Public Hearing and Regular Meeting held on September 13, 2016.
2. Consideration and possible action regarding adoption of a Proclamation proclaiming Tuesday, October 4, 2016 as "National Night Out" in the City of Montgomery.

CONSIDERATION AND POSSIBLE ACTION:

3. Consideration and possible action on Department Reports.
 - A. Administrator's Report
 - B. Public Works Report
 - C. Police Department Report
 - D. Court Department Report
 - E. Utility/Development Report
 - F. Water Report
 - G. Engineer's Report
 - H. Financial Report
4. Consideration and possible action regarding scheduling a Public Hearing for an Alcohol Beverage License Application for Cowpokes located at 22016 Eva Street "A", Montgomery, Texas (*previously the Heritage House*) as submitted by Brave Spear LLC owner David Gerrard.

5. Consideration and possible action regarding approval of the Montgomery Economic Development District 2016-2017 FY Operating Budget.
6. Consideration and possible action to adopt the following Ordinance:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE RATES TO BE CHARGED FOR GARBAGE AND TRASH PICKUP SERVICE INSIDE THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A PENALTY FOR FAILURE TO PAY ACCOUNTS; PROVIDING CONDITIONS UPON WHICH SERVICE WILL BE RESUMED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 20, 2016.
7. Consideration and possible action to adopt the following Ordinance:
AN ORDINANCE BY THE CITY COUNCIL OF MONTGOMERY, TEXAS, REGARDING AMENDING CHAPTER 78, "SUBDIVISIONS," OF THE CITY CODE OF ORDINANCES BY ADDING ARTICLE VII, ENTITLED "VEGETATION," CHAPTER 170, "TREE PRESERVATION AND REPLACEMENT," REGARDING THE REGULATION OF TREE REPLACEMENT AND REMOVING; PROVIDING DEFINITIONS; PROVIDING REGULATIONS FOR TREE PRESERVATION AND PROTECTION; CREATION OF A CITY TREE FUND; CREATING AN ACCEPTABLE CITY TREE LIST; PROVIDING FEE SCHEDULE FOR TREES AND IMPLEMENTATION; PROVIDING FOR CRIMINAL PENALTIES AND CIVIL ENFORCEMENT; PROVIDING REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.
8. Consideration and possible action regarding a Drainage Encroachment Agreement by and between Bentley Builder, LLC and the City of Montgomery regarding Lot 1 Block 2 of Waterstone on Lake Conroe, Section 2, Montgomery, Montgomery County, Texas.
9. Consideration and possible action regarding Request for Proposals (RFP) for Grant Writer and Request for Qualifications (RFQ) for Engineer for Community Development Block Grant Program application.
10. Consideration and possible action regarding approval of Montgomery EDC funding of a paving project north of the Montgomery Community Center along Clepper Street.
11. Consideration and possible action regarding requested variances for the proposed Villas of Mia Lago, Section Two development as follows:
 - a) Variance from required minimum lot width of 75 feet; and
 - b) Variance from required minimum lot area of 9,000 square feet; and
 - c) Variance from required minimum side yard setback of 10 feet to 5 feet.
12. Consideration and possible action regarding approval of the Final Plat submission and accompanying construction plans for SH-105 Retail Center.

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
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 23rd day of September, 2016 at 3:10 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

MINUTES OF BUDGET WORKSHOP

August 4, 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
 John Champagne Place #2
 Rebecca Huss Place #4
 Dave McCorquodale Place #5

Absent: Jon Bickford Place #1
 T.J. Wilkerson Place #3

Also Present: Jack Yates City Administrator
 Cathy Branco Financial Consultant

T.J. Wilkerson arrived at the meeting at 6:23 p.m.

BUDGET WORKSHOP:

- ❖ Discussion of the following items related to the City of Montgomery 2016-2017 FY Proposed Operating Budget:

- Summary
 - Mr. Yates advised that he had a correction on page 17 to the Water and Sewer Fund that should have a projected balance of \$157,317, making the total of all funds \$1,465,272.
- General Fund Revenue
 - Mr. Yates commented on page 22, stating the General Fund Revenue is \$3,012,042, and General Fund Expenses is \$2,880,000, leaving a surplus of \$172,000 for the next year.
 - John Champagne stated that the budget is showing a 22% percent increase in revenue. Mr. Yates said that was correct, which was primarily sales tax at

\$160,000 more than last year, and \$100,000 more in property tax. Mr. Yates said that they show an increase in expenditures of 11% percent. John Champagne advised that the 22% percent increase for revenue is extraordinary.

- Mr. Yates said that he felt he was being conservative with \$30,000 in sales tax revenue.
- John Champagne asked what the line item for maintenance would include. Rebecca Huss said that it would not include anything from the water and sewer fund.
- Mr. Yates said that under Contract Services, approximately \$200,000 of that figure is payback of fines, and then the rest is primarily engineering, legal, building inspector, auditing and mowing.
- Mrs. Branco asked about ad valorem tax, stating that she noticed in the Debt Service Fund Mr. Yates was figuring 98% percent of the assessed value, but in the Operating Fund it was using the full amount of \$169,000. Mr. Yates said that he had used Mrs. Branco's figure of 98% percent. Mrs. Branco said that she thought the proposed Ad Valorem Tax amount should be \$339,912 instead of the \$359,912. Rebecca Huss said that would reduce the surplus to \$152,000.
- John Champagne asked about page 23, which shows an anticipated increase in court fines and forfeitures of approximately \$29,000, and asked what that was based on. Mr. Yates said it was based on the expectation that they would hit \$520,000 this year, and the last year they budgeted \$479,000, so he was actually going down \$20,000. Mr. Yates advised that \$50,000 of that figure was the State's portion. Mr. Yates said that he was expecting them to spend \$150,000 in State fees this year. Mr. Yates said that he could have shown the \$150,000 but Rebecca Lehn, Court Administrator, thought that it would be \$200,000 this year.

John Champagne asked why Ms. Lehn was not at the meeting. Mayor Jones advised that the Department Heads had attended the last meeting and they were not required to attend.

John Champagne wanted to know the reason for the increase of \$29,000 in Court fines and forfeitures. John Champagne said that what he is hearing is that Ms. Lehn believes that is an accurate assessment. Mr. Yates said that was correct. John Champagne asked what that assessment was based on. Mr. Yates said that it was based on Ms. Lehn's experience. John Champagne asked how many Council members attended the last Budget Meeting. Mr. Yates advised that there were only two members that were present. John Champagne said that it would have been nice for Ms. Lehn to be here so that he could have heard her information. Mayor Jones said that they could get an answer for the question. John Champagne said that it was \$29,000 and he was just wondering where it was coming from. Mrs. Branco said that they had gone down \$20,000 in fines revenue and going up \$50,000 on the State portion. Rebecca Huss said that it was actually more of an increase in expenses, because the State portion gets taken out later. Mrs. Branco advised that that State portion is paid on a quarterly basis.

- Mrs. Branco requested that Items 15391 and 15392 switch the amounts budgeted because they should just be switched showing Item 15391 – Interest Income as \$500, and 15392 – Interest on Investments as \$1,000.
- General Fund Expenses
 - Administration
 - Mr. Yates advised that they are adding a part-time person for the City Secretary to serve as a Records Clerk. Mr. Yates said that the City Secretary helps him a good bit and she is in danger of falling behind with the work load. Mr. Yates said that he is also in danger of falling behind. Mr. Yates said that the part time person all together costs \$30,000. Mr. Yates said that he has both Ms. Carol Raica and Susan Hensley, City Secretary as his helpers. Rebecca Huss said

that if they look at where they were before Mr. Yates came they had Eric doing whatever it was that he did, and his salary was substantially higher than a part time Records Clerk.

- Police Department

- Mr. Yates said that this year they are probably going to hit \$800,000 for police salaries, and all they have in the budget is \$730,000. Mr. Yates said that last year they had a budget of \$680,000 for police, but he had forgotten Officer Flores, which added \$60,000, and this year they have added \$15,000 - \$20,000 in overtime. So if you take \$680,000 and add \$75,000 to it you get \$750,000 - \$770,000. Mr. Yates said that they had 2-3 officers leave during the year and they were paid their vacation time when they left. Mr. Yates said that the proposed budget is based on a 1 ½ % percent increase for cost of living across the board, and 3½% percent for merit raises. John Champagne said that would be a 5% percent increase. Mr. Yates said that it would be up to 5% percent. Mr. Yates said on the proposed budget he used 4% percent across the board. Mr. Yates said that he is allowing for one more person, part-time, that is what is allowed, so he trusts his \$752,000 figure.

- John Champagne asked about overtime and asked if they anticipated a similar scenario. Chief Napolitano said that was correct. Chief Napolitano said that they were going to try and cut two hours at the end of each shift twice a week or every two weeks, once they have hired one more officer, which will bring the hours back down to 80 hours. John Champagne asked the Chief if he was comfortable with the figure in the proposed budget. Mr. Yates said that figure was using \$23,000 for overtime, which is probably too much. Rebecca Huss said that she would like to go back to \$10,000 or \$12,000 to reflect more of what they should be shooting for, because \$16,000 is an inflated number.

Chief Napolitano said that due to the work that the officers do, there are times where they have to stay after hours. Rebecca Huss said that this figure allows for 2.5 hours each shift. Mr. Yates said that he spoke with the Chief and the Lieutenant about how they could manage the overtime better.

Rebecca Huss stated that she did not feel that they should increase the overtime budget to reflect the overages that they had this year. They have paid for a scheduling program, plus we have people for hire in the budget, and supervisors are going to be working a shift per month. Mr. Yates said that they will be checking at the end of the pay week to see where everyone is on their time, and if someone is about to get five hours of overtime, then the Lieutenant works five hours Friday afternoon, and the person that was close to overtime goes home. John Champagne said that they have Kroger coming in, along with an influx of an unknown amount of people and we are quibbling over \$4,000. Rebecca Huss said that it was more the point of it, and also they have not actually seen any performance information since January to say that our police department has been any busier than they were before the apartments, or whatever. John Champagne said that he totally disagrees. Rebecca Huss said that they have not been getting information on what the calls have been. John Champagne said that they are dealing with projections, and he is saying that they are going to have an influx of an untold amount of people. Rebecca Huss said that the influx was why they hired somebody in March of this year, which was supposedly for the apartment complex, but again they do not know the increase in crime or calls because they do not have any quantitative information. Rebecca Huss said that it was more than just the \$4,000, it was the idea that you don't hit your targets so you just adjust the targets rather than adjust behavior.

Mr. Yates said that they have not been getting the statistics, because the City has not been getting them from the County and that is where they just have to rely on the police department to tell us their activity. Mr. Yates said that the other thing is that they can manage it a little better, but he generally thinks that as soon as Kroger gets open, there will be a substantial increase in calls. Chief Napolitano said that at the Chief's Meeting today, the biggest crime for all the surrounding cities is burglary of motor vehicles. Mayor Jones asked the Chief if \$16,000 was the figure that he wanted in his budget. Chief Napolitano said that Mr. Yates had calculated the salary and overtime figures. Mrs. Branco

said that she is estimating overtime for this year to be \$28,000. Mayor Jones said that \$16,000 should be a very good number. Mrs. Branco advised that the overtime budget line item included other people not just police. Dave McCorquodale asked if the scheduling software that they are proposing is going to help manage the overtime. Rebecca Huss said she thought that they had already bought the software. Chief Napolitano said that it makes it easier for the officer to log on and submit requests for time off, and it will go directly to his computer instead of having to generate a piece of paper. Rebecca Huss asked if this was the same software that City Council had allocated this year. Chief Napolitano said that they tried that software out and they could not get the software to work for their department. After discussion, it was decided to stay with \$16,000 in the overtime budget.

- Dave McCorquodale asked about the training budget, and said that he liked the concept of the officers being trained, and asked if the budget gets the training where they want it to be. Chief Napolitano said with the Asset Forfeiture Fund, which they can use for training, but no they were not at the optimum level and said that they could always use more training.
- John Champagne asked how much of the recent donation has been put into this budget. Mr. Yates said that essentially the funds are in the Capital Improvements, because the Police budget itself increased about \$200,000. Mr. Yates said the computers in the car are \$15,000, Copsync is \$6,500, Radar is \$4,000, and then the patrol weapons are \$4,000. Mr. Yates said that those allocations would be the way that he would explain to that person, or anyone else, if they were to ask how the donation was spent. Mayor Jones said that the donation replaced General Fund revenue that would have been used for those items.
- Rebecca Huss asked if the Chief had followed up on how much it would cost to maintain the projected new vehicles versus the ones that will be taken out of service, because it still shows auto repairs as higher, when they should be lower with new vehicles. Chief Napolitano said that he left that figure in there because he was not sure if they would be getting two new vehicles. Rebecca Huss asked how much it costs to maintain the current vehicles. Chief

Napolitano said that he did not have that figure. Rebecca Huss said that as it is now there are funds allocated for both new vehicles and higher maintenance. Mr. Yates said that there was also \$10,000 in Revenue for the sale of Police vehicles. Mr. Yates stated that \$15,000 budgeted for maintenance on eleven vehicles was not very high. Chief Napolitano advised that he would get the maintenance information on the vehicles tomorrow. Rebecca Huss said that they could compare that cost versus the two newer vehicles. After discussion, there was no change in the maintenance figure.

Mr. Yates said that he wanted to do a salary review on the local competition, such as Shenandoah, Willis, and Montgomery County Sheriff's Department, to see what they are paying their people in comparison to what we are paying our employees, to see if we need to go up. Mr. Yates said that they might need to increase by \$1,000 - \$2,000. Mayor Jones said that was not a lot to increase, and they have gone through that process in the past.

Rebecca Huss said if they are doing the review, they should include gun ownership policy, and whether they give their reserve officers guns. Chief Napolitano said he could answer that question right now, all the other police departments do not issue weapons, but in a the liability sense, if they have an officer involved shooting, and there is civil action against that department, they will have to show their training records. Chief Napolitano said that the other departments are not going to be able to show that they standardize their weapons. Chief Napolitano said that they issue the weapons. They have 16 weapons that the department bought and 16 weapons were issued. Chief Napolitano said that they do not have a spare weapon in the City if an officer gets in a shooting, they have no way of replacing that weapon because the District Attorney's Office takes their weapon. Rebecca Huss said that when they discussed this matter before about the weapons and how important it was to have the training, and the question was what to do about reserve officers. Chief Napolitano advised that they have six reserve officers, which is the maximum number of reserve officers. Chief Napolitano advised that the reserve officers carry their weapons home with them because they are in

-uniform. Rebecca Huss said it's the expense of the weapons for reserve officers that other cities don't spend. Rebecca Huss said that the locker room is there so that the officer can change before going on duty and then change again before leaving. Then they could leave their weapon at the department. Chief Napolitano said that the officer is trained with that weapon, because when they are in that uniform they are representing the City, so their equipment should go home with them. Chief Napolitano said that they issued those weapons, because we the City are asking them to come to protect us and we are issuing a weapon. Chief Napolitano said that reserve officers are required to have the same training as the other officers.

Dave McCorquodale asked if there was a departmental policy on what officers do with their weapons when they are at home. Chief Napolitano said that they did have a policy on file, and they are required to lock the weapon up if there are minors in the home. Chief Napolitano said that he was requesting two additional guns because they have to hire two new officers at approximately \$700 for each weapon. Mr. Yates said that last year's budget had \$3,000, which Chief Napolitano advised he had not spent. Mayor Jones asked the Chief what would be wrong with the reserve officers coming in to work and checking out a City gun, and then turn it in at the end of their shift. Chief Napolitano said that the lockers are used by the full time officers. Chief Napolitano said that if there was an event, he might have all six of the reserves working. John Champagne asked if there could be a time when you called a reserve officer out due to an emergency. Chief Napolitano said absolutely, if they had a natural disaster. John Champagne asked whether it would be more efficient to go first to the gun locker or the emergency. Chief Napolitano said that the emergency would be more important. Chief Napolitano said that he would prefer to keep the procedure of issuing the weapon versus changing policy.

- Court
- Public Works
 - Mr. Yates advised that under Public Works – Utilities on page 36, resulting from Mr. Randy Burleigh's work with the utility rates, one of his issues and

along with City Council, was to charge for water used by the various parks. Mr. Yates said that with Mr. Burleigh's figures for water and electricity costs, Cedar Brake Park should be \$3,200, Homecoming Park should be \$1,200, Fernland Park should be \$3,100, City Hall should be \$6,200, and Memory Park will be added in at \$15,000, and the Community Center at \$6,800. Mr. Yates stated that the total for the Utilities is \$47,400.

Mr. Yates advised that with the changes they are now -\$20,000 in revenue and \$13,900 in expenses.

- Utility Fund

- Mr. Yates then discussed the water and sewer rates as detailed in the document prepared by Rebecca Huss and Randy Burleigh. Mr. Yates said that the crux of the information is found on the last three pages where Mr. Burleigh did an excellent job of working out the rates to where it is somewhere between 48-50% percent of the residents will not be affected. Mr. Yates said that the ones that will be affected will be the ones that use 10,000 gallons of water and it would raise their rates from \$47.56 up to 97.81. Mr. Yates suggested that City Council have one public hearing at 3:00 p.m. on August 25, 2016, where the budget is approved with the new rates included. Mr. Yates said that the actual ordinance to approve the water and sewer rates will come at a later date because of the timing of the sequence of events.

John Champagne asked what the threshold for the water was in gallons. Rebecca Huss said that it was still at 2,000 gallons, which 30 percent of the City uses less than that amount per month.

Mr. Burleigh was present and reviewed the information provided in the rates. A copy is attached at Exhibit "A." Mr. Burleigh said that they looked at all the different rate classifications and how they were being charged. Mr. Burleigh said that with the new rate structure, the revenues should provide an additional \$200,000. Mr. Burleigh advised that it would be a three year, three tier

increase, with the second year providing an additional \$127,000, and then the third year almost \$40,000.

Mr. Burleigh advised that the average residential water consumption is 7,000 gallons. John Champagne asked what the effect of the rate change would be on the average user. Mr. Burleigh said that they would not see any change until around 12,000 gallons of water was used. Mr. Yates said that the institutional user would be the largest rate increase and said that he had already met with the schools. Rebecca Huss said that the schools advised that they would put it into their budget at the highest rate, so they are ready for the rate change. Mr. Burleigh said that the schools will only have a two year rate increase.

Mayor Jones asked where the churches fell into the rate structure. Mr. Burleigh advised that churches are actually commercial. Mr. Burleigh said that they also went to two tiers for irrigation meters, with small irrigation users for residential, and large irrigation users where their rates are higher and they pay a higher base fee every month. Mr. Burleigh said that the dividing line is a one inch line meter. Mr. Burleigh said that the water was not increasing that much, it would be the sewer rate that would increase the most. Rebecca Huss said that 70% percent of the City is really as base cost, so even though the average use is 7,000 gallons, the usage is significantly less than that.

Mr. Yates advised that Mr. Burleigh is going to forward him a spreadsheet where a resident can plug in what their usage is, and it will show how the increase will affect their bill. John Champagne asked if Mr. Yates was going to put that information on line. Mr. Yates said that he would do that. Mr. Yates said that he thought that at the public hearing they could have each resident's average usage for the last six months so each person that attended the meeting, they could plug in their usage and let them know what their new bill would be. Mr. Yates said that for a lot of residents they will not have any change or the increase will be less than \$10.00. Mr. Burleigh advised that the sewer rate would increase \$5.00 and the water would be less than one dollar for 7,000 gallons used. John Champagne said that was excellent. Mr. Yates said that

part of the reason that they were able to do this was due to Mr. Burleigh's analysis.

John Champagne asked about how the Fire Department was going to be handled. Mr. Yates said that they were wanting to charge for water use at the fire station, but not for fire protection. Mr. Yates said that he was not thinking of the meter out front, he was thinking of inside the fire station. Mr. Burleigh said the fire department has a meter at the fire house that they use for water and sewer at the fire station, which they use about 19,000 gallons per month. Mr. Burleigh said that they have a practice run every one or two months where they hook up to one of the two meters in the front, which is unaccounted water use in the City. Mr. Burleigh said that his recommendation to the City would be to account for all that water so you know how much you are giving away. Mr. Burleigh said that they could use a meter like the ones that the City has the contractors' use that would show how much they are using. Mayor Jones said that they are supposed to be metering that usage. John Champagne said that he asked them when they were doing a practice session, and they advised that they did not meter the use. Dave McCorquodale said that water usage is a line item on the fire department budget, so he could not imagine that they assume that they are getting every bit of water for free. Rebecca Huss said that it is a political decision as whether or not to charge the fire department and pay for the water out of the general account, because we know how much it is, just like with the parks. John Champagne asked if the fire department didn't just ask for an increase on their rates. Mr. Yates said that we just got their increase. Mr. Burleigh said that the fire department operates just like everyone else does, like the schools, and they will include it in their budget, but if they are getting it free, they will just continue to use it. Dave McCorquodale talked about possibly using an irrigation meter to where they would be paying for sewer costs for the outside water usage at the station.

Mr. Yates advised that he and the Mayor will be having a meeting with the Fire Chief, and by then he will have talked to Mr. Burleigh and will have his figures together for the meeting. Mr. Yates said that in the next couple of meetings

City Council would receive the fire station figures for water and sewer. Mr. Burleigh said that when they started looking at water usage at City Hall they saved 51,000 gallons of water per month with a simple modification of the irrigation system. Mr. Burleigh said that the big issue is accountability so you know what is going on.

Mayor Jones said that the new water and sewer rates will be included in the budget. Mr. Yates said that he is recommending that on August 23, 2016 that the City have a public meeting at 3 p.m. and at 6 p.m., regarding the water and sewer rates. Mr. Yates said that City Council does not have to be at the public meeting, but anybody can attend. Mr. Yates said that August 25, 2016 was the date for a possible 4th Budget Workshop Meeting, if needed. Mayor Jones asked if the public meeting was an official public hearing for the water and sewer rates. Mr. Yates advised that it was a public meeting, not a required public hearing.

- Mr. Glynn Fleming said he had a couple of questions regarding the water and sewer fund. Mr. Fleming asked about the line item for groundwater reduction expenses has a 400% percent increase in the budget allotted for that item. Mr. Yates advised that he had created a new line item up in the revenue for the groundwater reduction plan, and then had a transfer out for \$40,000 for paying the groundwater reduction plan bill. Mr. Yates said that they will bring in \$110,000, spend \$40,000, which will leave \$70,000. Mr. Fleming said that he has drafted the letter to terminate the Joint GRP Agreement at the end of the calendar year.

John Champagne asked if that termination was reflected in this budget. Mr. Yates advised that he was reflecting what the City will spend from October 1 through December 31, 2016, which is approximately \$40,000, but he also thought that they would have to spend more than that. Mr. Fleming said that he did not think that they would in that 90-day period. Mr. Yates said that the way he did the math, was the City would be able to keep 63% percent of the \$110,000. Mr. Burleigh advised that the cost would be approximately

\$125,000 for the groundwater reduction plan revenue, if you sell about 76 million gallons, which is what the City did in 2015.

Mr. Fleming said that he did not think that the City would spend \$40,000 in groundwater reduction plan fees, but it was a good holding spot. Mr. Fleming said that he would like to see the groundwater reduction plan funds earmarked for water projects, especially from a public policy standpoint. Then should someone come in and ask about why they are being charged a groundwater reduction plan fee, you will have an answer.

After discussion, Line 21401- Taxes and Franchise Fees GRP Revenue was increased to \$125,000, and 26901- Utility Projects Expenditures and Preventative Maintenance is increased to \$85,000.

- Mr. Yates then discussed the Debt Service Fund and said that the Ad Valorem Tax assessment went from \$125 million to \$169 million.
- Mrs. Branco noted on page 42, Debt Service Fund Summary, and advised that the Debt Service Fund will actually expend \$544,410, and the actual is \$514,000. Mr. Yates advised that he used the figure of \$2 million dollars for the amount that they would be going for with the Texas Water Development Board. Mrs. Branco said if that was the case, she felt that they were low. Mr. Yates said that they will only be paying a partial amount of money each year, and they probably will not spend all \$2 million dollars, and will not take the funds until February or March of next year. So they might not have any payment at all this year. Mr. Fleming said that the actual amount that was submitted to the Texas Water Development Board was \$2.5 or \$3 million dollars. Mrs. Branco said that the total expenditures were \$547,966, and advised that she would get with Mr. Yates to show the individual amounts for the Series line items.
- Mayor Jones reminded Mr. Yates about the discussions regarding the MEDC Budget. Mr. Yates said that this budget only has \$10,000 more included.

Rebecca Huss asked about what their retained earnings reserve number is or should be. They have spoken before and gotten close to six months, which is a lot because their minimum is three months. Rebecca Huss asked if they want to increase their reserves or they have another account for the Water Board Retained Earnings, because it would be nice to have the funds there if they need them, if they go higher than the six month reserves. John Champagne asked what the down side was to having more than six months in reserves. Rebecca Huss said she thought this because if it gets to be too much, then the State has the opportunity of telling you that your taxes are too high and they could lower your rate for you. Dave McCorquodale said that it appears that there is a whole lot of money there, but the funds are waiting on all these other things. Rebecca Huss said they can take the extra money and place it in maintenance or a capital line item.

Mrs. Branco said the General Fund Reserve is at \$1 million and the General Fund is at \$2.9 million, and the budget is \$2.8 million. Mrs. Branco said that what Council is talking about is earmarking funds for a reason, so if you find your budget is over say \$150,000, you can move it into Capital Projects so that you can draw from it and add to it, so that you are still a zero budget. Mrs. Branco said that the auditor would like to see the City have six months to a year in reserves, in case you would have a catastrophic incident occur, such as, a water plant went down, etc. Mrs. Branco said that this would coincide with the State's requirements. Mr. Yates said the current budget is \$2.6 million dollars. Mrs. Branco said that the estimated expenses for the year is \$2.4 million dollars for the current budget.

Mayor Jones said that they need to be building up the reserve funds in the Utility Fund more than anything. Mrs. Branco said that what needs to happen is they need to have all the depreciation in that fund, but right now they can't do that because they do not have the funds. Mr. Yates said that next year they are almost certain to have \$50 million dollars in assessed value increase because of new homes, and the new Kroger and McCoy's.

Mr. Yates said that they are going to have to figure out where to get the \$175,000 - \$300,000 for bridge money in the next couple of months. Mr. Fleming said that might be on the low end. Mr. Yates said that they might have to borrow funds or look at other options.

- Mr. Yates said that he put in \$2 million dollars in the Capital Projects Fund, on page 46.
- Mr. Fleming advised that on page 45, the three improvements from last year need to be removed from the current summary. Mr. Fleming advised that the only project that was paid out of the Capital Projects Fund was the Automatic Meter Reading System (AMR). Mr. Yates will include the information regarding the AMR System.
- Mr. Yates discussed the Capital Outlay list, advising that the following:
 - Police Department - Furniture for the Evidence Room – includes files, lockers and the secure evidence pass through window for \$21,000. Mayor Jones asked if any of that can come out of Court Security Fund. Mr. Yates said that it could. Mr. Yates said this item would not be necessary until they move toward with the State Standards for the Department.
 - Water and Sewer Capital Outlay – the Texas Water Development Funds that were applied for totaled \$2,666,000., which he can add into the Capital Projects.
 - Water Projects CP No. 91 and CP No. 2 - will come out of revenue, rather than bond funds. Mr. Yates said that there were plenty of funds for those two projects.
 - Police Department - the Vid Tec – In Car Radio figure does not match the budget and should be \$12,000.
 - Police Department - Patrol Weapons and safes will be changed to \$4,000.

- Special Funds
 - Construction Fund
 - Court Security Fund
 - Mr. Yates said that the only real expense for this is the Court Bailiff, which he included \$1,000, for the possible purchase of a portable scanning devise.
 - Court Technology Fund
 - Hotel Occupancy Tax Fund
 - Mr. Yates advised that the Hotel Occupancy Tax was at \$600, but if they get the new hotel by McCoy's, that figure could quadruple.
 - Police Assets and Forfeitures
 - Montgomery Economic Development Corporation

❖ Discussion 2016 Tax Rate

Mr. Yates advised that he has kept the same tax levy as the previous year, with maintenance and operations at \$0.2112/ per \$100 valuation for debt service and \$0.2043/per \$100 valuation for maintenance and operations, for a total tax rate of 0.4155/ per \$100 valuation. Mr. Yates said that he and the Mayor figured that the ¼ of one cent that they use for property tax reduction is bringing in \$550,000 per year. Mr. Yates said if the sales tax does what they are expecting it to do, either next year or the year after, they might be able to reduce the property tax rate for the City.

Mayor Jones asked what the next step in the Budget process was. Mr. Yates said that he will insert the changes in the proposed Budget. Mr. Yates said that next Tuesday will be the Budget Public Hearing, and also at that meeting is adoption of the proposed tax rate, which is being recommended to remain the same at \$0.4155/per \$100 valuation.

Mr. Yates said that he is going to recommend having a public meeting conducted by staff regarding the water and sewer rate increase. Rebecca Huss said that she liked the idea of printing out a copy of what the bill would look be with the rate increase for the residents that attend the public meeting.

Mr. Yates also advised that the garbage price is going up due to a fuel adjustment. Mr. Yates said that he is going to recommend to pass the cost through to the customer. Mayor Jones said to make that information part of the presentation with the water and sewer rates.

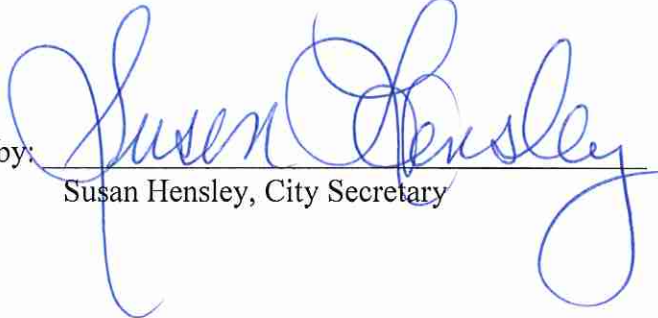
Mayor Jones announced that Mr. Mike Muckleroy is going to be recommending that they go out for bids on the mowing contract because the areas that City Council wants mowed is not happening with the current contractor, which includes additional area in the new specifications.

Rebecca Huss stated that Mr. Muckleroy also requested another position due to the workload. Rebecca Huss said that better service is part of it, but also doing things in house instead of paying extra for it. Mr. Yates said that they could do things, such as, repairing a few more water and sewer line breaks and taps, which will save money on the Gulf bill. Dave McCorquodale said that he trusts Mr. Muckleroy. John Champagne said that man needs a raise. Rebecca Huss said that the City is lucky to have Mr. Muckleroy.

ADJOURNMENT

Mayor Jones adjourned the meeting at 8:15 p.m.

Submitted by:



Susan Hensley, City Secretary

Date Approved: _____

Mayor Kirk Jones

MINUTES OF BUDGET WORKSHOP

August 13, 2016

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Pro Tem Rebecca Huss declared a quorum was present, and called the meeting to order at 10:03 a.m.

Present:

Jon Bickford	Place #1
John Champagne	Place #2
T.J. Wilkerson	Place #3
Rebecca Huss	Place #4
Dave McCorquodale	Place #5

Absent: Kirk Jones Mayor

Also Present: Jack Yates City Administrator

BUDGET WORKSHOP:

❖ Discussion of the following items related to the City of Montgomery 2016-2017 FY Proposed

Operating Budget:

- Summary
- General Fund Revenue
- General Fund Expenses
 - Administration
 - Police Department
 - Court
 - Public Works
 - Utility Fund
 - Special Funds

- Construction Fund
- Court Security Fund
- Court Technology Fund
- Hotel Occupancy Tax Fund
- Police Assets and Forfeitures
- Montgomery Economic Development Corporation

Jon Bickford asked to review the major changes in the proposed budget. Mr. Yates advised that the General Fund Sales Tax was up from \$1,490,000 to \$1,650,000 based on the assumption of the new Kroger store. Mr. Yates said that Kroger was approximately \$148,000 of that increase, which he allowed approximately a 2% percent increase for the rest. Mr. Yates advised that this figure did not include McCoy's. Mr. Yates said that the assumption for Kroger was \$30,000 per month for nine months, starting in January 2017. Mr. Yates said that Kroger had forecasted \$50,000 per month in sales tax. Mr. Yates advised that in the General Fund Expenses they have \$148,000 that the City will pay back to Kroger, with a net of \$80,000 - \$90,000.

Mr. Yates said that the General Fund also included one part time person added to the staff and one more person for Public Works. Mr. Yates said that the thought for the additional person for Public Works is that they will be able to do more jobs in house and save money on Gulf Utility, and they are busier now. Jon Bickford said that he wants to make sure that Mr. Mike Muckleroy, Public Works Manager, gets what he needs because he does a great job, and he does a great job at keeping an eye out for the City's money. Rebecca Huss said that Mr. Muckleroy said that if he needs money he will ask for it, but he does not see the need to pad his budget or spend it on things he does not need. Jon Bickford said that he is glad that Mr. Muckleroy feels that way and he wants to support that.

Jon Bickford said that the wages for the Police Department went up quite a bit, and asked if that is because they are adding personnel. Mr. Yates said that was not the case, but was due to a couple of things. First, he had forgotten to add one of the officers last year, which is \$60,000 of that increase. Mr. Yates said that the other item is the half of the salary for the warrant officer and the other half will be paid by the Court.

John Champagne asked how many total employees the City has. The City Secretary, Susan Hensley, advised that currently the City has 19 employees. Mr. Yates said that there will be 20 employees in 2016-2017.

Mr. Yates said that he also included 4% percent increase for the employee's payroll, which includes a 1½% cost of living increase, and then the other 2½% could be a merit increase pool based on merit. Mr. Yates said that everyone would receive a 1½% increase for the cost of living across the board. The 2½% merit raise possibility will be awarded based on performance, where some people might get a 2½% increase and some might get a different amount. Jon Bickford said that would figure out to be \$25,000 being put away for merit raises, which would go into a pool, to be determined on how it was awarded.

Mr. Yates said that he will handle the merit raises the same as he did last year, where the Department Heads conduct the evaluations, go over the evaluation with the employee, and then consult with him prior to advising what type of merit raise they will be awarding. Mr. Yates said that he approves all raises.

John Champagne asked about the increase in medical costs. Mr. Yates said that it includes medical, dental and life insurance. John Champagne asked if the figure was a real number or an estimate. Mr. Yates said that it was a precise figure. John Champagne said that in terms of benefits, it is over \$1,000 per employee, and is part of the employee's compensation, which is another 1½%. Dave McCorquodale said that if they are going to be talking to the employees, it would not hurt to point out that

benefit. Mr. Yates said that what he did last year, and he will do again this year, is to provide the employees with a fringe benefit analysis so that they know how much they are receiving in addition to their pay. John Champagne said that there are a lot of employees that do not receive this type of insurance, and it is good insurance. Rebecca Huss said that the deductible is pretty expensive. John Champagne said that in the private sector, this is an above average compensation.

Mr. Yates stated that the other item that they had discussed in the budget was patrol vehicles, which includes two patrol vehicles, either Blazers or Expeditions. Mr. Yates said that information will come to City Council in late December. The Chief is preparing a report for City Council. Jon Bickford said that it would be helpful to have information showing the difference in maintenance costs between the SUV's versus other vehicles. Mr. Yates advised that the Chief had provided him with the maintenance figures yesterday and the Charger costs considerably more than the Tahoe's. Mr. Yates said that the difference in costs for maintenance of the Charger was \$6,000 - \$10,000 over the life of the vehicles, with the Tahoe's at \$1,250.

Jon Bickford said that the other item that he had questions about was the weapons. Jon Bickford stated that the line item for patrol weapons is \$4,000, which is up from \$2,500 last year. Jon Bickford advised that his neighbor, Joel Gordon, stated that it is very customary for the officers to buy their own guns. Jon Bickford asked if the City should be buying the guns and dictating which guns they use. Dave McCorquodale said that the Chief's theory is yes for standardization. The Chief also had mentioned a liability issue as well, because if everyone is using the same gun and they are all maintained the same way. Jon Bickford discussed the fact that he would not be able to use the same weapon as someone with smaller hands, and he felt that a person should buy a handgun that they are comfortable with and easy for them to use and is accurate.

Rebecca Huss said that her issue was that other cities like Shenandoah do a monthly installment where the officer buys their own weapon on an installment plan with the City. Mr. Yates said that since the City buys the weapon, when the officer leaves, the

weapon stays with the City. Rebecca Huss said that is correct except when the officer leaves and becomes a reserve officer, the officer keeps his weapon. John Champagne said that this is the first that he has heard that the officers are keeping their guns when they leave. Jon Bickford said that he had a problem with them keeping their gun, because they are not full time employees. Dave McCorquodale said if the City is not paying them, but they are still on patrol for the City, he is good with the gun remaining with them. Dave McCorquodale said that he would also expect them to work a shift for the City every so often.

Rebecca Huss brought up the computerized scheduling system, and said that the Chief vehemently said at the last meeting that the cost of the system was \$2,000, but the invoice for the system is \$36 per month times 12 is not that amount. Rebecca Huss said that budgets were to be truthful and not slush funds to move funds around, and it needs to be more the Mike Muckleroy approach, where it costs what it costs and that is what you put down. Then if you need more funds later, you come back and justify it. Rebecca Huss said that she did not feel that there has been a good explanation as to why standardization and the City buying all the guns has to be the way they do it.

Jon Bickford said that the Police budget is up 22% percent with the largest growth, so the benefits and compensation at \$700,000 is basically 70% percent of the budget. Mr. Yates said that if City Council would like a separate report regarding the weapons from the Chief he can get that prepared.

Jon Bickford asked about the ballistic vests and shields, because they are not adding anyone. John Champagne advised that they have to be replaced after a certain amount of time.

Jon Bickford said that even though the revenue is increasing \$200,000, the expenses are increasing \$700,000. Mr. Yates advised that \$148,000 of the expenses is the payoff for Kroger, which that amount is also included in the revenue. Mr. Yates said that he overestimates the budget expenses and underestimates revenue. Mr. Yates said that he

does not expect that the City will spend \$2.9 million dollars. Mr. Yates said that he approves all capital outlay expenditures. John Champagne said that he thinks the expenses are woefully low. Rebecca Huss said that right now the City's expenses are at \$1.9 million through the end of June. Mr. Yates said that is approximately \$211,000 per month. Rebecca Huss said they need to increase the maintenance budget and start a depreciation budget, and when McCoy's starts, those funds should go into a reserve account for maintenance.

Mr. Yates advised that \$6,000 for radios has been moved from capital outlay to supplies and equipment. Jon Bickford said that his question regarding radios was whether the changes were mandated or by choice. Mr. Yates said that most of the changes that are made are mandated changes because the City has to have certain radios that connect to the County system. Mr. Yates advised that he will be overseeing when the radios will be purchased because it is a capital expenditure. Jon Bickford said that most of the expenses are either mandated or established policy for the budget. Jon Bickford said that he just wanted to make sure that everyone was comfortable that the forecasted revenues are going to go up \$200,000 and forecasted expenditures are going to be \$500,000, so we are on a path to spend more than they are earn. Jon Bickford said that they need to watch that the City's expenses do not have to follow the revenue. Mr. Yates said that however much revenue the City has, has nothing to do with the expenses. Mr. Yates also stated that the Department Heads only think about the expenses, not revenues. Mr. Yates advised that he reviews every budget with the Department Head.

Jon Bickford asked if Mr. Yates tasks the Department Heads with saving a percent of the budget for the year. Mr. Yates said that he tells them to spend every dollar as if it is your own.

Mr. Yates advised that he needs to review the departmental budgets with each department on a monthly basis. John Champagne said that he would make the point

that their ability to make money will affect how the organization can compensate you and how they can afford it.

Jon Bickford said that the official record states that there was no budget amendment to the current budget, and Mr. Yates says that his budget is \$2.6 million and he is going to manage it and bring it in at \$2.45 million. John Champagne said that City Council oversees the budget, they do not prepare the budget.

Mr. Yates said that he could write a sentence about every line item in the budget because he is familiar with it. Mr. Yates said that one of the things that he and Ms. Hensley were going to prepare was a Chart of Accounts, but we just did not have time to complete for each line item, but we will work on it this year. Jon Bickford said good work to Mr. Yates and Ms. Hensley. Jon Bickford said that he knows they have some warts here and there, but said that things seem to be running a lot smoother than they ever have, and thanked Mr. Yates and Ms. Hensley.

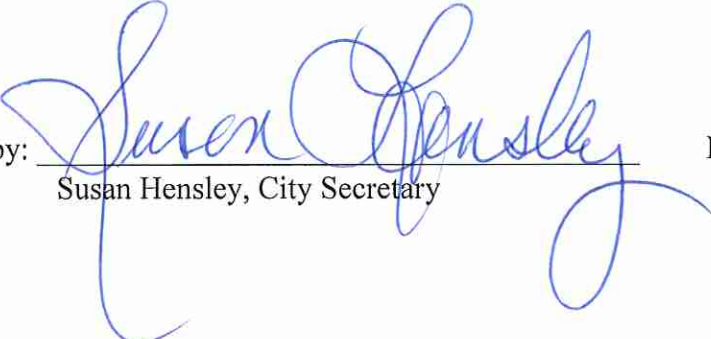
Mr. Yates said that he took some revenue off of the charge for services because he and Mr. Burleigh got together and estimated that they are going to be about \$20,000 dollars down because of approving the rates in the first of November billing instead of October billing.

Jon Bickford asked what the new part time person would be doing. Ms. Hensley advised that they will be working on all of the old and current records to get them all in order. Ms. Hensley advised that Mrs. Regina Rather was the Deputy City Secretary with her when she worked at Shenandoah. Ms. Hensley said that Mrs. Rather has also had human resources and records management experience. Jon Bickford said that he was on board and liked the idea of part time employees. Rebecca Huss said that both Ms. Carol Raica and Mrs. Rather are happy with part time work and have experience and are happy to work for the City.

Jon Bickford stated that he had all his questions answered today. Mr. Yates advised that there is a meeting scheduled for next Friday, which should take about 10 minutes. Mr. Yates said that the budget can be approved at the August 23, 2016 meeting, but the tax rate will be adopted at the September 6, 2016 meeting. Jon Bickford stated that he might be at the Friday meeting.

ADJOURNMENT

Mayor Jones adjourned the meeting at 11:03 a.m.

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

Mayor Kirk Jones

MINUTES OF SPECIAL MEETING

September 6, 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 Place #1
 John Champagne Place #2
 T.J. Wilkerson Place #3
 Dave McCorquodale Place #5

Absent: Rebecca Huss Place #4

Also Present: Jack Yates City Administrator

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action to set by Order the 2016 Ad Valorem Tax Rate for Maintenance and Operations, \$0.2043/\$100.

Mr. Yates advised the total rate of \$0.4155 has been the same for the past six years. Mr. Yates stated the City will receive more funds from Ad Valorem Taxes because the assessed valuation has increased partially on existing properties, but most of the increase is due to new construction of houses and businesses in the City.

Jon Bickford moved to accept and set the 2016 Tax Rate for Maintenance and Operations of \$0.2043 per \$100 valuation. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

Mayor Jones announced City Council is required to have a super majority present to adopt these tax rates, which they have present.

2. Consideration and possible action to set by Order the 2016 Ad Valorem Tax Rate for Debt Service, \$0.2112/\$100.

Mr. Yates stated this is the same rate as last year. Mr. Yates noted they will have an increase in the Debt Service Fund because of the new assessment rate \$0.2112/\$100. Mr. Yates said that the overage will go partially, this year, for the Texas Water Development Board funding. Mr. Yates stated this will bring approximately \$80,000 to the Debt Service Fund. Of those funds, they will only use an estimated \$10,000 - \$20,000 this year to repay the Texas Water Development Board. Mr. Yates said they will be able to build a surplus in the Debt Service Fund, but it will not be excessive.

Dave McCorquodale moved to set by Order the 2016 Ad Valorem Tax Rate for Debt Service at \$0.2112 per \$100 valuation. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

3. Consideration and possible action to adopt the following Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, SETTING THE AD VALOREM TAX RATE OF THE CITY OF MONTGOMERY, FOR THE YEAR 2016 AT A RATE OF \$0.4155 PER ONE HUNDRED DOLLARS (\$100.00) VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MONTGOMERY AS OF JANUARY 1, 2016 SPECIFYING SEPARATE COMPONENTS OF SUCH RATE FOR OPERATIONS AND MAINTENANCE AND FOR DEBT SERVICE; LEVYING AN AD VALOREM TAX FOR THE YEAR 2016 PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR COLLECTION AND ORDAINING OTHER RELATED MATTERS.

John Champagne made a point of correction on the reading of the Ordinance caption as read by the Mayor, stating the rate was \$0.4155 per \$100 valuation.

John Champagne moved to adopt the Ordinance as presented to City Council that would set the Ad Valorem Tax Rate for the City of Montgomery for the year 2016 at a rate of \$.4155/ per \$100 valuation with all the items that were outlined in the consideration. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

EXECUTIVE SESSION:

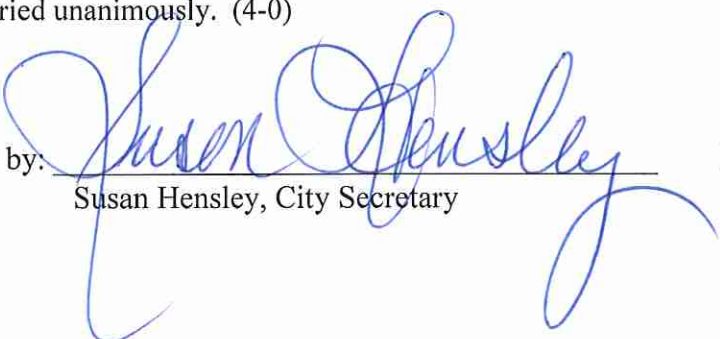
The City Council reserves the right to discuss any of the items listed specifically under this heading or f or any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding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

Jon Bickford moved to adjourn the meeting 6:07 p.m. John Champagne seconded the motion, the motion carried unanimously. (4-0)

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

Mayor Kirk Jones

MINUTES OF PUBLIC HEARING and REGULAR MEETING

September 13, 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
 John Champagne, Jr. City Council Position # 2
 T.J. Wilkerson City Council Position # 3
 Rebecca Huss City Council Position # 4

Absent: Dave McCorquodale City Council Position # 5

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

Mayor Jones advised that Dave McCorquodale is expected to arrive at the meeting a little late.

INVOCATION

T.J. Wilkerson gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PUBLIC HEARINGS:

Mayor Jones convened the Public Hearing at 6:00 p.m.

1. Public Hearing for the purpose of hearing public comments on a proposed increase of water and sewer rates for the City.

Mr. Yates advised that the rates are based on audited figures for the Utility Fund. Mr. Yates said that the increase is needed to pay for the maintenance and depreciation of the system. Mr. Yates said that there would be no change for the minimum user, but there is a \$6 increase for the 7,000 gallon per month user. Mr. Yates said that most of the increase is to the institutional rates. Mr. Yates advised that he had held two public meetings on August 23, along with a press release, and post cards were mailed to every utility customer of the City.

Rebecca Huss stated that the institutional users are primarily the schools, and asked if they were aware of the increase. Mr. Yates said that he had a special meeting with the School District financial person. Rebecca Huss asked what their reaction was. Mr. Yates said that while they were not looking forward to the increase, they accepted it and realized the rationale of the increase, which they would include in their budget for next year.

Mayor Jones announced that this was a public hearing and asked if any of the public wanted to make comments. There were no comments made by the public.

Mayor Jones adjourned the Public Hearing at 6:05 p.m.

Reconvene into Regular Session:

Mayor Jones reconvened the Regular Session at 6:05 p.m.

VISITOR/CITIZENS FORUM:

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

There were no comments made.

CONSENT AGENDA:

2. Matters related to the approval of minutes for the Public Hearing held on August 19, 2016, Public Hearing held on August 23, 2016 and Regular Meeting held on August 23, 2016.

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

CONSIDERATION AND POSSIBLE ACTION:

3. Consideration and possible action regarding adoption of the following Proclamation:

A PROCLAMATION PROCLAIMING APPRECIATION AND CONGRATULATIONS TO NANCY AND LLOYD ASHBAKER ON THEIR TWO DECADES OF OPERATING THE OLD MONTGOMERY STEAKHOUSE AS AN ESSENTIAL ELEMENT OF DOWNTOWN MONTGOMERY.

Dave McCorquodale arrived at 6:06 p.m.

Mayor Jones read the Proclamation into the record as follows:

PROCLAMATION

WHEREAS, Nancy and Lloyd Ashbaker, owners of the Old Montgomery Steakhouse, are celebrating 20 continuous years in the restaurant business in Montgomery, Texas and

WHEREAS, in September 1996, the Ashbaker's bought the Texana Restaurant and Bennett's Steakhouse, here in the City of Montgomery, which later became the Old Montgomery Steakhouse and remains today at 204 McCown Street, providing breakfast, lunch and dinner seven days a week.

NOW, THEREFORE, I, Kirk Jones, Mayor of the City of Montgomery, do hereby express appreciation and congratulations to Nancy and Lloyd Ashbaker on their two decades of operating the Old Montgomery Steakhouse as an essential element of downtown Montgomery.

***FURTHER, BE IT PROCLAIMED** that the City of Montgomery looks forward to many more years of tasty meals and wonderful fellowship to be enjoyed at the Old Montgomery Steakhouse.*

Mayor Jones presented Nancy and Lloyd Ashbaker with the Proclamation.

Rebecca Huss moved to adopt the Proclamation, as read by the Mayor. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

4. Consideration and possible action regarding scheduling a Public Hearing for an Alcohol Beverage License Application for Hodge Podge Lodge located at 300 Prairie Street, Montgomery, as submitted by Jeffrey S. Angelo, President, ZNZ Creative Services LLC d/b/a Hodge Podge Lodge and d/b/a HPL Hospitality.

Dave McCorquodale moved to schedule a Public Hearing to be held on October 11, 2016 at 6:00 p.m. at City Hall regarding an Alcohol Beverage License Application for Hodge Podge Lodge located at 300 Prairie Street, Montgomery, as submitted by Jeffrey S. Angelo, President, ZNZ Creative Services LLC d/b/a Hodge Podge Lodge and d/b/a HPL Hospitality. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

5. Consideration and possible action regarding scheduling a Public Hearing for an Alcohol Beverage License Application for Whitley Vineyards, LLC located at 401 College Street, Suite 150, Montgomery, as submitted by Phillip and Gina R. Whitley, Managing Members.

Rebecca Huss moved to schedule a Public Hearing to be held on October 11, 2016 at 6:00 p.m. at City Hall regarding an Alcohol Beverage License Application for Whitley Vineyards, LLC located at 401 College Street, Suite 150, Montgomery, as submitted by Phillip and Gina R. Whitley, Managing Members. John Champagne seconded the motion.

Discussion: John Champagne asked where 401 College Street is located. Rebecca Huss stated that address was located in the Barnes building. John Champagne said that was where he thought it was, he just wanted to confirm.

The motion carried unanimously. (5-0)

6. Consideration and possible action to accept the Certification of the 2016 Appraisal Roll for City of Montgomery Public Improvement District 1.

Mr. Yates advised that according to the Public Improvement District 1 Creation Ordinance, City Council is required to accept the Certification of the Appraisal Roll, as provided by Montgomery County Appraisal District. Rebecca Huss asked to confirm that this was the Summit Business Park. Mr. Yates said that was correct.

Mr. Yates advised that the ordinance also allows \$50 per property owner, of which there are six, as a fee to the City for its activities. Mr. Yates said that he would be billing the Appraisal District following action by City Council.

Jon Bickford moved to accept the Certification of the 2016 Appraisal Roll for the City of Montgomery Public Improvement District 1. 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, 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 OF OCTOBER 1, 2016 AFTER PUBLICATION.

Mr. Yates advised that there were two items that he needed to point out to City Council. Mr. Yates advised that regarding the effective date, he would prefer that the ordinance be made effective upon publication. The intention is to publish the legal notice, so the ordinance will be effective for the September 20-October 20 billing cycle. Mr. Foerster said that he did not have a problem with that, stating that it could be made effective upon publication, which he believed would be later this week.

Mr. Yates said that the other item that has not been discussed fully is the residential deposit is being recommended to be increased from \$125 to \$225 primarily because of the loss that they have seen in rental properties, when they move out on the bill. Mr. Yates said that he felt the \$225 would cover that final bill, which can often be \$150 - \$175.

Rebecca Huss asked about when they were discussing the water rates, with the consultant, one of the things that they had discussed was the need for a multi-family rate. Rebecca Huss said that right now they have an inconsistent application with some multi-families and they were going to create a new classification and asked if that needed to be included in the ordinance, because they were creating a new class of consumers. Mr. Yates said that the classification is included. Rebecca Huss asked whether they needed a definition in the ordinance. Mr. Yates said that multi-family classification was included in the rate schedule. Rebecca Huss asked if a two-family multi-family would be counted the same as a large number multi-family. Mr. Yates said that a duplex would not be counted the same as a multi-family.

John Champagne moved to adopt the Ordinance as read into the record by the Mayor, subject to the effective date being upon publication. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action regarding solicitation of bids for the Mowing Contract.

Mr. Yates advised that this item is at the recommendation of Mr. Mike Muckleroy, Public Works Manager. Mr. Yates said that the current contract is with 3rd Day Creations Lawn and Landscaping. Mr. Yates said there have been several issues with work not being completed by 3rd Day Creations.

Mr. Yates said that Public Works has had to focus a lot time and resources to perform inspections and re-inspections of the work by 3rd Day Creations. Mr. Yates said that there have been numerous deductions for work not being completed, but they would rather pay the full amount and get the mowing done correctly each month. Mr. Yates presented a tabulation showing that \$4,950 has been deducted during the past six months, which is approximately one month's contract price of \$5,557.50.

Mr. Yates said that the recommendation to City Council is to allow the City staff to go out for bids. Mr. Yates said that he wanted to get City Council's agreement that they needed to go out for bids before they went through the process.

Jon Bickford asked whether the City's contractual obligation had been fulfilled, and whether we were going month-to-month now. Mr. Yates advised that was correct. Mayor Jones asked Mr. Muckleroy for his thoughts on this matter. Mr. Muckleroy stated that they have spent a lot of time conducting mowing inspections and re-inspections, with a lot of time spent trying to get the full mowing job completed, which it is not being done. Mr. Muckleroy said that the contract also states that they are to maintain planting and weeding of the flower beds and none of that is done unless they ask for it to be done, instead of automatically having it done. Mr. Muckleroy said that the mowing has almost never been completed during the last four months, except for this last month. Mr. Muckleroy said that he believed if they go out for bids they will get a better bid, and they also need to add a few more areas to the contract.

John Champagne asked Mr. Muckleroy what the established process was for reviewing contracts, such as this one. Mr. Yates advised that they did review the contracts every October.

John Champagne said that he would encourage staff to review all of these contracts on a regular basis, because competition has a way of bringing better service to our citizens. John Champagne said that to the point of going out for bids, he said to go out for bids.

Dave McCorquodale asked if the weather had any part in the problem for the past year. Mr. Muckleroy said that is a problem some of the time, but not all of the time, and stated that the job is just not getting completed. Mr. Muckleroy said that he did not know if it was because there were not enough guys on the ground or not enough mowers, that is his business and it is just not getting done. Rebecca Huss said that prospectively they are paying the price of the contract and essentially paying Mr. Muckleroy to inspect the work when he could be doing something else, which is not a very good use of his time. Mr. Muckleroy said that he would like to get to the point where he does not have to conduct mowing inspections. Jon Bickford said that you should not have to do inspections. Mr. Muckleroy said that they are doing inspections every week. Jon Bickford said that when they hire a contractor, they expect them to get the work done, and they should not have to babysit them to get it done.

Jon Bickford moved to authorize the City Administrator to solicit bids for the mowing contract. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

9. Consideration and possible action regarding appointment of a Building Code Review Committee.

Mr. Yates advised that Mr. Rick Hanna, City Building Inspector, came to him two months ago advising that he had received some questions from some builders about roofing joist separation and the Roofing Code, which led Mr. Hanna to question a few other points about the Building Codes, which he feels might need to be amended.

Mr. Yates said that he had spoken with Mr. Bill Simpson, resident, member of the Planning and Zoning Commission, and owner of a roofing business, Michael Ogorchock, all-around construction wise person, Bryan Solomon, owner of an electrical supply and service company and experienced electrician, to see if they were willing to serve on a Building Code Review Committee. Mr. Yates said that he would also recommend Mr. Glynn Fleming, City Engineer,

to serve on the Committee. Mr. Yates said that they were selected based upon their general expertise and the Committee will probably meet two or three times at City Hall with Mr. Hanna. Mr. Yates said that the committee will be on a voluntary basis. Mr. Yates said that a Committee is not required by the Building Code for amendments, but Mr. Hanna felt that he could get more advice by using local people and it would be better than just him making suggestions.

Mr. Yates said that the recommendation is to appoint a Building Review Committee. Mr. Yates said that he has spoken to Mr. William Simpson, Mr. Michael Ogorchock and Bryan Solomon, and they are all willing to serve on the Committee, but City Council can appoint whoever they would like to serve on the Committee.

Mayor Jones asked if the City adopted the International Building Code, Version 2014, for example, and then this Committee decides something, would it be an amendment. Mr. Yates said that it would be an amendment to the ordinance and they would come back with an ordinance with a specific section of the Code being amended, which City Council would have to approve.

Dave McCorquodale asked whether Mr. Yates had a general sense, with regard to the International Building Code, because he would not be comfortable if the rules were less strict than the Code. Mr. Yates said that he can pass that information on to the Committee, but he did not know the answer to that question. Mr. Yates said that his choice would be to have the requirements tighter and more stringent. Mr. Yates said that he did not know what the Committee would recommend. Mayor Jones said that he was sure Mr. Hanna had a list in his head that are questionable. Jon Bickford said that he thought it would be good to see what he wants changed. Jon Bickford said that things are changing, homes are getting more efficient and the City should stay on top of the changes.

Rebecca Huss asked if there was a way to tie these amendments to the adoption of the new Code so that when they say a 2017 International Building Standards Code, they look at their amendments so that they don't end up with amendments that start out tighter, but end up looser

than the International Standards, so that both of the reviews happen at the same time. Mr. Yates said that he was not sure when the new Code would be up, because they are done every two years, so he would suggest not waiting. Mr. Yates said that when the new Codes do come, they could have a Committee review the Code before adoption. Mr. Fleming said that the International Code Council usually operates on a 3 to 5 year cycle. Mayor Jones said that Mr. Hanna usually comes to City Council when there is a new version.

John Champagne moved to appoint the Building Code Review Committee that would consist of Bill Simpson, Michael Ogorchock and Bryan Solomon to review the existing Building Codes, and amend as appropriate. Mr. Yates asked if the motion could include Glynn Fleming. John Champagne added Glynn Fleming and Rick Hanna to the Committee. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

10. Consideration and possible action regarding Notice of Termination of Joint Groundwater Reduction Plan Agreement with Montgomery County Utility District Nos. 3 and 4.

Mr. Fleming advised that in 2011, since the City did not have an alternate water source and in order to comply with Lone Star Groundwater Conservation District's (LSGCD) Regulatory Plan Phase II(B) the City opted to partner with Montgomery County Utility District Nos. 3 and 4 in a Joint Groundwater Reduction Plan (GRP).

In 2013, as planning and design, and ultimately construction of the alternate water source, Well No. 4, Catahoula Well, Mr. Fleming stated that at that time City staff submitted a revised GRP, with the intent of opting out of the current contractual obligation with the MUD's. Mr. Fleming said that the drop dead date for that agreement and the first date the City has the option of terminating that agreement is December 31 of this year. Mr. Fleming said that per the terms of the agreement, the City is required to provide a minimum of 90 days' notice.

Mr. Fleming said that he has put before City Council a draft termination letter, if City Council so chooses, that can be directed to Montgomery County Utility District Nos. 3 and 4 notifying them of the City's intent to terminate the GRP Agreement effective January 1, 2017. Mr. Fleming said that next year, the City would be their own GRP.

Dave McCorquodale asked what process MUD Nos. 3 & 4 would have to follow, and whether they would have to revise their GRP. Mr. Fleming said that this action will not affect them in any way, the City just will not remit payment to them for water drawn from the confined or regulated aquifers.

Rebecca Huss asked whether the City was obligated to establish a Board or administrative measure to make sure that we are staying within our usage of the alternate water source. Mr. Fleming said no, not at this time. Mr. Fleming said that City staff, Public Works and the Utility Operator and Engineering staff should be able to monitor the usage. Mayor Jones said that data is easily acquired. Mr. Fleming said that was correct, they track that information on a daily basis.

Rebecca Huss asked if something were to happen where they had to draw much less water from Well #4 for a month, would they pay fines to the State. Mr. Fleming said that if they came to that eventuality, then yes, you would pay a penalty to LSGCD. Mr. Fleming said that right now the City's permitted combined withdrawal from Wells 2 and 3 is about 68 million gallons. Mr. Fleming said that right now the City produces about 82 million gallons of water a year, with Well #4 providing the largest share.

Mayor Jones said that they also own a whole bunch of conversion credits that they could spend. Mr. Fleming said that they own a modest amount of conversion credits. Rebecca Huss asked if they get penalized on a month-to-month basis or would it be spread over the entire year. Mr. Fleming said that the figures are calculated on an annual calendar year basis.

Mayor Jones advised that the monies that are being collected for MUD's 3 and 4 will continue to be collected and go toward the water system. Mr. Yates said that during the budget process, City Council wanted to create a line item budget for water projects.

John Champagne asked Mr. Fleming, based on what he has witnessed, the City's option was to join the San Jacinto River Authority (SJRA) as opposed to doing what the City did, is the route that the City has taken, in his opinion, proven to be a prudent thing for the City. Mr. Fleming said that, professionally speaking, most definitely. The City's current GRP pass through is \$1.65 per thousand gallons, and the SJRA just recently raised their rate to \$2.50 per thousand gallons. Mr. Fleming said that the City was insulated from SJRA rate increases because of the joint GRP and if you decide to go on your own, you will be your own GRP provider.

Rebecca Huss moved to notify Montgomery County Utility Districts 3 and 4 of the termination of the Joint Groundwater Reduction Plan Agreement to be done by September 30, 2016 in order to make the December 31, 2016 termination deadline. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

Jon Bickford thanked staff for their work on this item. Mayor Jones said that this was a big milestone in the City's history.

11. Consideration and possible action regarding scheduling a Public Hearing as recommended by the Montgomery Capital Improvement Advisory Committee.

Mr. Yates advised that state law requires a minimum of 30 days advance notice of the public hearing on proposed land use assumptions in the capital improvements plan. Mr. Yates said that the Capital Improvements Advisory Committee was formed approximately two months ago to look into impact fees. Mr. Yates said that the Committee will be meeting again on October 7th and at that time they expect them to make a recommendation to the City Council. Mr. Yates said that because of the timing involved and the publishing dates, is the reason for recommending the public hearing date to be held on October 25, 2016 to hear the Committee's recommendations.

John Champagne moved to schedule the Public Hearing to hear the recommendations of the Capital Improvement Advisory Committee to be held on October 25, 2016 at 6 p.m. Jon Bickford 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.

12. Convene into Closed Executive Session pursuant to the Texas Open Meetings Act, Section 551.074 of the Texas Government Code, to conduct the City Administrator's Review.

Mayor Jones convened the meeting into Closed Executive Session at 6:40 p.m.

13. Reconvene into Open Session and take possible action resulting from deliberations made during Closed Executive Session.

Mayor Jones reconvened into Regular Session at 7:09 p.m.

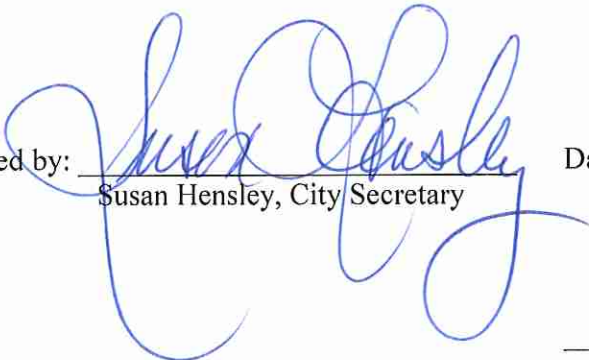
Rebecca Huss moved that based on this year's accomplishments, which the Mayor will discuss with Mr. Yates privately, to make a one-time annual adjustment of \$5,000 to be paid out of a separate pool of funds, effective October 1, 2016 in the new budget. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

COUNCIL INQUIRY:

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

ADJOURNMENT

Jon Bickford moved to adjourn the meeting at 7:10 p.m. John Champagne seconded the motion, the motion carried unanimously. (4-0)

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

Mayor Kirk Jones

Montgomery City Council
AGENDA REPORT

ITEM #2

Meeting Date: September 27, 2016	Budgeted Amount: N/A
Department:	
Prepared By: Jack Yates	Exhibits: Proclamation
Date Prepared: September 22, 2016	

Subject

Proclamation for "National Night Out"

Discussion

The Proclamation is self-explanatory. It connects the city's National Night Out with the National Association of Town Watch program.

Recommendation

Approve the Proclamation.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 22, 2016 Date:

PROCLAMATION

WHEREAS, the National Association of Town Watch (NATW) sponsors a national community-building campaign on October 4, 2016 entitled "National Night Out"; and

WHEREAS, the National Night Out event provides an opportunity for neighbors in The City of Montgomery to join 38 million people in over 16 thousand communities from all 50 states, U.S. territories, Canadian cities, and military bases worldwide; and

WHEREAS, National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, better places to live; and

WHEREAS, neighbors in The City of Montgomery assist the Montgomery Police Department through joint community-building efforts and support National Night Out 2016; and

WHEREAS, it is essential all neighbors of The City of Montgomery come together with police and work together to build a safer, better community.

NOW, THEREFORE, I, Mayor Kirk Jones, do hereby call upon all neighbors of the City of Montgomery to join the Montgomery Police Department and National Association of Town Watch in support for National Night Out on Tuesday, October 4, 2016

FURTHER, LET IT BE RESOLVED THAT, I, Mayor Kirk Jones, do hereby proclaim Tuesday, October 4, 2016 as "National Night Out" in The City of Montgomery.

Mayor Kirk Jones

Attest:

Susan Hensley, City Secretary

CITY ADMINISTRATOR REPORT

- Met with Planning Commission for one meeting
- Met with MEDC, kept minutes
- Attended Capital Improvement Committee meeting (Impact Fee group)
- Attended Texas Municipal League Regional Meeting
- Attended Rotary Club of Lake Conroe Memorial Park dinner

- Prepared, with a support of attorney, the PID tax roll for County Assessor

- With Committee of Susan Hensley, TJ Wilkerson, Glynn Fleming interviewed grant writers for possible use by the city

- Worked on implementing oversized load ordinance

- Worked on completion of preparation of 2016-2017 budget

- Met with city engineers several times regarding; plats, system management, upcoming projects, bridge improvements, developments, water/sewer rates, FEMA projects, cooperative meetings with Kroger building contractor,

- Met with several developers during the month regarding; Heritage Apartments, Kroger Development, Villages of Mia Lago, McCoy's Lumber, northeast corner of 105/Lone Star Parkway developer, southeast corner of 105/Lone Star Parkway developer, Hodge Podge new owner,

- Met with property owners regarding Lone Star Bend extension and Wade Street. Lone Star Bend is moving according to pre-construction steps. Awaiting legal descriptions so City Attorney can complete the necessary deeds/documents/Council process.

- Arranged to meet with citizens regarding adjustment to water/sewer rates

- Worked on dilapidated buildings – working with property owners to clean lots two buildings demolished.

- Coordinated with FEMA and State Emergency Management staff and city engineer regarding flood damage in the city and with FEMA..

- Worked with city engineer and financial advisor on the Texas Water Development Board financing application.
- Worked with contractor and staff regarding AMRS water billing process.
- Communicated, discussed various items with the Council during the month
- Continued work with city staff on virtually all realms of my activities.

Public Works

August 2016 Monthly Report

- Pothole repair demonstration at 900 Caroline by 7P Industries
- Installed drain for sidewalk at PD back door
- Replaced broken storm drain cover on McCown St.
- Disconnected water services and verified sewer tap size at Eva and Houston
- Wired new grounds on both crew trucks for dump trailer
- Completed more FEMA paperwork
- Fixed water leak on Burger Fresh service line
- Straightened rock on Flagship Blvd.
- Performed full grease job on backhoe
- Repaired water fitting on plate compactor
- Cleared fence line on roadway to Sewer Plant 2
- Cut ditches to grade at 186 Harley Dr.
- Set new electronic read hydrant meter at Fire Department
- Took grade shots for sewer tap on Caroline St.
- Fixed water leak behind 1 Powell Circle
- Reset 25 MPH sign on Lone Star Bend
- Performed asphalt patch at Burger Fresh from water leak repair
- Monthly weed patrol
- Monthly grease trap inspections
- Weekly mowing inspections
- Monthly door hangers and cut offs
- Daily utility line locates as necessary
- Weekly conference calls with Gulf Utility and Jones/Carter
- Monthly Public Works safety meetings
- 4 water taps
- 1 sewer tap
- 6 water leaks (4 in Memory Park)
- 0 sewer stop ups
- 2 sewer inspections

Parks and Recreation

- Replaced broken drinking fountain at Cedar Brake
- Sprayed for crazy ants at Memory Park
- Painted restroom doors at Cedar Brake and Homecoming Parks
- Fixed 4 leaks at Memory Park
- Picked up scrap debris from sidewalk job at Fernland Park
- Put crushed granite in low spots at Fernland Park walkways
- Fixed clogged drinking fountain at Community Center
- Fixed leaking toilet at Fernland Park
- Straightened gravel driveway at Fernland Park
- Fixed leak on fountain pump at Memory Park
- M/W/F cleanings of parks
- Continue Community Center rental inspections
- Monthly lighting and air filter checks

The docents at Fernland reported a total of 258 visitors for the month and provided 21 tours.

Prepared by:
Mike Muckleroy
Public Works Manager









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

**CITY OF MONTGOMERY
POLICE DEPARTMENT**

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

MONTGOMERY POLICE DEPARTMENT

MONTHLY REPORT

AUGUST 2016

MONTGOMERY POLICE DEPARTMENT REPORTS

During the month of May the Montgomery Police Department Police Department Patrol Officers generated 45 reports. The reports are as follows:

Warrant Arrest – August 1 – Officer Hernandez – 700 MLK

Fraud – August 1 – Officer Hernandez – 22800 HWY 105

FV Assault – August 1 – Officer Thompson – 19000 Minero Ln.

Fraud – August 1 – Officer Hernandez – 2500 Lone Star Parkway

Towed Vehicle / No DL / No Insurance – August 2 – Officer Carswell – 13900 Liberty St.

Motor Vehicle Accident – August 2 – Officer Carswell – 100 Lone Star Parkway

Criminal Trespass – August 2 – Officer Thompson – 1000 MLK

DWI – August 3 – Officer Thompson – 20800 Eva St.

Recovery of Stolen Motor Vehicle – August 3 – Officer Bauer – 700 Community Center Dr.

Criminal Mischief – August 3 – Officer Bauer – 300 Flagship Dr.

Warrant Arrest – August 5 – Officer Hernandez – 20800 Eva St.

Towed Vehicle / No DL / No Insurance – August 5 – Officer Thompson – 20000 HWY 105

Towed Vehicle / No DL / No Insurance – August 5 – Sgt. Rosario - 20500 Eva St.

Driving while License Invalid – August 6 – Officer Thompson – 2300 Lone Star Parkway

Towed Vehicle / No DL / No Insurance – August 6 – Officer Carswell – 300 Flagship Dr.

Driving while License Invalid – August 7 – Officer Carswell – 21900 Eva St.

FV Assault – August 7 – Officer Thompson – Powell Circle

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Burglary of Habitation – August 7 – Officer Hernandez – 900 MLK

Motor Vehicle Accident – August 10 – Officer Hernandez – 21100 Eva St.

Towed Vehicle / No DL / No Insurance – August 11 – Officer Thompson – 300 Flagship Dr.

Recovery of Stolen Motor Vehicle – August 12 – Officer Thompson – 21900 Eva St.

Warrant Arrest – August 15 – Officer Flores – 101 Old Plantersville Rd.

Warrant Arrest – August 15 – Officer Flores – 101 Old Plantersville Rd.

Fraud – August 15 – Officer Carswell – 14400 Liberty St.

Driving while License Invalid – August 15 – Officer Thompson – 15700 Liberty St.

Motor Vehicle Accident – August 16 – Officer Bauer – 19800 HWY 105

Driving while License Invalid – August 16 – Officer Thompson – 21900 Eva St.

Driving while License Invalid – August 16 – Officer Thompson – 105/McCaleb

Burglary of Motor Vehicle – August 17 – Officer Bauer – 21400 Eva St.

Burglary of Motor Vehicle – August 17 – Officer Bauer – 21400 Eva St.

Warrant Arrest – August 18 – Officer Bracht – 14400 Liberty St.

Tampering with Evidence – August 19 – Officer Thompson – 21100 Eva St.

Driving while License Invalid – August 20 – Officer Thompson – 20600 Eva St.

Driving while License Invalid – August 20 – Officer Thompson – 20800 Eva St.

Towed Vehicle / No DL / No Insurance – August 20 – Officer Carswell – 14200 Liberty St.

DWI – August 22 – Officer Thompson – 105/McCaleb

FV Assault – August 23 – Officer Thompson – 2500 Lone Star Parkway

Warrant Arrest – August 24 – Officer Carswell – 21100 Eva St.

Montgomery Birthplace of the Texas Flag

TEXAS

**CITY OF MONTGOMERY
POLICE DEPARTMENT**

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Motor Vehicle Accident – August 25 – Officer Hernandez – 20400 Eva St.

Driving while License Invalid – August 26 – Officer Thompson – 14200 Liberty St.

Disturbance Other – August 28 – Officer Bracht – 1000 Baja St.

Driving while License Invalid – August 29 – Officer Hernandez – 20800 Eva St.

Driving while License Invalid – August 29 – Officer Hernandez – 20200 Eva St.

Driving while License Invalid – August 29 – Officer Thompson – 20400 Eva St.

Driving while License Invalid – August 30 – Sgt. Rosario – 20500 Eva St.

MONTGOMERY POLICE DEPARTMENT NEWS:

Officer Flores attended a Verbal De-escalation seminar presented by Public Agency Training Council and hosted by Montgomery County Sheriff's Department.

Officers Rosario, Bauer, Thompson, Flores and Belmares attended a report writing for effective courtroom testimony seminar hosted by the City of Montgomery Police Department. The training seminar was free and open to all agencies to attend. Training was provided by Texas Law Shield.

Officer Carswell obtained his Drug Recognition Expert certification. The course trains the candidate law enforcement officers as (DREs) through a three-phase training curriculum that includes drug recognition pre-school, drug recognition expert school and drug field certification. Once trained and certified, DREs become highly effective officers skilled in the detection and identification of a person impaired or affected by alcohol and/or drugs. This skill set is most commonly used when interacting with impaired drivers on our roadways. The training used in conjunction with a blood draw and or breath sample for a blood alcohol content (BAC) helps solidify the officer court cases for prosecution.

Montgomery Birthplace of the Texas Flag
TEXAS

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**CITY OF MONTGOMERY
POLICE DEPARTMENT**

Office: (936) 597-6866
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ARRESTS/CHARGES:

Misdemeanor - 32

Felony – 1

TRAFFIC ENFORCEMENT:

324 - Citations Issued

213 – Warnings Issued

Prepared by:

Lt. Joe Belmares Unit 1601

Montgomery Police Department

101 Old Plantersville Rd.

Montgomery TX, 77356

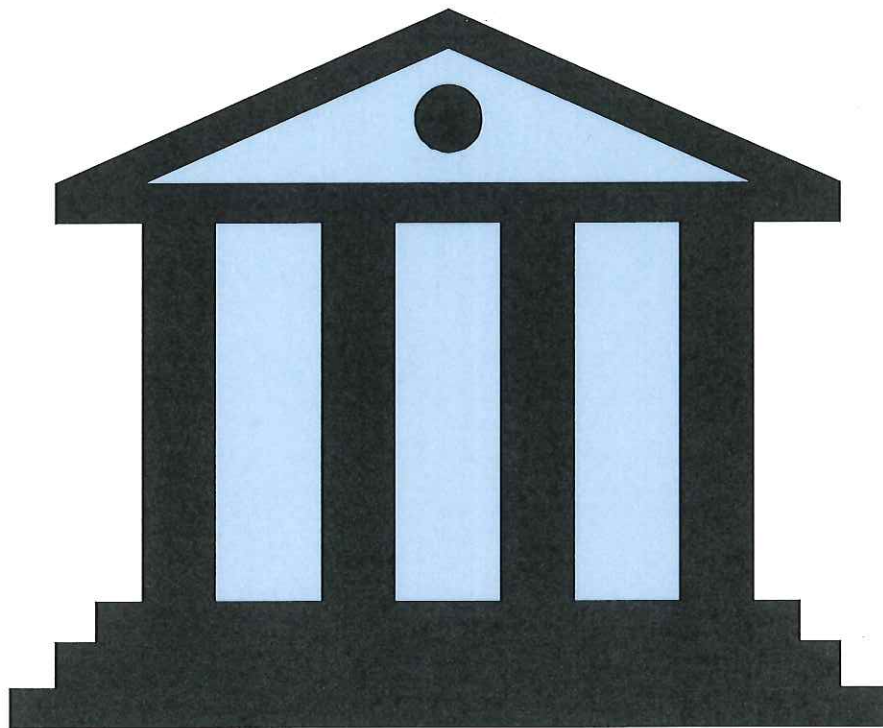
936-537-1430

jbelmares@ci.montgomery.tx.us

Municipal Court-Monthly Report

August 2016

9/6/2016
Becky Lehn
Court Administrator



Montgomery Municipal Court Monthly Report

August 2016

REVENUE Category	CURRENT	YEAR TO DATE October 1, 2015
<i>Total Cases Filed</i>	324	3355
Deposit – City	\$29,162.03	\$347,739.19
Deposit - State	\$16,695.05	\$219,783.29
Deposit - OMNI	\$233.37	\$1,434.59
Child Safety Fund	\$150.00	\$1,419.37
Judicial Efficiency	\$146.57	\$2,078.83
Court Tech Fund	\$834.01	\$11,088.06
Court Bldg. Security Fund	\$621.33	\$8,294.21
Collection Agency	\$5,080.81	\$22,103.73
<i>Total</i>	\$52,923.17	\$613,941.27

Created By: Becky Lehn
Court Administrator
September 6, 2016



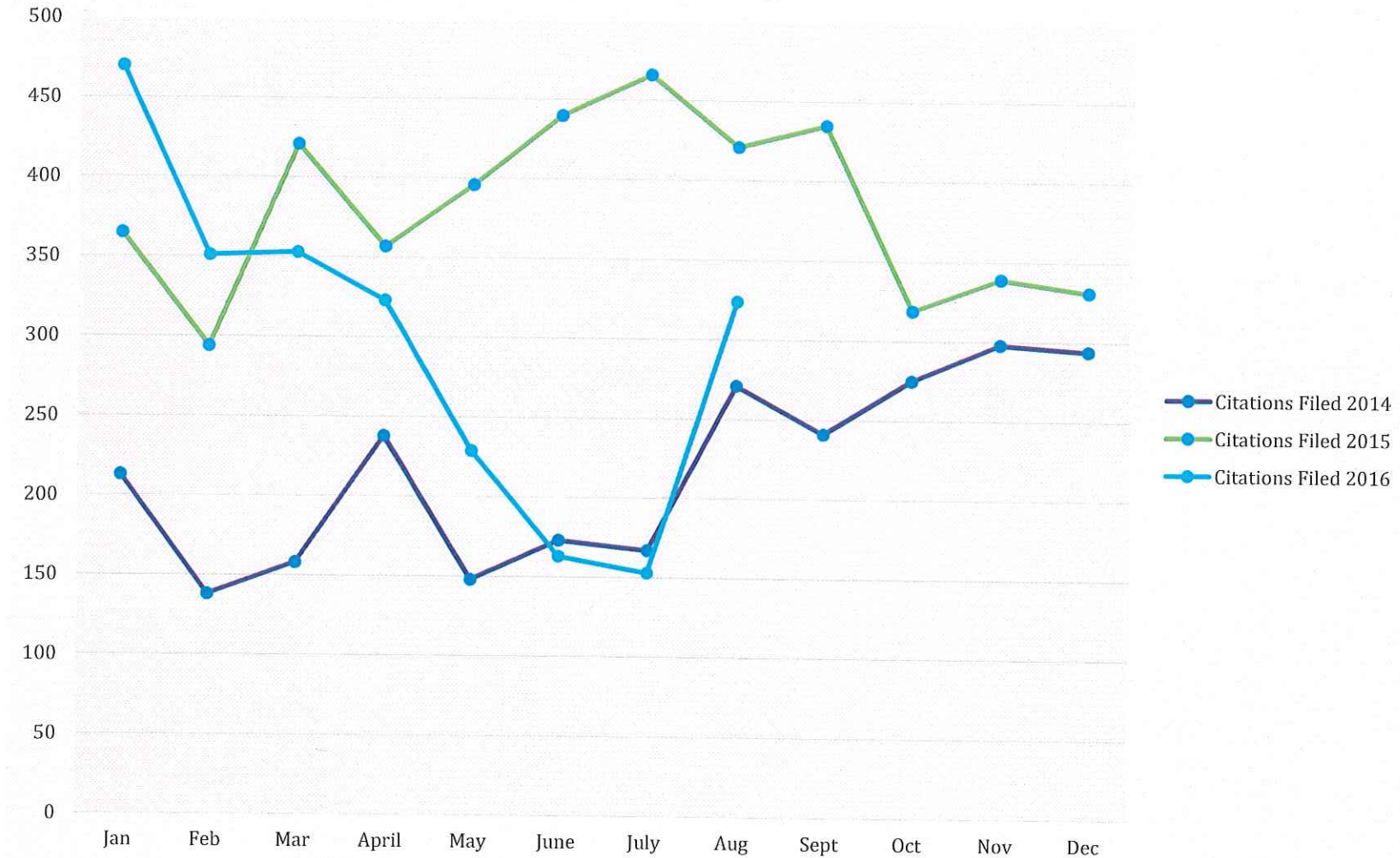
Comparison Chart

Citations/Warrants/Revenue January 2014 - Present

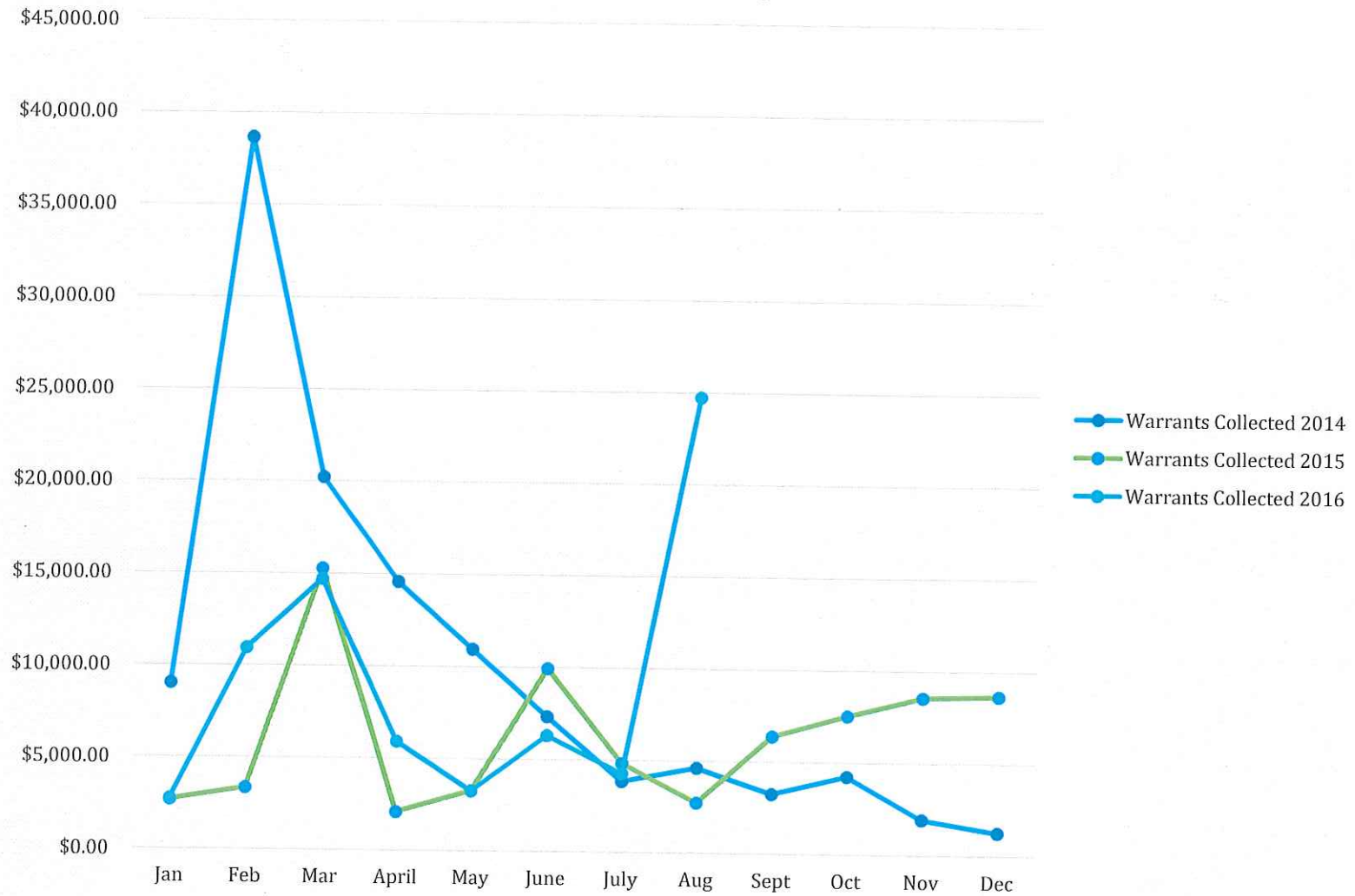
	<u>Citations Filed</u>			<u>Warrants Collected</u>			<u>Total Revenue Collected</u>		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
<i>Jan</i>	213	365	470	\$9,060.80	\$2,708.90	\$2,762.37	\$29,388.10	\$44,544.59	\$44,702.82
<i>Feb</i>	138	294	351	\$38,679.28	\$3,362.90	\$10,976.60	\$64,299.13	\$56,555.03	\$67,466.54
<i>Mar</i>	158	421	353	\$20,260.43	\$15,303.54	\$14,732.43	\$44,481.53	\$63,838.40	\$86,201.43
<i>April</i>	238	357	323	\$14,613.61	\$2,106.50	\$5,940.80	\$40,156.21	\$56,577.20	\$59,388.14
<i>May</i>	148	396	229	\$10,987.28	\$3,286.10	\$3,279.10	\$36,115.98	\$48,760.60	\$50,854.90
<i>June</i>	173	440	163	\$7,354.48	\$9,972.20	\$6,336.57	\$25,471.74	\$67,656.40	\$41,238.67
<i>July</i>	167	466	153	\$3,870.40	\$4,858.20	\$4,291.87	\$29,451.41	\$64,193.80	\$42,990.97
<i>Aug</i>	271	421	324	\$4,651.40	\$2,740.40	\$24,756.07	\$29,328.47	\$47,484.40	\$52,923.17
<i>Sept</i>	241	435		\$3,267.40	\$6,399.30		\$31,878.10	\$61,912.50	
<i>Oct</i>	275	319		\$4,257.80	\$7,550.70		\$31,657.00	\$63,688.50	
<i>Nov</i>	298	339		\$1,948.40	\$8,581.07		\$30,271.30	\$51,170.47	
<i>Dec</i>	294	331		\$1,270.00	\$8,675.20		\$38,855.10	\$53,315.66	
Totals	2164	2402	2366	\$120,221.28	\$75,545.01	\$73,075.81	\$431,354.07	\$679,697.55	\$445,766.64

Becky Lehn
 Court Administrator
 09/06/2016

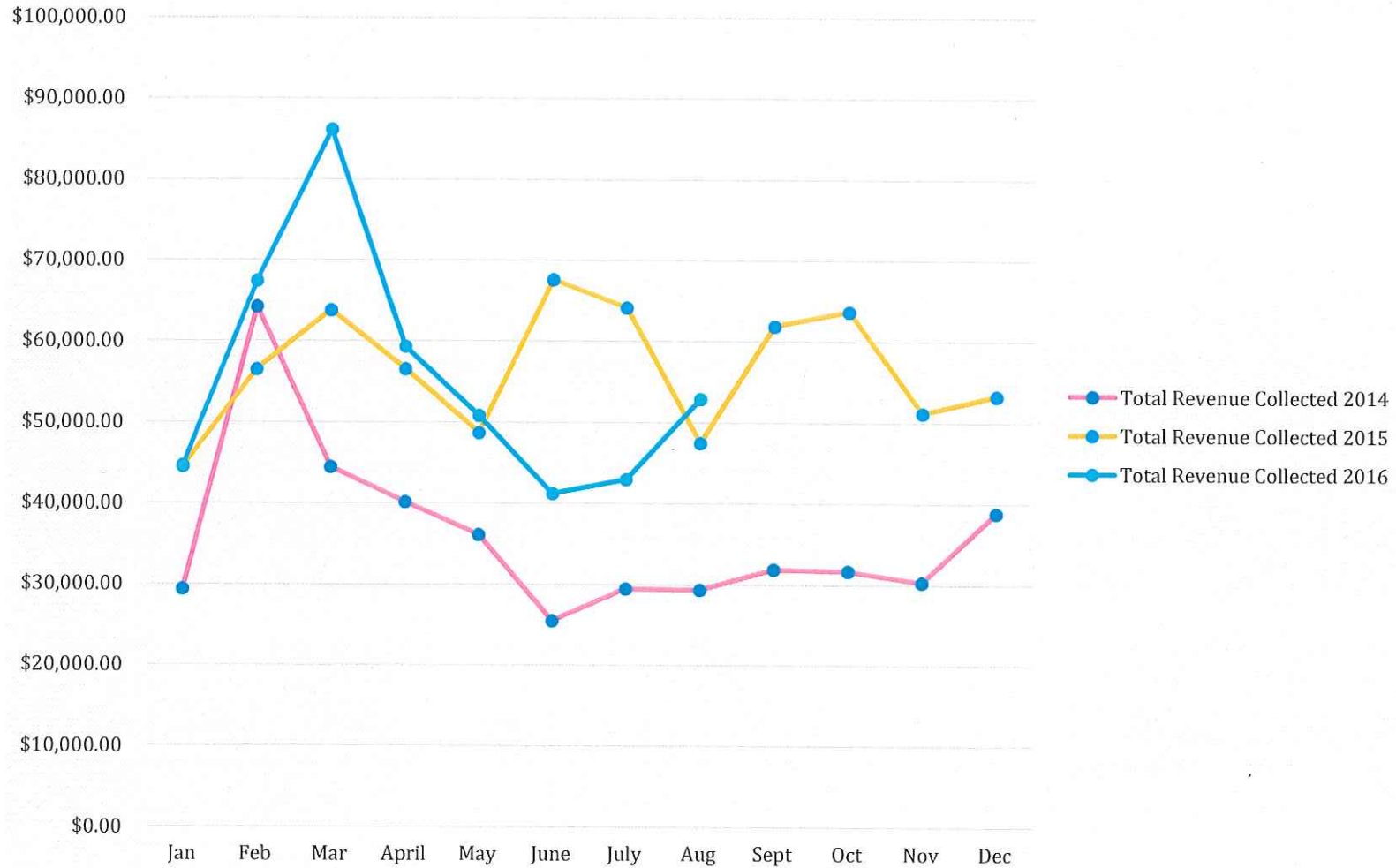
Citations Filed Yearly Comparison



Warrants Collected Yearly Comparison



Total Revenue Collected Yearly Comparison



UTILITY / PERMITS REPORTS – MONTHLY

Created by Ashley Slaughter

August 2016 Report



UTILITY / DEVELOPMENT PERMIT REPORTS – AUGUST 2016

TOTAL REVENUE SNAPSHOT

Utilities	\$90,618.75
Permits	\$5,493.96
Community Building	\$515.00

UTILITIES

UTILITY ACCOUNT TOTALS

New Water Accounts	12
Disconnected Water Accounts	6
Total number of Active Accounts	556
Number of Idle Services	13
Total Number of Accounts Cutoff	6

NOTE: Update on new meter system intergration. Incode had an error in their code which prevented the meter reads to port over completely. Met with Caleb from Accurate to identify the issue, then called into Incode to have issue fixed. After testing, it appears that this has been fixed.

CITY ACCOUNT CONSUMPTION

City Venue	June 2016	July 2016	August 2016
Community Building - Irrigation	5	8	13
Community Building	4	1	1
City Cemetary	0	0	0
City Welcome Sign Irrigation at HWY 105 & Prairie – Rose Garden	0	0	0
North Liberty Sewer Plant	0	0	0
Cedar Break Park Statute Sprinkler	3	5	2
Cedar Break Park Restrooms	3	10	10
Fernland	11	12	9
Memory Park	72	338	207
Community Building Stage Irrigation – Rose Garden	0	0	0
City Hall & Irrigation	11	42	28
Homecoming Park Restrooms	0	2	1
Homecoming Park Drinking Fountain	0	1	1
Buffalo Springs Sewer Plant	194	186	130

Notes:

- Included three months' worth of data for comparison and ease in tracking.

WATER FLUSHING CONSUMPTION

Fire Dept – 4,000 gallons

PERMITS

Type	Number of Permits	Revenue
Building - Residential	1	\$1,026.00
Building - Commercial	1	\$540.00
Building - Pool	2	\$576.00
Building – Misc.	5	\$352.26
Electrical	9	\$661.00
Mechanical	4	\$472.00
Plumbing	10	\$1,266.70
Sign	12	\$600.00
Total:	44	\$5,493.96

COMMUNITY BUILDING – AUGUST

Type of Rental	# of Bookings	Revenue
Profit	4	\$515.00
Non - Profit	4	\$0.00
Amount collected after full or partial loss of deposit	0	\$0.00

Created by Ashley Slaughter
September 20, 2016



GULF UTILITY
SERVICE, INC.
281-355-1312

City of Montgomery

Operations Report

07/18/16-8/17/16

TAP

INTO

TECHNOLOGY

Dear City of Montgomery Council Members:

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

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

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

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

Michael Williams
Senior Area Manager
Gulf Utility Service

SUMMARY OF OPERATIONS

District Alerts

7-23-16 Water Plant 3-Well 4 Fail to Prime

We responded to an auto dialer call out for well 4 fail to prime. The reason for trip was found to be a power imbalance. The operator tested well 4 and found the imbalance in normal range. Well 4 was placed back into service.

8-2-16 WWTP-Blower amp surge

We responded to a blower amp surge alarm. The operator found blower 2 unable to run. After further investigation the controller was found not to be working and needs replacement. A quote from NTS was approved by city staff and we are waiting for the controller to be changed out.

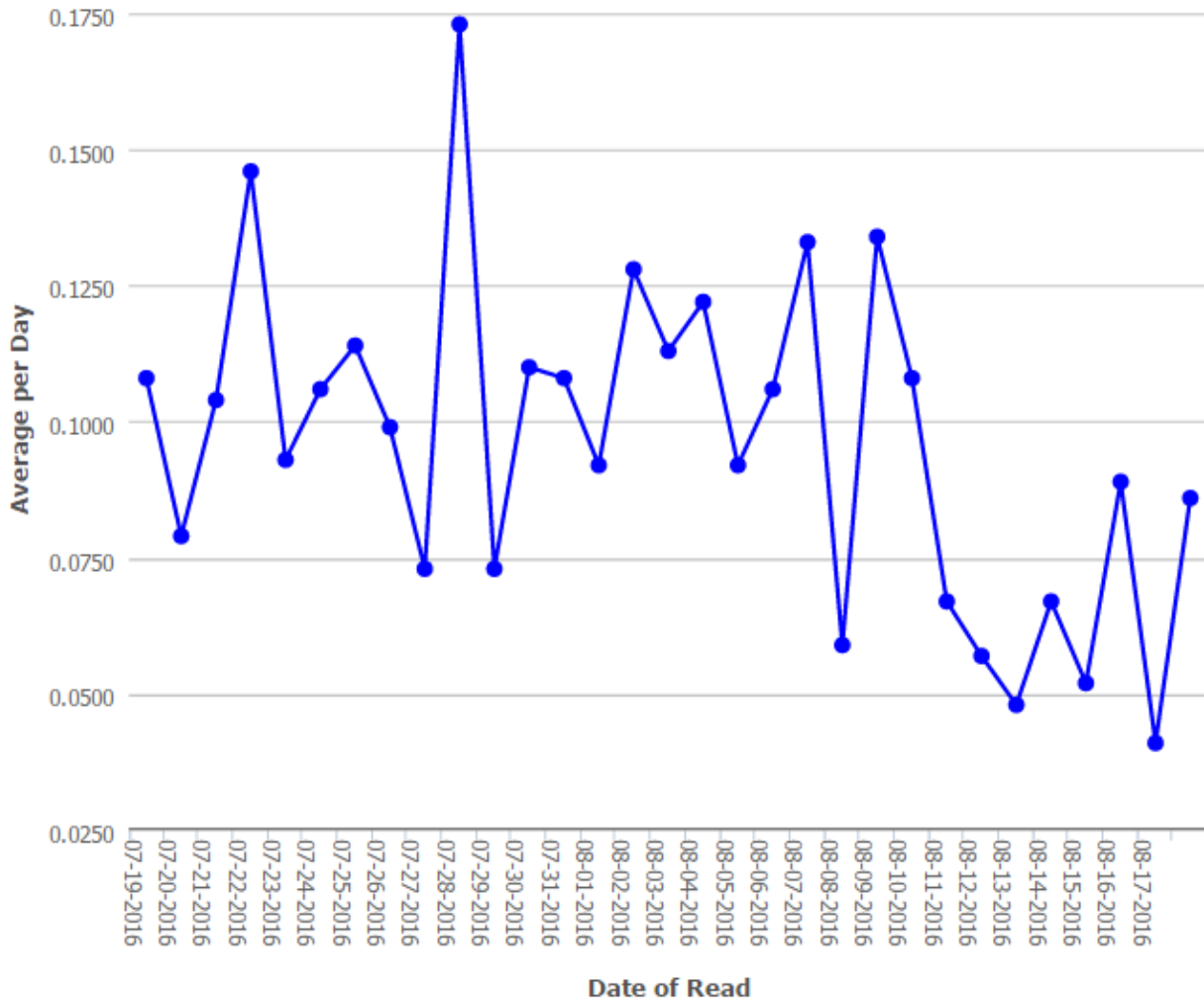
8-10-16 Water Plant 3-Water leak on HPT 1

The operator found a water leak on top of hpt #1 and booster pumps short cycling. The leak was found to be on the sensor line that had drained all the air out of the hydro pneumatic tanks causing the booster pumps to short cycle. The plant was taken offline during the duration of repairs. The operator made repairs the same day but found the air compressor would not turn on in auto. The electrical problem was referred to NTS for further diagnosis and found the probes need to be replaced.

8-14-16 Lift Station 2-High wet well

We responded to a high wet well alarm call out. The operator found the wet well in normal level upon arrival. The alarm was likely due to rain in the area. The alarm was reset and monitored.

OPERATIONS DETAIL



- Flow for the month of July was 2,980,000 gallons
- Daily peak flow July 28, 2016 was 173,000 gallons (.173 MGD)
 - 43% of permitted value
- Average Daily Flow 96,000 gallons (.096 MGD)
 - 24% of permitted value

*Average per day is a non-weighted average.

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

WATER DISTRIBUTION AND MONITORING

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

Flushing

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

COLLECTION SYSTEM

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

WASTEWATER TREATMENT PLANT

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

Permit Information – Stewart Creek

The current permit expires 06/01/2017

Discharge Limitations

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

Lab results

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


Aeration

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

Effluent

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

Buffalo Springs WWTP Effluent Monitoring Report

Effluent Permitted Values	Parameter		Measured	Excursion
Average Monthly T.S.S.	15	MGD	3.32	no
Average Monthly NH3	2	mg/l	1.92	no
Minimal CL2 Residual	1	mg/l	1.01	no
Max CL2 Residual	4	mg/l	3.70	no
Rainfall for the Month			5.16	inches

There were no excursions for the month of August



Water Report

07/18/2016 – 08/18/2015

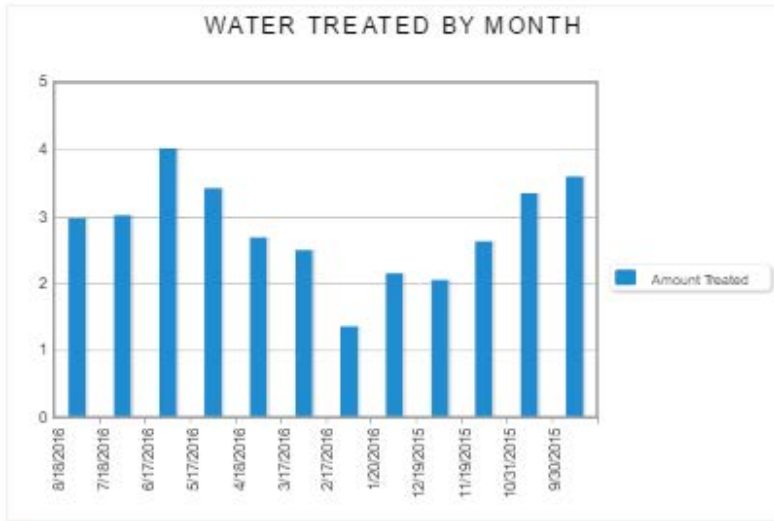
Well Name	City Recorded	GULF Recorded	% of Total	Rating g/Day	g/pMonth
Well 2	0.304	0.304	02.5%	0.864	25.92
Well 3	3.482	3.482	28.0%	0.864	25.92
Well 4	8.646	8.646	69.5%	2.160	64.80
Total	12.432	12.432	100.00%	3.888	116.64
Flushing	.466	.466			
Subtotal	11.966	11.966			
Sold	11.315	11.315			
Percentage Accounted	95%	95%			

Well Run Times

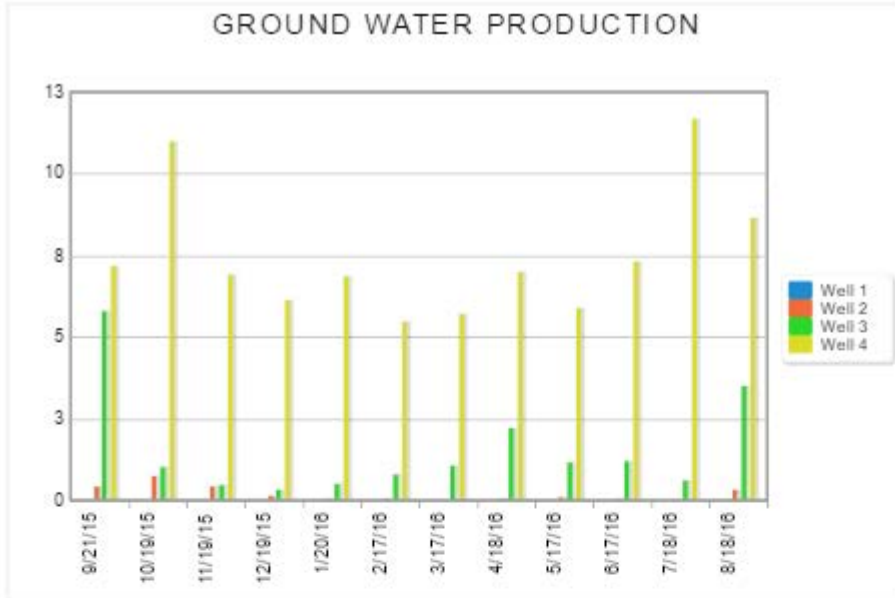
Well Name	Total Hrs	% Total	Peak Day
2	1.1	.5%	08/12/2016
3	104.9	49.2%	08/02/2016
4	107.4	50.3%	07/23/2016
Total	213.4	100%	

WATER PRODUCTION

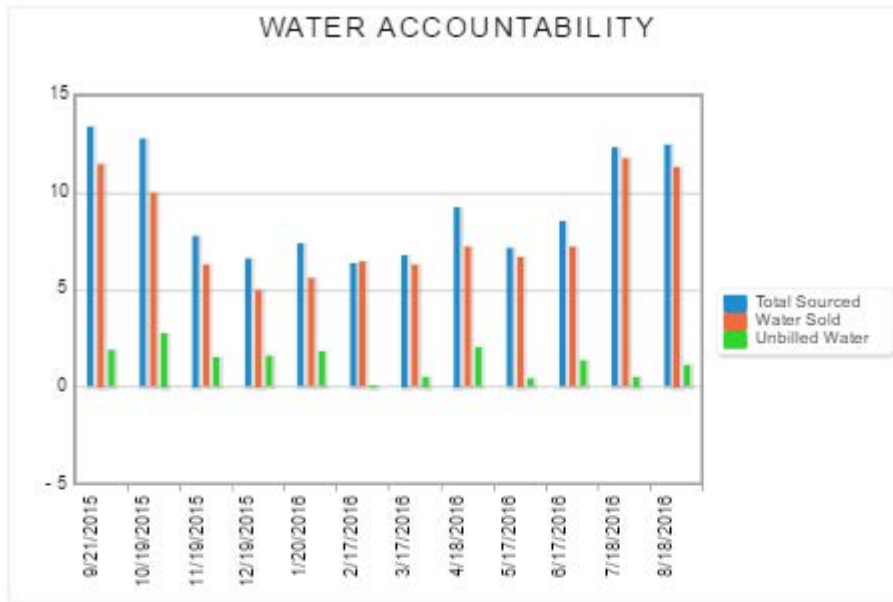
Connections	
School	7
Commercial Inside	90
Commercial Outside	1
Residential Inside	383
Residential Outside	24
Church	10
City	16
Hydrant	5
Irrigation	49
Total	585



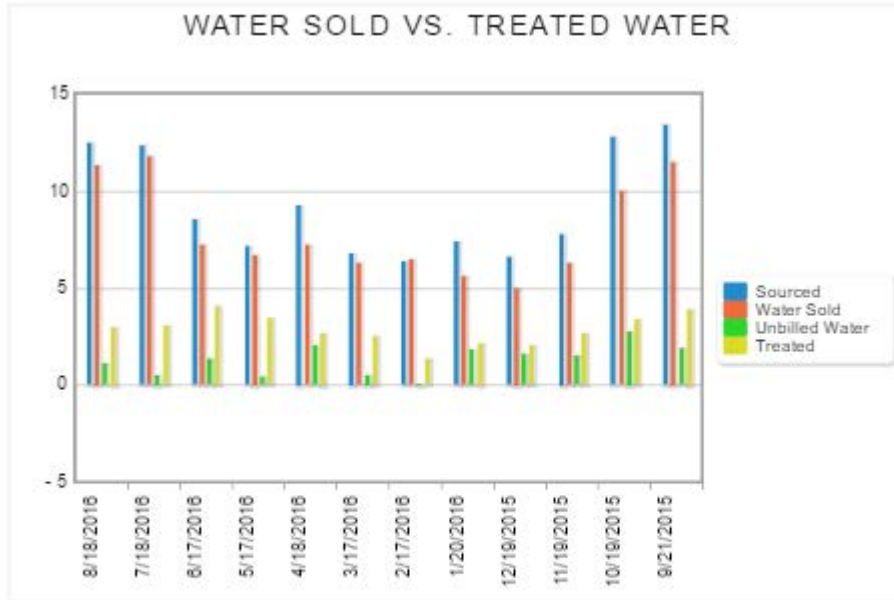
MONTH ▼	FLOW	RAIN (INCHES)
8/18/16	2,990	5.160
7/18/16	3,012	3.940
6/17/16	4,021	5.670
5/17/16	3,409	14.500
4/18/16	2,678	7.500
3/17/16	2,494	8.500
2/17/16	1,343	2.500
1/20/16	2,136	1.500
12/19/15	2,044	6.250
11/19/15	2,626	8.250
10/31/15	3,335	6.750
9/30/15	3,596	3.750
8/31/15	3,619	3.500
7/31/15	3,213	0.000
6/30/15	3,596	2.500
5/31/15	4,296	8.000
4/30/15	2,497	11.000
3/31/15	2,929	6.250
2/28/15	1,698	1.600



DATE ▼	TOTAL	WELL 1	WELL 2	WELL 3	WELL 4
AVG	9.203	0.000	0.190	1.545	7.468
8/18/16	12.432	0.000	0.304	3.482	8.646
7/18/16	12.284	0.000	0.013	0.577	11.694
6/17/16	8.522	0.000	0.026	1.179	7.317
5/17/16	7.107	0.000	0.073	1.137	5.897
4/18/16	9.247	0.000	0.062	2.193	6.992
3/17/16	6.769	0.000	0.005	1.077	5.687
2/17/16	6.313	0.000	0.055	0.796	5.462
1/20/16	7.355	0.000	0.030	0.499	6.826
12/19/15	6.579	0.000	0.160	0.325	6.094
11/19/15	7.763	0.000	0.415	0.467	6.881
10/19/15	12.723	0.000	0.719	1.033	10.971
9/21/15	13.341	0.000	0.415	5.776	7.150
TOTAL	110.435	0.000	2.277	18.541	89.617



DATE ▼	TOTAL SOURCED	WATER SOLD	UNBILLED WATER	FLUSHING/LEAKS	UNACCOUNTED	ACCTBLTY
8/18/16	12.432	11.315	1.117	0.466	0.651	95%
7/18/16	12.284	11.764	0.520	0.225	0.295	98%
6/17/16	8.522	7.194	1.328	1.199	0.129	98%
5/17/16	7.107	6.686	0.421	0.380	0.041	99%
4/18/16	9.247	7.218	2.029	1.565	0.464	95%
3/17/16	6.769	6.265	0.504	0.231	0.273	96%
2/17/16	6.313	6.398	- 0.085	0.325	- 0.410	106%
1/20/16	7.355	5.551	1.804	0.055	1.749	76%
12/19/15	6.579	4.997	1.582	0.000	1.582	76%
11/19/15	7.763	6.279	1.484	0.137	1.347	83%
10/19/15	12.723	9.965	2.758	0.000	2.758	78%
9/21/15	13.341	11.476	1.865	0.000	1.865	86%



DATE ▼	SOURCED	WATER SOLD	UNBILLED WATER	TREATED WATER	RETURN %	RAIN
8/18/16	12.432	11.315	1.117	2.98	26%	5.160
7/18/16	12.284	11.764	0.520	3.012	26%	3.940
6/17/16	8.522	7.194	1.328	4.021	58%	5.670
5/17/16	7.107	6.686	0.421	3.409	51%	14.500
4/18/16	9.247	7.218	2.029	2.678	37%	7.500
3/17/16	6.769	6.265	0.504	2.494	40%	8.500
2/17/16	6.313	6.398	- 0.085	1.343	21%	2.500
1/20/16	7.355	5.551	1.804	2.136	38%	1.500
12/19/15	6.579	4.997	1.582	2.044	41%	6.250
11/19/15	7.763	6.279	1.484	2.626	42%	8.250
10/19/15	12.723	9.965	2.758	3.33	33%	6.750
9/21/15	13.341	11.476	1.865	3.902	34%	4.500

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



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

September 23, 2016

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

Re: Engineering Report
Council Meeting: September 27, 2016
City of Montgomery

Dear Mayor and Council:

The following information summarizes our activities on your behalf since the August 23, 2016 Council Meeting:

Status of Previously Authorized Projects:

a) Impact Fee Analysis

We conducted the initial meeting of the Impact Fee Advisory Committee on September 2nd where we presented the draft report, calculations, and land use assumptions. We are scheduled to reconvene on October 7th in order to receive Committee comments, with the intent of presenting the final report, calculations, and land use assumptions for your consideration at the Public Hearing to be held on October 25th.

b) Joint Mobility Study

Initial phases of the Joint Mobility Study are now underway. In the coming weeks CJ Hench & Associates will be installing cameras and road tubes at various locations throughout the city in order to obtain both 24-hour and peak hour traffic counts.

c) TPDES Wastewater Treatment Plant Permit Renewals

We are underway with preparation of the permit renewals for both the Town Creek and Stewart Creek plants. The anticipated timeline for submission is approximately 30-45 days.

d) Texas Capital Fund Grant (Kroger)

Key Construction is continuing with work on the Kroger building and the Reserve A outparcel, and on-site Private utility construction is nearing completion. Key Construction recently returned executed contracts for the public infrastructure project which are currently being circulated for City review and execution. The pre-construction meeting will be held on October 5th and we expect to issue a Notice to Proceed at that time. Recall, this will be a 120-day contract period for construction of the water, sanitary sewer, drainage, and paving to serve Phase I of the shopping center development.

Status of Previously Authorized Projects (cont.):**e) Texas Capital Fund Grant (Pizza Shack)**

Construction plans for the public utility extension to serve the development are being revised and finalized based upon the most recent drawing submission received from the proposed commercial parcel to be located on the northeast corner of SH-105 and Lone Star Parkway (SH-105 Retail Center). We expect to advertise the project for bids in early to mid-October.

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

Recall, construction drawings were approved by the TCEQ on May 19th, and the project is complete and ready to be advertised for bids. We are prepared to proceed with bidding and construction upon allocation of funding for the project. Recall this project includes the installation of additional piping, valves, and electrical controls to backfill the ground storage tank at Water Plant No. 2 from the existing distribution system.

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

Completion of this project will remain on hold indefinitely while the bridge damage and adjacent slope stability issues are addressed. However, we looking at additional options to serve the SH-105 & Lone Star Parkway corridor with a looped waterline.

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

- i. **Heritage Place Medical Center** – We received a revised submission on September 14th and expect to return review comments and/or Staff approval within the week.
- ii. **Heritage Plaza, Phase II** – We returned review comments on July 22, 2015 and are currently awaiting revised drawings. The Developer has indicated they are revising the proposed Phase II expansion into separate Phases II and III
- iii. **SH-105 Retail Center** – We received a revised submission on September 16th and are prepared to return approved drawings upon receiving approval by the Planning & Zoning Commission and City Council.

Agenda Item No. 12 – Consideration and possible action regarding approval of Final Plat submission and accompanying construction plans for SH-105 retail center.



a) Plan Reviews (cont.):

- iv. **Villas of Mia Lago, Section Two** – We received a revised submission on September 6th and are prepared to return review comments pending Planning and Zoning Commission and Council consideration of submitted variance requests.

***Agenda Item No. 11** – Consideration and possible action regarding requested variances for the proposed Villas of Mia Lago, Section Two development as follows:*

- a) Variance from required minimum lot width of 75 feet; and*
- b) Variance from required minimum lot area of 9,000 square feet; and*
- c) Variance from required minimum side yard setback of 10 feet to 5 feet.*

b) Plat Reviews

- i. **SH-105 Retail Center (Final Plat)** – We received a revised submission on September 16th and are prepared to return approved drawings upon receiving approval by the Planning & Zoning Commission and City Council.

***Agenda Item No. 12** – Consideration and possible action regarding approval of Final Plat submission and accompanying construction plans for SH-105 retail center.*

Meetings and Ongoing Activities:

- a) Buffalo Springs Bridge** – As previously reported we have contacted the Natural Resources Conservation Service regarding the disposition of the canal and are awaiting directive regarding possible assistance with dredging activities; and Modular Gabion Systems is finalizing a preliminary cost estimate and design proposal for remediation of the bridge abutments and adjacent slopes utilizing gabion baskets. On September 8th we met on-site with representatives from Lindsey Construction who is now finalizing a similar estimate and proposal utilizing sheet pile structure. Additionally, we are awaiting a proposal from Terracon Consultants, Inc. for preliminary geotechnical investigative services, and we are preparing to proceed with preliminary topographic survey of the roadside ditches, side slopes, and bridge approaches in order to facilitate preliminary drainage design.
- b) Hills of Town Creek, Section Two** – Cooley Construction has mobilized and is underway with clearing and grubbing activities. Recall this is the first of two phases for a 100 lot single family residential development located northeast of the intersection of SH-105 and Lone Star Parkway West.
- c) Kroger Civil Site Construction, Progress Meetings** – We continue to hold bi-monthly coordination meetings with Key Construction. Our understanding is Kroger has revised their proposed opening date to March 2017.

**Meetings and Ongoing Activities (cont.):**

- d) **Lake Creek Village, Section Two** – Utility and paving construction is complete and we conducted an initial inspection on September 20th. The Contractor is currently addressing the resulting punch list items and the Developer has indicated the Final Plat will be submitted for Planning and Zoning Commission and Council approval in October.
- e) **Lone Star Bend Extension** – As previously reported, we have completed initial survey and staking of the approximately 20'x80' portion of Restricted Reserve "A" situated within Block 2 of Grandview, Section One and delivered a completed legal description to the County Engineer's office. Montgomery County has issued a purchase order for engineering design of the proposed roadway, and we expect to hold an internal kick-off meeting on September 26th prior to commencing with full site survey and preliminary phase design.
- f) **Lone Star Parkway (East) Improvements** – Montgomery County has issued a purchase order for engineering design of proposed improvements to Lone Star Parkway east including the addition of a dedicated center turn lane to serve the Kroger development, dedicated turn lanes at the Buffalo Springs and Plez Morgan intersections, and possible improvements to the right turn lane from SH-105 onto Lone Star Parkway. We expect to hold an internal kick-off meeting on September 26th prior to commencing with full site survey and preliminary phase design.
- g) **Terra Vista, Section One** – Construction of water and sanitary sewer is complete. We noted no progress on paving construction and minimal progress on drainage construction during the month. On July 12th the Developer stated his intent was to achieve substantial completion and request a final inspection within the 30-45 days.
- h) **Texas Water Development Board, Capital Project Funding** – On September 16th we received two Funding Determination Letters indicating both of the proposed Drinking Water project applications are deemed eligible to receive loan funding and are proceeding with the technical review phase of the application process. Recall the proposed projects are Water Plant No.3 improvements and SH-105 waterline improvements (CP Nos. 3 and 9 as identified in the Water System Analysis and Master Plan). The two Clean Water project applications are still pending eligibility determination.
- i) **Waterstone, Section Two** – Construction of water and sanitary sewer is complete. The Contractor is continuing to address paving failures which occurred during the April rain events.
- j) **Weekly Operations Conference Call** – We continue hosting a weekly conference call with representatives from Gulf Utility Service, Inc. and the City Staff. Items of note discussed during the previous month included installation of a proposed reclaimed water system at the Stewart Creek WWTP, upcoming one-year inspections at Lake Creek Village, Section One and the Montgomery Summit Business Park, completion of the AMR conversion, and potential warranty repair of Cooling Tower Fan Motor No.1 at Water Plant No. 3.

Meetings and Ongoing Activities (cont.):

- k) **West Side at the Park** –The Developer’s Engineer has submitted drawings indicating a desire to modify the planned drainage improvements which the City approved in July 2014. A memo regarding the proposed modifications accompanies Agenda Item No. 13.

***Agenda Item No. 13** – Consideration and possible action regarding proposed revisions to previously City approved construction drawings for West Side at the Park development.*

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

Sincerely,



Ed Shackelford, P.E.
Engineer for the City

EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2016\Engineer's Reports\Engineer's Report 9-27-2016.docx

Enclosures: N/A

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

CITY OF MONTGOMERY
ACCOUNT BALANCES
For Meeting of September 27, 2016

	<u>CHECKING ACCT BALANCES</u>	<u>PRIOR MONTH END INVESTMENTS</u>	<u>TOTAL FUNDS AVAILABLE</u>
<u>GENERAL FUNDS</u>			
OPERATING FUND #1017375	\$ 332,032.51		\$ 332,032.51
TEMP GRANT FUNDS - COPS UNIVERSAL #103289E	\$ 10.00		\$ 10.00
ESCROW FUND #1025873	\$ -		\$ -
PARK FUND #7014236	\$ -		\$ -
POLICE DRUG & MISC FUND #1025675	\$ 10,675.64		\$ 10,675.64
INVESTMENTS - GENERAL FUND		\$ 300,000.00	\$ 300,000.00
TEXPOOL - GENERAL FUND # 00003		\$ 203,097.43	\$ 203,097.43
TEXPOOL - RESERVE FUND # 00005		\$ -	\$ -
TOTAL GENERAL FUND	\$ 342,718.15	\$ 503,097.43	\$ 845,815.58
<u>CONSTRUCTION FUND</u>			
BUILDING FUND #1058528	\$ -		\$ -
CONSTRUCTION ACCOUNT #1058544	\$ 1,008.08		\$ 1,008.08
TEXPOOL - CONST # 00009		\$ 1,567.48	\$ 1,567.48
INVESTMENTS - CONSTRUCTION		\$ -	\$ -
TOTAL CONSTRUCTION FUND	\$ 1,008.08	\$ 1,567.48	\$ 2,575.56
<u>DEBT SERVICE FUND</u>			
DEBT SERVICE FUND #7024730	\$ 63,908.93		\$ 63,908.93
TEXPOOL DEBT SERVICE # 00008	\$ -	\$ 24,233.79	\$ 24,233.79
TOTAL DEBT SERVICE FUND	\$ 63,908.93	\$ 24,233.79	\$ 88,142.72
<u>COURT SECURITY FUND</u> #1058361	\$ 17,205.72	\$ -	\$ 17,205.72
<u>COURT TECHNICAL FUND</u> #1058361	\$ 17,266.27	\$ -	\$ 17,266.27
<u>GRANT FUND</u>			
HOME GRANT ACCOUNT #1059104	\$ 10.00		\$ 10.00
GRANT ACCOUNT #1048479	\$ 287.74		\$ 287.74
TOTAL GRANT FUND	\$ 297.74	\$ -	\$ 297.74
<u>HOTEL OCCUPANCY TAX FUND</u> #1025253	\$ 9,399.90	\$ -	\$ 9,399.90
<u>MEDC</u>			
CHECKING ACCOUNT #1017938	\$ 394,966.54		\$ 394,966.54
TEXPOOL - MEDC # 00003		\$ 233,390.96	\$ 233,390.96
INVESTMENTS - MEDC		\$ 100,000.00	\$ 100,000.00
TOTAL MEDC	\$ 394,966.54	\$ 333,390.96	\$ 728,357.50
<u>POLICE ASSET FORFEITURES</u> #1047745	\$ 4,272.25		\$ 4,272.25
<u>UTILITY FUND</u>			
UTILITY FUND #1017383	\$ 110,204.46		\$ 110,204.46
CUSTOMER DEPOSITS FUND #1017417	\$ -		\$ -
WATER WORKS & SAN SEWER #7013840	\$ -		\$ -
TEXPOOL - UTILITY FUND # 00002		\$ 17,858.58	\$ 17,858.58
TOTAL UTILITY FUND	\$ 110,204.46	\$ 17,858.58	\$ 128,063.04
TOTAL ALL FUNDS	\$ 961,248.04	\$ 880,148.24	\$ 1,841,396.28
INVESTMENTS			
TEXPOOL - GENERAL FUND			\$ 203,097.43
INVESTMENTS - GENERAL FUND			\$ 300,000.00
TEXPOOL - CONST # 00009			\$ 1,567.48
TEXPOOL - DEBT SERVICE # 00008			\$ 24,233.79
TEXPOOL - MEDC			\$ 233,390.96
INVESTMENTS - MEDC			\$ 100,000.00
TEXPOOL - UTILITY			\$ 17,858.58
TOTAL ALL INVESTMENTS			\$ 880,148.24



MUNICIPAL ACCOUNTS
& CONSULTING, L.P.

City of Montgomery

Bookkeeper's Report

September 27, 2016

City of Montgomery
Account Balances

As of September 22, 2016

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
Fund: Operating					
Certificates of Deposit					
ALLEGIANCE BANK (XXXX3545)	07/16/2016	10/14/2016	0.40 %	100,000.00	
GREEN BANK (XXXX0365)	08/22/2016	11/21/2016	0.35 %	100,000.00	
INDEPENDENT BANK (XXXX1533)	09/14/2016	12/13/2016	0.35 %	100,000.00	
Money Market Funds					
TEXPOOL (XXXX0003)	08/01/2005		0.34 %	203,097.43	
Checking Account(s)					
FIRST BANK N.A. (XXXX7375)			0.00 %	332,032.51	Checking Account
FIRST BANK N.A. (XXXX5675)			0.00 %	10,675.64	Police Drug & Misc Fund
FIRST BANK N.A. (XXXX5873)			0.00 %	0.00	Escrow
FIRST BANK N.A. (XXXX2895)			0.00 %	10.00	COPS Universal Award
FIRST BANK N.A. (XXXX4236)			0.00 %	0.00	Park
Totals for Operating Fund:				\$845,815.58	
Fund: Capital Projects					
Money Market Funds					
TEXPOOL (XXXX0009)	12/27/2012		0.34 %	1,567.48	
Checking Account(s)					
FIRST BANK N.A. (XXXX8528)			0.00 %	0.00	Building Fund
FIRST BANK N.A. (XXXX8544)			0.00 %	1,008.08	Const Ckg-W&S Proj 1058544
Totals for Capital Projects Fund:				\$2,575.56	
Fund: Debt Service					
Money Market Funds					
TEXPOOL (XXXX0008)	12/27/2012		0.34 %	24,233.79	
Checking Account(s)					
FIRST BANK N.A. (XXXX4730)			0.00 %	63,908.93	Checking Account
Totals for Debt Service Fund:				\$88,142.72	
Fund: CT Security					
Checking Account(s)					
FIRST BANK N.A. (XXXX0580)			0.00 %	17,205.72	Cash In Bank
Totals for CT Security Fund:				\$17,205.72	
Fund: CT Tech					
Checking Account(s)					
FIRST BANK N.A. (XXXX8361)			0.00 %	17,266.27	Cash In Bank
Totals for CT Tech Fund:				\$17,266.27	
Fund: Grant					
Checking Account(s)					
FIRST BANK N.A. (XXXX8479)			0.00 %	287.74	Grant Account
FIRST BANK N.A. (XXXX9104)			0.00 %	10.00	Checking Account
Totals for Grant Fund:				\$297.74	

City of Montgomery
Account Balances

As of September 22, 2016

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
Fund: Hotel Occupancy Tax					
Checking Account(s)					
FIRST BANK N.A. (XXXX5253)			0.00 %	9,399.90	Cash In Bank
Totals for Hotel Occupancy Tax Fund:				\$9,399.90	
Fund: MEDC					
Certificates of Deposit					
INDEPENDENT BANK (XXXX6840)	08/24/2016	11/22/2016	0.35 %	100,000.00	
Money Market Funds					
TEXPOOL (XXXX0006)	08/01/2005		0.34 %	233,390.96	
Checking Account(s)					
FIRST BANK N.A. (XXXX7938)			0.00 %	394,966.54	MEDC Checking
Totals for MEDC Fund:				\$728,357.50	
Fund: Policy Asset Forfeiture					
Checking Account(s)					
FIRST BANK N.A. (XXXX7745)			0.00 %	4,272.25	Cash In Bank
Totals for Policy Asset Forfeiture Fund:				\$4,272.25	
Fund: Utility					
Money Market Funds					
TEXPOOL (XXXX0002)	08/01/2005		0.34 %	17,858.58	
Checking Account(s)					
FIRST BANK N.A. (XXXX7383)			0.00 %	110,204.46	Water & Sewer Fund
FIRST BANK N.A. (XXXX7417)			0.00 %	0.00	Customer Deposit Acct
FIRST BANK N.A. (XXXX3840)			0.00 %	0.00	Water Works
Totals for Utility Fund:				\$128,063.04	
Grand total for City of Montgomery:				\$1,841,396.28	

City of Montgomery - General
Cash Flow Report - Checking Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$560,206.71
Receipts				
	4th Qtr Admin transfer- Court Security		720.00	
	Due from MEDC for travel and postage thru 7/16		2,013.82	
	Miscellaneous Revenue CL 8/16		11,054.38	
	Miscellaneous Revenue OS 8/16		4,249.00	
	Court Revenue CL 8/16		41,949.67	
	Court Revenue OS 8/16		10,741.50	
	Tax Revenue CL 8/16		1,486.47	
	Tax P&I CL 8/16		1,417.95	
	Tax Revenue OS 8/16		2,436.28	
	Interest		28.44	
Total Receipts				76,097.51
Disbursements				
26461	Daspit, Laurence F	Payroll 8/19/16	(304.76)	
26462	Office of the Attorney General	0012541428, 0012011313, 0011804850, 001250779	(2,098.34)	
26463	Barbara Bailey	Community Building Deposit refund	(150.00)	
26464	Bonnie Belle Booster Club	Community Building Deposit refund	(100.00)	
26465	Buffalo Springs POA	Community Building Deposit refund	(150.00)	
26466	Charity Shiflett	Community Building Deposit Refund	(150.00)	
26467	Consolidated Communications	Telephone Service Per Spreadsheet 08/16	(1,024.61)	
26468	Darden,Fowler & Creighton, L.L.P.	Legal Fees 7/16	(7,386.49)	
26469	Ditttert Rubber Stamp, Ltd.	Inv 244938	(48.95)	
26470	Documation, Inc.	Contract 25366376 Account 124715 - Lease Pmt	(1,263.25)	
26471	ETS	Inv BFB53813 - Shipping & Hndling for 1 Magtek	(21.28)	
26472	Eva Rains	Memory Park Deposit Refund	(50.00)	
26473	G & K Services, Inc.	Uniforms - Inv 1165582954, 589039,595096,601135	(410.76)	
26474	Jacqueline Sharp	Community Bldg Deposit Refund	(150.00)	
26475	Jones & Carter, Inc	Inv 0235540,37,41,29,43,44,45,46	(13,769.87)	
26476	Kim Stokes	Community Building Deposit refund	(150.00)	
26477	Michael Shirley	Prosecutor Fee 8/11/16	(450.00)	
26478	O'Reilly Auto Parts	Acct# 700907 Inv 1838261653	(9.99)	
26479	Pavers Supply Company	Inv 88197, 88444	(123.17)	
26480	Price Air Conditioning	Air conditioner repair #1680	(350.00)	
26481	Rick Hanna, CPI	Inv 16480, 89	(1,887.75)	
26482	Shawna Bates	Community Building Deposit refund	(150.00)	
26483	TEEX	KB7224874, 4875	(770.00)	
26484	Tracy Duckworth	Community Building Deposit refund	(150.00)	
26485	Tyler Technologies, Inc	Monthly fee - Web Site and On Line Billing Compo	(41.00)	
26486	Valero Marketing & Supply Company-2	Acct 7137-8863 - 1/2 Invoices for July	(246.45)	
26487	Verizon Wireless	521590387-00001	(1,327.96)	
26488	Waste Management of Texas, Inc.	Acct OCN-0077498-1792-5- Roll Off - Inv 140721	(460.92)	
26489	Card Service Center	First Financial Credit Card Account XXXX 0869 -	(1,525.17)	
26490	3rd Day Creations Lawn & Landscaping	Mowing Contract -#1666 Inv 2462	(250.00)	
26491	Blue Tarp Financial, Inc.	Acct #99775 Northern Tool Inv 35985676	(48.98)	
26492	CJIS Solutions	Soft Token for Smartphone/Device & 2 Advanced	(1,728.00)	
26493	Construction Code Consultants, LLC	Commercial Building Code plan review service-Pizz	(599.65)	
26494	Groggy Dog Tees of Montgomery	City Logo Teeshirts Inv 130, 141	(620.00)	
26495	GTIN	Fee per service agreement for 9/16 #5852	(2,565.50)	
26496	Milton Weinzettle	Inv 225115 - Fabricated Racks for Sewer Plant	(75.00)	
26497	Northwest Pest Patrol	Mosquito fogging - July	(580.00)	

City of Montgomery - General
Cash Flow Report - Checking Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
Disbursements				
26498	Perdue, Brandon, Fielder, Collins, & Mott	Collections-Fines and Fees - 7/1-7/31/16 Inv 000	(1,047.27)	
26499	Personalized Communications, Inc.	Answering Service - 9/8-10/5/16 Inv 18253-08241	(184.60)	
26500	Texas Specialties/Lone Star Signs	Trash Warning Signs #10566	(206.00)	
26501	United Way of Greater Houston	Workplace Wellness Participation Fee	(2,600.00)	
26502	Waste Management of Texas, Inc.	Acct OCN-0077498-1792-5- Roll Off - Inv 140740	(366.64)	
26503	Weisinger Materials, Inc	W-Black Dye Mulch Inv 044225	(190.00)	
26504	Whitestone Printing	Business Cards-M. Muckleroy Inv 2220	(58.00)	
26505	Cheatham Management, LLC	2015 Tax Revenue Reimbursement per Spreadsheet	(6,776.85)	
26506	Thompson, Kevin A.	Payroll for 9/2/16	(804.59)	
26507	Becky Lehn	Reimburse of expenses - Tuition for On-Line Class	(252.00)	
26508	Blue Tarp Financial, Inc.	Acct #99775 Northern Tool Inv 3598546	(34.79)	
26509	Crown Paper and Chemical	Supplies #96122	(159.45)	
26510	Entergy	Part Utilities per spreadsheet 8/16	(1,319.31)	
26511	Gordon B. Dudley, Jr.	Prosecutor Fee 8/25	(450.00)	
26512	Michael Shirley	Prosecutor Fee 8/25/16	(450.00)	
26513	Montgomery Central Appraisal District	4th Qtr Fees 2016	(1,085.00)	
26514	Solomon Electric, Inc.	Inv 10384- Memory Park	(1,430.50)	
26515	Stowes' Wrecker & Collision	Inv 32781, 32790	(125.50)	
26516	The Conroe Courier	The Courier 1 year subscription - 9/12/16-9/12/17	(120.00)	
26517	The Woodlands Area Chamber of Commerce	Membership 10/1/16-10/31/17	(230.00)	
26518	Thomas Printing & Publishing	Inv 8139 - Electronic Water Meter info cards	(248.00)	
26519	TML-Multistate Intergovernmental	Health, Life & AD&D Insurance August	(9,500.23)	
26520	Valero Marketing & Supply Company	Acct #62249487 - Fuel 7/15-8/15/16 (police)	(1,680.08)	
26521	Weisinger Materials, Inc	Wholesale Moss Rock Stackable #045733	(431.41)	
26522	Office of the Attorney General	0012541428, 0012011313, 0011804850, 001250779	(1,944.89)	
26523	Sam's Club	Acct #040241083268-7 Inv 006498, 000251	(572.26)	
26524	3rd Day Creations Lawn & Landscaping	Mowing Contract -#1666 Inv 2474	(5,807.50)	
26525	City of Conroe	Repairs - Police and Public Works (#201608012802	(7,898.69)	
26526	Crown Paper and Chemical	Supplies #96467	(128.10)	
26527	Milton Weinzettle	Inv 225117 - Welded Hoods on Tso Buckets	(50.00)	
26528	Montgomery County Radio Shop	RC-RSA Token MDC Charge - replacement Inv 10	(98.80)	
26529	Municipal Accounts & Consulting, L.P.	Bookkeeping 8/16 Inv 43466	(7,474.13)	
26530	Rick Hanna, CPI	Inspections 16528, 16529	(1,400.00)	
26531	Robert Rosenquist	Municipal Court Judge - 8/16	(1,000.00)	
26532	Teresa L. Bareham	Refund Security Deposit - Community Bldg	(150.00)	
26533	City of Montgomery - Utility Fund	Water Usage Memory and Fernland	(1,052.22)	
26534	Iron Mountain	Document Shredding MYJ8800	(100.44)	
26535	The Mail Stop	Statement Period thru 8/1/16- Register Chg 13597	(193.50)	
26536	TML-IRP	Contract #6827 - Ins Premium 9/16	(2,910.34)	
26537	TMRS	0877, 00877 - 8/16	(8,431.16)	
26538	Consolidated Communications	Telephone Service Per Spreadsheet 9/16	(849.40)	
26539	Bickford, Dana N	Payroll 9/16/16	(323.54)	
26540	Daspit, Laurence F	Payroll 9/16/16	(203.17)	
26541	Allen's Safe and Lock, LLC	Code Cut Keys Inv 48082	(5.00)	
26542	Construction Code Consultants, LLC	Commercial Building Code plan review service-Whi	(1,050.00)	
26543	Entergy	Part Utilities per spreadsheet #105574 8/16	(1,048.01)	
26544	Ewing Irrigation Products, Inc.	Memory Park Maint - Inv 2121988	(46.33)	
26545	EZTask.com, Inc.	Recurring Annual Website Hosting, Support & Mai	(1,200.00)	
26546	G & K Services, Inc.	Uniforms - Inv 1165607185,613224,619265,625311	(517.20)	
26547	Jim's Hardware	Acct #102 - Part Invoices - 8/16	(797.52)	
26548	LDC	CM100017 & CM100032 - Gas Service 101 Planter	(37.15)	
26549	Miguel Rosario	Reimburse of expenses - CopSync Conference 9/18	(178.50)	

City of Montgomery - General
Cash Flow Report - Checking Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
Disbursements				
26550	O'Reilly Auto Parts	Acct# 700907 Inv 1838267998, 8300, 9783	(305.15)	
26551	Office Depot Business Credit	Supplies Inv 853791951,9686876,856580587,96005	(1,067.05)	
26552	Pavers Supply Company	Street Repairs - Inv 88818	(70.31)	
26553	Petty Cash	Petty Cash Reimbursement @ 9/15/16	(489.65)	
26554	Solomon Electric, Inc.	Inv 10434 - City Hall - Electrical circuit	(450.00)	
26555	Spirawk Tattum & Reiter/Red Wing	Work Boots - Inv 628046897	(171.00)	
26556	Stowes' Wrecker & Collision	Inv 32886, 32947	(65.50)	
26557	Thomas Printing & Publishing	2,000 - Court Doc Jackets - Inv 8162	(490.82)	
26558	Verizon Wireless	521590387-00001	(1,227.74)	
26559	Weisinger Materials, Inc	W-Black Dye Mulch Inv 046061	(181.00)	
26560	Office of the Attorney General	0012541428, 0012011313, 0011804850, 001250779	(2,230.83)	
26561	Craig Hatchett	Community Building Deposit Refund	(150.00)	
DD	Bauer, Timothy M	Payroll 8/19/16	(1,170.38)	
DD	Belmares, Jose N.	Payroll 8/19/16	(1,834.56)	
DD	Bracht, James C.	Payroll 8/19/16	(1,673.66)	
DD	Carswell, Christopher M	Payroll 8/19/16	(1,015.98)	
DD	Duckett, Kimberly T.	Payroll 8/19/16	(1,101.39)	
DD	Flores, Angelina C.	Payroll 8/19/16	(1,455.19)	
DD	Gonzalez, Krystal	Payroll 8/19/16	(1,110.51)	
DD	Hensley, Susan L.	Payroll 8/19/16	(1,462.88)	
DD	Hernandez, George J.	Payroll 8/19/16	(932.46)	
DD	Kohl, Julie J	Payroll 8/19/16	(48.48)	
DD	Kowarsch, Robert D	Payroll 8/19/16	(173.16)	
DD	Lehn, Rebecca L.	Payroll 8/19/16	(1,739.26)	
DD	Muckleroy, Micha D.	Payroll 8/19/16	(1,628.86)	
DD	Napolitano, James F	Payroll 8/19/16	(2,437.58)	
DD	Raica, Carol D	Payroll 8/19/16	(380.08)	
DD	Rather, Regina S.	Payroll 8/19/16	(500.54)	
DD	Rosario III, Miguel A.	Payroll 8/19/16	(1,300.50)	
DD	Rosendo, Jose A	Payroll 8/19/16	(1,158.60)	
DD	Slaughter, Ashley A.	Payroll 8/19/16	(1,062.62)	
DD	Standifer, Eric L.	Payroll 8/19/16	(1,264.58)	
DD	Thompson, Kevin A.	Payroll 8/19/16	(613.93)	
DD	Yates, Jack R	Payroll 8/19/16	(3,146.20)	
DD	Bauer, Timothy M	Payroll 9/2/16	(1,234.73)	
DD	Belmares, Jose N.	Payroll 9/2/16	(1,834.57)	
DD	Bracht, James C.	Payroll 9/2/16	(1,759.38)	
DD	Carswell, Christopher M	Payroll 9/2/16	(1,113.03)	
DD	Duckett, Kimberly T.	Payroll 9/2/16	(1,071.53)	
DD	Flores, Angelina C.	Payroll 9/2/16	(1,465.68)	
DD	Gonzalez, Krystal	Payroll 9/2/16	(1,155.33)	
DD	Hensley, Susan L.	Payroll 9/2/16	(1,462.89)	
DD	Hernandez, George J.	Payroll 9/2/16	(977.13)	
DD	Kohl, Julie J	Payroll 9/2/16	(71.57)	
DD	Kowarsch, Robert D	Payroll 9/2/16	(219.33)	
DD	Lehn, Rebecca L.	Payroll 9/2/16	(1,739.26)	
DD	Muckleroy, Micha D.	Payroll 9/2/16	(1,628.86)	
DD	Napolitano, James F	Payroll 9/2/16	(2,437.58)	
DD	Raica, Carol D	Payroll 9/2/16	(369.30)	
DD	Rather, Regina S.	Payroll 9/2/16	(395.34)	
DD	Rosario III, Miguel A.	Payroll 9/2/16	(1,145.30)	
DD	Rosendo, Jose A	Payroll 9/2/16	(1,158.61)	

City of Montgomery - General
Cash Flow Report - Checking Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
Disbursements				
DD	Slaughter, Ashley A.	Payroll 9/2/16	(1,091.96)	
DD	Standifer, Eric L.	Payroll 9/2/16	(1,264.59)	
DD	Thompson, Kevin A.	Pay rate Increase retro active to 4/26/16 - Thru 8/	(1,269.48)	
DD	Yates, Jack R	Payroll 9/2/16	(3,146.20)	
DD	Bauer, Timothy M	Payroll 9/16/16	(1,269.09)	
DD	Belmares, Jose N.	Payroll 9/16/16	(1,834.57)	
DD	Bracht, James C.	Payroll 9/16/16	(1,794.05)	
DD	Carswell, Christopher M	Payroll 9/16/16	(1,210.06)	
DD	Duckett, Kimberly T.	Payroll 9/16/16	(998.48)	
DD	Flores, Angelina C.	Payroll 9/16/16	(1,352.97)	
DD	Gonzalez, Krystal	Payroll 9/16/16	(1,062.11)	
DD	Hensley, Susan L	Payroll 9/16/16	(1,462.89)	
DD	Hernandez, George J.	Payroll 9/16/16	(1,093.88)	
DD	Kohl, Julie J	Payroll 9/16/16	(187.87)	
DD	Kowarsch, Robert D	Payroll 9/16/16	(78.49)	
DD	Lehn, Rebecca L.	Payroll 9/16/16	(1,770.45)	
DD	Muckleroy, Micha D.	Payroll 9/16/16	(1,628.87)	
DD	Napolitano, James F	Payroll 9/16/16	(2,437.59)	
DD	Raica, Carol D	Payroll 9/16/16	(292.85)	
DD	Rather, Regina S.	Payroll 9/16/16	(447.46)	
DD	Rosario III, Miguel A.	Payroll 9/16/16	(1,145.29)	
DD	Rosendo, Jose A	Payroll 9/16/16	(1,286.71)	
DD	Slaughter, Ashley A.	Payroll 9/16/16	(1,054.03)	
DD	Standifer, Eric L.	Payroll 9/16/16	(1,386.43)	
DD	Thompson, Kevin A.	Payroll 9/16/16	(746.45)	
DD	Yates, Jack R	Payroll 9/16/16	(3,281.47)	
DM	ETS Corporation	Credit Card Fees 8/16	(382.75)	
Memo	City of Montgomery	Dependent Insurance 6/24/16 thru 7/31/16	0.00	
pol	EFIPS	Payroll Liabilities 8/19/16	(10,156.40)	
POL	EFIPS	Payroll Liabilities 9/2/16	(10,643.88)	
POL	EFIPS	Payroll Liabilities 9/16/16	(10,326.66)	
Trans	City of Montgomery - Utility Fund	Reimbursement of error Utility Deposit	(27.00)	
Trans	City of Montgomery - MEDC	Sales Tax Transfer thru 8/16	(50,595.21)	
Trans	City of Montgomery Court Technology Fund	Court Tech Fees Rev thru 7/16	(4,275.62)	
Trans	City of Montgomery Court Security Fund	Transfer of Court Fees Revenue thru 7/16	(1,695.85)	
Trans	City of Montgomery - Debt Service	Tax Revenue transfer thru 7/16	(9,818.26)	
Total Disbursements			(304,271.71)	
BALANCE AS OF 09/22/2016				\$332,032.51

City of Montgomery - General
Cash Flow Report - Police Drug & Misc Fund Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$10,675.64
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 09/22/2016				<u><u>\$10,675.64</u></u>

City of Montgomery - General
Cash Flow Report - COPS Universal Award Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 09/22/2016				\$10.00

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

Accrual Basis

August 2016

	Aug 16	Budget	\$ Over B...	Oct '15 - A...	YTD Budget	\$ Over B...	Annual Bu...
Ordinary Income/Expense							
Income							
14000.1 · Taxes & Franchise Fees							
14103 · Beverage Tax	0.00	0.00	0.00	4,690.72	6,000.00	-1,309.28	6,000.00
14111 · Franchise Tax	4,478.51	70,000.00	-65,521.49	16,624.24	70,000.00	-53,375.76	70,000.00
14320 · Ad Valorem Taxes	1,890.14	21,360.58	-19,470.44	253,898.96	234,966.42	18,932.54	256,327.00
14330 · Penalties & Interest on Adv Tax	684.82	125.00	559.82	3,516.43	1,375.00	2,141.43	1,500.00
14331 · Rendition Penalties	0.00	20.83	-20.83	0.00	229.17	-229.17	250.00
14600 · Sales Tax	151,785.61	111,666.67	40,118.94	1,291,594.99	1,228,333.33	63,261.66	1,340,000.00
Total 14000.1 · Taxes & Franchise Fees	158,839.08	203,173.08	-44,334.00	1,570,325.34	1,540,903.92	29,421.42	1,674,077.00
14000.2 · Permits & Licenses							
14105 · Building Permits	6,769.96	6,666.67	103.29	125,288.12	73,333.33	51,954.79	80,000.00
14146 · Vendor Permits	0.00	12.50	-12.50	20.00	137.50	-117.50	150.00
14611 · Sign Fee	300.00	200.00	100.00	1,265.30	2,200.00	-934.70	2,400.00
14612 · Misc Permit Fees(plats & Zoning	67.50	20.83	46.67	14,122.68	229.17	13,893.51	250.00
14000.2 · Permits & Licenses - Other	-1,050.00			-1,050.00			
Total 14000.2 · Permits & Licenses	6,087.46	6,900.00	-812.54	139,646.10	75,900.00	63,746.10	82,800.00
14000.4 · Fees for Service							
14380 · Community Bldg Rental	705.00	366.67	338.33	7,830.00	4,033.33	3,796.67	4,400.00
14381 · Kiosk Revenue	0.00	2.50	-2.50	0.00	27.50	-27.50	30.00
14385 · Right of Way Use Fees	957.02	0.00	957.02	4,038.11	0.00	4,038.11	0.00
Total 14000.4 · Fees for Service	1,662.02	369.17	1,292.85	11,868.11	4,060.83	7,807.28	4,430.00
14000.5 · Court Fines & Forfeitures							
14101 · Collection Fees	5,080.81	2,166.67	2,914.14	22,103.73	23,833.33	-1,729.60	26,000.00
14102 · Asset Forfeitures	0.00	0.00	0.00	0.00	1,100.00	-1,100.00	1,100.00
14104 · Bond Fees (Dedicated)	0.00	0.00	0.00	-635.80	0.00	-635.80	0.00
14106 · Child Belt/Safety (Dedicated)	150.00	187.50	-37.50	1,419.37	2,062.50	-643.13	2,250.00
14110 · Fines	45,625.08	39,966.67	5,658.41	540,579.18	439,633.33	100,945.85	479,600.00
14118 · OMNI	233.37	250.00	-16.63	1,434.59	2,750.00	-1,315.41	3,000.00
14120 · State - (Dedicated)	0.00	12,500.00	-12,500.00	0.00	137,500.00	-137,500.00	150,000.00
14125 · Warrant Fees	0.00			48.49	0.00	48.49	0.00
14126 · Judicial Efficiency (Dedicated)	146.57	125.00	21.57	2,078.83	1,375.00	703.83	1,500.00
14130 · Accident Reports	18.00	16.67	1.33	281.00	183.33	97.67	200.00
Total 14000.5 · Court Fines & Forfeitures	51,253.83	55,212.51	-3,958.68	567,309.39	608,437.49	-41,128.10	663,650.00
14000.6 · Other Revenues							
15380 · Unanticipated Income	1,609.00			38,659.14	0.00	38,659.14	0.00
15391 · Interest Income	28.44	83.33	-54.89	508.42	916.67	-408.25	1,000.00
15392 · Interest on Investments	250.08	41.67	208.41	1,248.01	458.33	789.68	500.00
Total 14000.6 · Other Revenues	1,887.52	125.00	1,762.52	40,415.57	1,375.00	39,040.57	1,500.00
Total Income	219,729.91	265,779.76	-46,049.85	2,329,564.51	2,230,677.24	98,887.27	2,426,457.00
Expense							
16000 · Personnel							
16247 · Compensated Benefit Exp.	0.00	10,000.00	-10,000.00	0.00	10,000.00	-10,000.00	10,000.00
16353.1 · Health Ins.	7,314.60	7,095.83	218.77	87,767.34	78,054.17	9,713.17	85,150.00
16353.4 · Unemployment Ins.	53.43	771.42	-717.99	3,426.67	8,485.58	-5,058.91	9,257.00
16353.5 · Workers Comp.	1,116.38	1,460.16	-343.78	16,608.22	16,061.84	546.38	17,522.00
16353.6 · Dental & Vision Insurance	592.26	933.33	-341.07	8,785.18	10,266.67	-1,481.49	11,200.00
16353.7 · Life & AD&D Insurance	24.71	115.00	-90.29	575.19	1,265.00	-689.81	1,380.00
16560 · Payroll Taxes	5,501.95	5,633.33	-131.38	71,100.52	61,966.67	9,133.85	67,600.00
16600 · Wages	70,524.11	80,796.00	-10,271.89	880,623.19	852,756.00	27,867.19	933,552.00
16600.1 · Overtime	529.96	1,291.67	-761.71	24,999.55	14,208.33	10,791.22	15,500.00
16620 · Retirement Expense	2,854.20	2,709.17	145.03	36,753.43	29,800.83	6,952.60	32,510.00
Total 16000 · Personnel	88,511.60	110,805.91	-22,294.31	1,130,639.29	1,082,865.09	47,774.20	1,183,671.00
16001 · Communications							
16338 · Advertising/Promotion	0.00	750.00	-750.00	2,295.00	8,250.00	-5,955.00	9,000.00

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

Accrual Basis

August 2016

	Aug 16	Budget	\$ Over B...	Oct '15 - A...	YTD Budget	\$ Over B...	Annual Bu...
Total 16001 · Communications	0.00	750.00	-750.00	2,295.00	8,250.00	-5,955.00	9,000.00
16002 · Contract Services							
16102 · General Consultant Fees	427.59	6,850.00	-6,422.41	21,272.97	52,350.00	-31,077.03	59,200.00
16220 · Omni Expense	0.00	258.33	-258.33	1,278.00	2,841.67	-1,563.67	3,100.00
16242 · Prosecutors Fees	1,350.00	833.33	516.67	9,450.00	9,166.67	283.33	10,000.00
16280 · Mowing	5,246.89	5,416.67	-169.78	51,960.30	59,583.33	-7,623.03	65,000.00
16299 · Inspections/Permits	3,287.75	3,750.00	-462.25	49,865.91	41,250.00	8,615.91	45,000.00
16310 · Judge's Fee	1,000.00	1,000.00	0.00	12,000.00	11,000.00	1,000.00	12,000.00
16320 · Legal	0.00	2,916.66	-2,916.66	35,679.41	32,083.34	3,596.07	35,000.00
16321 · Audit Fees	0.00	0.00	0.00	17,350.00	17,000.00	350.00	17,000.00
16322 · Engineering	0.00	6,250.00	-6,250.00	68,619.71	68,750.00	-130.29	75,000.00
16326 · Collection Agency Fees	0.00	2,916.67	-2,916.67	18,415.22	32,083.33	-13,668.11	35,000.00
16333 · Accounting Fees	7,474.13	6,583.33	890.80	72,951.72	72,416.67	535.05	79,000.00
16335 · Repairs & Maintenance							
16335.1 · Maintenance - Vehicles & Equip							
16334 · Gas/Oil	1,939.11	3,542.33	-1,603.22	22,732.47	38,957.67	-16,225.20	42,500.00
16343 · Tractor & Mower	0.00	83.33	-83.33	135.23	916.67	-781.44	1,000.00
16357 · Auto Repairs	1,580.65	1,083.33	497.32	21,540.54	11,916.67	9,623.87	13,000.00
16373 · Equipment repairs	834.13	466.66	367.47	5,315.32	5,133.34	181.98	5,600.00
16374 · Building Repairs-City Hall/Comm	783.95	1,541.67	-757.72	22,526.08	16,958.33	5,567.75	18,500.00
16375 · Street Repairs - Minor	293.15	208.33	84.82	11,146.96	2,291.67	8,855.29	2,500.00
Total 16335.1 · Maintenance - Vehicles & Eq...	5,430.99	6,925.65	-1,494.66	83,396.60	76,174.35	7,222.25	83,100.00
16335 · Repairs & Maintenance - Other	0.00	1,608.33	-1,608.33	9,307.09	21,191.67	-11,884.58	23,300.00
Total 16335 · Repairs & Maintenance	5,430.99	8,533.98	-3,102.99	92,703.69	97,366.02	-4,662.33	106,400.00
16337 · Street Signs	9.40	416.67	-407.27	5,497.44	4,583.33	914.11	5,000.00
16340 · Printing & Office supplies	396.87	366.67	30.20	7,857.20	4,033.33	3,823.87	4,400.00
16342 · Computers/Website	3,783.18	525.00	3,258.18	23,654.92	8,775.00	14,879.92	9,300.00
16350 · Postage/Delivery	97.14	374.99	-277.85	2,875.75	4,125.01	-1,249.26	4,500.00
16351 · Telephone	1,618.55	1,825.00	-206.45	16,428.89	20,075.00	-3,646.11	21,900.00
16360 · Tax Assessor Fees	0.00	0.00	0.00	3,431.00	2,500.00	931.00	2,500.00
16370 · Election	0.00	0.00	0.00	0.00	15,000.00	-15,000.00	15,000.00
17030 · Mobil Data Terminal	1,326.54	666.67	659.87	16,065.26	7,333.33	8,731.93	8,000.00
17031 · Police Officer Scheduling Serv	30.45	166.67	-136.22	2,060.90	1,833.33	227.57	2,000.00
17040 · Computer/Technology	2,782.73	1,333.34	1,449.39	21,527.48	14,666.66	6,860.82	16,000.00
17510 · State Portion of Fines/Payouts	0.00	14,583.33	-14,583.33	176,312.53	160,416.67	15,895.86	175,000.00
Total 16002 · Contract Services	34,262.21	65,567.31	-31,305.10	727,258.30	739,232.69	-11,974.39	805,300.00
16003 · Supplies & Equipment							
16244 · Radio Fees	0.00	333.33	-333.33	4,270.14	3,666.67	603.47	4,000.00
16328 · Uniforms & Protective Gear	463.98	687.50	-223.52	10,088.24	7,562.50	2,525.74	8,250.00
16358 · Copier/Fax Machine Lease	1,263.25	316.66	946.59	12,367.01	3,483.34	8,883.67	3,800.00
16460 · Operating Supplies (Office)							
16460.1 · Streets and Drainage	87.99	208.33	-120.34	4,800.08	2,291.67	2,508.41	2,500.00
16460.2 · Cedar Brake Park	39.87	291.67	-251.80	1,991.15	3,208.33	-1,217.18	3,500.00
16460.3 · Homecoming Park	39.86	166.67	-126.81	980.79	1,833.33	-852.54	2,000.00
16460.4 · Fernland Park	377.83	166.67	211.16	1,251.26	1,833.33	-582.07	2,000.00
16460.5 · Community Building	0.00	500.00	-500.00	3,605.99	5,500.00	-1,894.01	6,000.00
16460.6 · Tools, Etc	19.48	83.33	-63.85	1,528.95	916.67	612.28	1,000.00
16460.7 · Memory Park	39.86	166.67	-126.81	1,433.94	1,833.33	-399.39	2,000.00
16460 · Operating Supplies (Office) - Other	2,370.26	2,375.04	-4.78	19,780.75	22,624.96	-2,844.21	24,500.00
Total 16460 · Operating Supplies (Office)	2,975.15	3,958.38	-983.23	35,372.91	40,041.62	-4,668.71	43,500.00
16503 · Code Enforcement Expenses	0.00	166.67	-166.67	0.00	1,833.33	-1,833.33	2,000.00
17010 · Emergency Equipment	0.00	250.00	-250.00	93.25	2,750.00	-2,656.75	3,000.00
17050 · Radios	0.00	2,166.66	-2,166.66	25,844.00	23,833.34	2,010.66	26,000.00
17100 · Capital Purchase Furniture	0.00	391.67	-391.67	0.00	5,058.33	-5,058.33	5,450.00
16003 · Supplies & Equipment - Other	33.48	250.00	-216.52	2,319.32	2,750.00	-430.68	3,000.00
Total 16003 · Supplies & Equipment	4,735.86	8,520.87	-3,785.01	90,354.87	90,979.13	-624.26	99,000.00
16004 · Staff Development							

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

Accrual Basis

August 2016

	Aug 16	Budget	\$ Over B...	Oct '15 - A...	YTD Budget	\$ Over B...	Annual Bu...
16241 · Police Training/Education	0.00	566.66	-566.66	4,104.66	6,233.34	-2,128.68	6,800.00
16339 · Dues & Subscriptions	0.00	1,812.50	-1,812.50	3,064.00	20,125.00	-17,061.00	22,000.00
16341 · Employee Relations (Education)	2,753.00	233.33	2,519.67	4,570.46	2,566.67	2,003.79	2,800.00
16354 · Travel & Training (Travel)	1,607.15	1,291.67	315.48	18,310.08	14,208.33	4,101.75	15,500.00
16004 · Staff Development - Other	25.00			25.00			
Total 16004 · Staff Development	4,385.15	3,904.16	480.99	30,074.20	43,133.34	-13,059.14	47,100.00
16005 · Maintenance							
16228 · Park Maint-Memory Pk	2,099.72	666.67	1,433.05	5,439.08	7,333.33	-1,894.25	8,000.00
16229 · Park Maint - Fernland	539.44	566.67	-27.23	1,550.94	6,233.33	-4,682.39	6,800.00
16230 · Park Maint-Cedar Brake Park	113.95	400.00	-286.05	5,079.45	4,400.00	679.45	4,800.00
16231 · Park Maint. - Homecoming Park	156.64	233.33	-76.69	174.63	2,566.67	-2,392.04	2,800.00
Total 16005 · Maintenance	2,909.75	1,866.67	1,043.08	12,244.10	20,533.33	-8,289.23	22,400.00
16006 · Insurance							
16353.2 · Liability Ins.	1,424.71	1,201.67	223.04	15,727.65	13,218.33	2,509.32	14,420.00
16353.3 · Property Ins.	369.25	316.66	52.59	4,061.75	3,483.34	578.41	3,800.00
Total 16006 · Insurance	1,793.96	1,518.33	275.63	19,789.40	16,701.67	3,087.73	18,220.00
16007 · Utilities							
16351.1 · Utilities - Memory Park -Water	979.54			3,584.54			
16351.2 · Utilities-Fernland Pk-Water	72.68			344.87			
16352.0 · Electronic Sign-City	37.61	41.67	-4.06	408.23	458.33	-50.10	500.00
16352.1 · Street Lights	1,077.73	1,108.34	-30.61	12,068.01	12,191.66	-123.65	13,300.00
16352.2 · Traffic Lights	21.67	100.00	-78.33	304.82	1,100.00	-795.18	1,200.00
16352.3 · Cedar Brake Park	99.39	150.00	-50.61	1,512.84	1,650.00	-137.16	1,800.00
16352.4 · Homecoming Park	50.08	83.33	-33.25	729.30	916.67	-187.37	1,000.00
16352.5 · Fernland Park	208.65	200.00	8.65	1,985.24	2,200.00	-214.76	2,400.00
16352.6 · Utilities - City Hall	628.56	541.67	86.89	6,021.89	5,958.33	63.56	6,500.00
16352.7 · Utilities - Gas	37.15	175.00	-137.85	681.40	1,925.00	-1,243.60	2,100.00
16352.8 · Utilities - Comm Center Bldg	243.63	408.34	-164.71	2,858.54	4,491.66	-1,633.12	4,900.00
Total 16007 · Utilities	3,456.69	2,808.35	648.34	30,499.68	30,891.65	-391.97	33,700.00
16008 · Capital Outlay							
16233 · Cap Outlay- Com Building Proj	0.00	166.67	-166.67	0.00	1,833.33	-1,833.33	2,000.00
17070 · Capital Outlay - Police Cars							
17070.1 · Emergency Lights, Decals	0.00	0.00	0.00	19,158.54	21,500.00	-2,341.46	21,500.00
17070.3 · Vid Tec - In Car	0.00	833.33	-833.33	1,376.18	9,166.67	-7,790.49	10,000.00
17070 · Capital Outlay - Police Cars - Other	0.00	0.00	0.00	52,501.80	54,000.00	-1,498.20	54,000.00
Total 17070 · Capital Outlay - Police Cars	0.00	833.33	-833.33	73,036.52	84,666.67	-11,630.15	85,500.00
17071 · Cap Purchase - Computers/Equip							
17071.1 · Copsync	0.00			5,285.16	0.00	5,285.16	0.00
17071.2 · Radar	0.00			1,175.70			
17071.4 · Laser Fish (Software Equip)	0.00			3,445.88	0.00	3,445.88	0.00
17071.6 · Investigative and Testing Equip	0.00	250.00	-250.00	142.77	2,750.00	-2,607.23	3,000.00
17071.7 · Ballistic Vests & Shields	0.00	416.67	-416.67	1,936.02	4,583.33	-2,647.31	5,000.00
17071 · Cap Purchase - Computers/Equip - Ot...	41.00	1,808.34	-1,767.34	17,604.48	19,891.66	-2,287.18	21,700.00
Total 17071 · Cap Purchase - Computers/Equip	41.00	2,475.01	-2,434.01	29,590.01	27,224.99	2,365.02	29,700.00
17071.5 · Patrol Weapons	0.00	208.34	-208.34	1,010.13	2,291.66	-1,281.53	2,500.00
17071.9 · In Field Fingerprinter	0.00	375.00	-375.00	0.00	4,125.00	-4,125.00	4,500.00
17072 · Capital Outlay-PWorks Items	0.00	3,833.33	-3,833.33	39,733.43	42,166.67	-2,433.24	46,000.00
17080 · Capital Outlay-Improvements	0.00	833.33	-833.33	0.00	9,166.67	-9,166.67	10,000.00
Total 16008 · Capital Outlay	41.00	8,725.01	-8,684.01	143,370.09	171,474.99	-28,104.90	180,200.00
16009 · Miscellaneous Expenses							
16590 · Misc. Expense	7,159.60	1,025.00	6,134.60	26,029.78	11,275.00	14,754.78	12,300.00
16009 · Miscellaneous Expenses - Other	0.00			880.07			
Total 16009 · Miscellaneous Expenses	7,159.60	1,025.00	6,134.60	26,909.85	11,275.00	15,634.85	12,300.00

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

Accrual Basis

August 2016

	Aug 16	Budget	\$ Over B...	Oct '15 - A...	YTD Budget	\$ Over B...	Annual Bu...
16010 · Contingency	0.00	8.33	-8.33	500.00	91.67	408.33	100.00
16356 · Contract Labor- Streets	0.00	8,737.25	-8,737.25	24,320.00	60,609.75	-36,289.75	69,347.00
16500 · Leases - Parks and Recreation							
16504 · Adams Park	0.00			2,641.01			
Total 16500 · Leases - Parks and Recreation	0.00			2,641.01			
Total Expense	147,255.82	214,237.19	-66,981.37	2,240,895.79	2,276,038.31	-35,142.52	2,480,338.00
Net Ordinary Income	72,474.09	51,542.57	20,931.52	88,668.72	-45,361.07	134,029.79	-53,881.00
Other Income/Expense							
Other Income							
14000.3 · Transfers In							
14620.2 · Admin Transfer from MEDC	18,750.00	0.00	18,750.00	37,500.00	28,125.00	9,375.00	37,500.00
14620.4 · Admin Trf from Court Security	720.00	0.00	720.00	2,880.00	2,160.00	720.00	2,880.00
Total 14000.3 · Transfers In	19,470.00	0.00	19,470.00	40,380.00	30,285.00	10,095.00	40,380.00
Total Other Income	19,470.00	0.00	19,470.00	40,380.00	30,285.00	10,095.00	40,380.00
Net Other Income	19,470.00	0.00	19,470.00	40,380.00	30,285.00	10,095.00	40,380.00
Net Income	91,944.09	51,542.57	40,401.52	129,048.72	-15,076.07	144,124.79	-13,501.00

City of Montgomery - Capital Projects
Cash Flow Report - Const CkgW&S Proj 1058544 Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$1,008.08
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 09/22/2016				<u>\$1,008.08</u>

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

Accrual Basis

	<u>Aug...</u>	<u>Bud...</u>	<u>% of...</u>	<u>Oct '15 - ...</u>	<u>YTD Bu...</u>	<u>% of ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
45391 · Interest Earned	0.61	12.50	4.9%	237.40	137.50	172.7%	150.00
Total Income	0.61	12.50	4.9%	237.40	137.50	172.7%	150.00
Expense							
43890 · Engineering -Series 2012							
43890.1 · Eng-Catahoula Aquifer WW	0.00			1,062.72			
43890.2 · Eng-WP #3 Improvements	0.00			3,768.67			
43890 · Engineering -Series 2012 - Other	0.00			28,505.67			
Total 43890 · Engineering -Series 2012	0.00			33,337.06			
44000 · Wastewater System							
44000.1 · Wastewater-Lift Station Repair	0.00	0.00	0.0%	0.00	30,000.00	0.0%	30,000.00
44002 · Cap Outlay-SS Diversion/Permit	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 44000 · Wastewater System	0.00	0.00	0.0%	0.00	30,000.00	0.0%	30,000.00
46000 · Roadway System Improvements							
46000.1 · Water - Meters	0.00	0.00	0.0%	181,386.00	120,000.00	151.2%	120,000.00
46000 · Roadway System Improvements - O...	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 46000 · Roadway System Improvements	0.00	0.00	0.0%	181,386.00	120,000.00	151.2%	120,000.00
48000 · Cap Outlay-Fac, Equip. & Plng							
48000.1 · Water-Buffalo Sp Bridge Proj	0.00	0.00	0.0%	0.00	70,000.00	0.0%	70,000.00
48000 · Cap Outlay-Fac, Equip. & Plng - Ot...	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 48000 · Cap Outlay-Fac, Equip. & Plng	0.00	0.00	0.0%	0.00	70,000.00	0.0%	70,000.00
Total Expense	0.00	0.00	0.0%	214,723.06	220,000.00	97.6%	220,000.00
Net Ordinary Income	0.61	12.50	4.9%	-214,485.66	-219,862.50	97.6%	-219,850.00
Net Income	<u>0.61</u>	<u>12.50</u>	<u>4.9%</u>	<u>-214,485.66</u>	<u>-219,862.50</u>	<u>97.6%</u>	<u>-219,850.00</u>

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

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$160,444.13
Receipts				
	Tax Revenue transfer		9,818.26	
	Interest		4.67	
Total Receipts				9,822.93
Disbursements				
	First National Bank of Huntsville	Refunding Bonds Series 2015- Payment due 9/1/16	(8,261.25)	
	Zions First National Bank	Debt Service Payment due 9/1/16 Series 2012	(58,887.50)	
	Zions First National Bank	Debt Service Payment due 9/1/16 Series 2012 R	(39,209.38)	
Total Disbursements				(106,358.13)
BALANCE AS OF 09/22/2016				\$63,908.93

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Accrual Basis

City of Montgomery - Debt Service
Profit & Loss Budget Performance
August 2016

	Aug 16	Budget	\$ Over Bu...	Oct '15 - A...	YTD Budget	\$ Over Bu...	Annual Bu...
Income							
34000 - Taxes & Franchise Fees							
34320 - Ad Valorem Taxes	2,032.61	0.00	2,032.61	263,989.94	264,668.74	-678.80	264,985.00
34330 - Penalty & Interest	733.13	108.33	624.80	3,891.04	1,191.67	2,699.37	1,300.00
Total 34000 - Taxes & Franchise Fees	2,765.74	108.33	2,657.41	267,880.98	265,860.41	2,020.57	266,285.00
34100 - Transfers							
34301.4 - Transfers in-MEDC Fund	29,375.00	0.00	29,375.00	117,500.00	88,125.00	29,375.00	117,500.00
34301.5 - Transfers in - Utility Fund	0.00	0.00	0.00	93,975.00	93,975.00	0.00	125,300.00
Total 34100 - Transfers	29,375.00	0.00	29,375.00	211,475.00	182,100.00	29,375.00	242,800.00
34200 - Proceeds-Bond Series Refundings	0.00	0.00	0.00	0.00	0.00	0.00	0.00
35000 - Other Revenues							
35390 - Interest on Checking	0.00	1.25	-1.25	0.00	13.75	-13.75	15.00
35391 - Interest on Investments	4.67	15.42	-10.75	91.13	169.58	-78.45	185.00
Total 35000 - Other Revenues	4.67	16.67	-12.00	91.13	183.33	-92.20	200.00
Total Income	32,145.41	125.00	32,020.41	479,447.11	448,143.74	31,303.37	509,285.00
Expense							
37000 - Debt Service							
37360 - Interest Payments On Note	8,261.25	8,261.25	0.00	16,841.25	16,841.25	0.00	16,841.25
37363 - Paying Agent Fees	0.00	0.00	0.00	250.00	2,500.00	-2,250.00	2,500.00
37365 - Interest 2012 Series Premium	98,096.88	98,096.87	0.01	198,968.76	198,968.75	0.01	198,968.75
37395 - Principal Note Payments	0.00	0.00	0.00	295,000.00	295,000.00	0.00	295,000.00
Total 37000 - Debt Service	106,358.13	106,358.12	0.01	511,060.01	513,310.00	-2,249.99	513,310.00
37370 - Expenses-Refunding Bond Act	0.00	0.00	0.00	0.00	0.00	0.00	0.00
37440 - Payment to Refunding Bond Agent	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expense	106,358.13	106,358.12	0.01	511,060.01	513,310.00	-2,249.99	513,310.00
Net Income	-74,212.72	-106,233.12	32,020.40	-31,612.90	-65,166.26	33,553.36	-4,025.00

City of Montgomery - Ct Security Fund
Cash Flow Report - Checking Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$16,229.59
Receipts				
	Revenue transfer thru 7/16		1,695.85	
	Interest		<u>0.28</u>	
Total Receipts				1,696.13
Disbursements				
CB		Baliff Fees 4th Qtr 2016	<u>(720.00)</u>	
Total Disbursements				<u>(720.00)</u>
BALANCE AS OF 09/22/2016				<u><u>\$17,205.72</u></u>

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

Accrual Basis

August 2016

	<u>Aug 16</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct '15 ...</u>	<u>YTD B...</u>	<u>\$ Over ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
84110 · Court Fines & Forfeitures							
84110.1 · Court Security Fees	<u>0.00</u>	<u>375.00</u>	<u>-375.00</u>	<u>7,672.88</u>	<u>4,125.00</u>	<u>3,547.88</u>	<u>4,500.00</u>
Total 84110 · Court Fines & Forfeitures	<u>0.00</u>	<u>375.00</u>	<u>-375.00</u>	<u>7,672.88</u>	<u>4,125.00</u>	<u>3,547.88</u>	<u>4,500.00</u>
84120 · Other Revenues							
84120.1 · Interest Income	<u>0.28</u>	<u>1.67</u>	<u>-1.39</u>	<u>2.40</u>	<u>18.33</u>	<u>-15.93</u>	<u>20.00</u>
Total 84120 · Other Revenues	<u>0.28</u>	<u>1.67</u>	<u>-1.39</u>	<u>2.40</u>	<u>18.33</u>	<u>-15.93</u>	<u>20.00</u>
Total Income	<u>0.28</u>	<u>376.67</u>	<u>-376.39</u>	<u>7,675.28</u>	<u>4,143.33</u>	<u>3,531.95</u>	<u>4,520.00</u>
Net Ordinary Income	<u>0.28</u>	<u>376.67</u>	<u>-376.39</u>	<u>7,675.28</u>	<u>4,143.33</u>	<u>3,531.95</u>	<u>4,520.00</u>
Other Income/Expense							
Other Expense							
86560 · Interfund Tranfers							
86551 · Baliff Transfer to General Fund	<u>720.00</u>	<u>0.00</u>	<u>720.00</u>	<u>2,880.00</u>	<u>2,160.00</u>	<u>720.00</u>	<u>2,880.00</u>
Total 86560 · Interfund Tranfers	<u>720.00</u>	<u>0.00</u>	<u>720.00</u>	<u>2,880.00</u>	<u>2,160.00</u>	<u>720.00</u>	<u>2,880.00</u>
Total Other Expense	<u>720.00</u>	<u>0.00</u>	<u>720.00</u>	<u>2,880.00</u>	<u>2,160.00</u>	<u>720.00</u>	<u>2,880.00</u>
Net Other Income	<u>-720.00</u>	<u>0.00</u>	<u>-720.00</u>	<u>-2,880.00</u>	<u>-2,160.00</u>	<u>-720.00</u>	<u>-2,880.00</u>
Net Income	<u><u>-719.72</u></u>	<u><u>376.67</u></u>	<u><u>-1,096.39</u></u>	<u><u>4,795.28</u></u>	<u><u>1,983.33</u></u>	<u><u>2,811.95</u></u>	<u><u>1,640.00</u></u>

City of Montgomery - Ct Tech Fund
Cash Flow Report - Checking Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$12,990.41
Receipts				
	Revenue due from General thru 7/16		4,275.62	
	Interest		<u>0.24</u>	
Total Receipts				4,275.86
Disbursements				
	No Disbursements Activity		<u>0.00</u>	
Total Disbursements				<u>0.00</u>
BALANCE AS OF 09/22/2016				<u><u>\$17,266.27</u></u>

City of Montgomery - Ct Tech Fund
Actual to Budget Performance
August 2016

Accrual Basis

	<u>Aug 16</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct '15 ...</u>	<u>YTD Bu...</u>	<u>\$ Over ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
74100 · Court Fines and Forfeitures							
74110 · Court Technology Fees	0.00	666.67	-666.67	10,254.05	7,333.33	2,920.72	8,000.00
Total 74100 · Court Fines and Forfeitures	0.00	666.67	-666.67	10,254.05	7,333.33	2,920.72	8,000.00
74200 · Other Revenues							
74291 · Interest Income	0.24	0.83	-0.59	0.65	9.17	-8.52	10.00
Total 74200 · Other Revenues	0.24	0.83	-0.59	0.65	9.17	-8.52	10.00
Total Income	0.24	667.50	-667.26	10,254.70	7,342.50	2,912.20	8,010.00
Expense							
76200 · Contract Services							
76362 · Computer/Website Services	-2,010.00	500.00	-2,510.00	1,718.88	5,500.00	-3,781.12	6,000.00
76363 · Computer/ Equipment	0.00			0.00	0.00	0.00	0.00
Total 76200 · Contract Services	-2,010.00	500.00	-2,510.00	1,718.88	5,500.00	-3,781.12	6,000.00
76300 · Supplies & Equipment							
76361 · Computer/Technology Equipment	0.00			0.00	0.00	0.00	0.00
Total 76300 · Supplies & Equipment	0.00			0.00	0.00	0.00	0.00
Total Expense	-2,010.00	500.00	-2,510.00	1,718.88	5,500.00	-3,781.12	6,000.00
Net Ordinary Income	2,010.24	167.50	1,842.74	8,535.82	1,842.50	6,693.32	2,010.00
Net Income	<u>2,010.24</u>	<u>167.50</u>	<u>1,842.74</u>	<u>8,535.82</u>	<u>1,842.50</u>	<u>6,693.32</u>	<u>2,010.00</u>

City of Montgomery - Grant
Cash Flow Report - Grant Account Account
 As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$287.74
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 09/22/2016				<u><u>\$287.74</u></u>

City of Montgomery - Grant
Cash Flow Report - Checking Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 09/22/2016				<u><u>\$10.00</u></u>

City of Montgomery - Hotel Occupancy Tax Fund
Cash Flow Report - Checking Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$9,399.90
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 09/22/2016				\$9,399.90

**City of Montgomery - Hotel Occupancy Tax Fund
Profit & Loss Budget Performance**

Accrual Basis

August 2016

	<u>Aug 16</u>	<u>Budget</u>	<u>\$ Over...</u>	<u>Oct '1...</u>	<u>YTD ...</u>	<u>\$ Over ...</u>	<u>Annua...</u>
Income							
44300 · Taxes & Franchise Fees							
44330 · Hotel Occupancy Taxes	0.00	104.17	-104.17	0.00	1,145.83	-1,145.83	1,250.00
Total 44300 · Taxes & Franchise Fees	0.00	104.17	-104.17	0.00	1,145.83	-1,145.83	1,250.00
44400 · Other Revenues							
44360 · Interest Earned On Checking	0.00	1.67	-1.67	0.00	18.33	-18.33	20.00
Total 44400 · Other Revenues	0.00	1.67	-1.67	0.00	18.33	-18.33	20.00
Total Income	0.00	105.84	-105.84	0.00	1,164.16	-1,164.16	1,270.00
Expense	0.00			0.00			
Net Income	<u>0.00</u>	<u>105.84</u>	<u>-105.84</u>	<u>0.00</u>	<u>1,164.16</u>	<u>-1,164.16</u>	<u>1,270.00</u>

City of Montgomery - MEDC
Cash Flow Report - MEDC Checking Account
As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$371,435.10
Receipts				
	Sales Tax Revenue rec'd 8/16		50,595.21	
Total Receipts				50,595.21
Disbursements				
1754	Waste Management of Texas, Inc.	Waste Bin - Acct OCN-0077393-1792-8 Inv 14071	(366.64)	
1755	Montgomery Area Chamber of Commerce	Inv 222 August fees & 1/2 Ad for Texas Farm and	(3,066.67)	
1756	Waste Management of Texas, Inc.	Waste Bin - Acct OCN-0077472-1792-0 Inv 14073	(366.64)	
1757	Joe Jackson	Demolition Work - Mr. Shoemaker on Martin Lut	(3,200.00)	
1758	Texian Heritage Festival	Contribution for Festival	(8,000.00)	
1759	Neon Cloud Productions, LLC	Change Stats of Previous Video - #386	(300.00)	
1760	Joe Jackson	Demolition Work and Haul Off - Job 15330 on No	(4,750.00)	
1761	Montgomery Historical Society	MIDC Portion of MHS - Christmas in Historic Mo	(5,000.00)	
Transfer	City of Montgomery - General Fund	Reimbursement for Travel for Sannon, Postage and	(2,013.82)	
Total Disbursements				(27,063.77)
BALANCE AS OF 09/22/2016				\$394,966.54

City of Montgomery - MEDC
Actual to Budget Performance
 August 2016

	Aug 16	Budget	\$ Over Bu...	Oct '15 - ...	YTD Bud...	\$ Over Bu...	Annual B...
Income							
55000 · Taxes & Franchise Fees							
55400 · Sales Tax	50,595.21	46,840.93	3,754.28	430,531.69	408,528.27	22,003.42	466,000.00
Total 55000 · Taxes & Franchise Fees	50,595.21	46,840.93	3,754.28	430,531.69	408,528.27	22,003.42	466,000.00
55300 · Other Revenues							
55391 · Interest Income	160.35	20.83	139.52	886.47	229.17	657.30	250.00
Total 55300 · Other Revenues	160.35	20.83	139.52	886.47	229.17	657.30	250.00
Total Income	50,755.56	46,861.76	3,893.80	431,418.16	408,757.44	22,660.72	466,250.00
Expense							
56000 · Category I							
56000.6 · Downtown Parking Improvements	5,260.00	3,333.33	1,926.67	6,630.19	20,000.00	(13,369.81)	20,000.00
56000.8 · Utility Extensions	0.00	29,166.67	(29,166.67)	0.00	170,000.00	(170,000.00)	170,000.00
56430 · Tsf to Debt Serv/ W & S Project	29,375.00	0.00	29,375.00	117,500.00	88,125.00	29,375.00	117,500.00
Total 56000 · Category I	34,635.00	32,500.00	2,135.00	124,130.19	278,125.00	(153,994.81)	307,500.00
56001 · Category II							
56001.7 · Seasonal Decorations	0.00	0.00	0.00	9,809.53	0.00	9,809.53	0.00
56423 · Economic Development Grant Prog	0.00	0.00	0.00	0.00	15,000.00	(15,000.00)	15,000.00
Total 56001 · Category II	0.00	0.00	0.00	9,809.53	15,000.00	(5,190.47)	15,000.00
56002 · Category III							
56420.1 · Christmas in Montgomery	0.00	0.00	0.00	5,000.00	5,000.00	0.00	5,000.00
56420.2 · Christmas Lighting(Civic Assn)	0.00	0.00	0.00	1,341.50	1,600.00	(258.50)	1,600.00
56423.1 · Walking Tours	0.00	0.00	0.00	2,660.00	10,000.00	(7,340.00)	10,000.00
56424.1 · Heritage Village Det. Pond Imp	0.00	0.00	0.00	0.00	10,000.00	(10,000.00)	10,000.00
56429 · Removal of Blight	5,054.17	0.00	5,054.17	17,983.97	30,000.00	(12,016.03)	30,000.00
56433 · Downtown Signs	0.00	0.00	0.00	0.00	3,000.00	(3,000.00)	3,000.00
56435 · Fernland Improvements	0.00	0.00	0.00	10,000.00	10,000.00	0.00	10,000.00
56439 · Downtown Development Projects	0.00	0.00	0.00	0.00	5,000.00	(5,000.00)	5,000.00
Total 56002 · Category III	5,054.17	0.00	5,054.17	36,985.47	74,600.00	(37,614.53)	74,600.00
56003 · Category IV							
56408.1 · Promotional Video	500.00	0.00	500.00	500.00	4,000.00	(3,500.00)	4,000.00
56409 · Antique Show & Fest	0.00	0.00	0.00	10,000.00	10,000.00	0.00	10,000.00
56413 · Brochures/Printed Literature	0.00	0.00	0.00	4,405.00	10,000.00	(5,595.00)	10,000.00
56413.1 · Banners Assistance	0.00	0.00	0.00	0.00	3,000.00	(3,000.00)	3,000.00
56414 · Wine & Music Fest	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
56415 · Texian/Heritage Festival	0.00	0.00	0.00	8,000.00	8,000.00	0.00	8,000.00
Total 56003 · Category IV	500.00	0.00	500.00	22,905.00	35,000.00	(12,095.00)	45,000.00
56004 · Category V							
56004.1 · Admin Transfers to Gen Fund	9,375.00	0.00	9,375.00	37,500.00	28,125.00	9,375.00	37,500.00
56004.2 · MACC Administration & Office	2,566.67	2,500.00	66.67	28,233.37	27,500.00	733.37	30,000.00
56004.3 · Miscellaneous Expenses	1,410.07	0.00	1,410.07	2,288.94	1,500.00	788.94	1,500.00
56327 · Gen Consulting (Acct,Eng,Legal)	0.00	1,250.00	(1,250.00)	2,370.00	13,750.00	(11,380.00)	15,000.00
56354 · Travel & Training Expenses	603.75	0.00	603.75	1,410.19	3,500.00	(2,089.81)	3,500.00
Total 56004 · Category V	13,955.49	3,750.00	10,205.49	71,802.50	74,375.00	(2,572.50)	87,500.00
Total Expense	54,144.66	36,250.00	17,894.66	265,632.69	477,100.00	(211,467.31)	529,600.00
Net Income	(3,389.10)	10,611.76	(14,000.86)	165,785.47	(68,342.56)	234,128.03	(63,350.00)

City of Montgomery - Police Asset Forfeiture
Cash Flow Report - Checking Account

As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$4,272.25
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 09/22/2016				\$4,272.25

City of Montgomery - Water & Sewer
Cash Flow Report - Water & Sewer Fund Account
As of September 22, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 08/18/2016				\$95,419.40
Receipts				
	Reimburse error deposit to General Fund		27.00	
	A/R Revenue CL 8/16		89,508.88	
	A/R Revenue OS 8/16		30,514.79	
	Misc Revenue CL 8/16		2,639.17	
	ETS Fees OS 8/16		7.50	
	Interest		5.83	
Total Receipts				122,703.17
Disbursements				
13137	Allen's Safe & Lock, LLC	Inv 47919 - Keys	(17.00)	
13138	Alton J. Stefan	Deposit refund	(39.08)	
13139	Badger Meter	Orion Cellular Serv Unit Inv 80007797	(560.70)	
13140	Consolidated Communications	August bills	(73.98)	
13141	Darden, Fowler & Creighton, L.L.P.	Legal Fees 7/16	(4,840.00)	
13142	DataProse, Inc.	DP1602154 - 7/16	(512.54)	
13143	DXI Industries Inc.	Chemicals	(301.60)	
13144	Eastex Environmental Laboratory, Inc.	Chemicals #C16H035	(550.00)	
13145	Gulf Utility Service, Inc.	Operations - July Inv 14513	(25,684.78)	
13146	Irby Construction	Deposit refund 281 Co Rd 19 Acct 01-8836-03	(476.50)	
13147	Irene Gardner	Deposit refund	(250.00)	
13148	Jones & Carter, Inc	Inv 0235540, 235538, 5536, 5535	(9,912.13)	
13149	Kendison Homes	Deposit Refund 219 N Waterstone Dr	(96.50)	
13150	Magna Flow Environmental, Inc	Sludge Hauling #43364	(2,138.81)	
13151	Mike Muckleroy	Reimbursement of Exp - 8/14/16	(71.19)	
13152	Motik Custom Homes	Deposit refunds	(254.11)	
13153	Nathan Rouse	Deposit refund	(189.94)	
13154	Neil Technical Services, Inc	Hwy 105 Lift Station - Repair Inv 68683	(3,622.00)	
13155	Oscar Ernesto Cruz	Deposit refund	(38.08)	
13156	Pamela Berkley	Deposit refund	(29.88)	
13157	Scott Davis	Deposit refund	(74.00)	
13158	Teresa Hill	Deposit refund	(82.28)	
13159	The Gypsy Rooster	Deposit refund	(270.68)	
13160	Valero Marketing and Supply Company	1/2 Fuel exp- Public Works Dept - Acct 7137 886	(246.46)	
13161	Waste Management	Residential Garbage Collection (399 Customers Tot	(6,963.37)	
13162	Hotsie Totsie or Cathy Wilson	Deposit Refund	(208.43)	
13163	Neil Technical Services, Inc	WP #3 Investigate GST Probes-Over Flows #669	(2,756.25)	
13164	Waste Management (2)	Acct 792-0068402-1792-8 Inv 5356258-1792-4 8/	(351.32)	
13165	Consolidated Communications	936-597-4826 - New Summit Business Park Auto	(36.99)	
13166	Entergy	PartUtilities per spreadsheet 8/16	(7,421.51)	
13167	Neil Technical Services, Inc	WP #3 - Pull Pump and Inspect - Install Chain In	(2,861.25)	
13168	Waste Management (2)	Acct 792-0068402-1792-8 Inv 5364802-1792-9 9/	(467.58)	
13169	Montgomery County UD#3-GRP Sponsor	July and August 2016	(4,022.88)	
13170	Montgomery County UD#4-GRP Sponsor	July and August 2016	(4,022.88)	
13171	Municipal Accounts & Consulting, L.P.	Accounting Service Inv 43466 7/16	(400.00)	
13172	Texas Excavation Safety System, Inc.	Monthly Message Fees for 8/16- Inv 16-11939	(55.10)	
13173	Consolidated Communications	936-597-8846/0 - Stewart Creek WWTP 9/16	(37.20)	
13174	DataProse, Inc.	DP1602491 - 8/31	(1,519.54)	
13175	TML - IRP	Insurance Premiums 9/16	(1,074.66)	
13176	Accurate Utility Supply, LLC	Operating Supplies Inv 133656	(1,090.67)	
13177	DXI Industries Inc.	Inv 055015043-16, DE05006454-16	(591.99)	

City of Montgomery - Water & Sewer
Cash Flow Report - Water & Sewer Fund Account
As of September 22, 2016

Num	Name	Memo	Amount	Balance
Disbursements				
13178	Eastex Environmental Laboratory, Inc.	Testing #C16I037	(920.00)	
13179	Gulf Utility Service, Inc.	Operations - August Inv 14591	(12,016.61)	
13180	H&B Construction	Builder Deposit refund - Hydrant Meter	(453.00)	
13181	Jim's Hardware	Acct #102 -Part of invoice for 8/16	(90.57)	
13182	LDC	Generator - 149 South #1 Gen & 105 West #2 Ge	(289.66)	
13183	Neil Technical Services, Inc	Inv 69160, 69076	(2,357.25)	
13184	Spirawk Tattum & Reiter/Red Wing	Uniform supplies Inv 62800000005331	(171.00)	
13185	Waste Management	Residential Garbage Collection (406 Customers Tot	(7,089.02)	
13186	Motik Custom Homes	Deposit Refund 136 Racetrack Lane	(21.97)	
13187	Motik Custom Homes	Deposit Refund 111 Abner Lane	(52.32)	
13188	Motik Custom Homes	Deposit Refund 100 Racetrack Lane	(34.11)	
DM	ETS Corporation	Credit Card Fees 8/16	(208.74)	
Total Disbursements			(107,918.11)	(107,918.11)
BALANCE AS OF 09/22/2016				\$110,204.46

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

August 2016

	<u>Aug 16</u>	<u>Budget</u>	<u>\$ Over Bu...</u>	<u>Oct '15 - ...</u>	<u>YTD Bud...</u>	<u>\$ Over Bu...</u>	<u>Annual B...</u>
Ordinary Income/Expense							
Income							
24000 · Charges for Service							
24100 · Water Revenue	46,333.44	30,365.67	15,967.77	343,441.53	334,022.33	9,419.20	364,388.00
24118 · Surface Water Revenue	790.86	375.00	415.86	5,574.45	4,125.00	1,449.45	4,500.00
24119 · Application Fee	0.00	66.67	(66.67)	70.61	733.33	(662.72)	800.00
24120 · Disconnect Reconnect	525.00	183.33	341.67	4,650.00	2,016.67	2,633.33	2,200.00
24200 · Sewer Revenue	21,926.78	16,250.00	5,676.78	184,680.60	178,750.00	5,930.60	195,000.00
24310 · Tap Fees/Inspections	30,742.00	2,916.67	27,825.33	108,865.00	32,083.33	76,781.67	35,000.00
24319 · Grease Trap Inspections	850.00	833.33	16.67	8,850.00	9,166.67	(316.67)	10,000.00
24330 · Late Charges	0.00	916.67	(916.67)	13,221.06	10,083.33	3,137.73	11,000.00
24333 · Returned Ck Fee	0.00	15.00	(15.00)	150.00	165.00	(15.00)	180.00
25403 · Solid Waste Revenue	7,677.96	5,583.33	2,094.63	74,777.48	61,416.67	13,360.81	67,000.00
Total 24000 · Charges for Service	108,846.04	57,505.67	51,340.37	744,280.73	632,562.33	111,718.40	690,068.00
24101 · Taxes and Franchise Fees							
24110 · Sales Tax Rev for Solid Waste	623.73	458.33	165.40	6,065.58	5,041.67	1,023.91	5,500.00
Total 24101 · Taxes and Franchise Fees	623.73	458.33	165.40	6,065.58	5,041.67	1,023.91	5,500.00
24121 · Groundwater Reduction Revenue	18,641.70	7,916.67	10,725.03	127,749.50	87,083.33	40,666.17	95,000.00
25000 · Other Revenues							
25391 · Interest Income	5.83	25.00	(19.17)	105.95	275.00	(169.05)	300.00
25392 · Interest earned on Investments	0.00	14.17	(14.17)	67.24	155.83	(88.59)	170.00
25399 · Miscellaneous Revenue	90.00	62.50	27.50	739.88	687.50	52.38	750.00
Total 25000 · Other Revenues	95.83	101.67	(5.84)	913.07	1,118.33	(205.26)	1,220.00
25393 · Use of Surplus Funds	0.00	0.00	0.00	0.00	0.00	0.00	80,000.00
Total Income	128,207.30	65,982.34	62,224.96	879,008.88	725,805.66	153,203.22	871,788.00
Expense							
26001 · Personnel							
26353.1 · Health Ins.	975.28	1,333.33	(358.05)	10,671.28	14,666.67	(3,995.39)	16,000.00
26353.4 · Unemployment Ins	0.00	0.00	0.00	342.00	522.00	(180.00)	522.00
26353.5 · Workers Comp.	102.95	166.67	(63.72)	1,253.38	1,833.33	(579.95)	2,000.00
26353.6 · Dental Insurance	87.04	120.83	(33.79)	948.40	1,329.17	(380.77)	1,450.00
26353.7 · Life & AD&D Insurance	27.80	37.50	(9.70)	305.80	412.50	(106.70)	450.00
26501 · Retirement Expense	274.33	268.58	5.75	3,318.19	2,954.42	363.77	3,223.00
26560 · Payroll Taxes	508.17	570.00	(61.83)	6,146.37	6,270.00	(123.63)	6,840.00
26600 · Wages	6,642.58	6,517.67	124.91	80,344.76	71,694.33	8,650.43	78,212.00
26600.1 · Overtime	0.00	90.00	(90.00)	0.00	990.00	(990.00)	1,080.00
Total 26001 · Personnel	8,618.15	9,104.58	(486.43)	103,330.18	100,672.42	2,657.76	109,777.00
26200 · Contract Services							
26320 · Legal Fees	0.00	183.33	(183.33)	15,600.00	2,016.67	13,583.33	2,200.00
26322 · Engineering	0.00	4,583.33	(4,583.33)	71,765.51	50,416.67	21,348.84	55,000.00
26323 · Operator	4,240.00	2,500.00	1,740.00	34,915.00	27,500.00	7,415.00	30,000.00
26324 · Billing and Collections	863.41	375.00	488.41	4,895.42	4,125.00	770.42	4,500.00
26328 · Testing	920.00	1,000.00	(80.00)	7,436.60	11,000.00	(3,563.40)	12,000.00
26331 · Sales Tax for Solid Waste	0.00	462.50	(462.50)	4,871.97	5,087.50	(215.53)	5,550.00
26333 · Accounting Fees	400.00	500.00	(100.00)	4,400.00	5,500.00	(1,100.00)	6,000.00
26336 · Sludge Hauling	0.00	1,166.67	(1,166.67)	30,723.73	12,833.33	17,890.40	14,000.00
26340 · Printing	0.00	41.67	(41.67)	0.00	458.33	(458.33)	500.00
26350 · Postage	656.13	208.33	447.80	3,235.80	2,291.67	944.13	2,500.00
26351 · Telephone	185.97	166.67	19.30	1,963.26	1,833.33	129.93	2,000.00
26370 · Tap Fees & Inspections	0.00	1,666.67	(1,666.67)	6,504.63	18,333.33	(11,828.70)	20,000.00
26399 · Garbage Pickup	7,440.34	5,166.67	2,273.67	80,840.09	56,833.33	24,006.76	62,000.00
26200 · Contract Services - Other	0.00			531.33			
Total 26200 · Contract Services	14,705.85	18,020.84	(3,314.99)	267,683.34	198,229.16	69,454.18	216,250.00
26300 · Communications							
26338 · Advertising/Promotion	0.00	41.67	(41.67)	900.00	458.33	441.67	500.00
Total 26300 · Communications	0.00	41.67	(41.67)	900.00	458.33	441.67	500.00
26326 · Permits & Licenses	0.00	1,583.33	(1,583.33)	12,043.15	17,416.67	(5,373.52)	19,000.00
26371 · Dues & Subscriptions	0.00			545.00			

	Aug 16	Budget	\$ Over Bu...	Oct '15 - ...	YTD Bud...	\$ Over Bu...	Annual B...
26400.1 · Supplies & Equipment							
26342 · Chemicals	591.99	1,416.67	(824.68)	14,619.04	15,583.33	(964.29)	17,000.00
26358 · Copier/Fax Machine Lease	0.00	375.00	(375.00)	653.34	4,125.00	(3,471.66)	4,500.00
26460 · Operating Supplies	323.55	1,500.00	(1,176.45)	19,639.12	16,500.00	3,139.12	18,000.00
26485 · Uniforms	171.00	187.50	(16.50)	1,757.65	2,062.50	(304.85)	2,250.00
27040 · ComputerTechnology Equipment	0.00	416.67	(416.67)	3,390.72	4,583.33	(1,192.61)	5,000.00
26400.1 · Supplies & Equipment - Other	532.25	0.00	532.25	2,932.25	0.00	2,932.25	0.00
Total 26400.1 · Supplies & Equipment	1,618.79	3,895.84	(2,277.05)	42,992.12	42,854.16	137.96	46,750.00
26401 · Groundwater Reduction Expenses	7,212.42	1,666.67	5,545.75	53,580.00	18,333.33	35,246.67	20,000.00
26500 · Staff Development							
26339 · Dues & Subscriptions	0.00	83.33	(83.33)	0.00	916.67	(916.67)	1,000.00
26354 · Travel & Training (Travel)	0.00	166.67	(166.67)	1,638.38	1,833.33	(194.95)	2,000.00
26355 · Employee Relations (Education)	0.00	41.67	(41.67)	100.00	458.33	(358.33)	500.00
Total 26500 · Staff Development	0.00	291.67	(291.67)	1,738.38	3,208.33	(1,469.95)	3,500.00
26600.2 · Maintenance							
26335 · Repairs & Maintenance	13,522.53	9,583.33	3,939.20	193,001.75	105,416.67	87,585.08	115,000.00
26335.1 · Vehicle Rep. & Maint.	0.00	333.33	(333.33)	164.26	3,666.67	(3,502.41)	4,000.00
26349 · Gas & Oil	0.00	416.67	(416.67)	2,799.94	4,583.33	(1,783.39)	5,000.00
Total 26600.2 · Maintenance	13,522.53	10,333.33	3,189.20	195,965.95	113,666.67	82,299.28	124,000.00
26700 · Insurance Expense							
26353.2 · Liability Ins.	142.96	129.17	13.79	4,315.72	1,420.83	2,894.89	1,550.00
26353.3 · Property Ins.	828.75	833.33	(4.58)	6,266.28	9,166.67	(2,900.39)	10,000.00
Total 26700 · Insurance Expense	971.71	962.50	9.21	10,582.00	10,587.50	(5.50)	11,550.00
26800 · Utilities Expense							
26352.1 · Utilities - Gas for Generators	289.66	45.83	243.83	1,097.89	504.17	593.72	550.00
26352.2 · Utilities-Water Plants	4,996.92	3,500.00	1,496.92	53,576.04	38,500.00	15,076.04	42,000.00
26352.3 · Utilities-WW Treatment Plants	1,722.54	2,916.67	(1,194.13)	20,736.98	32,083.33	(11,346.35)	35,000.00
26352.4 · Utilities - Lift Stations	691.02	625.00	66.02	17,308.04	6,875.00	10,433.04	7,500.00
26352.5 · Utilities - Security Light	11.03	50.00	(38.97)	114.13	550.00	(435.87)	600.00
Total 26800 · Utilities Expense	7,711.17	7,137.50	573.67	92,833.08	78,512.50	14,320.58	85,650.00
26900 · Capital Outlay							
26900.3 · Capital Outlay Equipment	0.00	11,666.67	(11,666.67)	0.00	128,333.33	(128,333.33)	140,000.00
26900 · Capital Outlay - Other	0.00			1,040.00			
Total 26900 · Capital Outlay	0.00	11,666.67	(11,666.67)	1,040.00	128,333.33	(127,293.33)	140,000.00
27000 · Miscellaneous Expenses							
26359 · Misc Expense	208.74	83.33	125.41	4,192.61	916.67	3,275.94	1,000.00
Total 27000 · Miscellaneous Expenses	208.74	83.33	125.41	4,192.61	916.67	3,275.94	1,000.00
Total Expense	54,569.36	64,787.93	(10,218.57)	787,425.81	713,189.07	74,236.74	777,977.00
Net Ordinary Income	73,637.94	1,194.41	72,443.53	91,583.07	12,616.59	78,966.48	93,811.00
Other Income/Expense							
Other Expense							
27001 · Other Expenses							
27001.2 · Transfer to Debt Service	0.00	0.00	0.00	93,975.00	93,975.00	0.00	125,300.00
Total 27001 · Other Expenses	0.00	0.00	0.00	93,975.00	93,975.00	0.00	125,300.00
Total Other Expense	0.00	0.00	0.00	93,975.00	93,975.00	0.00	125,300.00
Net Other Income	0.00	0.00	0.00	(93,975.00)	(93,975.00)	0.00	(125,300.00)
Net Income	73,637.94	1,194.41	72,443.53	(2,391.93)	(81,358.41)	78,966.48	(31,489.00)

City of Montgomery
District Debt Service Payments

09/01/2016 - 09/01/2036

Paying Agent	Series	Date Due	Date Paid	Principal	Interest	Total Due
Debt Service Payment Due 09/01/2016						
Amegy Bank of Texas	2012	09/01/2016	08/31/2016	0.00	58,887.50	58,887.50
Amegy Bank of Texas	2012R	09/01/2016	08/31/2016	0.00	39,209.37	39,209.37
First National Bank of Huntsville	2015R	09/01/2016	08/31/2016	0.00	8,261.25	8,261.25
Total Due 09/01/2016				0.00	106,358.12	106,358.12
Debt Service Payment Due 03/01/2017						
Amegy Bank of Texas	2012	03/01/2017		120,000.00	58,887.50	178,887.50
Amegy Bank of Texas	2012R	03/01/2017		105,000.00	39,209.38	144,209.38
First National Bank of Huntsville	2015R	03/01/2017		80,000.00	8,261.25	88,261.25
Total Due 03/01/2017				305,000.00	106,358.13	411,358.13
Debt Service Payment Due 09/01/2017						
Amegy Bank of Texas	2012	09/01/2017		0.00	57,087.50	57,087.50
Amegy Bank of Texas	2012R	09/01/2017		0.00	38,159.38	38,159.38
First National Bank of Huntsville	2015R	09/01/2017		0.00	7,761.25	7,761.25
Total Due 09/01/2017				0.00	103,008.13	103,008.13
Debt Service Payment Due 03/01/2018						
Amegy Bank of Texas	2012	03/01/2018		120,000.00	57,087.50	177,087.50
Amegy Bank of Texas	2012R	03/01/2018		105,000.00	38,159.68	143,159.68
First National Bank of Huntsville	2015R	03/01/2018		80,000.00	7,761.25	87,761.25
Total Due 03/01/2018				305,000.00	103,008.43	408,008.43
Debt Service Payment Due 09/01/2018						
Amegy Bank of Texas	2012	09/01/2018		0.00	55,287.50	55,287.50
Amegy Bank of Texas	2012R	09/01/2018		0.00	37,109.38	37,109.38
First National Bank of Huntsville	2015R	09/01/2018		0.00	7,141.25	7,141.25
Total Due 09/01/2018				0.00	99,538.13	99,538.13
Debt Service Payment Due 03/01/2019						
Amegy Bank of Texas	2012	03/01/2019		125,000.00	55,287.50	180,287.50
Amegy Bank of Texas	2012R	03/01/2019		105,000.00	37,109.38	142,109.38
First National Bank of Huntsville	2015R	03/01/2019		85,000.00	7,141.25	92,141.25
Total Due 03/01/2019				315,000.00	99,538.13	414,538.13
Debt Service Payment Due 09/01/2019						
Amegy Bank of Texas	2012	09/01/2019		0.00	53,412.50	53,412.50
Amegy Bank of Texas	2012R	09/01/2019		0.00	35,993.75	35,993.75
First National Bank of Huntsville	2015R	09/01/2019		0.00	6,376.25	6,376.25
Total Due 09/01/2019				0.00	95,782.50	95,782.50
Debt Service Payment Due 03/01/2020						
Amegy Bank of Texas	2012	03/01/2020		130,000.00	53,412.50	183,412.50
Amegy Bank of Texas	2012R	03/01/2020		110,000.00	35,993.75	145,993.75

City of Montgomery
Summary of Pledged Securities

As of September 22, 2016

Financial Institution: ALLEGIANCE BANK		
Total CDs, MM:	\$100,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
Financial Institution: FIRST BANK N.A. (Depository Bank)		
Total CDs, MM, and Checking Accounts:	\$961,248.04	Collateral Security Required: Yes
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: Yes
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	0.00 %	
Financial Institution: GREEN BANK		
Total CDs, MM:	\$100,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
Financial Institution: INDEPENDENT BANK		
Total CDs, MM:	\$200,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
Financial Institution: TEXPOOL		
Total CDs, MM:	\$480,148.24	Collateral Security Required: No
Less FDIC coverage:	\$0.00	Collateral Security Agreement On File: Yes
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	

Montgomery City Council
AGENDA REPORT

Meeting Date: September 27, 2016	Budgeted Amount: more alcoholic beverage tax
Department:	
Prepared By: Jack Yates	Exhibits: license application
Date Prepared: September 22, 2016	

Subject

Discussion

This is a request for an alcoholic beverage license at 22016 Eva St. (the old Heritage House location).

The letter that is immediately behind the application in your packet (second page in) gives a good detailed description of what he intends to do it site.

This is just to set the public hearing not to make a decision on the granting or not granting of a license.

Recommendation

Set a public hearing for the Cowpokes Alcohol Beverage License for October 25th.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 22, 2016 Date:



City of Montgomery
Alcohol Beverage
License Application

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

APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE

Date Received by the City: 09/22/2016

1. Type of Alcoholic Beverage License:

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

2. Legal Description of the property for which License is sought. (Either by Lot and Block number or by a Metes and Bounds Description: A0031 Rigsby Ben J, Tract 81A-1, Acres 2.660
22016 EVA ST. MONTGOMERY TX 77356

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

- 4. Attach a Plat of the property to the Application showing the improvements, parking areas, location of signage and other structures on the property and within three hundred (300) feet to scale.
- 5. Description of signs and the hours they will be operated to be attached as a separate document.
- 6. Attach floor plan of the building in which the business is to be conducted (showing fixtures, furniture, restrooms, kitchen and other equipment).
- 7. Attach a verified statement stating that the building is not within three hundred (300) feet of a church, school or hospital and that the building is in compliance with the requirements of this chapter for separate and adequate toilet facilities for men and women if used for on-premises consumption of beer, liquor or wine. This can be included in cover letter.

8. Business Owner: DAVID GERRARD Phone: 713 576 6590
Address: 22016 EVA ST, MONTGOMERY TX 77356
Home Address: 8295 HILLS PARKWAY, MONTGOMERY Phone: SAME AS ABOVE
Check if you are leasing property: [] 77316

9. Land Owner: DAVE AND CHERYL GERRARD Phone: 713 576 6590
Address: 8295 HILLS PARKWAY, MONTGOMERY TX 77316

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

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

David Gerrard or _____
Business Owner and/or Lessee Partner if Applicable

BRAVE SPEAR LLC
8295 HILLS PARKWAY
MONTGOMERY, TEXAS 77316

Date: September 21, 2016

To: Susan Hensley, The Secretary of the City of Montgomery

Subj: Application for a License to serve Beer, Wine and Mixed Drinks at Cowpokes

Encl: (1) City of Montgomery Alcohol Beverage License Application

(2) Supporting information packet for Encl (1)

(3) Copy of Warrant Deed for 22016 Eva Street, Montgomery, Texas 77356

(4) TABC On Premises Qualification Packet

We respectfully submit an application to the City of Montgomery for a Category D license to sell alcoholic beverages on the premises of Cowpokes, a new restaurant that will be located in the building formally occupied by the Heritage House, located at 22016 Eva Street "A", Montgomery, Texas, 77356.

The mission of Cowpokes is to provide delicious country style cooking and a relaxing dining experience to the families of Montgomery and its surrounding areas. Having the ability to offer beer, wine or mixed drinks to customers will help Cowpokes fulfill its mission just as it had helped The Heritage House serve the Montgomery community for so many years.

The building that will house Cowpokes is currently being renovated and updated. The new floor plan supports the inclusion of larger, handicap accessible restrooms while maintaining the size of dining areas. Hygiene in the kitchen area has been improved by separating the dish wash area from the food preparation area. A major investment to improve the level and quality of the air conditioning systems in the building is underway. Based on the project's schedule, the facility is expected to be ready and open for business by November 15th, 2016.

Cowpokes will be open for business seven days a week. Lunch and dinner will be served Monday through Friday. Breakfast, lunch and dinner will be served on Saturday. Breakfast and an extended Lunch will be served on Sunday. Cowpokes will share the central parking lot on the property with Annie's Frozen Custard.

Road signage for the business will be located in the same spot that was used by the Heritage House. The detailed design of the road signage has not been finalized. However, overall size will not be less than 4'x8', and not greater than 8'x8' and will follow all requirements specified in the City's Signage Ordinance. Reference to sale of Alcoholic Beverage on site will not be included in the street signage nor on any exterior signage of the building. Lights will illuminate all signage during the evening hours.

The Cowpokes building is not within 300 feet of a church, school, or hospital. It is not within 1000 feet of a private or public school. The building is in compliance for separate and adequate toilet facilities for men and women.

The development of the 2.66 acre property that Cowpokes sits on is occurring in three stages. The first stage has involved the creation of Annie's Frozen Custard, a walk up frozen desert and hot sandwich shop located across the parking lot from Cowpokes. Customers to Annie's will be able to enjoy frozen custard made fresh daily and /or hot sandwiches under tall oak and pine trees in an adjacent picnic area.

The remodeling and opening of Cowpokes will complete the second stage of the development.

An anticipated third stage involves the creation of a small outdoor live music venue for site visitors to listen to good local country and blue grass artists. The cleared area in the rear portion of the property is the intended location for the venue, which would include a small stage and a seating area under an open pavilion, and additional seating outside the pavilion.

Thank you for your thoughtful consideration of this request. We are looking forward to working with you and the other leaders of the City to help deliver on our plans to bring great country cooking back to the west side of the City and to create a unique venue for families and friends in Montgomery to enjoy time together. Any guidance provided in this regard will be greatly appreciated!

Thanks again and best regards,


David Gerrard

Principle, Brave Spear LLC

713 576 6590

davidgerrard@att.net

City of Montgomery
Application for the sale of Alcoholic
Beverage License
for

Cowpokes

22016 Eva Street
Montgomery, Texas 77356
9/20/2016

Exhibit A

2. Legal Description

A0031 Rigsby Ben J,

Tract 81A-1, Acres 2.660

2.66 acres of land in the BEN RIGBY SURVEY, ABSTRACT 31, Montgomery County, Texas, and a part of a 10.0 acre tract described in Volume 997, Page 529, Deed Records: said 10.0 acres having been conveyed to Fifteen, Inc., described under File No. 8231776; more full described as follows:

BEGINNING at a 1/2 inch iron rod in the North line of State Highway 105, the Southeast corner of the 10.0 acre tract, said point also on a curve to the right, having a radius of 5667.38 feet;

THENCE; Along said curve, through a central angle of 1 degrees 44 minutes, a distance of 172.1 feet to an iron rod in the North line of Highway and end of curve;

THENCE; North 06 degrees 29 minutes East, 10.0 feet to an iron rod for corner;

THENCE; North 83 degrees 31 minutes West, 142.55 feet to an iron rod in the centerline of a gully;

THENCE; Along said gully the following:

- (1) North 04 degrees 14 minutes East, 137.0 feet,
- (2) North 01 degrees 48 minutes West, 62.4 feet,
- (3) North 06 degrees 29 minutes East, 90.0 feet,
- (4) North 37 degrees 37 minutes East, 29.0 feet,
- (5) North 39 degrees 14 minutes East, 59.7 feet,
- (6) North 55 degrees 22 minutes East, 67.8 feet, and
- (7) North 52 degrees 45 minutes East, 89.3 feet to an iron rod
in the 10.0 acre East line;

THENCE; South 05 degrees 00 minutes 21 seconds East, 440.5 feet to the place of beginning and containing 2.66 acres of land.

3. Nature of Business

- Cowpokes is a full service, country cooking, family restaurant. The mission of Cowpokes is to provide delicious country style cooking and a relaxing dining experience to the families of Montgomery and its surrounding areas. Having the ability to offer beer, wine or mixed drinks to our customers will help Cowpokes fulfill its mission just as it had helped The Heritage House serve the Montgomery community for so many years. Cowpokes will be open for business seven days a week. Lunch and dinner will be served Monday through Friday. Breakfast, lunch and dinner will be served on Saturday. Breakfast and an extended Lunch will be served on Sunday.

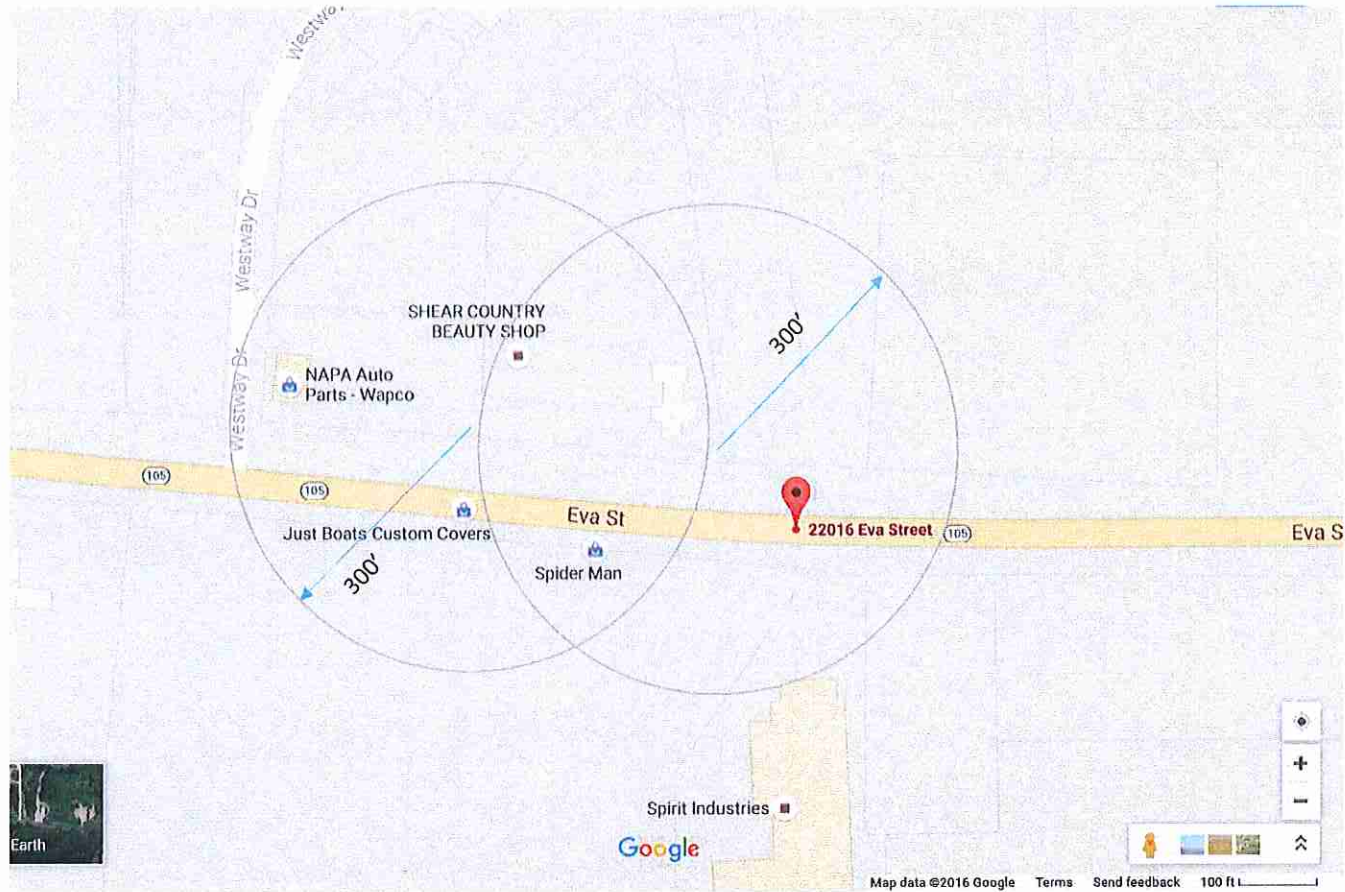
4. Plat, cont.

- Annie's Frozen Custard
- Brave Spear LLC Business Office
- Shared Customer Parking
- Annie's Street Signage



- Annie's Picnic Area
- Cowpokes
- Cowpokes Street Signage

4. Plat



5. Description of Signs

- Road signage for the business will be located in the same spot that was used by the Heritage House. The detailed design of the road signage has not been finalized. However, overall size will not be less than 4'x8', and not greater than 8'x8' and will follow all requirements specified in the City's Signage Ordinance. Reference to sale of Alcoholic Beverage on site will not be included in the street signage nor on any exterior signage of the building.

6. Floorplan

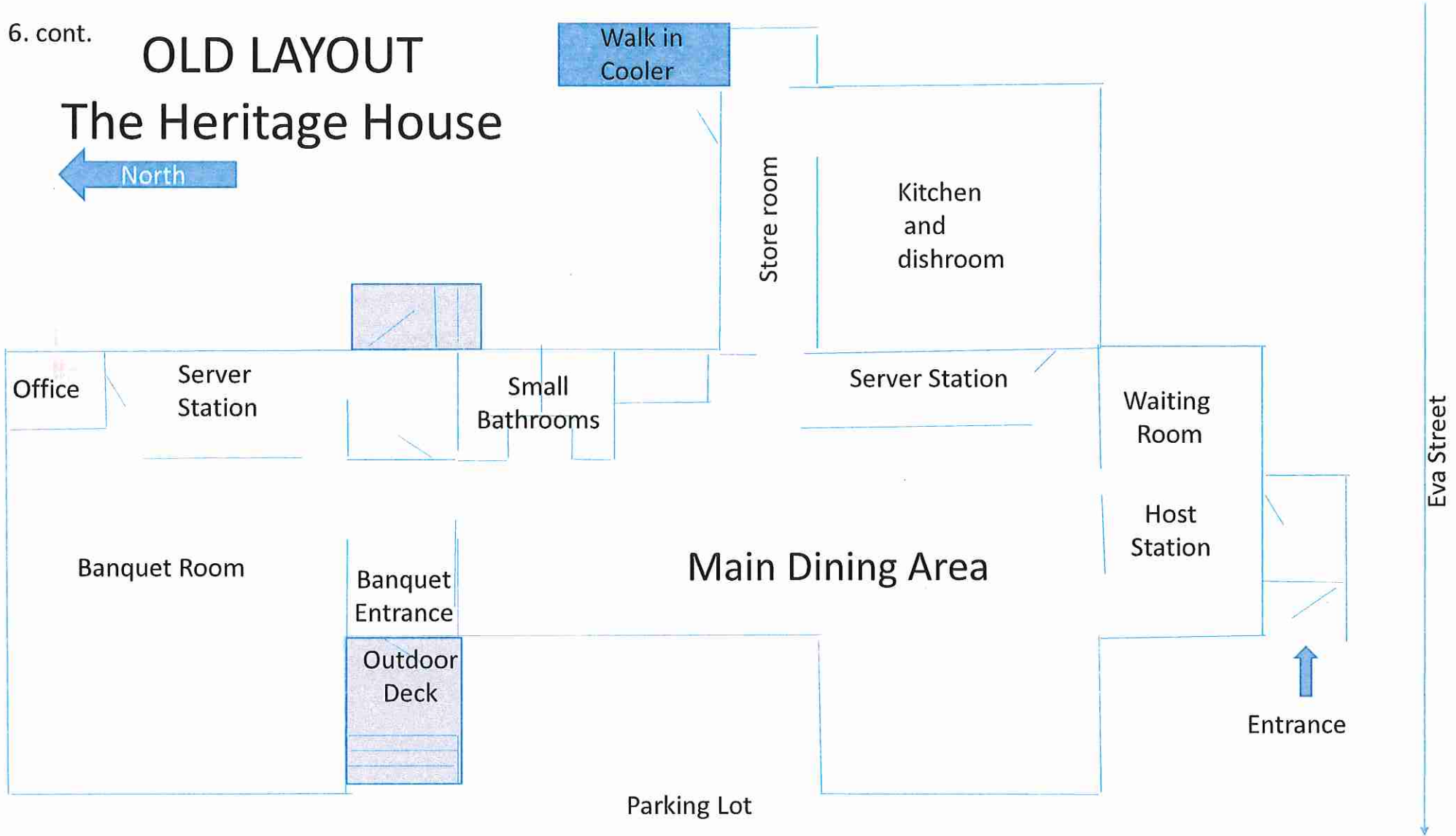
- The building that will house Cowpokes is currently being renovated and updated. The new floor plan supports the inclusion of larger, handicap accessible restrooms while maintaining the size of dining areas. Hygiene in the kitchen area has been improved by separating the dish wash area from the food preparation area. A major investment to improve the level and quality of the air conditioning systems in the building is underway. Based on the Project's schedule, we expect the facility to be ready and open for business by November 15th, 2016.

Continued on next 3 pages.

6. cont.

OLD LAYOUT

The Heritage House



6. cont.

NEW LAYOUT Cowpokes



Walk in Cooler

Dish room

Kitchen

Office

Server Station

Handicap Accessible Bathrooms

Server Station

Small Dining Room

Banquet Room/
Second Dining Room

Banquet Entrance

Main Dining Area

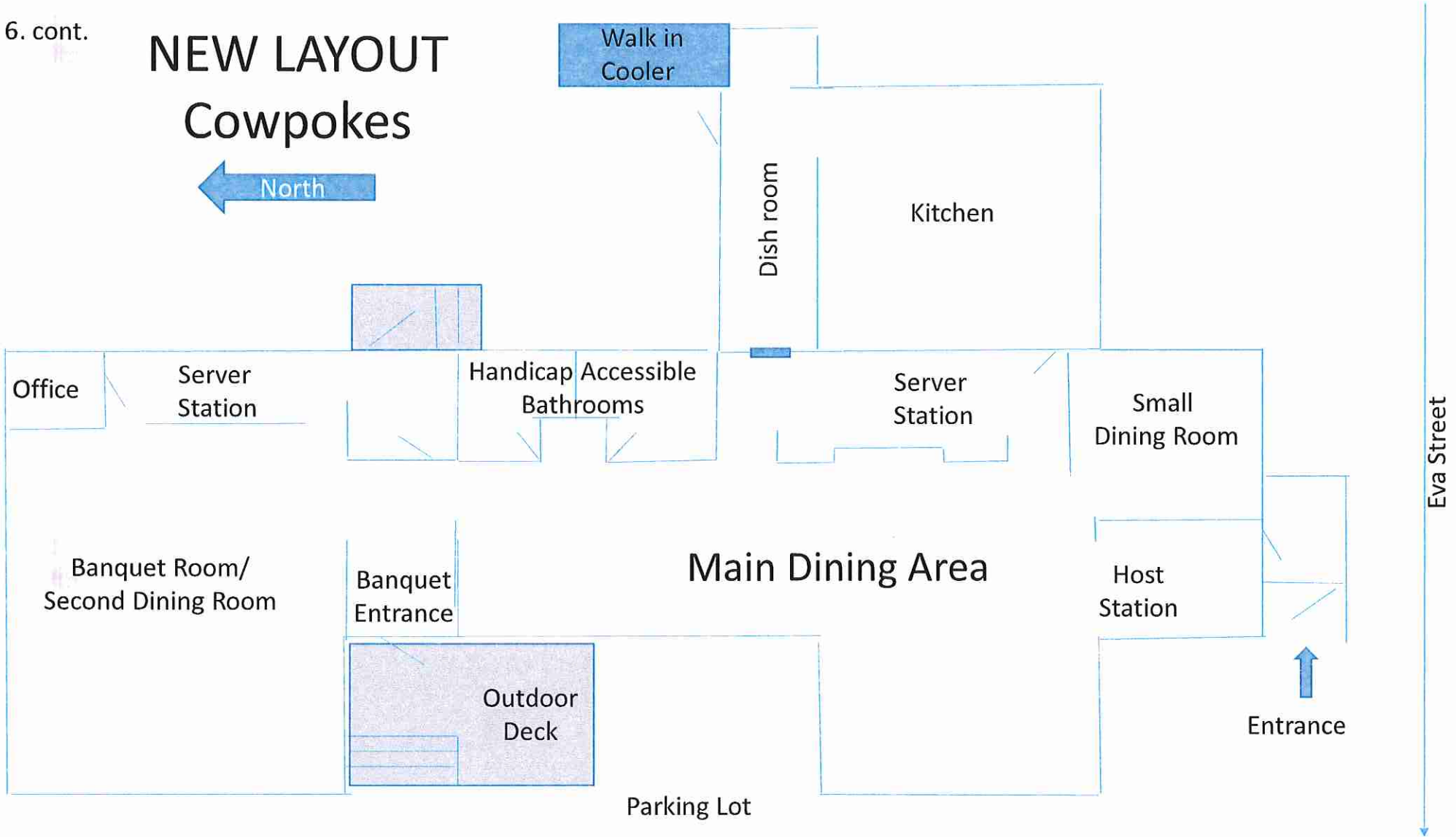
Host Station

Outdoor Deck

Entrance

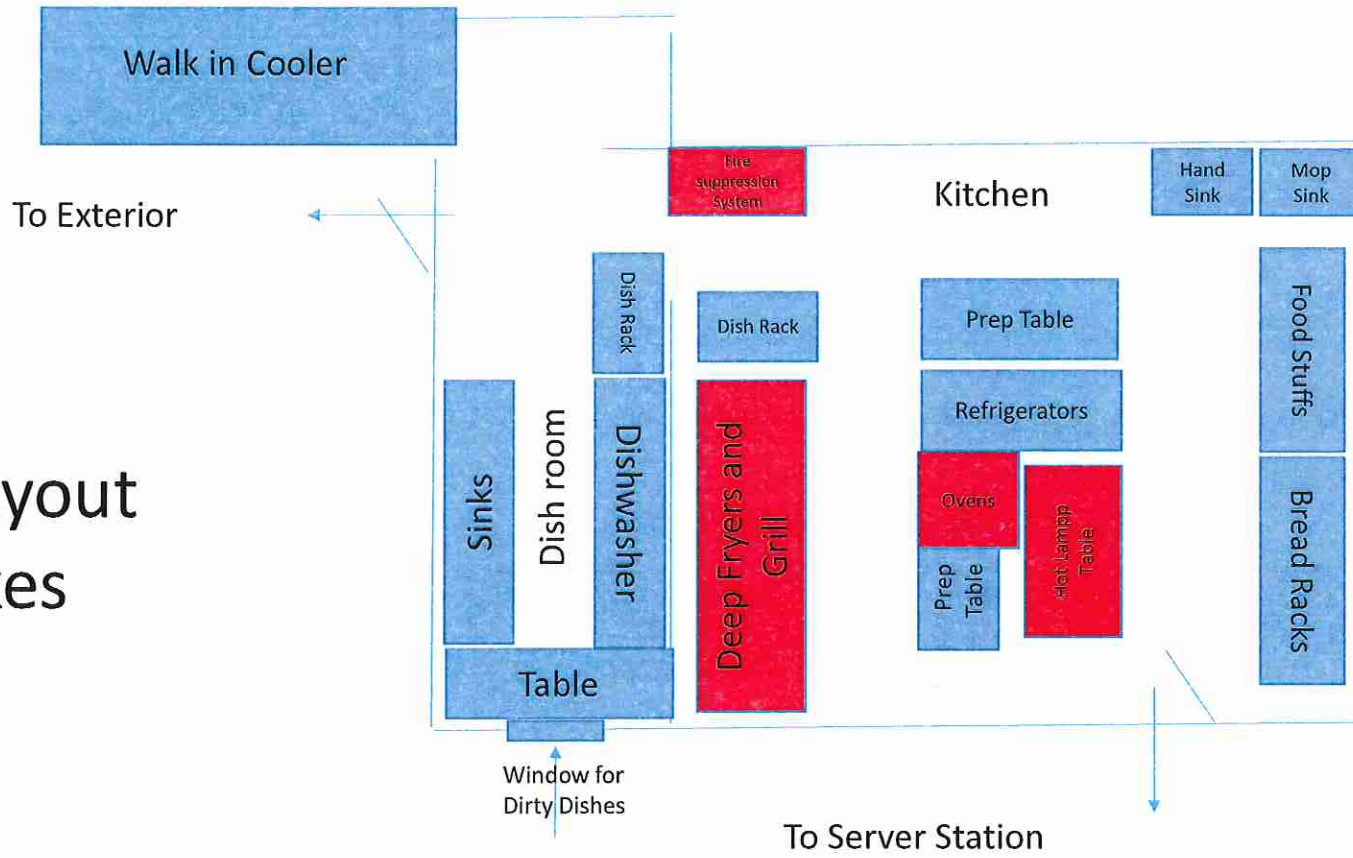
Parking Lot

Eva Street



6. cont.

Kitchen Layout Cowpokes



. Attach a verified statement

- The Cowpokes building at 22016 Eva Street, Montgomery, Texas, is not within 300 feet of a church, school, or hospital. The building is in compliance for separate and adequate toilet facilities for men and women.

- Signed:

David Gerrard, Principle, Brave Spear LLC, September 20, 2016.

Capital Title
GF# 16-267073-MG

Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: August 12, 2016

Grantor: **John E. Merdian and Linda Merdian, husband and wife**

Grantor's Mailing Address: 24400 Bailey Grove Rd., Montgomery, Texas 77356

Grantee: **David P. Gerrard and Cheryl A. Gerrard**

Grantee's Mailing Address: 8295 Hills Pkwy, Montgomery, Texas 77316

Consideration:

Cash and a note of even date executed by Grantee and payable to the order of Grantor in the principal amount of Three Hundred Forty Thousand and no/100 DOLLARS (\$340,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Grantor and by a first-lien deed of trust of even date from Grantee to William C. Shaddock, trustee.

Property (including any improvements):

See Attached Exhibit A

Reservations from Conveyance:

This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to the hereinabove described property as the same are filed for record in the County Clerk's Office of Montgomery County, Texas.

Exceptions to Conveyance and Warranty:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

Exhibit A

2.66 acres of land in the BEN RIGBY SURVEY, ABSTRACT 31, Montgomery County, Texas, and a part of a 10.0 acre tract described in Volume 997, Page 529, Deed Records: said 10.0 acres having been conveyed to Fifteen, Inc., described under File No. 8231776; more full described as follows:

BEGINNING at a 1/2 inch iron rod in the North line of State Highway 105, the Southeast corner of the 10.0 acre tract, said point also on a curve to the right, having a radius of 5667.38 feet;

THENCE; Along said curve, through a central angle of 1 degrees 44 minutes, a distance of 172.1 feet to an iron rod in the North line of Highway and end of curve;

THENCE; North 06 degrees 29 minutes East, 10.0 feet to an iron rod for corner;

THENCE; North 83 degrees 31 minutes West, 142.55 feet to an iron rod in the centerline of a gully;

THENCE; Along said gully the following:

- (1) North 04 degrees 14 minutes East, 137.0 feet,
- (2) North 01 degrees 48 minutes West, 62.4 feet,
- (3) North 06 degrees 29 minutes East, 90.0 feet,
- (4) North 37 degrees 37 minutes East, 29.0 feet,
- (5) North 39 degrees 14 minutes East, 59.7 feet,
- (6) North 55 degrees 22 minutes East, 67.8 feet, and
- (7) North 52 degrees 45 minutes East, 89.3 feet to an iron rod
in the 10.0 acre East line;

THENCE; South 05 degrees 00 minutes 21 seconds East, 440.5 feet to the place of beginning and containing 2.66 acres of land.



ON-PREMISE PREQUALIFICATION PACKET

L-ON
(01/2016)

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

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

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

LOCATION INFORMATION

1. Application for: Original Add Late Hours Only License/Permit Number _____
 Reinstatement License/Permit Number _____
 Change of Licensed Location License/Permit Number _____

2. Type of On-Premise License/Permit

- | | |
|---|---|
| <input checked="" type="checkbox"/> BG Wine and Beer Retailer's Permit | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License | <input type="checkbox"/> MI Minibar Permit |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License | <input type="checkbox"/> CB Caterer's Permit |
| <input type="checkbox"/> BP Brewpub License | <input type="checkbox"/> FB Food and Beverage Certificate |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats | <input type="checkbox"/> PE Beverage Cartage Permit |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> MB Mixed Beverage Permit | |
| <input type="checkbox"/> O Private Carrier's Permit – For Brewpubs (BP) with a BG only | |

3. Indicate Primary Business at this Location

- | | |
|--|--|
| <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input type="checkbox"/> Bar | <input type="checkbox"/> Grocery/Market |
| <input type="checkbox"/> Sexually Oriented | <input type="checkbox"/> Miscellaneous _____ |

4. Trade Name of Location

COWPOKES

5. Location Address

22016 EVA STREET "A"

City MONTGOMERY	County MONTGOMERY	State TX	Zip Code 77356 _
6. Mailing Address 8295 HILLS PARKWAY	City MONTGOMERY	State TX	Zip Code 77316_
7. Business Phone No. (APPLIED FOR-	Alternate Phone No. 713-576-6590 -	E-mail Address DAVIDGERRARD@ATT.NET	

OWNER INFORMATION

8. Type of Owner

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

9. Business Owner/Applicant

BRAVE SPEAR LLC

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

Individual/Individual Owner	Limited Liability Company/All Officers or Managers		
Partnership/All Partners	Joint Venture/Venturers		
Limited Partnership/All General Partners	Trust/Trustee(s)		
Corporation/All Officers	City, County, University/Official		
Last Name GERRARD	First Name DAVID	MI P	Title MRM/MGR
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

MEASUREMENT INFORMATION
Section 109.31 et seq.

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

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

12. Will your business be located within 300 feet of any private/public school, day care center or child care facility? Yes No
If "YES," are the facilities located on different floors or stories of the building? Yes No

NOTE: For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.
NOTE: For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.
NOTE: If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.

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

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

60-DAY SIGN

15. As required under Section 11.391 and 61.381, enter the exact date the 60-Day sign was posted at your location. Exact Date (mm/dd/yyyy)
8-22-2016 /

ALL APPLICANTS

16. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE
I, the applicant, have confirmed I am not located in the city limits of any city and therefore all city certificates are not required.

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:

Proprietorship
Partnership
Corporation
Limited Partnership
Limited Liability Partnership
Limited Liability Company

WHO MUST SIGN:

Individual Owner
Partner
Officer
General Partner
General Partner
Officer/Manager

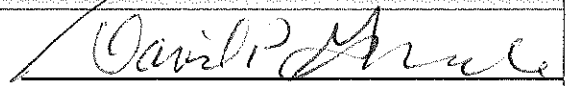
WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable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

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

PRINT NAME

DAVID P GERRARD

SIGN HERE

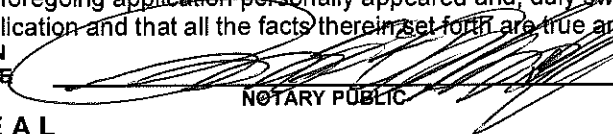


TITLE

MEMBER/MANAGER

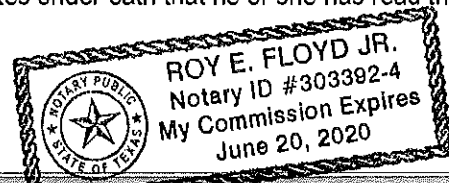
Before me, the undersigned authority, on this 22ND day of AUGUST, 2016, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE



NOTARY PUBLIC

SEAL



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

Section 11.37

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

SIGN HERE

City Secretary/Clerk

_____, TEXAS
City

SEAL

CERTIFICATE OF CITY SECRETARY (FOR BG & BE)

Section 11.37 & 61.37

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

Election for given location was held for:

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

OR IF ABOVE DOES NOT APPLY:

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

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

AND EITHER:

- legal sale of mixed beverages

OR

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

SIGN HERE

City Secretary/Clerk

_____, TEXAS
City

SEAL

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

Chapters 29 & 70 et seq.

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

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

**SIGN
HERE**

_____, TEXAS
City Secretary/Clerk City

S E A L

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

Section 11.37

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

**SIGN
HERE**

_____, COUNTY
County Clerk

S E A L

CERTIFICATE OF COUNTY CLERK (FOR BG & BE)

Section 11.37 & 61.37

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

Election for given location was held for:

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

OR IF ABOVE DOES NOT APPLY:

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

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

AND EITHER:

- legal sale of mixed beverages

OR

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

**SIGN
HERE**

_____, COUNTY
County Clerk

S E A L

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

Chapters 29 & 70 et seq

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

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

SIGN

HERE _____

County Clerk

_____ COUNTY

S E A L

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46 (b) & 61.42 (b)

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

Sales Tax Permit Number _____ Outlet Number _____

Print Name of Comptroller Employee _____

Print Title of Comptroller Employee _____

SIGN

HERE _____

FIELD OFFICE _____

S E A L

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

Section 11.39 and 61.38

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

Montgomery City Council
AGENDA REPORT

ITEM #5

Meeting Date: September 27, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits: Budget, notes of line item explanations
Date Prepared: September 22, 2016	

Subject

Approval of the MEDC budget for 2016 2017

Discussion

This budget has been approved by the MEDC Board and is submitted now for Council approval

The budget is more aggressive as far as project completion is considered- the sales tax estimated is realistic. There are no listings of "Undesignated Projects" as there has been in past years.

The "Staffing" line item under Category Five "Administration" is meant to be \$35,000 either (to be determined over the next two months by a Committee formed by the MEDC, then brought back to the Council for final decision)) a support person to coordinate special events paid for by MEDC and provided to the Montgomery Area Chamber of Commerce or a paid part-time city person. Also, \$10,000 is being set aside in this same line item for an internship program with high school or early college students and local businesses (details to be worked out later. So no decision is necessary now, this is money set aside for the possibility of these two programs.

Recommendation

Approve the budget as presented

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 22, 2016

Montgomery Economic Development Corporation
Statement of Income, Expenditures, and Changes in Net Assets

	2014-15	2015-16	2015-16	2016-17
	Actual	Amended Budget	Estimate	Budget
Beginning net assets (fund balance)	\$ 576,189	\$ 636,886	\$ 636,890	\$ 697,140
Income				
Sales tax (one-half of one percent)	449,352	466,000	460,000	557,000
Interest Income	603	250	700	500
Miscellaneous	1,664	-	-	-
Total Income	<u>451,619</u>	<u>466,250</u>	<u>460,700</u>	<u>557,500</u>
Total Appropriable Funds	<u>1,027,808</u>	<u>1,103,136</u>	<u>1,097,590</u>	<u>1,254,640</u>
Expenditures				
Public Infrastructure (Category 1)				
Downtown development Improvements 1	-	20,000	17,000	35,000
Utility extensions	89,794	170,000	80,000	200,000
Flagship development Improvements 2	19,487	-	-	10,000
Undesignated Infrastructure projects	1,009	-	-	-
Transfer to debt service	117,500	117,500	117,500	127,500
Total Infrastructure	<u>227,790</u>	<u>307,500</u>	<u>214,500</u>	<u>372,500</u>
Business development and retention (Category 2)				
Wine and music festival	9,500	-	-	-
Antique show and festival	9,500	-	-	-
Sales tax reimbursement	-	-	-	67,000
Economic development grant program	7,298	15,000	15,000	20,000
Total business development	<u>26,298</u>	<u>15,000</u>	<u>15,000</u>	<u>87,000</u>
Quality of life (Category 3)				
Seasonal decorations 3	3,000	3,000	8,200	3,000
Christmas lighting, civic association	1,492	1,600	1,400	1,600
Walking tour	-	10,000	2,700	6,000
Downtown enhancement projects	5,830	5,000	9,700	25,000
Removal of blight	17,816	30,000	15,000	25,000
Downtown signs	21,407	3,000	-	1,000
Fornland improvements	-	10,000	13,000	5,000
Heritage village detention pond improvements	-	10,000	-	10,000
Park Improvements	1,663	-	-	-
Total quality of life	<u>51,208</u>	<u>72,600</u>	<u>50,000</u>	<u>76,600</u>
Marketing and tourism (Category 4)				
Promotional video	-	4,000	-	1,000
Brochures / printed literature	12,165	10,000	6,700	8,000
Christmas in Montgomery 4	5,000	5,000	5,000	5,000
Wine and music festival	-	10,000	10,000	10,000
Antique show and festival	-	10,000	10,000	10,000
Texian heritage festival	-	8,000	8,000	8,000
Total marketing and tourism	<u>17,165</u>	<u>47,000</u>	<u>39,700</u>	<u>42,000</u>
Administration (Category 5)				
Transfers to city general fund	37,500	37,500	37,500	37,500
Montgomery area chamber of commerce office	28,800	30,000	32,000	32,000
Staffing (one part-time person; one intern)	-	-	-	45,000
Miscellaneous expense	-	1,500	1,500	6,000
Consulting (professional services)	-	15,000	9,250	15,000
Travel and training	2,161	3,500	1,000	3,500
Total administration	<u>68,461</u>	<u>87,500</u>	<u>81,250</u>	<u>139,000</u>
Total expenditures	<u>390,922</u>	<u>529,600</u>	<u>400,450</u>	<u>717,100</u>
Ending net assets (fund balance)	<u>\$ 636,886</u>	<u>\$ 573,536</u>	<u>\$ 697,140</u>	<u>\$ 537,540</u>

Notes:

- 1- Changed from "parking" to "development."
- 2 - Changed from "boulevard" to "development."
- 3 - Changed by removing "banners assistance" and moving from category 4 to category 3.
- 4 - Moved from category 3 to category 4.

MEDC BUDGET - DETAILS

Attached is the Proposed MEDC 2016 Budget. Below is an explanation of each line item intention- I say intention because, please remember that the budget is more than just figures, it is the intended actions of the MEDC from October 1st, 2016 to September, 2017.

Not all of these intentions will happen during the upcoming year and there, almost certainly, will be new actions that you will decide to undertake during the upcoming fiscal year.

All of this is to say that the budget is as much a goals policy as a financial plan that can be amended during the year.

You may note that the budget has a planned surplus of expenditures over revenue. That will be the case if every dollar is expended during the year, which is not likely. The MEDC has a projected year-end balance of approximately \$697,150 and the projected use of \$169,600 (the amount expenditures are over revenues for next year) would come off that number. But keep in mind, for instance, the current year had a projected expenditures of \$98,150 and we actually expect to not dip into the balance at all this year, because not every expenditure happened that was budgeted.

Revenues

- Sales Tax -- Sales tax for the city overall is expected to increase.
- Interest Income -- this is interest income from the balance in MEDC funds

Expenses state law states what can come from each category

Category I ---

-Downtown Improvements -- the thought is that the \$10,000 from the builder of the new building at McCown and College will be paid and with that money and \$25,000 from the MEDC that a paved parking area will be placed along Clepper

Street north of the Community Center. \$10,000 for planned improvements to drainage/sidewalks/streetscape improvements in downtown area.

-Utility Extensions – This will be \$75,000 toward the Texas Capital Fund grant to get utilities to the Pizza Shack development –already agreed to by MEDC. The remaining \$50,000 is for future possibilities that may come up during this next year. \$75,000 for the McCoy's sewer line size upsizing.

-Flagship Boulevard improvements-this involves landscaping on the north side of Flagship Boulevard, to screen the back of the shopping center from the apartments and otherwise beautify Flagship Boulevard.

-Transfer to debt service. Increase from \$117,500 in the past to \$177,500 due to another borrowing by the city for water and sewer dates.

Category II

-Economic Development Grant Program – This is where a grant is made to a historic area business or home to make an improvement to their façade, structure or public use aspect of their building. The grant maximum is \$5,000 and are individually applied for and awarded by the MEDC Board.

Category III

-Seasonal decorations- involves some additional monies and upkeep/additions to the trees purchased earlier this year.

-Christmas Lighting – this helps the Civic Association with funding for their lighting of Cedar Brake Park and downtown during the holidays.

-Walking tour- The MEDC for three years has budgeted for this “Q- code” walking tour of the historic district that will involve signing, printed materials and other amenities involved in the tour.

-Downtown Enhancement Projects – This involves some planned streetscaping improvements to the downtown area. This may involve drainage/ benches/ trash cans, sign posts, trees, etc.

-Removal of Blight - This is for removal of old houses/structures having to do with the appearance of the city. The city is starting a process on five such structures and the \$30,000 will go toward those removal expenses.

-Downtown Signs – This is for the upkeep of the new electric sign at the corner of 149 and 105.

- Fernland Improvements– This will contribute toward the restoration and maintenance of the Park’s inventory of buildings and artifacts of Fernland Park.
- Heritage Village Detention Pond Improvement – This is an old MEDC agreed to do project to help the Heritage Apartment builder finish their detention pond so that public use can be made of the pond.

Category IV

- Promotional Video – The MEDC two months ago gave Shannan Reid permission to work with the producer of the MEDC community video to update the video. That work is in progress and will be paid from next year’s funds.
- Brochures Printed Literature - This involves an advertisement in a Woodlands Chamber publication and other brochures and mail outs during the upcoming year.
- Christmas in Montgomery -- the MEDC for several years has contributed to this local event that brings in persons for the event that generally “sells” Montgomery to visitors and locals alike.
- Wine and Music Festival- the MEDC for several years has contributed to this local event that brings in persons for the event that generally “sells” Montgomery to visitors and locals alike.
- Antique Show and Festival-- the MEDC for several years has contributed to this local event that brings in persons for the event that generally “sells” Montgomery to visitors and locals alike.
- Texian Heritage Festival -- the MEDC for several years has contributed to this local event that brings in persons for the event that generally “sells” Montgomery to visitors and locals alike.

Category V

- Admin. Transfer to General Fund – This is what MEDC pays for City support of MEDC, meaning the financial record keeping, my time and overall city support of MEDC economic development matters.
- MACC Administration and Office – This is payment to the Montgomery Area Chamber of Commerce for Shannan’s Reid’s time and office spent on economic development through the Chamber.

- Staff Support person-- Additional staff person for either as a staff person for hiring by the MACC or as a half-time employee of city as a Special Events Coordinator for discussion/decision by the MEDC/City Council. Also, an internship program for high school/college students from city to work in city businesses – hopefully getting them trained/connected to a job that will keep them in the city after graduation. It is thought to be a cooperative program with local businesses wherein the local business pays half the pay to the intern and MEDC matches up to \$3,000.
- Miscellaneous Expenses - Just as it reads, minor expenses of the MEDC that do not seem to fit into any specific line item budgeted. A drone purchase is proposed.
- General consulting (Acctg. , Eng., Legal) – this is in case there is some specific engineering or legal work or advice needed for the MEDC due to looking at some specific issue, plus it could pay for the economic development analysis programs that MEDC has done on two recent occasions to analyze requested infrastructure contributions to a specific business.
- Travel and Training Expenses -- Travel for MEDC members or staff to various trainings, seminars, etc.

Montgomery City Council
AGENDA REPORT

ITEM #6

Meeting Date: September 27, 2016	Budgeted Amount: pass-through charge
Department:	
Prepared By: Jack Yates	Exhibits: Ordinance
Date Prepared: September 22, 2016	

Subject

Increase to garbage bill to residents and commercial users

Discussion

This is the ordinance that places into place the garbage rate increase that you agreed to two months ago. An ordinance is required because it is a fee. The monthly fee is increased .31 cents per container per month.

Recommendation

Approve the Ordinance as presented.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 22, 2016 Date:

Motion was made by _____, seconded by _____,

that the following Ordinance by passed:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE RATES TO BE CHARGED FOR GARBAGE AND TRASH PICKUP SERVICE INSIDE THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A PENALTY FOR FAILURE TO PAY ACCOUNTS; PROVIDING CONDITIONS UPON WHICH SERVICE WILL BE RESUMED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 20, 2016.

WHEREAS, the City Council of the City of Montgomery, Texas has entered into a contract with Waste Management, Inc. for the collection of garbage within the City in those areas served by the City; and

WHEREAS, all residential, commercial and industrial customers of the City are required to use the service provided by Waste Management, Inc.; and

WHEREAS, Waste Management, Inc. has notified the City of a price adjustment of 1.8% increase as permitted in its contract with the City;

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

Section. 1. Garbage Rates.

There shall be charged and collected by the City from each resident user and commercial customer for garbage and trash pickup the following rates:

- a. **Residential** \$17.92 per month; service to include once weekly pickup and weekly trash collection.
- b. **Commercial:** \$19.37 per month service to include once weekly pickup and extra trash collection service.

Section 2. Time and Place of Payment

All customer accounts for garbage and trash pickup service shall be billed on a monthly basis. Payments shall be due and payable within fifteen (15) days after the bill

is mailed. Payment shall be made at the City Hall, City of Montgomery, Texas, located at 101 Old Plantersville Road, or by mail at P.O. Box 708, Montgomery, Texas 77356. It shall be prima facie evidence that a billing has been received by a customer if the bill has been deposited in the U. S. Mail, postage paid.

Section 3. Penalties for Late Payment.

There shall be added to each account for garbage and trash services which are not paid as provided in Section 1 herein, a sum equal to ten percent (10%) of the amount of said account, as a penalty for late payment more than fifteen (15) days past the due date.

Section 4. Discontinuance of Service.

Garbage and trash service to any customer whose account is more than twenty (20) days delinquent shall be cut-off, and the charge therefore will be Twenty-Five Dollars (\$25.00) for resumption of service.

Section 5. Repealing Clause.

Any conflicting provisions of any other City ordinance are hereby repealed.

Section 6. Savings Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Ordinance shall not be affected hereby, it being the intention of the City Council of the City of Montgomery in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section 7. Texas Open Meetings Act.

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that 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 8. Effective Date.

The Ordinance shall become effective after it has been published as required by law beginning October 20, 2016.

PASSED AND APPROVED after a second reading, this _____ day of _____, 2016.

Kirk Jones, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

Meeting Date: September 27, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits: tree ordinance – general description information sheet, tree ordinance, Urban Forest Technical Manual,
Date Prepared: September 22, 2016	

Subject

Adoption of tree ordinance

Discussion

This is the presentation of the tree preservation ordinance for the city. The “Tree Ordinance – General Description” sheet hopefully answers many of your questions.

Recommendation

Approve the ordinance as presented.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 22, 2016 Date:

TREE ORDINANCE – GENERAL DESCRIPTION

Tree Protection Plan—a plan submitted by property owner, providing Protected Trees exist, with the method of protecting trees, and tree removal during construction in accordance with methods in the Urban Forest Technical Manual (UFTM)

Tree Replacement Plan – a plan submitted by property owner, providing the method of replacement for the trees removed during construction.

Urban Forest Consultant -- means a private resource consultant with expert expertise and care, maintenance and preservation using urban forestry management standard practices as a guide.

Tree Ordinance applies to: all real property on which protected trees exist, (excluding R-1 and R-2 present subdivided lots) all vacant and undeveloped property, all new subdivisions, any new commercial development.

Terms of Ordinance are:

Unlawful to damage/remove a tree having, at least, ten inches caliper, except with permit,

Removal of a diseased tree allowed- with permit,

All Permits and Plans are reviewed by City Administrator or his designee, the Urban Forest Consultant,

Replacement trees required when sites Canopy Area is reduced by 20%,

Tree protection during construction is required, a plan is required,

Replacement trees must be minimum of 3" caliper and 10' high and otherwise comply with UFTM,

Ordinance does not apply to utility companies needing to remove trees for lines,

Fees/bond paid to city at time of Tree Replacement Plan at time of plan to assure replacement of trees, with 5% paid to city for administration of Plan(s),

A Tree Fund shall be established from fees collected to be used for purchasing, installing trees on public r-o-w, forestry management services and administering the Tree Fund,

An approved tree list is provided as an attachment to the ordinance

ORDINANCE _____

AN ORDINANCE BY THE CITY COUNCIL OF MONTGOMERY, TEXAS, REGARDING AMENDING CHAPTER 78, "SUBDIVISIONS," OF THE CITY CODE OF ORDINANCES BY ADDING ARTICLE VII, ENTITLED "VEGETATION," CHAPTER 170, "TREE PRESERVATION AND REPLACEMENT," REGARDING THE REGULATION OF TREE REPLACEMENT AND REMOVING; PROVIDING DEFINITIONS; PROVIDING REGULATIONS FOR TREE PRESERVATION AND PROTECTION; CREATION OF A CITY TREE FUND; CREATING AN ACCEPTABLE CITY TREE LIST; PROVIDING FEE SCHEDULE FOR TREES AND IMPLEMENTATION; PROVIDING FOR CRIMINAL PENALTIES AND CIVIL ENFORCEMENT; PROVIDING REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, the City Council of the City of Montgomery has determined that it is necessary to adopt new regulations for tree protection and preservation in order to better protect property values and the interests of the City and its citizens;

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

SECTION ONE: AMENDMENT TO CODE OF ORDINANCES

The City Code of Ordinances at Chapter 78, "SUBDIVISIONS," is hereby amended by adding Article VII, "VEGETATION," Chapter 170, "TREE PRESERVATION AND REPLACEMENT," such that it reads as follows:

Sec. 78-171. FINDINGS AND INTENT

- (a) The City Council of Montgomery, Texas, finds that trees are important public resources that contribute to the unique character of the City and its physical, historical, cultural, aesthetic, ecological and economic environment. Trees reduce the effects of pollutants, provide wildlife habitat, shade and cooling, and add value

to real property. It is the goal of the City Council to secure these benefits by maintaining the tree canopy over a significant area of the City.

- (b) This chapter is intended to prevent the indiscriminate cutting of trees in advance of development; to preserve existing trees of certain species; to provide for the replacement of trees that are necessarily removed during construction or development; to require the consideration of trees as a component of site design; and to allow for the commercially reasonable development of private property subject to minimum standards for the preservation and planting of trees. No clear-cutting of land is allowed in the City or on land under the City's jurisdiction.

Sec. 78-172. APPLICABILITY AND EXCEPTIONS

This chapter applies to all tracts of land within the City of Montgomery, as well as any area subsequently annexed by the City with the following exceptions:

- (a) Previously platted residential lots
- (b) Any unplatted parcel, less than five (5) acres, that contains an occupied building which has a valid Certificate of Occupancy
- (c) All licensed tree nurseries only in relation to those trees planted and growing on the premises that are for sale or intended sale to the general public in the ordinary course of such licensed business, and
- (d) All easements and rights-of-way, other than drainage easements, that are on a recorded plat approved by the City and filed in the plat records of Montgomery County, Texas.

Sec. 78-173. DEFINITIONS^[GF1]_[GF2]

Caliper - The average diameter of the trunk of the tree as measured at DBH. On multi-trunk trees, the caliper of the largest trunk, plus fifty percentage (50%) ^[GF3] of each additional trunk's caliper shall be added to determine the caliper. On irregular trees measured immediately below the irregularity.

Canopy Area -- the extent of the uppermost crown of a tree or trees formed by the outer layer of leaves of an individual tree or group of trees.

City Administrator – shall mean the person holding the office of City Administrator or his designee acting in behalf of the City, with authority over the Tree Protection and Preservation Ordinance

City Engineer – The person or firm designated by the City Council or the City Administrator as the City Engineer.

Clear-Cutting - The indiscriminant removal of protected trees from a parcel or tract of land.

Critical root zone - An area extending five (5) feet beyond the outermost drip line of the tree.

Diameter Breast Height (“DBH”) – Diameter of trunk measured at 42-inches above natural grade.

Identifying Number – Each tree surveyed shall be marked with a permanently stamped uniquely numbered metal tag which cross references or identifies the tree in the Tree Inventory.

Irregular Tree – A tree having swelling, bumps, fork, etc. at DBH.

Multi-trunk Tree – A tree having two or more trunks arising from the root collar or natural grade.

Principal Building - For the purposes of this chapter, any building which is the first building permitted for construction on a lot or tract of land, or any subsequent building which shall serve as the primary residence or occupied building on the lot or tract of land.

Tree Inventory – A summary table indicating the identifying number, caliper, species, and condition of each tree surveyed; and whether it will be preserved or removed.

Tree Preservation Plan - [GF4] Shall mean a plan submitted by the owner in a form or manner specified by the city administrator or designee providing the method of protecting trees during construction that shall include protection details, standards, notes, and construction plans in accordance with generally accepted practices such as those provided in the Urban Forest technical Manual. The plan shall also identify each tree to be protected by surveyed location, tag number, and shall include a table listing the Canopy Area of each tree to be preserved. Total site area Canopy Area Calculation shall also be included on the plan

Tree survey date - For purposes of establishing the age of the tree survey, the first date that field observations were made by the preparer of the tree survey.

Urban Forest Technical Manual - [GF5] Shall mean the standards and specifications based on generally accepted practices developed by the City Administrator or designee for sound arboricultural cultural practices, techniques and procedures which shall serve as guidelines for trees regulated by this Chapter, including but not limited to tree selection, planting, alteration, treatment, protection, and removal as approved by the City Council, maintained by the city secretary and available through the City Administrator.

Protected tree-

(a) Any tree with a caliper of 12 inches or greater of any species, or

(b) Any tree with a caliper of 6 inches or greater of any species that is not one of the following: mesquite, bois d'arc, thorny honey locust, hackberry, cottonwood, cedar, chinaberry (common), native black willow, native red or white mulberry.

Sec 78-174. TREE PRESERVATION AND PROTECTION

(1) No person, **or company** directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree regardless of whether the protected tree is on private property or the abutting public right-of-way, as described in Section 78-172, "Applicability and Exceptions," with the following exceptions:

- (a) During a period of emergency, such as a tornado, storm, flood or other act of God, the requirements of this chapter may be waived as may be deemed necessary by the City of Montgomery's designated Emergency Management Coordinator (EMC) or, if unavailable, by the EMC equivalent from the Federal, State of Texas, or Montgomery County emergency management agencies.
- (b) If any protected tree is determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate remove without delay, authorization for removal may be given by the Montgomery City Emergency Management Coordinator or other designee of the City, and such a protected tree may then be removed without obtaining a written permit as required in this chapter and the fees, restitution, and penalties will not apply.
- (c) Utility service providers may do routine maintenance that is necessary for insuring reliable transmission and delivery service within their approved easements, and, or right-of-ways.
- (d) A guideline for implementation of the tree preservation plan is the *Urban Forest Technical Manual*, as hereby adopted by the City.

(2) No clear-cutting of land is allowed.

(3) **A tree preservation plan** must be submitted with all submitted preliminary plats to plat new subdivisions or developments, and again with all requests for permits for any type of construction **[GF6]**. If the site of development or construction does not contain any protected trees, a verification letter of no protected trees shall be submitted to the City that attests that protected trees are not on the property and that the person making this determination is qualified to do so. **Persons who may prepare the tree preservation plan or verification letter include registered surveyors, professional engineers, architects, landscape architects, arborists, or other qualified**

licensed professional(s). The letter must contain a statement affirming the author is qualified to prepare such document and listing his/her State License Number or other certificates of documentation. [GF7]The tree preservation plan or verification letter of no protected trees must be submitted to and approved by the City prior to the removal of any trees on the site. If there are no trees present of any type in the area of construction on previously platted residential lots, making no expertise necessary for determining the type and size of trees, landowners may submit a verification letter of no protected trees on their own behalf.

- (4) The tree preservation plan must include a tree inventory and a site map including, but not limited to, the following information:
- (a) Delineation of site boundaries.
 - (b) Location of all existing or proposed structures, construction activities and improvements (e.g., streets, alleys, easements, building lines, drainage ways, major grade changes, etc.).
 - (d) Trees proposed for preservation.
 - (e) Trees proposed for removal.
 - (f) Tree replacement proposal.
 - (g) Location of any existing or proposed utility lines.
 - (h) Location of any naturally occurring watercourses.
 - (i) Location of any designated floodways.
 - (i) Extent to which, if any, the 100-year floodplain encroaches within the platted boundary.

The tree preservation plan must be based upon a tree survey, which is not less than [two years][GF8] old at the time of submittal for platting and subdividing permits. Requests for building permits may use an existing City-approved tree survey, which is up to **twenty-four (24)** months [GF9]old at the time of the building permit application submittal, if available.

- (5) Trees to be preserved must be protected during construction activities by the following measures:
- (a) No grade changes, or trenching, shall be allowed within the critical root zone without prior City approval.
 - (b) For trees within 50 feet of a construction area, temporary barriers shall be erected to protect the critical root zone.

- (c) No construction or waste materials shall be stored, placed or disposed of within the critical root zone. This includes without limitation paints, oils, solvents, asphalt, concrete, mortar, lumber or other similar materials.
- (d) No asphalt, concrete or other impervious material shall encroach within the critical root zone, except, when necessary, and with prior City approval, these materials may be placed within five (5) feet of the trunk so long as at least two-thirds (2/3) of the critical root zone remains undisturbed.
- (e) No parking or vehicular traffic shall be allowed within the critical root zone. This restriction does not apply to the clearing of underbrush or of approved construction activities within the critical root zone.

Sec. 78-175. REMOVAL, MAINTENANCE AND REPLACEMENT OF TREES

- (1) Dead trees may be removed at any time, and shall be considered in the tree preservation plan. This shall not require City approval under this chapter.^[GF10]
- (2) Any tree may be reasonably pruned for aesthetic, maintenance, disease control, or safety reasons. This shall not require City approval.
- (3) No protected tree shall be pruned in a manner that significantly disfigures the tree or in a manner that would reasonably lead to the death of the tree.
- (4) Trees which are to be removed for disease or safety reasons shall be approved by the City prior to cutting. Factors to be considered include, but are not limited to, the overall health of the tree, the potential for adverse impacts of both leaving and removing the tree, and aesthetic value. This requirement shall not apply to any trees included in the percentage of trees allowed to be removed in accordance with paragraphs 5 and 6 of this section.
- (5) Up to twenty percent (20%) of the total caliper-inches of existing, protected trees may be proposed for removal during the development process (i.e., the grading, road, drainage and utility construction of the subdivision) without replacing any trees. Any tree with a 12-inch caliper or greater may not be included in the 20% exemption.
- (6) Up to 20% of the total caliper-inches of existing, protected trees on each lot or tract may be proposed for removal during the construction of a new dwelling or other building without replacing any trees. Any tree with a 12-inch caliper or greater may not be included in the 20% exemption.^{[GF11][GF12]}

- (7) Removal of a greater percentage of trees than that allowed above shall require the planting of new trees on a one hundred percent (100%) replacement rate. That is, for each caliper-inch of protected trees removed in excess of the allowed percentages, new trees with an equivalent aggregate total number of caliper-inches must be replanted. Multiple trees may be used to achieve the required total number of caliper-inches, but replacement trees must be at least 2 inches each in caliper, except when replacing a protected tree which had a caliper greater than 16 inches, at least two 5-inch caliper trees shall be included in the total. New trees must be chosen from the list of protected species in the “Acceptable Replacement Tree List” in Appendix A of this chapter.
- (8) For the purpose of replacement trees, existing non-protected trees which meet minimum size requirements may be preserved instead of planting replacement trees. Species protected by this chapter which are between 3 inches and 6 inches shall count 100 % (i.e., inch-for-inch). Unprotected species shall be a minimum of 6-inch caliper and count only 50 % (i.e., a 6-inch unprotected tree will count as a 3-inch replacement tree).
- (9) At the request of the Applicant, replacement trees may be planted on city property in lieu of the property under construction/development, with prior City approval. In the alternative, the Applicant may contribute to the City “Tree Fund” in a sum equivalent to the reasonable value of the replacement tree(s) **to be** this man not think so determined by the City Administrator or his/her designee.^[GF13]
- (10) A tree identified on the tree preservation plan that is replaced but dies within one year of the date it was planted must be replaced in accordance with the provisions of this chapter **as determined by the City.**
- (11) All replacement trees must be of a species included in the “Acceptable Replacement Tree List” in Appendix A of this chapter.^[GF14]

Sec. 78-176. FEES AND IMPLEMENTATION

(1) New Development.

Review and verification of tree preservation plans for new development shall be performed by the City Engineer in conjunction with other portions of the application. Fees shall be billed to the applicant as per the “Fee Schedule” in Appendix B of this chapter. Any cost incurred by the City for review, oversight, and verification in excess of collected fees as established in the “Fee Schedule” will be the responsibility of

the Applicant and must be reimbursed to the City. Final Plat approval shall not be granted until all fees have been paid in full by the Applicant and, if applicable, all penalties and any required restitution has been satisfied as well. The City may also withhold construction permits and occupancy permits if necessary until payment is made in full. [GF15]

(2) Residential Building Permits.

A fee, as prescribed in the "Fee Schedule" in Appendix "B" shall be assessed per individual platted lot for the City's costs incurred including the initial review and field verification of tree preservation plans required for the issuance of a Residential Building Permit. Each subsequent revised submittal shall be charged a reduced fee equivalent to the "Re-Inspection Fee". Fees are due at time of submittal. If no trees are going to be affected by construction as described in Section 78-174, a letter certifying no trees will be affected may be submitted with the accompanied reduced fee equal to the "Re-Inspection Fee". [GF16]

(3) Non-Residential Building Permits.

A fee, as prescribed in the "Fee Schedule" in Appendix "B", shall be assessed per acre for Non-Residential Building Permits for the City's costs incurred, including the initial review and field verification of tree preservation plans required for the issuance of a Non-Residential Building Permit. Each subsequent revised submittal shall be charged a reduced fee equivalent to the "Re-inspection Fee." Fees are due at time of submittal. If no trees are going to be affected by construction as described in Section 78-174, a letter certifying no trees will be affected may be submitted with the accompanied reduced fee. [GF17]

(4) Letters of No Protected Trees.

Fees shall be assessed at the reduced fee rate shown in the "Fee Schedule" in Appendix "B" for review and field verification of "No Protected Tree Letters" when submitted. [GF18]

Sec. 78-177. TREE FUND

(1) Establishment of Tree Fund.

The City Administrator or his/her designee shall establish a "Tree Fund" from fees generated as a result of the tree replacement requirements and general donations to the City for public tree plantings

(2) Funds to be Deposited.

Tree replacement fees in lieu of the installation and replacement of trees, as provided in Section 78.175(9), shall be deposited in the Tree Fund.

(3) Use of Tree Funds.

Expenditures from the Tree Fund shall be used for the purpose of purchasing and installing trees in public rights-of-ways, City park land, or any other City-owned property. Expenditures may also be used for maintenance of trees on public land; for urban forester management services; and for the administration of the Tree Fund.

Sec. 78-178. ENFORCEMENT AND PENALTIES

(1) Certificate of Occupancy Subject to this Chapter

No plat for new developments or subdivisions of property shall be approved, nor any building or construction permit issued, without an approved tree preservation plan or a verification letter of no protected trees. A permanent Certificate of Occupancy shall not be issued nor valid without all submittals, fees, and approvals and, if applicable, all fees and penalties being satisfied.

(2) Criminal Penalties for Violations of this Chapter

Any person or company that violates the provisions of this Tree Preservation and Replacement chapter shall be guilty of a criminal offense and shall be subject to the fines established in the general penalties of Section 1-13 of the City Code.

(3) Criminal Penalties for Damage to Trees

Cutting down, destroying, removing, moving or pruning that significantly disfigures a tree, or severe pruning that significantly disfigures a tree in a manner that would reasonably lead to the death of any tree, shall be subject to fines as established in the general penalties of Section 1-13 of the City Code.

(4) Civil Injunctive Relief

In addition to any criminal penalties described above, the City reserves the right to seek injunctive relief in a district court to stop a person or company from damaging or removing any tree in violation of this chapter.

SECTION 2: SAVING/REPEALING CLAUSE

All other ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance.

SECTION 3: SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court or competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 4: TEXAS OPEN MEETINGS ACT

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 5: EFFECTIVE DATE UPON PUBLICATION

The provisions of this Ordinance will become effective immediately upon adoption by the City Council and publication as provided by law. It is the intent of the Council that the Ordinance apply to every property within the City on which it may apply without violating any state or federal law.

PASSED AND APROVED BY THE CITY COUNCIL OF THE CITY OF
MONTGOMERY, TEXAS ON THIS THE _____ DAY OF _____, 2016.

Kirk Jones, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

APPENDIX "A"

ACCEPTABLE REPLACEMENT TREE LIST

APPENDIX "B"

FEE SCHEDULE

New Development	Tree Preservation Plan Submittal	\$ 150
New Development	Tree Preservation Plan Review	\$100/acre
Residential Building Lots	Tree Plan - per lot	\$ 50/ lot
Residential Building Lot Re-inspection	Re-inspection per lot	\$ 50/lot
Non-Residential Building Permit	Tree Plan Review	\$ 100/acre
Non-Residential Building Permit – Re-inspection	Tree Preservation Plan	\$ 50/acre
Letter of No Affected Trees	Review of Letter and field verification	\$ 25/acre

URBAN FOREST TECHNICAL MANUAL



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INTRODUCTION

Trees provide numerous benefits to quality of life in the urban area, such as beautification, energy conservation, and increased property values. The City of Montgomery is a peaceful, and comfortable growing community which currently is undergoing an explosion in commercial development. Much of the wooded tracts have been developed or are in the process of being developed. There is a concern for loss of the natural forested areas of the City and the effects on the community as a whole.

The Tree Ordinance is the City's primary regulatory tool to provide for the orderly protection of specified trees, to promote the health, safety, welfare, and quality of life for the residents of the City, to protect property values, and to avoid significant negative impacts on adjacent properties. By assuring preservation and protection through regulations and standards of care, these resources will remain significant contributions to the landscape, streets, and parks, and continue to help define the unique character of Shenandoah.

This *Urban Forest Technical Manual* (the Manual), adopted by resolution by the City Council, is published separately from the Ordinance and is maintained by the City Secretary with distribution by the City Administrator. The Manual provides standards and specifications based on generally accepted practices and provides guidelines for survey, protection, planting, pruning, and irrigation of trees. If there appears to be a conflict in verbiage between the Ordinance and the Manual, the Ordinance will take precedence. The goals of the Manual are intended to provide consistent care and serve as benchmarks to measure achievement in the following areas:

- Ensure and promote preservation of the remaining tree canopy cover within the City limits
- Provide standardized presentation of tree survey data required by the City
- Increase the survivability of trees during and after construction events by providing protection standards and best management practices
- Provide standards for the replacement of trees that are permitted to be removed
- Provide standards for new tree planting, tree care, and irrigation
- Provide guidance on protection, planting and care of trees in the city's right-of-way and publicly owned lands
- Establish criteria for determining when a tree is hazardous and a possible threat to the public health, safety and welfare

PRIMARY SOURCES CONSULTED

Standards and specifications were gathered from various documents listed in Appendix C: Bibliography. The International Society of Arboriculture (ISA) material was used for much of the tree planting, pruning, and general tree care information. The resultant standards in this Manual are based on common practices in the area and the types of soils and trees that exist in Montgomery.

SECTION 1: TREE SURVEY STANDARDS

1.1. INTRODUCTION

This section describes the format of tree surveys as well as the types of tree identification required in the field. These standards and specifications assure a faster review process as they relate to tree protection and mitigation.

1.2. PROTECTED AND UNPROTECTED TREES

Trees of all species that are at least eight (8) inches in diameter are protected except for Chinese Tallow and exceptions as outlined in Section 98-156 (1) of the Ordinance. For details related to protected trees, refer to the ordinance.

There is one grouping based on size or designation within the protected tree family. The group includes trees with diameters of 8 inches or more.

Trees less than eight (8) inches in diameter are not protected. However, healthy trees (good branching structure, height, and spread similar to nursery grown trees) with diameters of 3 to less than 8 inches may be credited toward replacement trees required as described in Section 98-158(3) of the Ordinance. The trees selected for mitigation will be indicated on the tree survey and construction plans and will be protected in the same manner as a protected tree. The City Administrator will approve the trees recommended for mitigation.

1.3. TYPES OF TREE SURVEYS

There are two types of tree surveys, partial and full. Elements required in a partial tree survey shall be described by the City Administrator.

1.4. TREE SURVEY CERTIFICATION

All tree surveys shall be certified. The tree survey will be performed by a registered professional land surveyor. Protected trees over eight inches will be surveyed and reflected on the survey graphically and in the legend. Protected species of trees under eight (8) inches used for replacement credit will be illustrated on the survey and legend as well.

If it is found upon field inspection that the survey is inaccurate, the tree survey will not be accepted and reviewed and will be returned for corrections. This will delay the site plan or preliminary plat review process while the tree survey is corrected and approved.

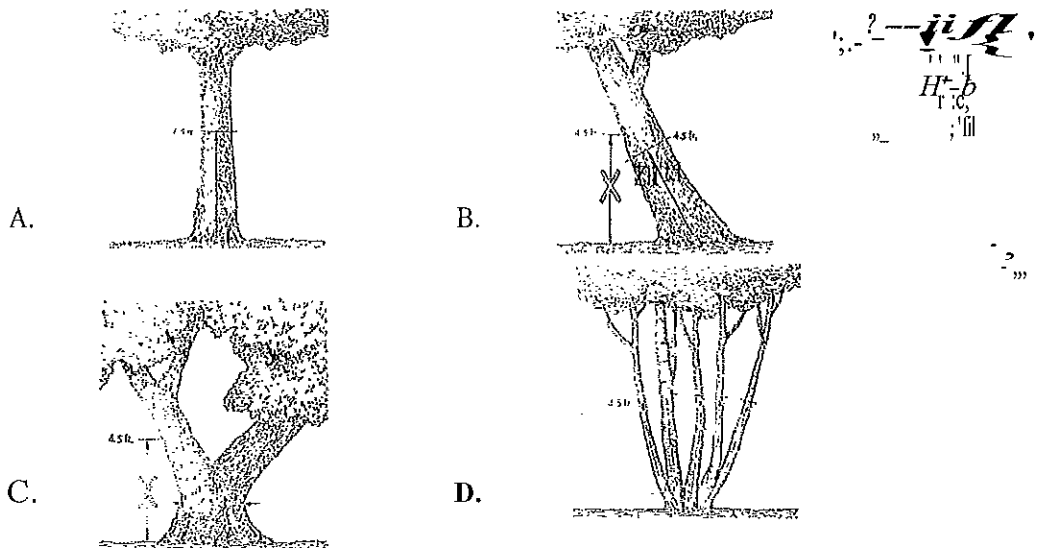
1.5. INFORMATION TO BE GATHERED IN THE FIELD

The data required to be collected and illustrated in the site plan include tree locations, diameters, species, limits of construction, and certain tree graphics.

1. *Location* – Tree data submitted must be obtained from a ground survey. A number shall be assigned and a corresponding numbered tag placed on each tree surveyed and provided in the overall tree survey. Tree numbers will remain on the trees until the project has received its certificate of occupancy.

2. *Diameter* – Diameters of existing trees are measured as follows. Diameter measurement should be recorded to the nearest inch. Trees may be measured with a caliper, cruise stick, standard tape measure or diameter tape.

Illustration 1-1: Measurement of trees
From: Guide For Plant Appraisal, 9th' h ed.



- a. Straight trunk: Trees with fairly straight, upright trunks should be measured four and a half (4.5) feet above the ground (See illustration 1-1 A.)
 - b. Trunk on an angle or on a slope: The trunk is measured at right angles to the trunk four and half (4.5) feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk (see illustration 1-1 B).
 - c. Trunk branching lower than four and a half (4.5) feet from the ground: When branching begins less than four and a half (4.5) feet from the ground, measure the smallest circumference below the lowest branch. In this example, an alternative would be to add the sum of the cross-sectional areas of the two stems measured about 12 inches above the crotch. Then average the sum of these two branch areas and the smallest cross-sectional area below the branches. This may give a better estimate of the tree size (see illustration 1-1 C).
 - d. Multi-stemmed tree: To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to one-half (1/2) the diameter of each additional trunk (see illustration 1-1 D). A multi-trunked tree is differentiated from individual trees growing from a common root stock if there is a visible connection between the trunks above ground.
3. *Species* – The name of the species, such as Live Oak, Water Oak, or Pine should be accurately reflected. Tree types may be listed by common names or Latin names. Indicating a tree name as "unknown" on a tree survey is not acceptable.

1.6. INFORMATION TO BE PROVIDED ON THE TREE SURVEY

1. **Trunk location** – The trunk location on the plan must represent the center of the trunk at ground level in the field. If the tree leans substantially above the point, show the direction of the lean with an arrow. See the legend under the sample Tree Survey in Illustration 1-2B for an example (Tree #10).
2. **Critical Root Zone (CRZ)** - Trees are to be represented on the tree survey by a concentric circle centered on the trunk location, with a radius equal in feet to the number of inches of the tree's trunk diameter. For example, an oak tree with a trunk diameter measuring fifteen (15) inches would be represented to scale on the tree survey with a circle representing a fifteen (15) foot radius. Trees to be retained will be represented by a solid circle. Trees to be removed are to be represented by a dashed circle. See illustration 1-2B.
3. **Diameters and types of existing trees** – Tree diameters and types shall be shown on the survey through a legend. Tree numbers on the legend will be correlated with the appropriate tree circle drawn on the plan and the trees in the field. Special conditions such as "dead" will be noted.
4. **Tree numbers** – Tree numbers on the plan will correlate with tags assigned to trees during the survey.
5. **Tree survey table** – A table will be included listing all surveyed trees by number, species, sizes, removal status, health conditions, and credit trees under eight inches. It will also include a legend indicating the protection status of the tree. Additionally, it will include calculations of the number of inches of trees to be protected, inches to be removed without mitigation, number of inches equal to or greater than 8 inches, number of inches subject to mitigation, and number of inches credited. See illustration 1-2A for reference.

1.7. ADDITIONAL INFORMATION

There are other types of information related to tree structure and condition which may affect site plan design. The City Administrator may request these types of information. The information will be expressed as a written note on the survey and include the tree number and a description of any of the following:

1. **Crown configuration** – If a tree has a crown which is skewed in one direction, this information would be useful for surveyors to note. Project designers and plan reviewers need such information to more accurately assess design impacts on such trees.
2. **Crown Clearance** – This information is often critical in determining whether a given structure or vehicular use area can practically be placed within the drip line of a tree. If this information is recorded, the surveyor should consider the vertical distance to any major branches.
3. **Condition** – This is one of the principle factors in determining whether a tree should or should not be preserved. Surveyors should not speculate about the condition of all trees unless they have the necessary credentials; however if a tree is obviously in poor condition, it should be noted to prevent unnecessary expense in trying to design around it.

4. **Spot elevation** - Taking an elevation reading near the trunks of some trees will provide valuable information for project designers. Since grade changes are the most destructive impacts on trees, it is important to get the most accurate information possible. If there is more than a six inch change, existing and proposed grade elevation will need to be reflected on the tree survey.

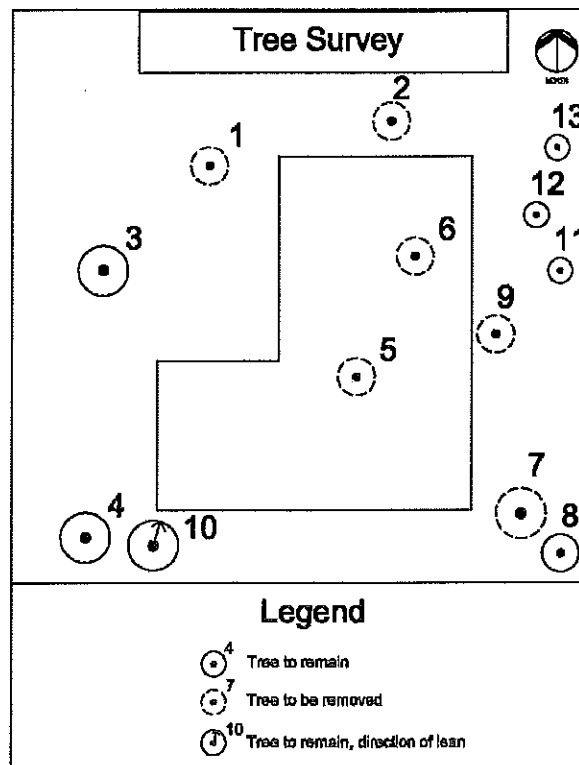
Illustration 1-2: Elements of a Tree Survey

From: Burditt – Urban Forestry Consultants

A.

TREE SURVEY TABLE			
Tree #	Size	Species	Comments
1	8"	Live Oak	Protected
2	10"	Tallow	Not protected
3	16"	Post Oak	Protected
4	36"	Cedar Elm	Protected
5	20"	Live Oak	Protected
6	20"	Tallow	Not protected
7	40"	Live Oak	Dead – Not calculated
8	12"	Silver leaf maple	Protected
9	12"	Pecan	Protected
10	40"	Pecan	Protected
11	3"	Pecan	Credit tree
12	4"	Bur Oak	Credit tree
13	3"	Live Oak	Credit tree
Total inches protected trees on site: 144			
Total inches that may be removed without replacement: 43 (30%)			
Trees under 20 inches, total inches removed: 20			
Inches subject to replacement (@ 1:1 ratio): 20			
Trees 20 + inches, total inches removed: 20			
Inches subject to replacement (@ 1:2 ratio): 40			
Total tree inches credited: 10			
<i>Replacement inches calculation</i>			
20 + 40 = 60 to be replaced			
60 - 43 = 17 to be replaced without the tree credit			
17 - 10 = 7 to be replaced with the tree credit			
Total inches to be replaced: 7			

B.



SECTION 2: TREE PROTECTION STANDARDS

2.1. INTRODUCTION

The tree protection section of the Ordinance and the standards in this section are provided to ensure that appropriate practices will be implemented in the field to eliminate undesirable consequences that may result from uninformed or careless acts, and preserve both trees and property values. Construction projects are required to implement the protective practices described in this section.

Typical negative impacts that may occur during construction include:

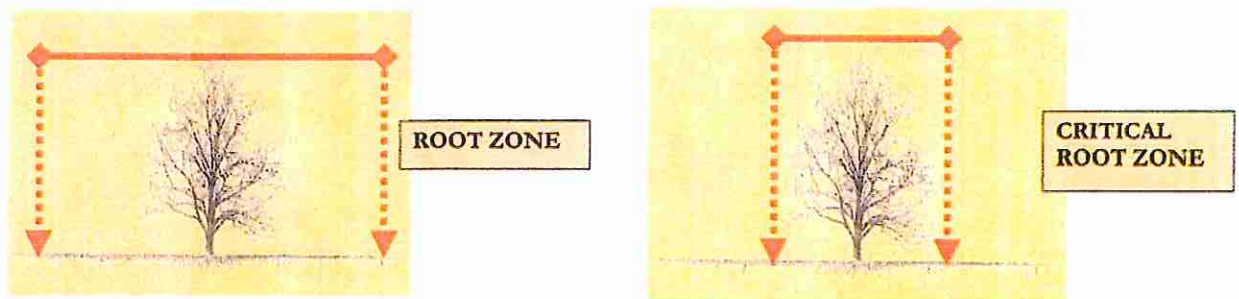
- Mechanical injury to roots, trunk or branches
- Compaction of soil, which degrades the functioning roots and inhibits the development of new ones and restricts drainage, which desiccates roots and enables water mold fungi to develop
- Changes in existing grade which can cut or suffocate roots
- Alteration of the water table – either raising or lowering
- Microclimate change, exposing sheltered trees to sun or wind
- Sterile soil conditions, associated with stripping off topsoil

2.2. CRITICAL ROOT ZONE (CRZ)

Each tree to be retained shall have a designated CRZ identifying the area sufficiently large enough to protect the tree and roots from disturbance. The CRZ is defined as a radius equal in feet to the number of inches of the tree's trunk diameter. The CRZ shall be shown on all tree surveys, tree replacement plans, and construction plans. Improvements or activities such as paving, utility and irrigation trenching and other activities shall occur outside the CRZ, unless authorized by the City Administrator. Unless otherwise specified, the protective fencing shall define the CRZ.

Illustration 2-1: Root zone vs. Critical root zone (CRZ)

From: Urban Forest Management Plan.



Activities prohibited within the CRZ include:

- Storage or parking vehicles, building materials, refuse, excavated spoils or dumping of poisonous materials on or around tree and roots. Poisonous materials include, but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water or any other material which may be harmful to tree health
- The use of tree trunks as a winch support, anchorage, temporary power pole, sign posts or other similar function

- Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches and other miscellaneous excavation without prior approval of the City Administrator
- Soil disturbance or grade change
- Impervious paving
- Vehicular traffic
- Drainage changes

Activities permitted or required within the CRZ include:

- Mulching. During construction, mulch may be spread within the CRZ. The mulch may be removed if improvements or other landscaping is required. Where there are areas of unprotected root zones in the CRZ, those areas shall be covered with four (4) inches of organic mulch to minimize soil compaction. See Chapter 3 of this Manual for a more thorough discussion on mulching.
- Irrigation, aeration, fertilizing or other beneficial practices that have been specifically approved for use within the CRZ and as defined by the City Administrator.

Erosion Control. If a tree is adjacent to or in the immediate proximity to a grade requiring erosion control, then approved erosion control or silt barriers shall be installed outside the CRZ to prevent siltation and/or erosion within the CRZ.

2.3. TREE PROTECTION AND PRESERVATION PLAN & PRE-CONSTRUCTION REQUIREMENTS

Prior to the start of any development project, the property owner shall have prepared and submitted for review a Tree Protection Plan for all protected trees. The Tree Protection Plan will consist of three elements: (1) illustrations showing options in tree fencing and protection (see illustrations in this section related to fencing and protection), (2) notes as listed in section 2.3.2 of this Manual, and (3) tree protection symbols on the tree protection plan as discussed in section 2.3.1 and illustrated in illustration 2-2 of this Manual. The plan will be reviewed by the City Administrator. The following elements will be addressed in the Tree Protection Plan prior to construction:

2.3.1. *Site Plan Reflecting Critical Root Zones*

In addition to the requirements described in the Tree Survey Standards, the CRZ to be enclosed with the specified tree fencing will be indicated on the Tree Replacement Plan and all construction plans as a bold line with x's evenly spread along the line (see illustration 2-2).

2.3.2. *Tree Protection Notes*

The Construction Plan and Site Plan will reflect the following tree protection notes. The following notes must be shown on plans accompanied by the tree protection details as illustrated on pages 2-12 and 2-13.

1. All trees not located within the limits of construction and outside of disturbed areas shall be preserved.
2. All trees shown on this plan to be retained shall be protected during construction with fencing.
3. Tree protection fences shall be erected according to city standards for tree protection, including types of fencing and signage.

4. Tree protection fences shall be installed prior to the commencement of any site preparation work (clearing, grubbing, or grading) and shall be maintained throughout all phases of the construction project.
5. Erosion and sedimentation control barriers shall be installed or maintained in a manner which does not result in soil build-up within tree driplines or root damage.
6. Fences shall completely surround the tree or clusters of trees, located at the outermost limits of the tree branches (dripline) or CRZ, whichever is greater; and shall be maintained throughout the construction project in order to prevent the following:
 - a. Soil compaction in root zone area resulting from vehicular traffic or storage of equipment or material.
 - b. Root zone disturbances due to grade changes (greater than 3 inches cut or fill) or trenching not reviewed and authorized by the City Administrator.
 - c. Wounds to exposed roots, trunk, or limbs by mechanical equipment.
 - d. Other activities detrimental to trees such as chemical storage, concrete truck cleaning, fires, and anchoring to tree trunk.
7. Exceptions to installing tree fences at the tree driplines or CRZ, whichever is greater, may be permitted in the following cases:
 - a. Where there is to be an approved grade change, impermeable paving surface, or tree well;
 - b. Where trees are close to proposed buildings, erect the fence no closer than 8 feet to the building.
8. Where any of the above exceptions result in a fence that is closer than 5 feet to a tree trunk, protect the trunk with strapped-on planking to a height of 8 feet (or to the limits of lower branching) in addition to the reduced fencing provided.
9. Where any of the above exception result in areas of unprotected root zones under the dripline or CRZ, whichever is greater, those areas shall be covered with 4 inches of organic mulch to minimize soil compaction.
10. All grading within protected root zone areas shall be done by hand or with small equipment to minimize root damage. Prior to grading, relocate protective fencing to 2 feet behind the grade change area.
11. Any roots exposed by construction activity shall be pruned flush with the soil. Backfill root areas with good quality light top soil within 24 hours. IF exposed root areas are not backfilled within 24 hours, cover them with organic material in a manner which reduces soil temperature and minimized water loss due to evaporation.
12. Prior to excavation or grade cutting within tree driplines, a clean cut shall be made between the disturbed and undisturbed root zones with a trenching machine or similar equipment to minimize damage to remaining roots.
13. All trees impacted by construction activities will be watered deeply once a week during periods of hot, dry weather. Tree crowns are to be sprayed with water periodically to reduce dust accumulation on leaves.
14. When installing concrete adjacent to the root zone of the tree use a plastic vapor barrier behind the concrete to prohibit leaching of lime into the root zone.
15. Any trenching required for the installation of landscape irrigation within the CRZ of protected trees shall be installed by hand digging with no root over 1" in diameter being cut.
16. No landscape topsoil dressing greater than (3) inches shall be permitted within the dripline or CRZ, whichever is greater, of trees. No topsoil or mulch is permitted on root flares of any tree.

17. Pruning to provide clearance for structures, vehicular traffic, and construction equipment shall take place before construction begins. All pruning must be done according to standards as outlined in American National Standard for Tree Care Operation – Tree Shrub and Other Woody Plant Maintenance – Standard Practice (ANSI R300-1995).
18. The City Administrator has the authority to require additional tree protection before or during construction.
19. Trees approved for removal shall be removed in a manner which does not impact trees to be preserved. Refer to the City of Shenandoah *Tree Technical Manual* for appropriate removal methods.
20. Prior to construction all lower tree limbs over roadways must be pruned to a height of 14 feet height using the techniques described in the City of Shenandoah *Tree Technical Manual*.
21. Deviations from the above notes may be considered ordinance violations if there is substantial noncompliance or if a tree sustains damage as a result.

2.3.3. Pre-construction meeting

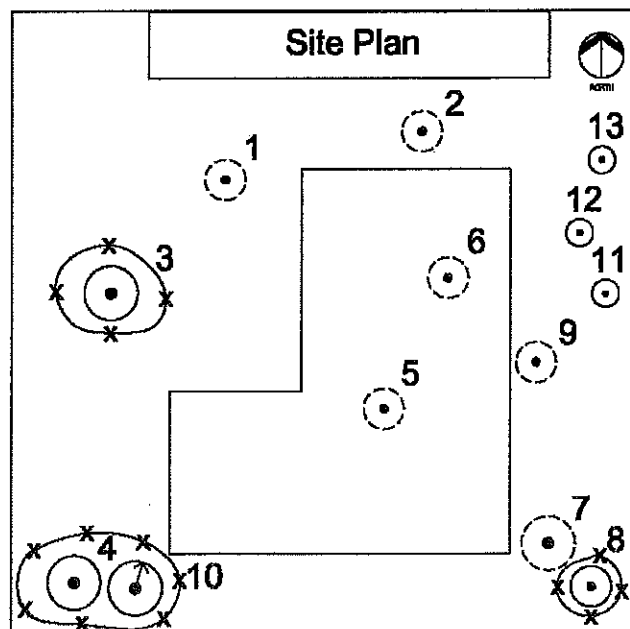
The demolition, grading and underground contractors, construction superintendent and other pertinent personnel are required to meet with the City Administrator or his designee prior to beginning work to review procedures, tree protection measures and to establish haul routes, staging areas, contacts, watering, etc.

2.3.4. Verification of tree protection

The project Urban Forester, landscape architect or contractor shall verify, in writing, that all preconstruction conditions have been met (tree fencing, erosion control, pruning, etc.) and are in place. Written verification must be submitted to and approved by the City Administrator before demolition or grading begins.

Illustration 2-2: Site plan with tree protection fence illustrated as below. Circles illustrate the Critical Root Zone.

From: Burditt – Urban Forestry Consultants



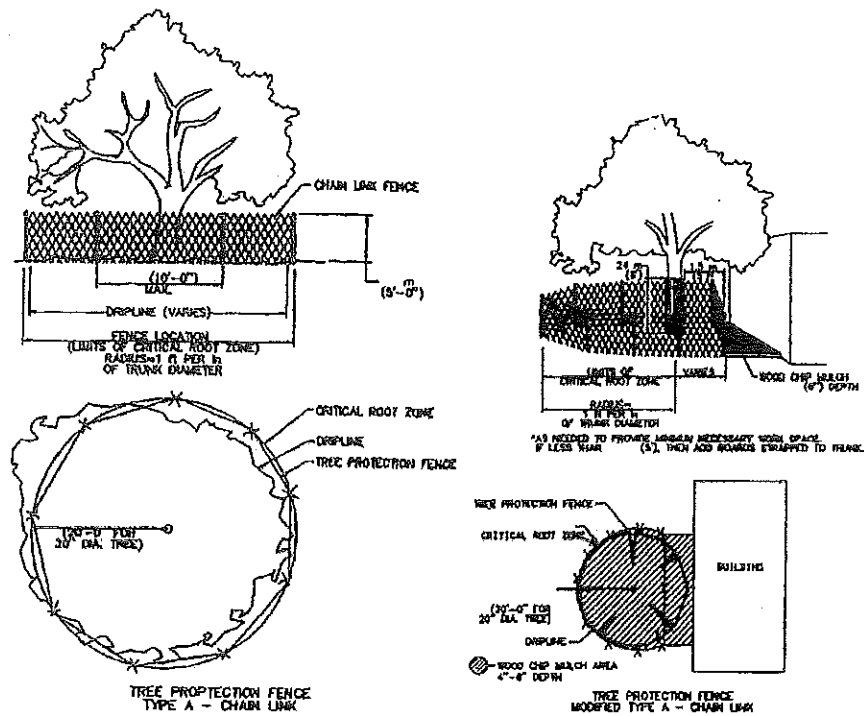
2.3.5. Tree fencing for protected trees

Fenced enclosures shall be installed at the CRZ or the dripline, whichever is greater, to achieve three primary goals:

1. To keep the foliage crowns and branching structure clear from contact by equipment, materials and activities
2. To preserve roots and soil conditions in an intact and non-compacted state
3. To identify the Critical Root Zone (CRZ) in which no soil disturbance is permitted and activities are restricted, unless otherwise approved.

Illustration 2-3: Examples of tree protection fencing surrounding the Critical Root Zone – Chain link fencing, without and with adjacent obstruction

From: City of Austin



a. Exceptions to fencing along the CRZ

1. Where aeration paving is to be installed, erect the fence at the outer limits of the aeration area
2. Where trees are close to proposed buildings, erect the fence no closer than eight (8) feet to the building
3. Where there are severe space constraints due to tract size, or other special requirements, contact the City Administrator

b. Size and type of fence

Chain Link:

Chain link fences around protected trees shall be a minimum of five (5) feet high. Fences are to be mounted on two inch diameter galvanized iron posts, driven

d. Duration

Tree fencing shall be erected before demolition, grading, or construction begins and remain in place until the certificate of occupancy has been granted. Removal of the fence during construction must be approved by the City Administrator. ***Fence removal without the approval of the City Administrator will result in a stop work order.***

e. 'Warning' sign

A warning sign shall be posted on each section of fence or every one hundred (100') feet of fence and state in both English and Spanish the following: 'TREE PROTECTION ZONE – NO ACCESS BY ORDER OF THE CITY OF SHENANDOAH ADMINISTRATOR'. Durable signs are recommended with a minimum size of 8"x11".

2.4. TREE PRUNING, TREE SURGERY, AND REMOVAL PRIOR TO CONSTRUCTION

2.4.1. Pruning

Prior to construction, various trees may require that branches be pruned clear from structures, activities, building encroachment or may need to be strengthened by means of mechanical support or surgery per approval of City Administrator. The most compelling reason to prune is to develop a strong, safe framework and tree structure. Cosmetic pruning is left to the discretion of the owner. Consult an urban forester or landscape architect for best practices if cosmetic pruning is desired. However, practices such as limbing up should be avoided.

Heavy pruning just after the spring growth flush should be avoided. This is when trees have just expanded a great deal of energy to produce foliage and early shoot growth. Removal of a large percentage of foliage at this time can stress the tree.

a. All trees except oak (Recommended):

Most routine pruning to remove weak, diseased, or dead limbs can be accomplished at any time during the year with little effect on the tree. As a rule, growth is maximized and wound closure is fastest if pruning takes place between November and March in the Southeast Texas Area.

b. Pruning limitations:

1. ***Minimum Pruning*** – If the project urban forester or landscape architect recommends that trees be pruned, and the type of pruning is left unspecified, the standard pruning shall consist of 'crown cleaning' as described below. Trees shall be pruned to reduce hazards and develop a strong, safe framework.
2. ***Maximum Pruning*** – Maximum pruning should only occur in the rarest situation and be approved by the City Administrator. No more than one fourth (25 percent) of the functioning leaf and stem area may be removed within one calendar year of any protected tree. It must be recognized that trees are individual in form and structure, and that pruning needs may not always fit strict rules. The project urban forester or landscape architect shall assume all responsibility

for special practices that vary from the standards outlined in this manual.

3. **Tree Workers** – Pruning shall not be attempted by construction or contractor personnel, but shall be performed by a certified arborist.

4. **Types of Pruning** – (See *Illustration 2-5*)

i. **Cleaning:**

The removal of dead, dying, diseased, crowded, weakly attached, and low-vigor branches from the crown of a tree.

ii. **Thinning:**

The selective removal of branches to increase light penetration and air movement through the crown. Thinning opens the foliage of a tree, reduces weight on heavy limbs, and helps retain the tree's natural shape.

iii. **Raising:**

Removes the lower branches from a tree in order to provide clearance for building, vehicles, pedestrians, and vistas.

iv. **Reduction:**

Reduces the size of a tree, often for clearance for utility lines. Reducing the height or spread of a tree is best accomplished by pruning back the leaders and branch terminals to lateral branches that are large enough to assume the terminal roles (at least 1/3 the diameter of the cut stem). Compared to topping, this helps maintain the form and structural integrity of the tree.

5. **Making Proper Pruning Cuts**

- Tree topping is prohibited and may result in tree replacement.
- Stub cuts are prohibited.
- Cuts will be made just beyond the outer edge of the collar of live wood. See illustration 2-6 for an example.
- To reduce potential of oak wilt infections, all pruning cuts on oak trees during the months of April, May or June shall be covered with a thin coat of water-based black paint.
- If a large limb is to be removed, its weight should first be reduced. This is done by making an undercut about 12-18 inches from the limb's point of attachment. A second cut is made from the top, directly above or a few inches further out on the limb. This removes the limb leaving the 12-18 inch stub. The stub is removed by cutting back to the branch collar. This technique reduces the possibility of tearing the bark.

Illustration 2-5: Types of crown pruning
 From: *International Society of Arboriculture*

5.1

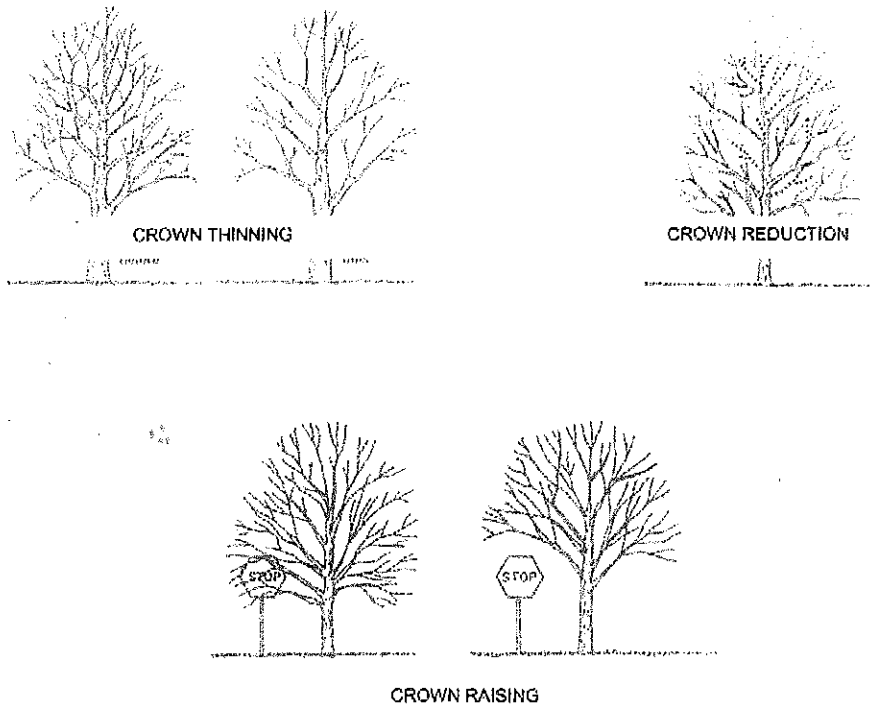
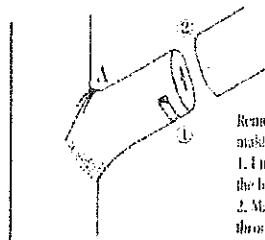
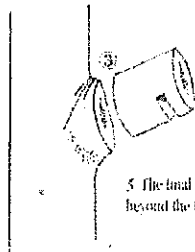


Illustration 2-6: Proper tree cuts
 From: *International Society of Arboriculture*

Pruning a Live Branch



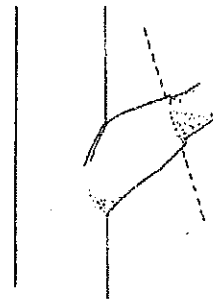
Remove a large limb by making three cuts:
 1. Undercut 12" to 24" from the branch collar (A)
 2. Make a top cut all the way through the branch, within 1" of the undercut



3. The final cut should be just beyond the branch collar (A)

Pruning a Dead Branch

A dead branch stub that has a collar of live wood should be cut just at the outer edge of the collar (swollen area where one branch meets another).



2.4.2. Tree Surgery

If it is necessary to promote health and prolong useful life or the structural characteristics, trees shall be provided the appropriate treatments (e.g. cavity screening, bark tracing, wound treat, cables, rods or pole supports) as specified by the project urban forester or landscape architect.

2.4.3. Tree Removal Adjacent to Protected Trees

When trees are removed and adjacent trees must be protected (as shown on the approved site plans), then the following tree removal practices apply:

- a. **Tree Removal** – Removal of trees that extend into the branches or roots of protected trees shall not be attempted by demolition or construction personnel, grading or other heavy equipment. A certified arborist or tree worker shall remove the tree carefully in a manner that causes no damage above or below ground to trees that remain.
- b. **Stump Removal** – Before performing stump extraction, the developer shall first consider whether or not roots may be entangled with trees that are to remain. If so, these stumps shall have their roots severed before extracting the stump. Removal shall include the grinding of stump and roots to a minimum depth of 12-inches.

2.5. ACTIVITIES DURING CONSTRUCTION & DEMOLITION NEAR TREES

Soil disturbance or other injurious and detrimental activity within the CRZ is prohibited unless approved by the City Administrator. If an injurious event inadvertently occurs, or soil disturbance has been specifically conditioned for project approval, then the following mitigation is required:

2.5.1. Soil compaction

If compaction of the soil occurs, it shall be mitigated as outlined in Section 2.5.5.

2.5.2. Grading limitations within the Critical Root Zone

- Grade changes within the CRZ are not normally permitted.
- If grading within the CRZ is approved, grading shall be done by hand or with small equipment to minimize root damage.
- Grade changes outside the CRZ shall not significantly alter drainage to the tree.
- Grade changes under specifically approved circumstances shall not allow more than three (3) inches of fill soil added or allow more than three (3) inches of existing soil to be removed from natural grade unless mitigated.
- Grade fills over three (3) inches or impervious overlay shall incorporate an approved permanent aeration system, or other approved mitigation.
- Grade cuts exceeding three (3) inches shall incorporate retaining walls or an appropriate transition equivalent.

Illustration 2-7: Options in tree preservation due to grade change

From: *City of Austin*

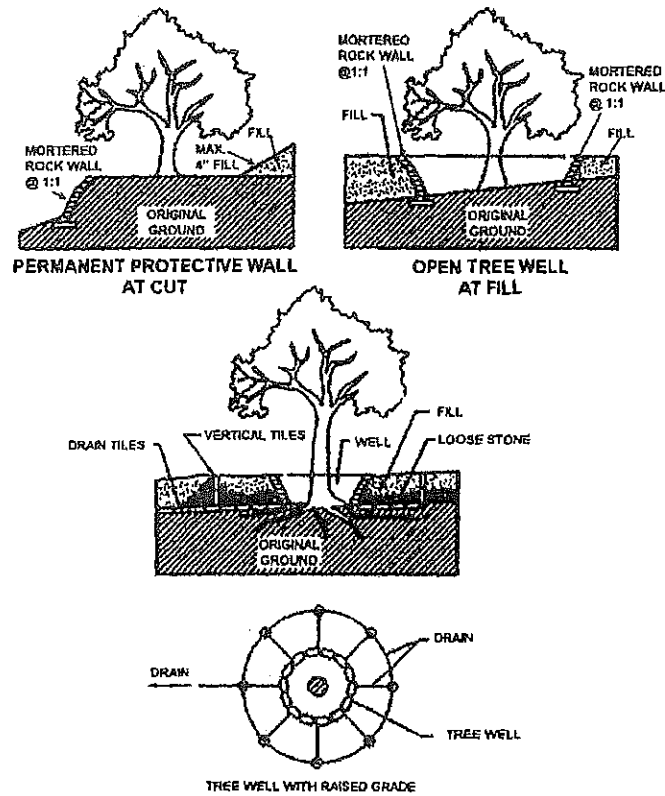


Illustration 2-8: Changing grade around tree trunk by grading or fill. Trees which have too high or a grade during or after construction will lack the root flare.

From: *A Guide to Preserving Trees in Development Projects*

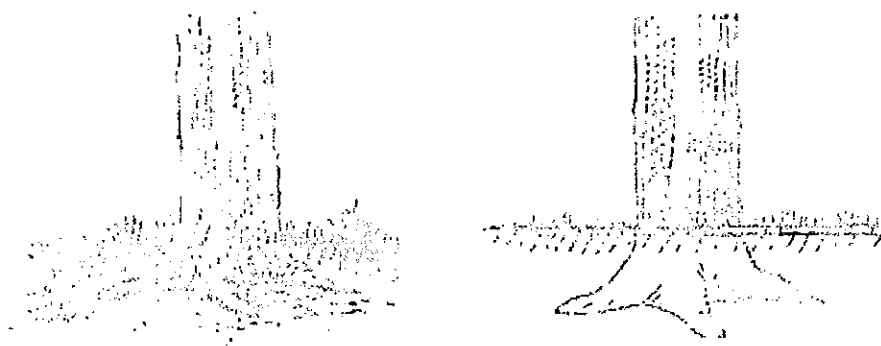


Illustration 2-9: Using retaining walls when natural grade must be raised or lowered.
From: *Building Greener Neighborhoods*



2.5.3. Trenching, excavation and equipment use

Normally, trenching is allowed outside of the CRZ. Trenching, excavation or boring activity within the CRZ is restricted to the following activities, conditions and requirements if approved by the City Administrator. Mitigating measures shall include prior notification to and direct supervision by the project urban forester or landscape architect.

- a. Notification. Contractor shall notify the project urban forester or landscape architect a minimum of 24 hours in advance of the activity in the CRZ. As noted above, the project urban forester or landscape architect must notify the City Administrator before any work begins in the CRZ.
- b. Root Severance. Roots that are encountered shall be pruned flush with the soil. Backfill root areas with good quality top soil within the same day. If exposed root areas are not backfilled within the same day, cover them with organic material in a manner which reduces soil temperatures and minimizes water loss due to evaporation.
- c. Excavation. Any approved excavation, demolition or extraction of material shall be performed with equipment sitting outside the CRZ. Methods permitted are by hand digging, hydraulic air excavation technology.

If excavation or trenching for drainage, utilities, irrigation lines, etc., it is the duty of the contractor to tunnel under any roots 1-inches in diameter and greater.

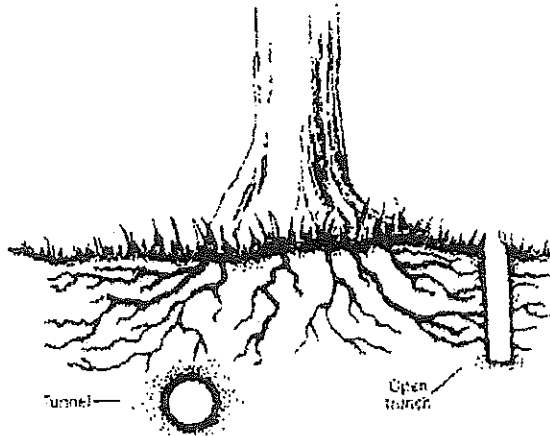
Prior to excavation for foundation/footings/walls, grading or trenching within the CRZ, roots shall first be severed cleanly one (1) foot outside the CRZ and to the depth of the future excavation. The trench must then be hand dug and roots pruned with a saw, narrow trencher with sharp blades or other approved root pruning equipment.

- d. Heavy Equipment. Use of backhoes, steel tread tractors or any heavy vehicles within the CRZ, plans shall specify a design or special foundation, footing, walls, concrete slab or pavement designs subject to City

Administrator approval. Discontinuous foundations such as concrete pier and structural grade beam must maintain natural grade (not to exceed a 3-inch cut), to minimize root loss and allow the tree to use the existing soil.

Basement excavations shall be designed outside the CRZ of all protected trees and shall not be harmful to other mature or neighboring property trees.

Illustration 2-10: Trenching and boring options illustrated.
 From: *Conserving Wooded Areas in Developing Communities*



2.5.4. Tunneling and directional drilling

If tunneling or pipe installation has been approved within the CRZ, the trench shall be either cut by hand, air-spade, hydraulic vac-on excavation, or by mechanically boring the tunnel under the roots with a horizontal directional drill and hydraulic or pneumatic air excavation technology. In all cases, install the utility pipe immediately, backfill with soil and soak with water within the same day. Installation of private utility improvements shall be tunnel bored beneath the tree and roots per Trenching Tunneling and Distance Table in Illustration 2-11.

Emergency utility repairs shall be exempt from the above restriction zones within the CRZ. The City Administrator shall be contacted after any such repairs that may result in significant tree damage or removal.

Illustration 2-11: Trenching and boring distances.
 From: *Tree Technical Manual Standards and Specifications*

TRENCHING DISTANCE	
Tree diameter at 54 inches is:	Trenching will be replaced with boring if the CRZ is being encroached.
	CRZ
8-19"	8'-19'
20"+	20'+
DEPTH OF TUNNELING	
Tree Diameter	Depth of Tunneling
9" or less	2.5'
10-14"	3'
15-19"	3.5'
More than 19"	4.0'

2.5.5. Construction impact mitigation

A mitigation program is required if the approved development will cause drought stress, dust accumulation, or soil compaction to trees that are to be saved. To help reduce impact injury, one or more of the following mitigation measures shall be implemented and supervised by the project arborist or landscape architect as follows:

- a. Irrigation program – Irrigate or water weekly or as scheduled by City Administration with 10-gallons of water per diameter inch within the CRZ. Duration shall be until project completion or when seasonal rainfall begins.
- b. Dust control program – During periods of extended drought, wind or grading, spray wash trunk, limbs and foliage to remove accumulated construction dust.
- c. Soil compaction damage – Compaction of the soil is the largest killer of trees on construction sites due to suffocation of roots and ensuing decline of tree health. If compaction occurs to the upper 12-inches of soil within the CRZ by any means, then one or more of the following mitigation measures shall be implemented.
 - i. Type I Mitigation. IF an approved paving, hardscape, or other compromising material encroaches within the CRZ, an aeration system shall be designed by the project urban forester and landscape architect and used within this area (subject to approval by the City Administrator).
 - ii. Type II Mitigation. IF inadvertent compaction of the soil has occurred within the CRZ, the soil shall be loosened by one or more of the following methods to promote favorable root conditions: vertical mulching, soil fracturing, core-venting, radial trenching or other method approved by the City Administrator.

2.6. DAMAGE TO TREES

2.6.1. Reporting

Any damage or injury to trees shall be reported the same day to the project urban forester, landscape architect, job superintendent or City Administrator so that mitigation can take place. All mechanical or chemical injury to branches, trunk or roots over 1-inch in diameter shall be reported. In the event of injury, the following mitigation and damage control measures shall apply:

- a. Root injury: If trenches are cut and tree roots 1-inch or larger are damaged they must be cleanly cut back to a sound wood lateral root. The end of the root shall be sawed off with a clean cut. All exposed root areas within the CRZ shall be backfilled or covered the same day. Exposed roots may be kept from drying out by temporarily covering the roots and draping layered burlap or carpeting over the upper 2-feet of trench walls.
- b. Bark or trunk wounding: Current bark tracing and treatment methods shall be performed by a certified arborist tree care specialist within 24 hours.

- c. Scaffold branch or leaf canopy injury: Remove broken or torn branches back to an appropriate branch capable of resuming terminal growth within five days. If leaves are heat scorched from equipment exhaust pipes, consult the project urban forester or landscape architect the same day.

2.6.2. Penalty for damage to protected trees

In the event that protected trees or their roots have been damaged, replacement may be required if the City Administrator deems that the trees need to be replaced. Damaged trees will be replaced according to Section 3.1109 of the Ordinance.

2.7. PAVEMENT AND HARDSCAPE CONFLICTS WITH TREE ROOTS

Conflicts may occur when tree roots grow adjacent to paving, foundations, sidewalks or curbs (hardscape). Improper or careless extraction of these elements can cause severe injury to the roots and instability or even death of the trees. The following alternatives must first be considered before root pruning within the CRZ of a protected tree.

2.7.1. Removal and replacement of pavement or sidewalk

- a. Removal of existing pavement over tree roots shall include the following precautions: Break hardscape into manageable pieces with a jackhammer or pick and hand load the pieces onto a loader. The loader must remain on undisturbed pavement or off exposed roots. Do not remove base rock that has been exploited by established absorbing roots. Apply untreated wood chips over the exposed area within one hour, then wet the chips and base rock and keep moist until overlay surface is applied.
- b. Replacement of pavement or sidewalk: An alternative to the severance of roots greater than 1 – inch in diameter should be considered before cutting roots. If an alternative is not feasible, remove the sidewalk and grind roots only as approved by the City Administrator. Use a wire mesh reinforcement if within 10-feet of the trunk of a protected tree.

2.7.2. Alternative methods to prevent root cutting (Recommended)

The following remedies should be considered before cutting tree roots that may result in tree instability or decline:

- a. Grinding a raised sidewalk edge.
- b. Ramping the walking surface over the roots or lifted slab with pliable paving.
- c. Routing the sidewalk around the tree roots.
- d. Inflexible paving or rubberized sections.
- e. On private property, new sidewalk or driveway design should offer alternatives to conventional pavement and sidewalk materials. Substitute permeable materials for typical asphalt or concrete overlay, sub-base or footings to consider are: permeable paving materials, interlocking pavers, flexible paving, wooden walkways, porches elevated on posts and brick or flagstone walkways on sand foundations.

2.7.3. Avoiding conflict (Recommended)

Conflicts and associated costs can be avoided or reduced by the following planting practices:

- Plant deep rooted trees that are proven to be non-invasive.
- Over soil that shrinks and swells, install a sidewalk with higher strength that has wire mesh and/or expansion slip joint dowel reinforcement.
- Follow soil loosening planting techniques to promote deep rooting.
- Install root barrier only along the hardscape area of the tree (but allow roots to use open lawn or planter strip areas).

2.7.4. Alternative base course materials (Recommended)

When designing hardscape areas near trees, the project architect or engineer should consider the use of recommended base course material such as an engineered structural soil mix. Structural soil mix will allow a long term cost effective tree and infrastructure compatibility that is particularly suited for the following types of development project: repair or replacement of sidewalk greater than 40-feet in length; subdivisions with new street tree plantings; planting areas that are designed over structures or parking garages; confined parking lot median and islands or other specialized conditions as warranted.

SECTION 3: TREE REMOVAL, REPLACEMENT, PLANTING, AND MAINTENANCE STANDARDS

3.1. INTRODUCTION

A protected tree may not be removed without City review and approval, except in certain emergencies. The purpose of City review is to verify that the removal is allowed under the Ordinance, and to prevent unnecessary tree removal. This section discusses conditions for tree removal, replacement or protected trees, planting and pruning of replacement trees, and maintenance.

3.2. TREE REMOVAL

3.2.1. *Allowable removal*

Tree removal is approved as part of the subdivision and site plan process, or in the case of individual trees, through the tree removal permit process. These three processes are defined in the Ordinance. ***A tree removal must be granted, or a site or subdivision plan with a tree survey and replacement plan approved, before removing a protected tree regardless of the condition of the tree.***

3.2.2. *Protected Tree Removal Permit Application*

Tree removal applications are available at the City of Shenandoah City Administration Office. The form is required ONLY when a request for tree removal originates with an owner of fully developed land, including a single family house under construction. All other requests for removal of protected trees take place during the subdivision and site development processes as defined in the Ordinance.

An application for a Protected Tree Removal Permit shall be processed within fifteen (15) working days from the date the application is received.

3.3. TREE REPLACEMENT PLAN

Replacement requirements are defined in the Ordinance, and are limited to protected trees. It is important to note that tree replacements during the site plan process will be addressed in both the Tree Protection Ordinance and the Landscape Ordinance. Whichever ordinance requires the greatest number of tree replacement inches, that is the ordinance which will be followed in terms of the number of inches to be replaced. The tree requirements of both ordinances will not be added up. See Section 98-157 of the Ordinance for the types of replacements that are required dependent on lot size and development status.



In selecting trees to be replaced, the types of trees removed will be replaced with the same or similar species. Each replacement tree shall be a minimum of three inches (3") caliper, a minimum of ten feet (10') in height, and a minimum of five (5) feet in spread when planted. Illustration 3-1 shows the type of information required on a tree replacement plan.

The Tree Replacement Plan will include four elements: (1) a table including the common or Latin name; tree size in caliper inches, height, and spread; tree symbols; quantity; and if the tree is considered large, medium, or small; (2) a tree planting plan (may be combined with the Landscape Plan); (3) proper tree planting details including planting hole, tree planting, staking, and mulching; and, (4) notes on proper tree planting as described in section 3.7 of this Manual.

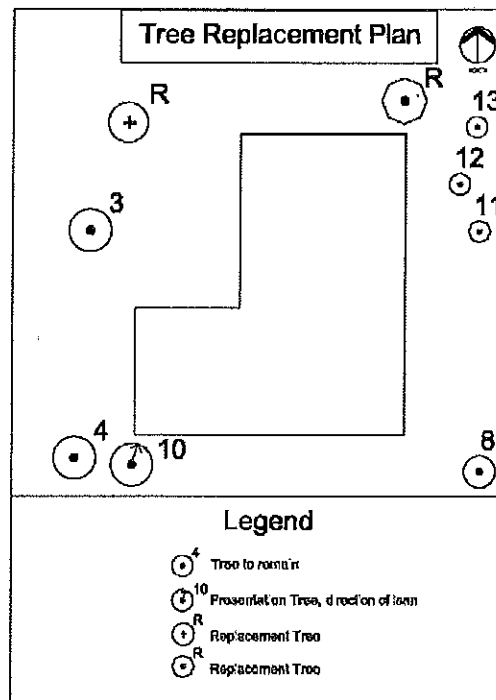
Illustration 3-1 shows the type of information required on a tree replacement plan.

Illustration 3-1: Tree replacement plan

From: Burditt – Urban Forestry Consultants

Symbol	# of Trees	Species	Size
	1	Pecan <i>Caraya illinoensis</i>	3" caliper 10'-12' high 5' spread
	1	Live Oak <i>Quercur virginiana</i>	4" caliper 10'-12' high 5' spread

Required Replacement: 7 inches
 Total provided replacement:
 2 trees (1-3" cal + 1-4" cal.) = 7 inches
 Designed with (R)



3.4. TREE PLANTING REQUIREMENTS

3.4.1. Species

The replacement trees shall be the same or similar species unless the City Administration determines that another species would be more suitable for the location or if there is a need to promote diversity of species. Factors to be considered include the long term health of the tree in the location and its compatibility with adjacent uses as well as design considerations.

If the City Administration deems it necessary to plant species other than those that were removed, the following issues will be considered.

Street trees: On any four hundred foot (400') length of street, a single species of tree may be planted. On a length of street greater than four hundred feet (400'), no more than twenty percent (20%) of the total number of trees shall be of one species.

Non-street areas: For plantings in non-street areas (parking lots for example), no more than 20 percent (20%) of the total number of trees planted may be of one species. Exceptions must be approved by the City Administration.

The above restrictions are designed to avoid creating monocultures, or areas of plantings made up of only one species of trees. Monocultures are undesirable because if a certain species is prone to a particular disease or is more susceptible to storm damage or temperature extremes, then it is likely the entire stand could die or be destroyed by a single disease or weather event. Creating planting areas of several species creates a more diverse, and therefore more resistant, urban forest.

Chinese Tallow shall not be planted along city streets due to damaging surface roots and the possibility of causing damage to sidewalks, utilities and curbs. These trees also have short lifespans, weak wood, and susceptibility to disease and insects.

With the exceptions noted above, other species shall be chosen from the City of Shenandoah approved tree list provided in Appendix B of this Manual.

3.4.2. *Planting distances/spacing requirements:*

- a. Minimum distance between newly planted trees
Large sized trees: 40 ft;
Medium sized trees: 30 ft; and,
Small sized trees: 20 ft
- b. Minimum distance from any underground utility, water meter boxes, and fire hydrant: 10 feet
- c. Distance from trees to curb, sidewalk, or driveway: Minimum 10 feet.
- d. Planting strips should be a minimum of 10 ft wide or as indicated for corner lots in Landscape Ordinance Section 98-118(4).
- e. Minimum distance from buildings and similar structures:
Large size tree: 30 ft;
Medium size tree: 20 ft; and,
Small size tree: 10 ft
- f. Minimum distance from overhead utility lines. Trees cannot be planted under utility lines. In order to avoid future interference of limbs, planting may take place as follows:
Large trees: 30 feet from line;
Medium trees: 20 feet from line; and,
Small trees: 10 feet from line
- g. From curb line of an intersection: 25 feet, or by Code, which ever is greater.

- h. Minimum distance from stop or yield signs: 20 feet or by Code, which ever is greater.
- i. Distance from directional traffic sign: 10 feet or by Code, which ever is greater.
- j. Distance from street lights: 25 feet, or by Code, which ever is greater.

Tree selection shall take into consideration ordinance requirements for height clearances as defined in the Code. As they grow, trees will need to be pruned to provide pedestrian clearance of at least 8 feet over sidewalks, and vehicular clearance of 14 feet over streets.

Variations from requirements listed above must be approved by the City Administration.

3.5. TREE STOCK AND MATERIALS

3.5.1. Quality

It is the contractor's responsibility to supply tree stock that meets ANSI 760.1-1996 and any other standards addressed in this Manual.

- All trees installed within the City of Shenandoah shall conform with the *American Standard for Nursery Stock*.
- Trees shall be sound, healthy, vigorous, and free of plant disease and insect pests or their damage.
- Container grown trees shall be grown for a least 8-months in containers in which delivered and shall not be root bound or have girdling roots. The root ball will be moist and the roots will be contained within the container.
- Trees shall not have been topped or headed.
- The tree will have healthy leaves if it is the time of year for trees to have leaves.
- There will be no weeds growing out of the container.
- If the tree is multi-stemmed, the stems will not be squeezing against each other or the trunk of the tree.
- Trees with broken tops, branches, injured trunks, poor structure, low branching, poor vigor, and apparent poor quality shall be rejected and the City Administration has the right to reject them if they do not meet the quality standards.

3.5.2. Container grown/ball and burlapped trees

Trees can be effectively planted that are container grown or balled and burlapped (B & B). The advantage to planting container grown trees is that they can be planted year round, provided there is good follow up care. B & B trees require planting during the dormant season (November to April).

Recommendations: Regardless, due to the advantages of container trees, it is recommended that container grown trees be used during all times of the year.

3.5.3. Miscellaneous materials

The following materials shall be used unless otherwise specified:

- Tree stakes. Metal T-posts shall be used.
- Tree Ties. Tree ties may include one of two types. The first is a 10 gauge wire, cushioned with a rubber hose around the trunk. The wire should not touch the trunk. The second is a plastic chain lock, also called twist brace.
- Mulch. All newly planted trees should be mulched with 2-4 inches of organic mulch. Mulch should never be placed against the trunk of a tree. There should be a space of 1-2 inches between the trunk and mulch. Mulch should cover the entire tree planting hole. No volcano mulching is allowed.
- Tee guards. For trees in turf areas requiring regular mowing and/or weed eating, the tree trunk shall be protected with TreeGuard or equivalent.
- Tree gates. Where sidewalk width is less than 8-feet and new trees will be installed in a tree well, metal tree grates may be used and approved by the City Administration. Minimum size grates shall be 4' x 4' unless specified otherwise. All tree grates shall be mounted in frames, frames inset into a concrete foundation within the sidewalk or surface material, and shall be flush with the surrounding surface.

3.6. PLANTING SITE PREPARATION

3.6.1. *Soil preparation and conditioning*

All debris, wood chips, pavement, concrete and rocks over 2-inches in diameter shall be removed from the planting pit to a minimum of 24-inch depth, unless specified otherwise.

3.6.2. *Planter pit preparation*

- *Trees in a confined planter pit or sidewalk area:* The planting hole shall be excavated to a minimum of 30-inches deep x the width of the exposed area. Scarify the sides of the pit. Soil beneath the rootball shall be compacted to prevent settling.
- *Trees in all other areas*
 - a. Mark out a planting area 2 to 5 times wider than the rootball diameter (the wider the better). Loosen this area to about an 8" depth. This will enable your tree to extend a dense mat of tiny roots well out into the soil in the first one to ten weeks in the ground.
 - b. Remove all soil from on top of the root flare before planting so the root flare is visible. The top of the root ball should be several inches above surrounding soil or approximately 10% of the root ball is above the landscape grade. This prevents roots from being planted too deep (root flare remains above ground) and aids in establishment, even if the root ball should settle. The handle of a shovel can be used to gauge appropriate planting height.

3.6.3. *Drainage*

Adequate drainage must be provided to the surrounding soil for the planting of new trees. If the trees are to be planted in impermeable or infertile soil and water infiltration rates are less than two (2) inches an hour, then one of the following drainage systems or other approved measures must be implemented:

- French drain, a minimum of three feet in depth

- Drain tiles or lines beneath the trees
- Auger six drain holes at the bottom perimeter of the planting pit, at a minimum of four (4) inches in diameter, twenty-four (24) inches deep and filled with medium sand or fine gravel

3.6.4. *Aeration tubes for trees*

- Trees planted in sidewalk planter pits, planting strip, parking islands, or medians shall use 4-inch diameter perforated aeration piping (rigid or flexible), circling the bottom of the planter connected to a 'T' fitting to two riser tubes with grated caps with filter fabric. This detail shall be shown on the approved landscape plans.

3.7. PLANTING THE TREE

After the hole has been prepared as described in Section 3.6 above, the tree is ready to be planted.

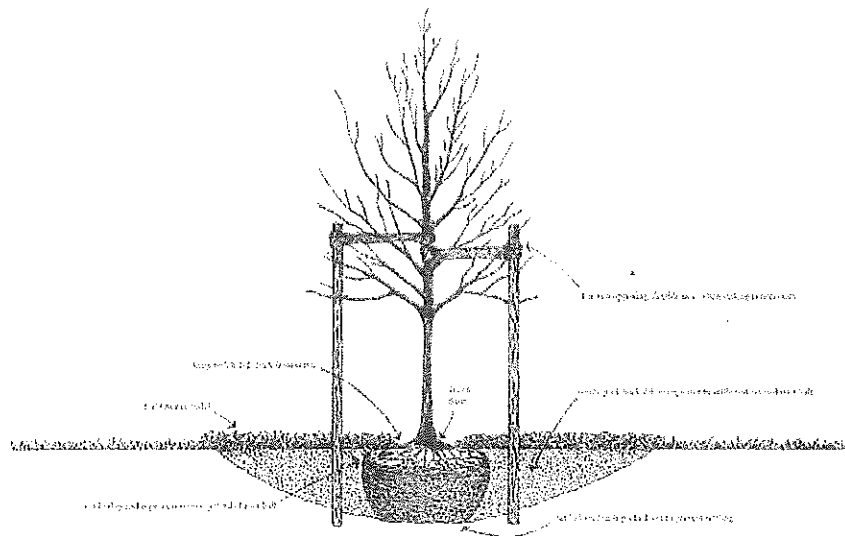
3.7.1. *Container grown tree*

Pull the container away from the root ball. Don't pull the tree out by its trunk. Container grown trees often have circling or girdling roots running along the edge of the rootball. If they exist in this area, cut them and spread them apart. Place the root ball in the center of the hole and adjust the tree so it is straight and at the proper level. Make any adjustments prior to filling the hole with dirt.

3.7.2. *Ball and burlapped tree*

Rest the root ball in the center of the hole, and reshape the hole so the tree will be straight and at the proper level. After adjusting the tree, pull the burlap and any other material away from the sides and top of the root ball. Do not remove the burlap from the bottom. If you adjust or lift the tree after the burlap has been removed you run the risk of damaging the root system.

Illustration 3-2: Tree planting detail graphic



3.7.3. Backfill soil, amended soil

Backfill with the original soil unless the original soil has been removed or the soil is poor. If soil must be amended, consult with a landscape architect or urban forester in identifying the most appropriate soil mix.

3.7.4. Filling the hole

Fill until the hole is half full. Flood the hole with a slow hose or tamp gently with your foot to firm the soil. Repeat until the hole is full. Do not press too firmly-only firm enough to hold the tree upright. Backfilling with soil and water or gently tamping will remove large air pockets.

3.7.5. Constructing a berm

A berm should be construction from soil or mulch to hold water ONLY IF the tree will be watered with a hose or other high volume device. If irrigation will be from a low volume system or if little or no irrigation will be applied, do not bother with the berm. No more water will reach the root ball under these circumstances if a berm is present. The potential downsides of the berm include cutting off rainwater and oxygen when personnel later push the berm over the rootball.

3.7.6. Mulching

Cover the entire loosened area of soil with 2 to 3 inches of mulch composed of shredded wood or bark in the entire planting area. Mulch will be placed one to two inches away from the trunk of the tree.

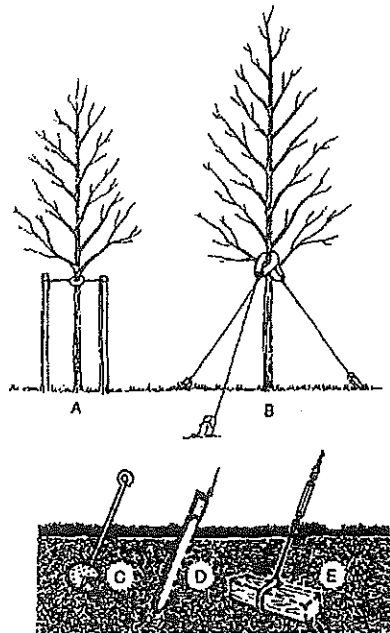
3.7.7. Staking or guying

Stake trees only if necessary, and remove staking as soon as is possible. Staking or guying is to prevent movement of the lower trunk and root system. Movement of the top is desirable and will strengthen the tree. The stakes will be installed 12-18 inches in undisturbed soil outside of the planting hole. Depending on height and size of the tree, stakes shall be six, eight, or ten feet tall. Trees shall be staked with 3 metal T-posts. Metal stakes will not rub against tree trunks. Tree ties will be located near the lowest main branch on the tree. Check a staked or guyed tree monthly during the growing season and after storms or strong wind. Use wide strips attached loosely around the trunk. Do not stake a tree any longer than necessary. One or two growing seasons is all that is needed.

Illustration 3-2 and 3-3 show the proper staking and guying techniques. In Illustration 3-3 A, trees 3-4 inches in diameter are supported by three stakes. Branches should not rub against the stakes. For trees over four (4) inches, guy wires should be used, with a minimum of three guys. Cable or wire is attached to the tree by running wires through a piece of hose or by using lag hooks on large trees. The guys should be secured to arrowhead-shaped land anchors (C), wooden stakes (D), or deadmen buried in the soil (E).

Illustration 3-3: Staking and Guying Trees

From: *Principles and Practice of Planting Trees and Shrubs*



3.8. PRUNING NEWLY PLANTED TREES

Young trees are pruned to allow for proper growth through the years. If the tree is of high quality, it should need little pruning. It is no longer common practice to automatically trim a certain percentage of limbs from a newly planted tree. The tree needs as much foliage as can be available to assure rapid growth and solid leaf structure. This includes refraining from "limbing up" and topping.

3.8.1. Prohibitions

Topping trees – tree replacement may be required if this is done

Limbing up trees (the practice of cutting the lowest branches to a desired height)

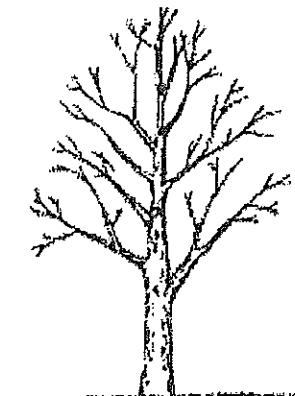
3.8.2. Pruning guidelines (Recommended)

Scaffolding / permanent branches. Identify the scaffolding/permanent branches. The lowest permanent branch should have a diameter of one-half or less of the trunk diameter where the branch attaches to the trunk. The vertical spacing of permanent scaffold branches should equal a distance equal to 3% of the tree's eventual height. Thus, a tree that will be 50 feet tall should have permanent scaffold branches spaced about 18 inches apart along the trunk. Avoid allowing two scaffold branches to arise one above the other on the same side of the tree. Maintain radial balance with branches growing outward in each direction.

3.8.3. *Limb removal (Recommended)*

The following may be removed.

- a. Torn, damaged, dead branches. Remove the branch just outside of the branch collar. See Illustration 2-6.
- b. Double Leaders: Maintain a dominant trunk for at least six to eight feet without a major fork. If the trunk divides into two or more relatively equal stems, favor one strong stem and remove the others. Cut one stem back to a lateral branch.
- c. Rubbing Branches: Eliminate branches that are rubbing or will soon rub against another branch.
- d. Crowding: Give each branch room to grow with minimal competition for sunlight. When possible, have major lateral branches evenly spaced eight to ten inches apart along the trunk. If the tree by its nature would lose too much foliage in the process of eliminating crowding, maintain at least half the foliage on branches in the lower 2/3 of the tree.
- e. Narrow Branch Angles/Included Bark: Remove one branch if the angle is 40% or narrower or if it appears that the bark from the branch is becoming pinched between the branch and the trunk.
- f. Sprouts and Suckers. Remove sprouts and suckers.
- g. Temporary Branches: Leave temporary branches that are not competing with permanent, scaffolding branches.



Select strong permanent scaffold branches that are spaced 12-18 inches apart.

3.9. TRANSPLANTING TREES

Transplanting large trees is difficult, expensive, and requires expertise and equipment. Pre-approval from the City Administration and periodic inspections will be required for the transplanting of a protected tree. Such trees will be under warranty as if it is a new tree, and will need to follow replacement requirements should the tree die or severely decline. When transplanting protected trees eight (8) inches and larger from existing landscapes it is important to select healthy, vigorous trees, dig an appropriate size root ball, select a site that is consistent with the tree's cultural needs, provide a saucer shaped planting hole approximately three times the root ball width, and then protect the root ball, trunk, and crown during lifting, transportation, and storage. The most important and hardest part in tree transplanting is creating and implementing a multi-year aftercare program, providing adequate moisture to the root ball.

When a tree is dug for transplanting, as much as 90% of its root system is left behind, severed in the process of digging for transplanting. The tree has a hard time relying on 5-10 percent of its root system doing the work of the 90 percent that was lost. Until it is well established, the root system will have difficulty supplying enough water to the leaves. This stress impacts vigor of the tree and also exposes the tree to the risk of being vulnerable to pests and diseases, as well as less able to adapt to or withstand drought, extreme cold, and drying winds.

The following issues should assist in providing a successful transplanting. Considering the size of the protected trees being transplanted, a professional arborist is required to assist in the process.

- **Site** – Before transplanting make sure the tree is a good match for the new site.
- **Timing** – Recommended timing for transplanting trees is during the dormant season, when the tree is not trying to support its leafy crown.
- **Health of tree** – Select a tree that is in good health and shape and has no major defects in its trunk branch structure.
- **Success rate** – Different species have different success rates in transplanting. Consult with your urban forester on the success rate of the tree you want to transplant.
- **Tree size** – Most commonly transplanted trees range in size from 4-12 diameter inches.

Transplanting process –

Digging up the tree –

Dig up a wide root ball with appropriate depth and wrap burlap material with wire and twine to save as much of root ball as you can intact.

A rule of thumb for trees over six inches in diameter is that a root ball = 10 inches in diameter for every tree trunk diameter measured at 4 ½ feet above the ground (see Chapter 2 for a discussion on measuring the tree diameter in unusual situations). In other words, a 10 inch tree should have a 100 inch diameter. Likewise, the ball depth should be about 60% of the ball diameter. The same 10 inch tree should have a 60 inch depth.

While smaller trees can be transplanted using a tree spade or other specialty equipment/techniques, larger trees will require mechanical digging equipment and appropriate hoists and heavy equipment for moving the tree.

Transporting the tree –

During transportation the tree crown should always be covered with tarp to protect the tree from drying out and windburn.

After transplanting –

Keep the root ball moist at all time.

Anticipate watering three times a week, or in every hot weather every day.

Continued watering will be required for several years.

Do not prune newly transplanted trees to reduce crown and compensate for root loss. That will only further weaken the tree.

Mulch the transplanted tree with 2-4 inches of organic mulch to cover root ball.

The process of regenerating a normal root system will take several years, especially for large trees. Immediately after transplanting, the tree will be susceptible to extreme stress. Moisture is a critical factor in new root growth. Compacted soils and soil temperature also impact the growth of roots.

(Abridged from "Transplanting Trees", by Patrice Peltier and Gary W. Watson. *Arbor Age*, January-March 2000.)

3.10. IRRIGATION PLAN

COMMERCIAL PROPERTIES:

The following requirements are mandatory for all tree replacement plantings.

An automatic irrigation system will be installed or a watering schedule approved by the City Administration. Tree irrigation shall not share the same irrigation zone, including valves and circuits, as shrubs and plants due to different watering requirements. A minimum of one (1) bubbler or sprayer each shall be provided for all newly planted trees. Trees larger than 4 inches in caliper shall have 2 bubblers or sprayers. Bubblers or sprayers shall be located between 1-2 feet from the trunk.

All automatic irrigation systems shall be equipped with an electronic controller capable of dual or multiple programming. Controller(s) shall have multiple cycle start capacity and a flexible calendar program, including the capability of being set to water every five days. All automatic irrigation systems shall be equipped with a rain and freeze sensor shut-off device.

The irrigation system must be designed and sealed by a licensed irrigator.

Watering schedule and methods

Newly planted trees will be watered weekly for the first two years. Ten (1) gallons per caliper inch will be applied weekly. During June-September trees will be watered more frequently, or at least during each permitted watering day (every five days).

Irrigation plans need to be submitted prior to final inspection.

RESIDENTIAL PROPERTIES (RECOMMENDED):

Trees placed on residential properties are not required to have irrigation systems. When irrigation systems do not exist, trees need to be hand watered.

- Keep the soil moist but not soaked. Water trees at least once a week at the rate of 10 gallons per caliper inch, unless it has rained, and more frequently during hot weather. When the soil is dry below the surface of the mulch, it is time to water. Continue watering weekly during the winter if there is no rain. Continue watering newly planted trees for two years in this manner.
- Water the area within the dripline. A soaker hose is ideal as it can water a greater area at one time and does not need to be moved as often.

3.11. MAINTENANCE

All newly planted trees shall be maintained by the owner. Maintenance practices shall consist of all regular and normal maintenance of trees, including but not limited to irrigation, pruning, and disease control. Plant material that exhibits severe levels of insect or pest infestation, disease and/or damage, shall be appropriately treated, and all dead trees shall be removed and replaced with living trees where required according to the city approved Tree Replacement Plan for the site.

Failure to replace dead or diseased trees within thirty (30) days of written notification by the City shall constitute a violation of the Ordinance.

SECTION 4: ADMINISTRATION, INSPECTION, AND ENFORCEMENT

4.1. ADMINISTRATION

The Ordinance and the standards in this Manual will be administered and updated by the City Administration. Refer to Section 98-161 of the Ordinance for more information.

4.2. INSPECTION

4.2.1. *Inspection by owner*

The project urban forester or landscape architect retained by the applicant shall conduct the following required inspections of construction sites containing protected trees. Inspections shall verify that the type of tree protection and/or plantings are consistent with the standards outlined within this Manual. For each required inspection or meeting, a written summary of the changing tree related conditions and actions taken shall be provided to the City Administration.

- a. Construction Meeting. Prior to commencement of construction, the applicant or contractor shall conduct a pre-construction meeting to discuss tree protection with the job site superintendent, grading equipment operators, project urban forester or landscape architect, and City Administration. At this time all tree protection fencing approved in the permit plans must be installed correctly.
- b. Inspection of Rough Grading. The project urban forester or landscape architect shall perform an inspection during the course of rough grading adjacent to the CRZ to ensure trees will not be injured by compaction, cut or fill, drainage and trenching, and if required, inspect aeration systems, tree wells, drains and special paving. The contractor shall provide the City Administration at least 48 hours advance notice of such activity.
- c. Monthly Inspections. The project urban forester or landscape architect shall perform monthly inspections to monitor changing conditions and tree health. The City Administration shall be in receipt of an inspection summary if there are any changes to the approved plans, tree health conditions, or protection measures. If the City Administration is not in receipt of inspection summaries prior to final inspection, he will assume that no change in tree conditions have occurred in the field during construction.
- d. Special activity within the Critical Root Zone. Work in this area (CRZ) requires that direct onsite supervision of the project urban forester or landscape architect.
- e. Landscape Architect Inspection. Prior to the issuing of the certificate of occupancy, the applicant or contractor shall contact the landscape architect to perform on site inspection of all plant stock, quality of the materials and planting and that the irrigation is functioning consistent with the approved construction plans. The City shall be in receipt of a letter of compliance from the landscape architect prior to scheduling the final inspection, unless otherwise approved.

4.2.2. *Inspection by city representative*

There are four inspections performed by the City Administration as described in Section 3.1112 (2) of the Ordinance. They include the following:

- a. Site inspection at the site development plan or preliminary plat submittal.
- b. Tree fencing inspection and other tree preservation measures.
- c. Unscheduled site visits during construction.
- d. Final inspection.

4.3. ENFORCEMENT

The Ordinance and the standards in this Manual are enforced by the City Administration. Enforcement is described in Section 98-161 of the Ordinance.

APPENDIX A: DEFINITIONS

For the purposes of this Manual the following definitions apply. Additional definitions may be found in the Ordinance.

Certified Arborist is an individual who has demonstrated knowledge and competency through obtainment of the current International Society of Arboriculture arborist certification, or who is a member of the American Society of Consulting Arborists.

Compaction means compression of the soil structure or texture by any means that creates an upper layer that is impermeable. Compaction is injurious to roots and the health of a tree.

Dangerous tree see Hazardous tree.

Dead Tree means a tree that is dead or that has been damaged beyond repair or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches, exist to sustain life) and has been determined to be such by a certified arborist. If the tree has been determined to be dead, removal is permitted as defined in the ordinance.

Disturbance refers to all of the various activities from construction or development that may damage trees.

Excessive Pruning means removing in excess, one-fourth (25 percent) or greater, of the functioning leaf, stem or root area. Pruning in excess of 25 percent is injurious to the tree and is a prohibited act. Excessive pruning typically results in the tree appearing as a 'bonsai', 'lion's-tailed', 'lolly-popped', or overly thinned.

Unbalanced Crown. Excessive pruning also includes removal of the leaf or stem area predominantly on one side, topping, or excessive tree canopy or crown raising. Exceptions are when clearance from overhead utilities or public improvements is required or to abate a hazardous condition or a public nuisance.

Roots. Excessive pruning may include the cutting of any root two (1) inch or greater in diameter and/or severing in excess of 25 percent of the roots.

Hazardous Tree refers to a tree that possesses a structural defect which poses an imminent risk if the tree or part of the tree that would fall on someone or something of value (target). Structural defect means any structural weakness or deformity of a tree or its parts. A trees with a structural defect can be verified to be hazardous by a urban forester and confirmed as such by the City Administration. The City Administration retains discretionary right to approve or amend a hazardous rating, in writing, and recommend any action that may reduce the condition to a less-than significant level of hazard. If the tree has been determined to be hazardous, removal of the tree is permitted as provided for in the Ordinance.

Injury means a wound resulting from any activity, including but not limited to 'excessive pruning', cutting, trenching, excavating, altering the grade, paving or compaction within the tree protection zone of a tree. Injury shall include bruising, scaring, tearing or breaking of roots, bark, trunk, branches or foliage, herbicide or poisoning, or any other action foreseeably leading to the death or permanent damage to tree health.

Manual means this Tree Technical Manual: Standards and Specifications.

Project Urban Forester means a consultant retained by a property owner or development applicant for the purpose of overseeing on-site activity involving the welfare of the trees to be retained. The project urban forester shall be responsible for all reports, appraisals, tree preservation plans, or inspections as required.

Protective Tree Fencing means a temporary enclosure erected around a tree to be protected at the boundary of the tree protection zone. The fence serves three primary functions: (1) to keep the foliage crown, branch structure and trunk clear from direct contact and damage by equipment, materials, or disturbances; (2) to preserve roots and soil in an intact and non-compacted state; and (3) to identify the tree protection zone in which no soil disturbance is permitted and activities are restricted.

Root Buffer means a temporary layer of material to protect the soil texture and roots. The buffer shall consist of a base course of tree chips or mulch spread over the root area to a minimum of 6-inch depth.

Site Plan means a set of drawings (e.g. preliminary drawings, site plan, grading, demolition, building, utilities, landscape, irrigation, tree survey, etc.) that show existing site conditions and proposed landscape improvements, including trees to be removed, relocated or to be retained. Site plans shall include the following minimum information that may impact trees:

- Surveyed tree location, species, size, dripline area (including trees located on neighboring property that overhang the project site) and protected trees within 30-feet of the project site.
- Paving, concrete, trenching and grade change located within the tree protection zone.
- Existing and proposed utility pathways.
- Surface and subsurface drainage and aeration systems to be used.
- Walls, tree wells, retaining walls and grade change barriers, both temporary and permanent.
- Landscaping, irrigation and lighting within dripline of trees, including all lines, valves, etc.
- Location of other landscaping and significant features.
- All of the final approved site plan sheets shall reference tree protection instructions.

Soil Compaction means the compression of soil particles that may result from the movement of heavy machinery and trucks, storage of construction materials, structures, paving, etc. within the tree protection zone. Soil compaction can result in atrophy of roots and potential death of the tree, with symptoms often taking 3 to 10-years to manifest.

Soil Fracturing means the loosening of hard or compacted soil around a tree by means of a pneumatic soil probe that delivers sudden bursts of air to crack, loosen or expand the soil to improve the root growing environment.

Target is a term used to include people, vehicles, structures or something subject to damage by a tree.

Note: A tree may not be a hazard if a "target" is absent within the falling distance of a tree or its parts (e.g., a defective tree in a non-populated area away from pathways may not be considered a hazard)

Trenching means any excavation to provide irrigation, install foundations, utility lines, services, pipe, drainage or other property improvements below grade. Trenching within the CRZ is injurious to roots and tree health and is prohibited, unless approved. If trenching is approved within the CRZ, it must be in accordance with instructions and table outlined in this Manual.

Verification of Tree Protection means the project urban forester shall verify, in writing, that all pre-construction conditions have been met (tree fencing, erosion control, pruning, etc.) and are in place. An initial inspection of protective fencing and written verification must be submitted to the City Administration prior to demolition, grading or building permit issuance.

Vertical Mulching means augering, hydraulic or air excavation of vertical holes within a tree's root zone to loosen and aerate the soil, typically to mitigate compacted soil. Holes are typically

APPENDIX B

List of Approved Trees for Planting In the City of Montgomery

LARGE TREES – EVERGREEN (50' + HT.)

Common Name	Scientific Name	Recommended Size Min - Max	Recommended Uses
Southern Magnolia	<i>Magnolia grandiflora</i>	3" – 6" Caliper	Accent
Loblolly Pine	<i>Pinus taeda</i>	3" – 6" Caliper	Group planting
Live Oak	<i>Quercus virginiana</i>	3" – 6" Caliper	Group planting

MEDIUM TREES – EVERGREEN (25' – 50' HT.)

Common Name	Scientific Name	Recommended Size Min - Max	Recommended Uses
Dahoon Holly	<i>Ilex cassine</i>	3" – 4" Caliper	Accent
American Holly	<i>Ilex opaca</i>	3" – 4" Caliper	Accent
East Palatka Holly	<i>Ilex x attenuata</i>	3" – 4" Caliper	Accent
Savannah Holly	<i>Ilex opaca x attenuata</i>	3" – 4" Caliper	Accent
Eastern Redcedar	<i>Juniperus virginiana</i>	3" – 4" Caliper	Screen
Cherry Laurel	<i>Prunus caroliniana</i>	3" – 4" Caliper	Screen

SMALL TREES – EVERGREEN (Under 25' HT.)

Common Name	Scientific Name	Recommended Size Min - Max	Recommended Uses
Youpon Holly	<i>Illex yomitoria</i>	3" – 4" Caliper	Screen
Southern Wax Myrtle	<i>Myrica cerifera</i>	3" – 4" Caliper	Screen
Loquat	<i>Eriobotrya japonica</i>	3" – 4" Caliper	Accent
Little Gem Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'	3" – 4" Caliper	Accent
Texas Mountain Laurel	<i>Sophora secundiflora</i>	3" – 4" Caliper	Accent

LARGE TREES – DECIDUOUS (50' + HT.)

Common Name	Scientific Name	Recommended Size Min - Max	Recommended Uses
Pecan	<i>Carya illinoensis</i>	3" – 4" Caliper	Street
Bald Cypress	<i>Taxodium distichum</i>	3" – 6" Caliper	Specimen, Groups
Sweetgum	<i>Liquidambar styraciflua</i>	3" – 6" Caliper	Street, Fall color
Mexican Sycamore	<i>Platanus mexicana</i>	3" – 6" Caliper	Plaza, Street, Parking lot
Southern Red Oak	<i>Quercus falcata</i>	3" – 6" Caliper	Fall color, Street
Water Oak	<i>Quercus nigra</i>	3" – 6" Caliper	Street, Parking lot
Willow Oak	<i>Quercus phellos</i>	3" – 6" Caliper	Plazas
Shumard Oak	<i>Quercus shumardi</i>	3" – 5" Caliper	Groups, Fall color
Bur Oak	<i>Quercus macrocarpa</i>	3" – 6" Caliper	Street
Chinquapin Oak	<i>Quercus muehlenbergii</i>	3" – 6" Caliper	Specimen
Cedar Elm	<i>Ulmus crassifolia</i>	3" – 6" Caliper	Group planting
Chinese Pistache	<i>Pistacia chinensis</i>	3" – 6" Caliper	Accent
Chinese Elm	<i>Ulmus parvifolia</i>	3" – 6" Caliper	Accent
Montezuma Cypress	<i>Taxodium mucronatum</i>	3" – 6" Caliper	Accent

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Savannah Holly	<i>Ilex opaca x attenuata</i>	3" – 4" Caliper	Accent
Eastern Redcedar	<i>Juniperus virginiana</i>	3" – 4" Caliper	Screen
Cherry Laurel	<i>Prunus caroliniana</i>	3" – 4" Caliper	Screen

APPENDIX C: BIBLIOGRAPHY

Sources Cited

- American Forests and National Association of Home Builders. Building Greener Neighborhoods. 2nd ed. Washington, DC: American Forests, 1998
- Burditt, Urban Forest Management Plan, City of College Station, Texas, Conroe, TX: Burditt, 2002.
- Council of Tree and Landscape Appraisers. Guide for Plant Appraisal. 9th ed. Champaign, IL: International Society of Arboriculture, 2000.
- Elmendorf, William. A Guide to Preserving Trees in Development Projects. University Park, PA: Pennsylvania State University, School of Forest Resources, 1999.
- Horozovic, Emsud. Tree Technical Manual Standards and Specifications. City of Round Rock, TX, Parks and Recreation Department, Forestry Division, 2005.
- Minnesota Department of Natural Resources, Division of Forestry. Conserving Wooded Ares in Developing Communities: Beset Management Practices in Minnesota. St. Paul, MN: Minnesota Department of Natural Resources, Division of Natural Resources, 1999.
- Peltier, Patrice and Gary W. Watson. "Transplanting Trees, Part 1: Preparing the Plant and Site for a Successful Move." Arbor Age January 2000: 8-15.
- Peltier, Patrice and Gary W. Watson. "Transplanting Trees, Part 2: Improve Your Tree Transplanting Survival Rates with These Transportation and Storage Tips." Arbor Age February 2000: 8-13.
- Seattle, Urban Forest Coalition. A City Among the Trees, An Urban Forestry Resource Guide. Seattle, WA: City of Seattle, 1998
- Tree Folks. Tree Planting Guide. Austin, Texas: Tree Folks, 2000.
- Watson, Gary W. and E. B. Himelick. Principles and Practice of Planting Trees and Shrubs. Savoy, IL: International Society of Arboriculture, 1997.

Additional Resources

- American Association of Nurserymen. American Standard for Nursery Stock, ANSI Z60.1-1996. Washington, DC: American Association of Nurserymen, 1997.
- ANSI Z133.1-1994. American National Standards Institute Standard for Tree Care Operations – Pruning, Trimming, Repairing, Maintaining and Removing Trees, and Cutting Brush – Safety Requirements.
- ANSI A300-1995. American National Standards Institute Standard for Tree Care Operations – Pruning, Trimming, Repairing, Maintaining, and Removing Trees and Cutting Brush – Standard Practice.
- Clark, James, R., Richard W. Harris and Nelda P. Matheny. Arboriculture Integrated Management of Landscape Trees, Shrubs, and Vines. 3rd ed. Upper Saddle River, NJ: Prentice Hall, 1999.

- Gilman, Edward F. An Illustrated Guide to Pruning. 2nd ed. Albany, NY: Delmar, 2002.
- Matheny, Nelda and James R. Clark Trees and Development, A Technical Guide to Preservation of Tree During Land Development. Champaign, IL: International Society of Arboriculture, 1998.
- Miller, Nancy L., David M. Rathke, and Gary R. Johnson. Protecting Trees from Construction Damage, A Homeowners' Guide. St. Paul, MN: University of Minnesota, Minnesota Extension Service, 1993.
- Moll, Gary and Stanley Young. Growing Greener Cities A Tree-Planting Handbook. Venice, CA: Living Planet Press, 1992.
- Pirone, Thomas P., John R. Hartman and Mary Ann Sall. Pirone's Tree Maintenance. 7th ed. Oxford, NY: Oxford University Press, 2000.
- Shigo, Alix L. Tree Pruning A Worldwide Photo Guide. Durham, NH: Shigo and Trees, Associates, 1989.
- Texas Association of Nurserymen. Grades and Standards. Austin, TX: Texas Association of Nurseryman, n.d.
- TreePeople. The Simple Act of Planting a Tree: A Citizen Forester's Guide to Healing Your Neighborhood, Your City, and Your World. Los Angeles, CA: Tarcher, 1990.

Montgomery City Council
AGENDA REPORT

ITEM #8

Meeting Date: September 27, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits: Letter of request, plat of property showing building encroachment, picture of drainage area involved, encroachment agreement
Date Prepared: September 22, 2016	

Subject

Drainage Encroachment Agreement

Discussion

This is requested by the owner of Lot One Block Two of Waterstone Section Two. It is a request for the city to allow encroachment in a drainage easement of a portion of a house that was built approx. six feet into and you the drainage easement that lies on this lot – however the drainage easement is not used as a drainage passageway now due to after-design changes in the drainage of the area so that now the drainage easement involved is actually an elevated area that does not accept any drainage water whatsoever. A picture is attached showing the area involved in this request.

Glynn Fleming has reviewed the issue and agrees that the area is no longer designed/designated to accept any drainage runoff.

I contacted the city attorney to see what's process was and he recommended that the title company for the purchaser prepared the encroachment agreement. That is the agreement that is before you.

The question arises as to whether or not to charge for this drainage encroachment agreement process. The city probably will probably spend about \$250 counting attorney time and engineer review time. If you want to charge that amount, add the motion.

It is also my intention to speak to the building inspector regarding how this encroachment of the building ever occurred to begin with. Apparently we need to tighten the review process on plats/actual building on site.

Montgomery City Council
AGENDA REPORT

Recommendation

Approve the drainage encroachment agreement as presented -- with a charge of \$250 to cover city costs.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 22, 2016 Date:

On Wed, Sep 14, 2016 at 3:13

PM, Rian Keller <rian3677@yahoo.com> wrote:

Jack,

We need a consent to encroach in recordable form for 234 N Waterstone Dr. There is a drainage easement that was established on the lot before it was developed as it was at the end of the first section. Now that the streets are complete around this lot, the water flows down the street instead of between the lots. When we purchased this lot, the owners and I were told by the developer that this easement would be removed when the streets were finished.

The easement was never removed and now my buyer cannot close on their property with consent from the city. This came up last week, the day before closing on Friday, and we have very little time before their rate lock expires. I appreciate your help in regards to this manner. Feel free to contact me with any questions.

Thank You,
Rian Keller
Bentley Builders

LINE	BEARING	DISTANCE
L 1	N 63° 46' 09" E	77.50'
L 2	S 29° 10' 34" E	98.41'
L 3	N 31° 13' 47" W	65.55'

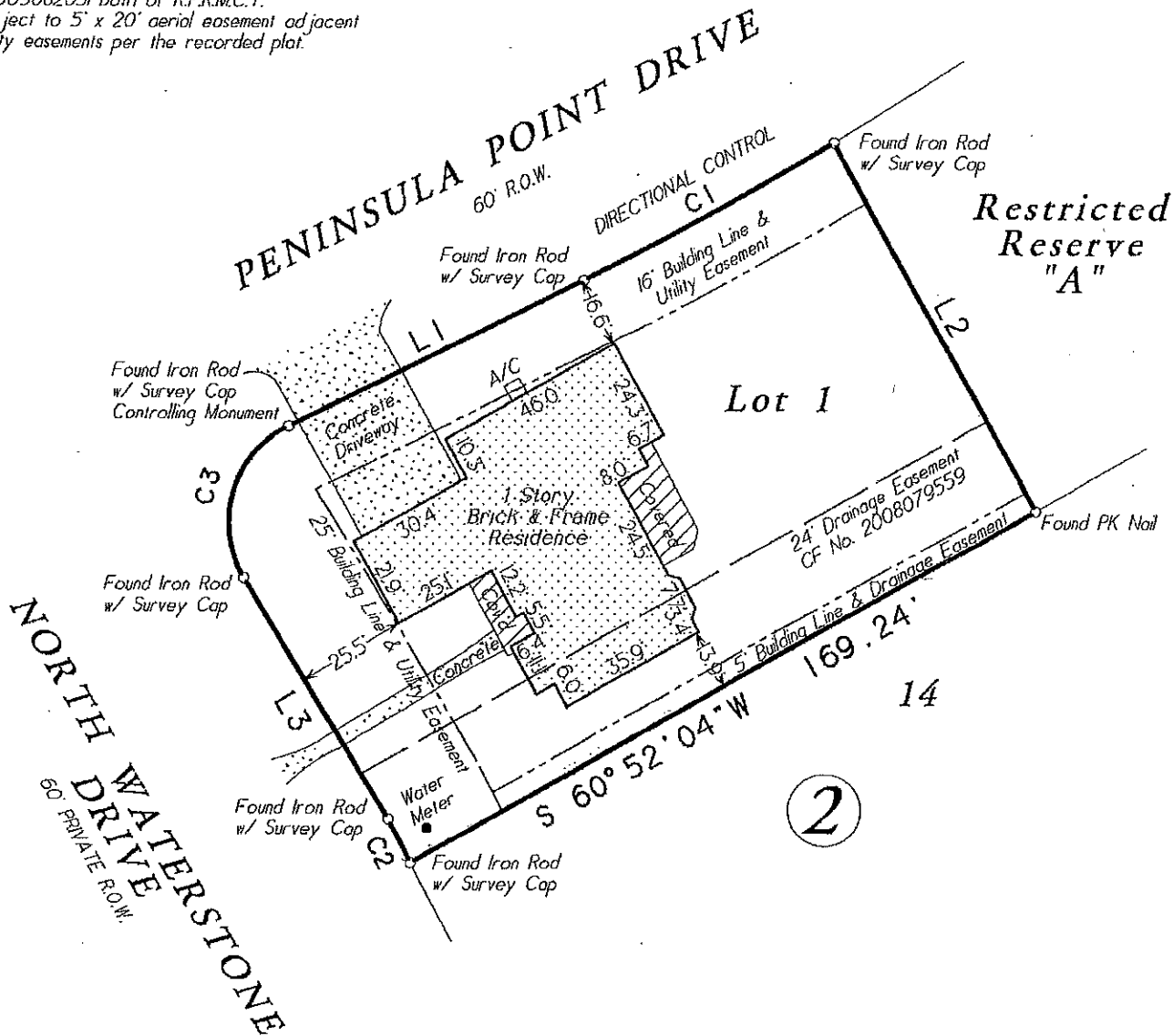
Notes:

1. Basis of bearings: the Northwest line of the subject property per the recorded plat.
2. Easements and building lines as shown are per the recorded plat and per CF No. 2015086608 R.P.R.M.C.T.
3. Subject to easements granted to the City of Montgomery per CF No. 2008079559 R.P.R.M.C.T.
4. Subject to easements granted to CenterPoint Energy Resourced Corp. per CF No. 2009082050 and 2009082051 both of R.P.R.M.C.T.
5. Subject to 5' x 20' aerial easement adjacent to utility easements per the recorded plat.

This property lies within ZONE 'X' as SCALED from FEMA Map Panel Number 48339C0200-G, dated August 18, 2014.

THIS MEANS THAT THE SUBJECT PROPERTY SCALES OUTSIDE THE 100 YEAR FLOOD PLAIN.

This determination is made strictly according to the FEMA Maps and does not reflect actual on ground flood conditions. Furthermore, this company takes no responsibility for such.



Lot 1, Block 2, of WATERSTONE ON LAKE CONROE, Section Two, a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in Cabinet Z, Sheet 3577 of the Map Records of Montgomery County, Texas.

Date: August 9, 2016	CF No. 1606470
Job No. 15-0538a	Scale: 1" = 40'
Address: 234 North Waterstone Drive	Drawn By: RH
City, State: Montgomery, Texas	Zip: 77316
	Rev: 0



Certify to: Old Republic Title Company and MB Financial Bank, N.A.
Client: Travis Pelton and Danielle Pelton

I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY IA, CONDITION III SURVEY AND THAT THERE ARE NO ENCUMBRANCES EXCEPT AS SHOWN.



ENCROACHMENT AGREEMENT

1. The parties to this Agreement are BENTLEY BUILDER, LLC, a Texas Limited Liability Company ("Owner") and the CITY of MONTGOMERY, TEXAS ("City").
2. Owner owns Lot 1, Block 2, of WATERSTONE on LAKE CONROE, Section 2, in Montgomery County, Texas ("Lot 1").
3. Lot 1 is subject to a 24 foot Drainage Easement described in a document recorded under Clerk's File Number 2008-079559 in the Office of the County Clerk of Montgomery County, Texas. The City is the holder of the easement interest.
4. A survey by C & C SURVEYING, INC., dated August 9, 2016, shows that the residence on Lot 1 encroaches into the easement. A copy of the survey is attached hereto as Exhibit A.
5. For a good and valuable consideration, the receipt of which is hereby acknowledged, the City consents to the encroachment and agrees not to assert any claims it may have on this matter against the Owner, its successors and assigns.
6. This Agreement embodies the entire Agreement between the parties on this matter. Any amendments or modifications to it shall not be effective unless they are reduced to writing and signed by all the parties hereto.

EXECUTED this ____ day of _____, 2016.

BENTLEY BUILDER, LLC
 BY: _____
 Printed Name:
 Rian Keller

ITS: Manager/Member

CITY OF MONTGOMERY, TEXAS
 BY: _____
 Printed Name:

ITS: _____

(Acknowledgment)

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____, 2016, by Rian Keller, Manager/Member _____ of BENTLEY BUILDER, LLC, on behalf of said entity.

Notary Public, State of Texas

Notary's name (printed):

Notary's commission expires:

(Acknowledgment)

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____, 2016, by _____ of CITY OF MONTGOMERY, TEXAS, on behalf of said entity.

Notary Public, State of Texas

Notary's name (printed):

Notary's commission expires:

PREPARED IN THE LAW OFFICE OF Jerel J. Hill

EXHIBIT "A"

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	4° 39' 45"	830.00'	67.54'	33.79'	67.52'	N 61° 26' 28" E
C 2	0° 48' 48"	820.00'	11.64'	5.82'	11.64'	N 27° 11' 19" W
C 3	94° 59' 36"	25.00'	41.45'	27.28'	36.87'	N 16° 16' 03" E

LINE	BEARING	DISTANCE
L 1	N 63° 46' 09" E	77.50'
L 2	S 29° 10' 34" E	98.41'
L 3	N 31° 13' 47" W	65.55'

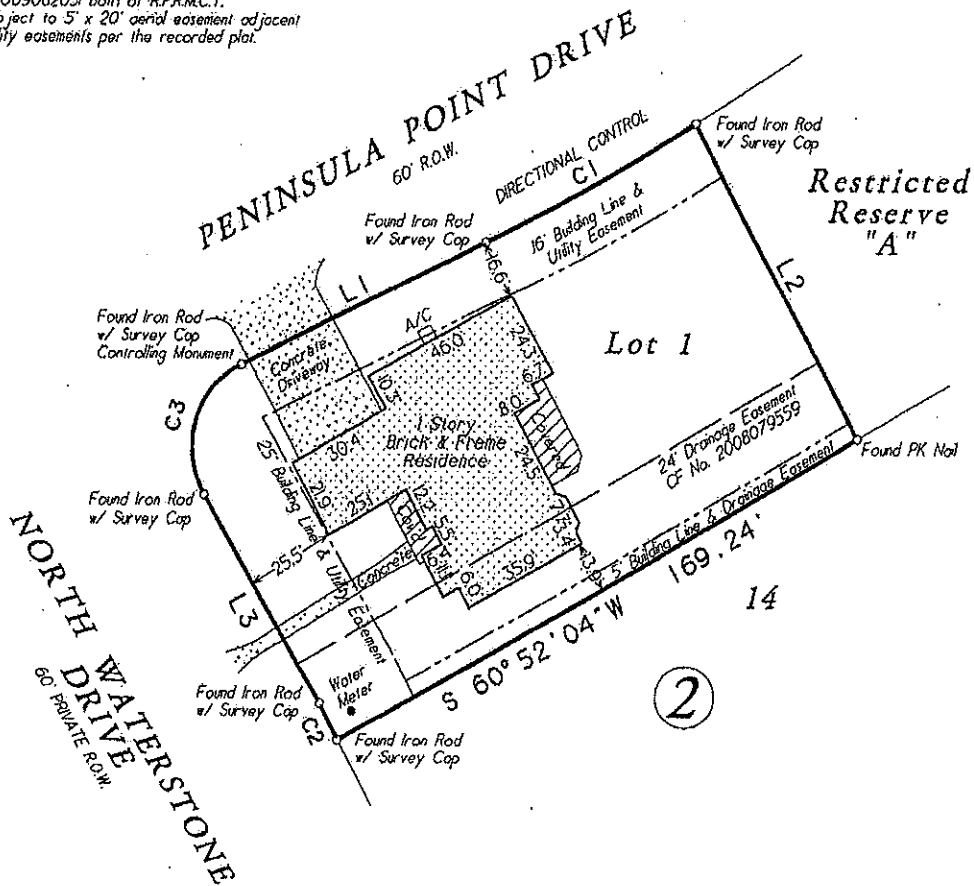
Notes:

1. Basis of bearings: the Northwest line of the subject property per the recorded plat.
2. Easements and building lines as shown are per the recorded plat and per CF No. 2015086608 R.P.R.M.C.T.
3. Subject to easements granted to the City of Montgomery per CF No. 2008079559 R.P.R.M.C.T.
4. Subject to easements granted to CenterPoint Energy Resources Corp. per CF No. 2009082050 and 2009082051 both of R.P.R.M.C.T.
5. Subject to 5' x 20' aerial easement adjacent to utility easements per the recorded plat.

This property lies within ZONE 'X' as SCALED from FEMA Map Panel Number 48339C0200-G, dated August 18, 2014.

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Lot 1, Block 2, of WATERSTONE ON LAKE CONROE, Section Two, a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in Cabinet Z, Sheet 3577 of the Map Records of Montgomery County, Texas.

Date: August 2 2016	CF No. 1688470
Job No. 15-0538a	Scale: 1" = 40'
Address: 234 North Waterstone Drive	Drawn By: RM
City, State: Montgomery, Texas	Zip: 77316
	Rev: 0

C & C Surveying, Inc.
 7424 F.M. 1488, Suite A, Magnolia, Texas 77354
 Office: 281-259-4377 Metro: 281-356-3172
 Fax: 281-356-1935
 Email: onesurveyatatlmo@sbcglobal.net



R.P.L.S. Seal

Certify to: Old Republic Title Company and MB Financial Bank, N.A.
 Agent: Travis Pelton and Danielle Pelton

I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 'A' CONDITION III SURVEY, AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.

Steven L. Crews
 Steven L. Crews R.P.L.S. # 4141

Montgomery City Council
AGENDA REPORT

ITEM #9

Meeting Date: September 27, 2016	Budgeted Amount: if successful grant will help with water/sewer needs in northwest part of city.
Department:	
Prepared By: Jack Yates	Exhibits: Grant (engineering and administration services) public notice
Date Prepared: September 22, 2016	

Subject

Beginning of CDBG application process for 2017 – Request For Proposals (RFP)(for administration (grant writer and management of grants if awarded)and Request For Qualifications (RFQ) (for engineering design and construction services if awarded) and selection of a committee to recommend selection of administrator an engineer to the Council following an interview/scoring process

Discussion

As previously discussed is the city’s intention to apply for a CDBG grant. The next cycle is due in February.

There is a specific way that the federal government wants administration and engineering services to be selected. The attached public notice comes from a standard form provided by CDBG.

The process toward the grant is:

- advertise for the RFP and the RFQ (late September- early October)
- select an interview/scoring committee (suggestion is TJ Wilkerson, Rebecca Huss, Susan Hensley, and Jack Yates)
- Committee interviews firms in late October
- November meeting Council selects Admin. and engineer
- November contracts signed, engineer/city Designs budget/project to be applied for
- December income surveys completed in area
- January/early February application written \ with Council approval of ultimate budget/project

Montgomery City Council
AGENDA REPORT

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Recommendation

Authorize the notice for RFP and RFQ to proceed, select Interview Committee.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 22, 2016 Date:

GRANT (ENGINEERING & ADMINISTRATION/PROFESSIONAL SERVICES) PUBLIC
NOTICE

The City of Montgomery seeks to develop an application to the Texas Department of Agriculture for the 2017/2018 Community Development Fund for eligible activities associated to the Texas Community Development Block Grant Program. Accordingly, the City is separately soliciting (A) proposals from Administrative Consultants for Application Preparation and Project Administration and (B) qualifications from Texas-Registered Engineers to provide engineering services associated with Application Preparation and Project Implementation. Firms and/or individuals should have past experience with federally funded programs.

Please submit a proposal of services and/or a statement of qualifications to:
Susan Hensley, City Secretary, P.O. Box 708, 101 Old Plantersville Road,
Montgomery, Texas 77356.
936-597-6434 shensley@ci.montgomery.tx.us

Submittals for these services shall be received by the City no later than 3:00 pm on October 20, 2016. Submittals received after the date and time shown will not be accepted. The same firm will not be awarded contracts to provide both services. The City reserves the right to negotiate with any and all individuals or firms that submit proposals, as per the Texas Professional Services Procurement Act and the Uniform Grant and Contract Management Standards. Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises are encouraged to submit proposals. The City reserves the right to refuse any, or all, submittals. The City of Montgomery is an Affirmative Action/Equal Opportunity Employer.

Montgomery City Council
AGENDA REPORT

ITEM #10

Meeting Date: September 27, 2016	Budgeted Amount: Paid from MEDC funds
Department:	
Prepared By: Jack Yates	Exhibits: city engineer memo w/estimates attached
Date Prepared: September 22, 2016	

Subject

Paving of parking area north of Community Center

Discussion

This item is before you because it is beyond \$10,000 MEDC expense which requires Council approval .

This item was discussed at the August and September meeting, the minutes are shown below of those two discussions:

8-15-2016 minutes

Parking Pavement Project North of Community Center – Glynn Fleming was present, stating that he had three estimates; concrete, asphalt and pavers. The estimates were \$46,500 concrete, Asphalt \$44,500 and Pavers \$66,000. Glynn also said that crushed limestone would be about one-half the concrete cost.

Motion by Champagne, seconded by Dill to table to get another estimate for crushed limestone.

All in favor.

9-19-2016 Minutes

Discuss/take action regarding parking pavement project north of Community Center -- Glynn Fleming was present and reported a estimate of \$24,632 for limestone surfacing of the pavement area intended north of the Community Center. He also presented a concrete surface estimate of \$54,932. Glynn also said that there would be bumper stops concrete into the ground even with the limestone installation. Jack Yates reminded the Board that a business would not be allowed to place limestone. Randy Moravec said that the water line under the pavement and the issue of the rock wall being so close to concrete pavement sufficed as enough reason for the limestone pavement, the Board generally made a statement of agreement.

Montgomery City Council
AGENDA REPORT

Motion by Hanover seconded by Dill to authorize the city administrator to pave the area north of the Community Center with limestone, not to exceed \$25,000. All in favor

The paving of a parking area north of the Community Center has been on the MEDC budget for at least two years. The MEDC has \$35,000 set aside for this project in their 2016-2017 budget.

As I pointed out each time the matter was discussed by the MEDC, a limestone surface is not allowed for commercial development in the city- the city ordinances require an impermeable hard surface for commercial parking lots.

Recommendation

Approve the project as planned by the MEDC and city engineer.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 22, 2016 Date:



JONES | CARTER

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

September 16, 2016

Montgomery Economic Development Corporation
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77316

Re: Contractor Quotes to Install Additional Parking on Clepper Street
City of Montgomery

Dear Directors:

Enclosed for your review and consideration are two quotes supplied by Mustang Concrete Solutions, LLC of Montgomery, Texas for constructing additional parking along Clepper Street immediately north of the Community Center. Enclosed Job Estimate No. 47475 includes installation of crushed limestone paving and totals \$24,632. Enclosed Job Estimate No. 47480 include installation of reinforced concrete paving and totals \$54,932. We will be prepared to answer your questions and to discuss further on Monday evening.

Thank you for the opportunity to serve the City of Montgomery. If you have any questions or comments, please contact, Glynn Fleming and or myself.

Sincerely,

Ed Shackelford, P.E.
Engineer for the City

EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2016\Letters\Clepper Street Parking, EDC Memo(2).doc

Enclosures:

- Mustang Concrete Solutions, LLC Job Estimate No. 47475
- Mustang Concrete Solutions, LLC Job Estimate No. 47480

cc/enc.:

- The Honorable Mayor and City Council
- The Planning and Zoning Commission
- 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

Mustang Concrete Solutions, LLC.

Job Estimate/Invoice # 47475

P.O. Box 941
Montgomery, Texas 77356
713-256-8910 office
866-207-4446 fax
Sales@mustangconcretesolutions.com
www.mustangconcretesolutions.com

September 7, 2016

Montgomery Economic Development Corp.
c/o Glen Fleming, Jones & Carter
Montgomery Community Center
Northside Parking
gffleming@jonescarter.com

Estimator – John Roger
TERMS: **50% down and the remainder due on day of pour**

Remove existing vegetation. Supply, install and compact select fill to obtain proper elevation and compaction at sub-grade.

Supply, install and compact crushed limestone (approx. 120 tons) to appropriate grade as to not interrupt drainage. Supply and install wheel stops for angled parking.

Price includes (1) year of maintenance and additional product to take care of any settling.

TOTAL: \$24,632.00

Customer Acceptance _____

Thank You Again!

Mustang Concrete Solutions, LLC.

Job Estimate/Invoice # 47480

P.O. Box 941
Montgomery, Texas 77356
713-256-8910 office
866-207-4446 fax
Sales@mustangconcretesolutions.com
www.mustangconcretesolutions.com

September 16, 2016

Montgomery Economic Development Corp.
C/O Glynn Fleming, Jones & Carter
Montgomery Community Center
Northside Parking
gffleming@jonescarter.com

Estimator – John Roger
TERMS: 50% down and the remainder due on day of pour

Excavate and remove existing soil and vegetation. Supply, install & compact select fill to 95% compaction. Form and pour 215'x25'x 6" thick and 215 linear ft. of 6"x 6" curb Using 3500 psi concrete reinforced with #4 re-bar, 12" o.c. with a light broom finish.

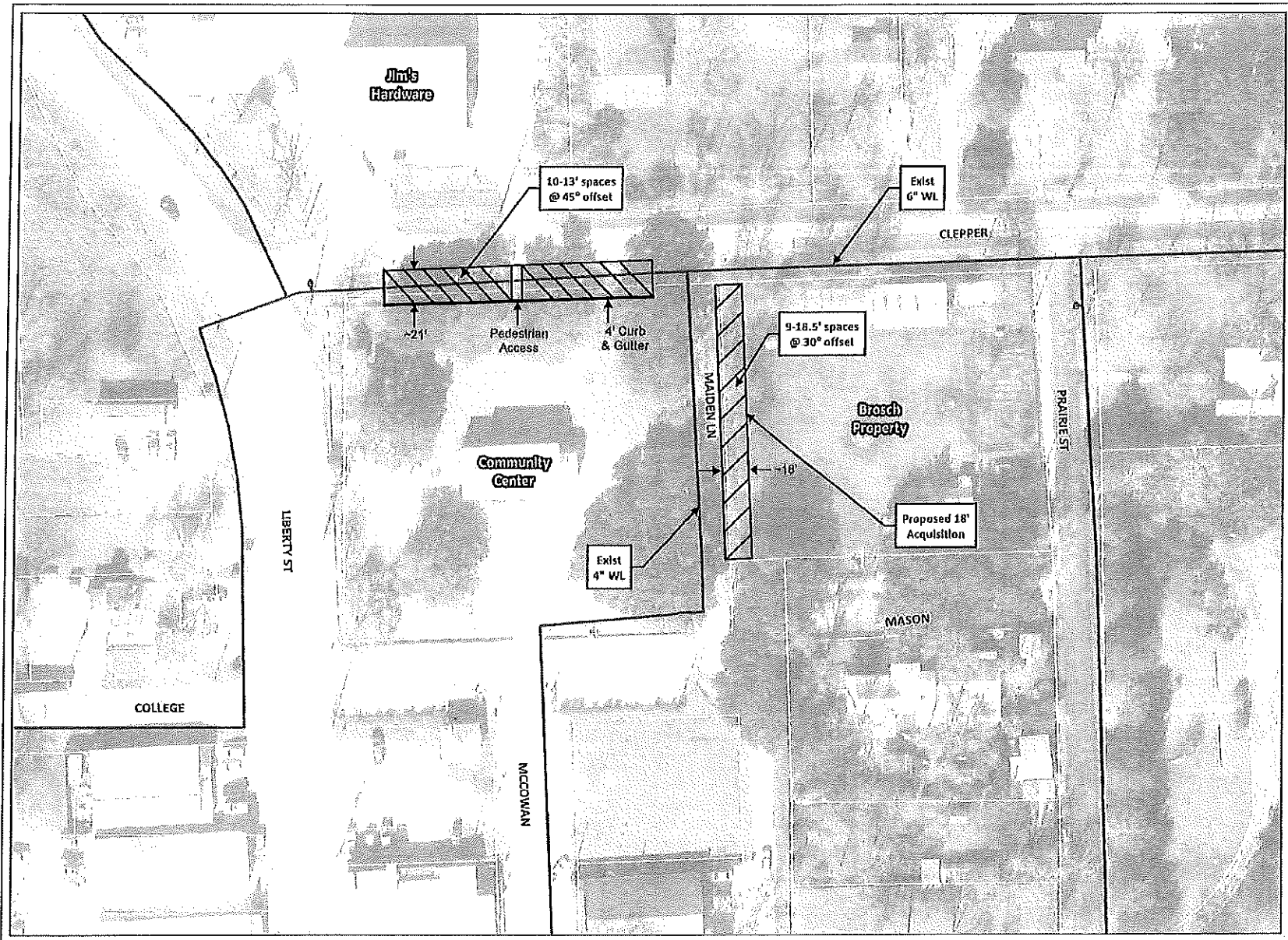
Install 24 concrete wheel stops.

This quote includes striping.

TOTAL: \$54,932.00

Customer Acceptance _____

Thank You Again!



VICINITY MAP
Scale: 1 Inch equals 2 miles

- LEGEND**
- Potential Parking
 - Flush Valve
 - Waterline
 - MCAD Parcels

Aerial Imagery flown January 2014

**CLEPPER DRIVE/
MAIDEN LANE
PROPOSED PARKING**

CITY OF MONTGOMERY
MONTGOMERY COUNTY, TEXAS



1 Inch equals 60 feet

Montgomery Park, shown as Proposed for informational purposes only and does not constitute a commitment by the City of Montgomery for any project or program. It does not represent an offer of any financial or other benefits or services. The City of Montgomery is not responsible for the accuracy of the information shown on this map. The City of Montgomery is not responsible for the accuracy of the information shown on this map. The City of Montgomery is not responsible for the accuracy of the information shown on this map.



JONES CARTER
1000 West of International Expressway, Suite 100, Ft. Worth, TX 76102

Project Number: WMA-2014-01-01
 Date: 01/27/2014
 File: C:\GIS\Projects\2014\WMA-2014-01-01\Map_Series_1000.dwg



September 22, 2016

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

Re: Requests for Variance
Villas of Mia Lago, Section Two
City of Montgomery

Commission Members:

Section 78-92(c) of the City of Montgomery Code of Ordinances specifies the minimum width of a non-radial lot shall be 75-feet.

- The Developer is requesting a waiver of this requirement.

Section 78-92(e) of the City of Montgomery Code of Ordinances specifies the minimum area of a lot shall be 9,000 square feet.

- The Developer is requesting a waiver of this requirement and is providing adequate compensating green space in Restricted Reserves "A" and "B".

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 on each side of a lot.

We offer no objection to the requested variances as they are a continuation of those previously approved for the adjoining Villas of Mia Lago, Section One development. Should any or all of the requests receive City approval we will coordinate with the Developer, Landpoint, LLC, and DPK Engineering to ensure they are reflected accurately on the Final Plat submission and adhered to during the design and construction phases.

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

Sincerely,

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\9-26-2016\Villas of Mia Lago, Section Two-Variance Request.doc

Enclosure: Villas of Mia Lago, Section Two – Preliminary Plat
cc/enc: The Honorable Mayor and City Council – The City of Montgomery
Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney
Mr. David Strauss, RPLS – Landpoint, LLC



September 22, 2016

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

Re: Approval of Final Plat and Construction Drawings
SH-105 Retail Center
City of Montgomery

Commission Members:

We have reviewed the referenced Final Plat and accompanying construction drawings as submitted by Terra Associates, Inc. and offer no objections to the plat or plans as submitted to us. Our recommendation is the Commission offer full approval to both, thereby allowing the Developer to commence with construction. At the request of City Council, one copy of the referenced plan set is available for your review in the office of the City Secretary.

Thank you for the opportunity to serve the City of Montgomery. 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', with a long horizontal flourish extending to the right.

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\9-26-2016\SH-105 Retail Center Plat and Plan Approval-PZ Opinion.doc

Enclosure: N/A

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 and Creighton, LLP, City Attorney
Mr. Lyle Henkle, P.E. – Terra Associates, Inc.