

NOTICE OF PUBLIC HEARING and REGULAR MEETING

September 13, 2016

MONTGOMERY CITY COUNCIL

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that a Public Hearing and Regular Meeting of the Montgomery City Council will be held on Tuesday, September 13, 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

PUBLIC HEARING:

Convene into Public Hearing:

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

Reconvene into Regular Session:

VISITOR/CITIZENS FORUM:

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

CONSENT AGENDA:

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

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.
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.

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.
6. Consideration and possible action to accept the Certification of the 2016 Appraisal Roll for City of Montgomery Public Improvement District 1.
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.
8. Consideration and possible action regarding solicitation of bids for the Mowing Contract.
9. Consideration and possible action regarding appointment of a Building Code Review Committee.
10. Consideration and possible action regarding Notice of Termination of Joint Groundwater Reduction Plan Agreement with Montgomery County Utility District Nos. 3 and 4.
11. Consideration and possible action regarding scheduling a Public Hearing as recommended by the Montgomery Capital Improvement Advisory Committee.

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.

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

COUNCIL INQUIRY:

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

ADJOURNMENT

(SEAL)



A handwritten signature in blue ink, which appears to read "Susan Hensley", is written over a horizontal line. The signature is fluid and cursive.

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 9th day of September 2016 at 4:30 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

Montgomery City Council
AGENDA REPORT

ITEM #1

Meeting Date: September 13, 2016	Budgeted Amount: Impact on Utility budget/financing of maintenance of system
Department:	
Prepared By: Jack Yates	Exhibits: Rate Ordinance
Date Prepared: September 7, 2016	

Subject

Public hearing regarding raising of rates for water and sewer

Discussion

The rate ordinance is in your packet. At the public meetings that I held on August 23 we had five people at the 4:00 meeting and one person at the 6:00 meeting. There has also been a postcard sent to every customer notifying them of the meetings and of their proposed rates and there was a press release issued on August 18 notifying people of the August 23 meeting and briefly describing the reasons for and the rate increase.

I have also held a specific meeting with the Montgomery Independent School District.

The public hearing is for public comment not necessarily for Council discussion.

Recommendation

Hold the public hearing and listen to/consider the comments.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 7, 2016 Date:

MINUTES OF PUBLIC HEARING

August 19, 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:

PUBLIC HEARING:**Convene into Public Hearing #2:**

Mayor Jones convened the Public Hearing at 6:15 p.m.

1. Open forum that allows each citizen present to address the governing body to express their concerns on the proposed tax increase. (Limit of 3 minutes)

Mayor Jones stated that this Public Hearing is first of two Public Hearings, required by statute. Mayor Jones said that the main reason that they have the Public Hearing is because the City will be collecting more total property taxes than they did last year.

Mayor Jones said that he wanted to clarify one thing before the public speaks, the proposed tax rate is not going up and it will be the same tax rate that the City has had for the last six years. Mayor Jones said that because of growth in the City, more homes and commercial buildings, the City will be collecting more property taxes. John Champagne said that the City tax rate will remain the same. Mayor Jones said that is correct, but they are still required to conduct this Public Hearing.

John Champagne said that the way they are required to word the item, it makes it seem like the taxes are being raised.

Rebecca Huss said that the Appraisal District sets the property valuation of your home, so depending on what exemptions you get, that could have a big difference in what you actually pay per year, but that is not something that the City has control over, unfortunately.

Mr. Ed Miller said that according to a newspaper article he had read, it talked about a tax rate of .34, and then talked about this rate of .4155.

Rebecca Huss said that .4155 has been the City's tax rate for the last six years. Rebecca Huss said something that they have not talked about is what the City has been doing with the extra funds. There have been years and years of underspending on maintenance on the City's infrastructure, particularly water and sewer, which is something that they are committed to going forward. Rebecca Huss said that it is good luck that Kroger is coming into the City. Sales tax and property tax will be increasing, so now is the time that they can shore up some of the gaps that they have got in their infrastructure.

Mr. Ed Welch asked whether the City was responsible for bridges in the City. Rebecca Huss said that it depended on where the bridge was located. Rebecca Huss said that the Buffalo Springs Bridge is the City's bridge. John Champagne said that the City is in the process of working on that bridge. Rebecca Huss said that they have been told that when all is said and done, that could be the most expensive bridge in Montgomery County because of the damage that was caused by the storm. Rebecca Huss advised that the City was working with FEMA, so it will not be a quick fix. Hopefully, when they spend the money it will be solid and withstand the next 50 years.

Mr. Welch asked if there was going to be some major improvements done in the City, such as, paving of streets and sidewalks. Mayor Jones said that they do budget road repairs and maintenance. Rebecca Huss said that, generally, sidewalks have been part of their Code of Ordinances, and as the City grows you will see more of those type of things, but they are not going into the old part of Montgomery and re-curb and pave those areas.

Mayor Jones closed the Public Hearing at 6:07 p.m.

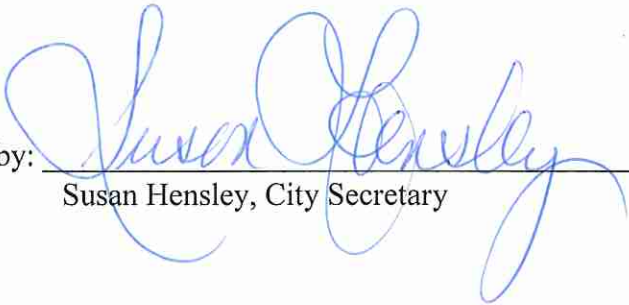
2. Announcement of the date, time and place that City Council will conduct the 2nd Public Hearing.

Mayor Jones announced that the second of the two public hearings, as required by law, will be held on August 23, 2016 at 6:00 p.m. at City Hall, which is the same night as the next Regular City Council Meeting.

ADJOURNMENT

John Champagne moved to adjourn the meeting at 6:08 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

Submitted by: _____


Susan Hensley, City Secretary

Date Approved: _____

Mayor Kirk Jones

MINUTES OF PUBLIC HEARING

August 23, 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
 Rebecca Huss Place #4
 Dave McCorquodale Place #5

Absent:

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

PUBLIC HEARING:

Convene into Public Hearing #2:

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

1. Open forum that allows each citizen present to address the governing body to express their concerns on the proposed tax increase. (Limit of 3 minutes)

Mayor Jones advised that the proposed tax rate is the same as the tax rate has been for the past six years. Mayor Jones said that the reason they are having this public hearing is because the City will collect more property taxes than they did in the prior year due to valuations and additions, etc.

There were no comments made by the public.

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

2. Announcement of the date, time, and place when City Council will adopt the 2016 Tax Rate for the City of Montgomery.

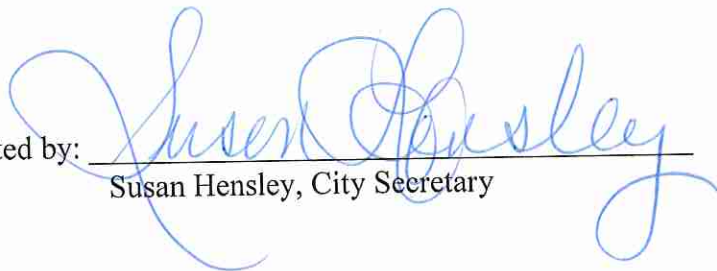
Mr. Yates stated that the tax rate has been scheduled to be adopted at a Special Meeting to be held on September 6, 2016 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Jones stated that the official tax rate would be adopted at the September 6, 2016 Special Meeting. Mr. Foerster, City Attorney, advised that they would be required to have four Council members present to adopt the tax rate.

Rebecca Huss stated that she will not be able to attend that meeting due to a scheduled appointment. Mayor Jones said that since Rebecca Huss will not be present, they will need to have everyone else present to adopt the tax rate. Council concurred that they would be at the meeting.

ADJOURNMENT

Mayor Jones adjourned the Public Hearing at 6:04 p.m.

Submitted by: _____



Susan Hensley, City Secretary

Date Approved: _____

Mayor Kirk Jones

MINUTES OF REGULAR MEETING

August 23, 2016

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Kirk Jones declared a quorum was present, and called the meeting to order at 6:04 p.m.

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

Absent:

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

INVOCATION

Mr. Foerster gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

PRESENTATION:

Mayor Leah Tarrant, Patton Village, to present plaques of appreciation to the City of Montgomery and Montgomery Police Department.

Mayor Tarrant stated that on June 19, 2016, the City of Patton Village lost their Police Sergeant, Stacey Baumgartner, in a pursuit. Mayor Tarrant said that in that accident they also lost an eleven year old boy, who was in another vehicle. Mayor Tarrant said that they are a very small City and they could not have made it without the support they received from the City of Montgomery. Mayor Tarrant said that

the City of Montgomery stood out more than anybody, and they received calls from all over the United States. Mayor Tarrant said that the City of Montgomery stepped up in a way that nobody else did, so they wanted to be here tonight to say thank you and to present the City Council with a plaque that states “Presented to the City of Montgomery with appreciation for your support in our time of sorrow. The City of Patton Village, Patton Village Police Department, Sergeant Stacey Baumgartner end of watch June 19, 2016.” Mayor Tarrant said that on all of the plaques they have inscribed “Blessed are the peacemakers for they shall be called the children of God.”

Mayor Tarrant said, on behalf of the City of Patton Village, thank you to City Council for allowing your Police Department to be so supportive of them, and for allowing Officer Carswell to come and take Sergeant Baumgartner’s watch. Mayor Tarrant introduced the Interim Chief of Police of Patton Village, Carolyn Prickett.

Mayor Tarrant also presented a plaque to the Chief James Napolitano thanking him for supporting their Chief of Police, and for allowing Officer Carswell to come and work in Patton Village.

Mayor Tarrant then presented a plaque to Officer Carswell. Mayor Tarrant stated that Officer Carswell really does his job well. Mayor Tarrant said that she remembered Officer Carswell being at the hospital the night of the accident. Mayor Tarrant did not know who Officer Carswell was because there were so many officers from everywhere, but he introduced himself and said that because he personally knew Sgt. Baumgartner, he would like to take his shift for the next three weeks. Mayor Tarrant said that you cannot imagine, until you lose one of your own, what that means. Mayor Tarrant said that it takes a really good Mayor and Council and Police Chief to foster officers. Mayor Tarrant said that she wanted to express her appreciation from the bottom of their hearts.

Chief Napolitano stated that he had attended a Chief’s class and the theme of that class was losing an officer and how it effects your department, and the difficulties that the Chief and the department go through. Chief Napolitano said that he knew that Officer Carswell had worked in that area and knew Sgt. Baumgartner. Chief Napolitano said that he thought the easiest thing for him to do, at that point, would be to send someone who knows that shift to cover it, which was Officer Carswell. Chief Napolitano said that Montgomery suffered while Officer Carswell was gone and they saw the number of tickets go down, because of the efficiency of Officer Carswell. Chief Napolitano said that without that school he probably would not have had the idea of sending Officer Carswell.

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.

No comments were made.

CONSENT AGENDA:

1. Matters related to the approval of minutes for the Public Hearing and Regular Meeting held on August 9, 2016.

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

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action on Department Reports.
 - A. Administrator's Report – Mr. Yates presented his report to City Council. Mr. Yates advised that he had attended a Transportation Meeting in Conroe that was regarding public transportation for free or inexpensive rides that are available for residents in Montgomery County. Mr. Yates advised that he will be sending copies of the complete report to the Heritage Place Apartments and The Oaks Assisted Living, along with adding a summarized version in the next City Newsletter. Mr. Yates said that the report was very eye opening to him and said that unless you keep up with it you would be surprised at all the options available. Mr. Yates said that there was a Senior Rides Program, where people over 65, or people that are under 65 but disabled, can ride for free. Mr. Yates said that there was also a Brazos Transit Authority for \$3.50 for one way trips anywhere in the County. Mr. Yates then mentioned that the American Legion in Willis, VFW in Conroe, which will transport veteran's to the hospital free of charge.

Mr. Yates also advised that he was not presenting the report on Wade Street tonight because there had been a mistake on the map and Mr. Washington owns more property than they thought. Mr. Yates said that Mr. Fleming was preparing the new legal description. Mr. Yates said that he has spoken to all three of the property owners, and they are all agreeable to the sale of the property.

Mr. Yates said that the meetings with the residents regarding the water/sewer rates is scheduled for this Thursday. Mr. Yates stated that he had worked with FEMA and the State Emergency Management staff regarding flood damage in the City. Mr. Yates said that he had received notice on August 10 of FEMA's flood declaration includes bridges and roads.

Mr. Yates said that he had working with staff regarding the AMRS water billing process, and asked Mr. Muckleroy, Public Works Manager, to speak on this matter in his report. Mr. Yates said that they are still having problems with 40-50 meters per month that are sending out a signal that is not getting to the billing. Mr. Yates said that the billing system will show a zero reading, but if you go to the individual customer's account it will have the right reading. Mr. Yates said that it is a different 40-50 meters each month, it is not the same ones. Mr. Yates said that they are withholding approximately \$6,000 in payment to the vendor until this issue is resolved. Mr. Yates said that the vendor is trying diligently to get the matter resolved.

Rebecca Huss asked if the meters themselves are communicating the information and getting to the system, but it is just not getting to billing. Mr. Yates said that was correct. Rebecca Huss asked if they were sending Mr. Muckleroy out to reread the 40-50 meters, because she thought that would be more inefficient than having to manually read the whole City. Mr. Muckleroy said that last month they had to reread approximately 60 meters to help get the problem fixed. Mr. Muckleroy said that they had been told that the problem had been fixed for this month and it would be better, but when Mrs. Slaughter pulled the readings there were about 40 meters that had to be reread. Mrs. Slaughter said that there were 95 meters that had to be reread. Mr. Muckleroy said that Caleb was working with Badger to try and figure out what is going

on. Mrs. Slaughter said that it was not only Badger, but was also InCode. InCode's file keeps shifting cells over so the information is in the wrong column.

Mayor Jones asked if the meters that we're reading were correct. Mrs. Slaughter said that they are reading fine, but for some reason when the figures are imported into the file they do not import correctly and show up as a zero read or as 99999, which makes the system think it is rolling over so they are getting charged incorrectly.

Rebecca Huss asked if the City was going to give them their \$6,000 because they started installing them in January 2016. Mr. Yates said that they were through with installation by February 2016. Rebecca Huss said this is just ridiculous. Rebecca Huss said that she was not saying that staff had done anything wrong, it is just that the vendor promised the City that the transition would be the easiest and seamless conversion for the City, but it has been a nightmare. Rebecca Huss said that there have been bills that have been sent out incorrectly, and then trying to fix them. You don't want customers receiving a corrected bill of five months thrown at them.

Jon Bickford asked if the City had sent any bills out that were incorrect. Mrs. Slaughter said that some got a bill of over \$650,000 last month. Mrs. Slaughter thought that she had caught all of them, but she missed one that had been overlooked. Jon Bickford confirmed that only one bill was sent out that was incorrect. Mrs. Slaughter said that was correct. Rebecca Huss said that a lot of bills were sent out with zero reads, which means that they were charged the minimum rate. Mrs. Slaughter said that this month the guys went out and did end point verifications, which matched the meters with the end points, and they found several locations that were swapped that had to be adjusted. Mrs. Slaughter said that if the end point meter reads were correct then the reads were mostly correct. Jon Bickford asked if they had a plan to correct the problem. Mrs. Slaughter said that they are working on it. Badger indicated that they had a problem, and she could not even get the file to download correctly. Mrs. Slaughter said that Badger is working on the problem with InCode because the cells are shifting.

Jon Bickford asked if they should have the sales person from Badger come in to address the problem. Mr. Muckleroy said that Caleb is actually the salesman/project manager

and has been working on the matter. Rebecca Huss said that Caleb has come before City Council and reported on the progress. John Champagne asked who had day to day ownership of the problem. Mrs. Slaughter said that she thought that she would have ownership of the problem on a day to day basis. John Champagne asked when Mrs. Slaughter anticipated this matter being resolved. Mrs. Slaughter said that they had anticipated that it would have been resolved this month. Mrs. Slaughter said that she is following up with them on every step. John Champagne said that personally, he was leaving the matter in capable hands.

Rebecca Huss asked if Badger has someone that sees this matter as a priority. Mr. Yates said that he would check on it, but said that he felt that Caleb with Accurate was the correct person to be working with on the matter. Mr. Yates said that they thought they had the matter resolved, but each month it has been a different set of meters. Mr. Yates said that he did not see it as a problem with InCode, but saw it as a problem with Accurate, because the integration was addressed in the interview process and they said that they had worked with InCode, which they have done successfully in several places. Mr. Yates said that they are trying to find out what the problem is and why it goes to different meters each month. Mr. Yates said that Mrs. Slaughter told him that the vendor had checked every single meter to make sure that it was sending out a signal. Jon Bickford said that it did not sound like it was the meters or the antennas but the integration of the billing report. Mr. Yates said that was correct.

- B. Public Works Report – Mr. Mike Muckleroy presented his report to City Council. Mr. Muckleroy said that they had a fairly busy month. Mr. Muckleroy advised that his crew had performed meter and endpoint number verification of the entire City with Accurate. Mr. Muckleroy said that they found a handful of meters that had been put in wrong by Accurate. John Champagne asked whether the City was invoicing Accurate for this work. Mr. Muckleroy said that they are not invoicing them, but they are withholding funds from the project. John Champagne said that this is costing the City money. Mr. Muckleroy said that Mr. Yates had sent an email to Accurate that said the City will not pay the final balance until the City has two solid months of good readings. Mr. Muckleroy said that they checked the entire system in the City, logging by hand all the meters and location and they ended up finding a lot of problems.

Jon Bickford confirmed that the City pays Accurate an annual fee for maintenance for the software. Mr. Yates said that was correct. Jon Bickford said that it sounds like the problem is Accurate, and they are probably going to charge the City an annual fee to keep the system intact. Mr. Yates said that it is \$.59 cents per meter per month. Jon Bickford said that he would tell Accurate that until the system is working he would tell Accurate to add the months that they have been unable to use the system, adding that amount of money back into the contract. Jon Bickford said that is a very common practice in the software industry. Mr. Muckleroy said that, to him, whether the problem is InCode, Accurate or Badger, Accurate sold them the product, so they are responsible. Jon Bickford said that when you send Accurate a note telling them that you are withholding the payment, he would also let them know that every month that they have problems, is a month that the City is not going to pay the maintenance fee. Mr. Yates said that was a very good point.

Mr. Muckleroy said that they had 4-water taps, 3-sewer taps, 2-waterleaks and zero stop ups. They also replaced the irrigation controller at the Community Center and repaired two leaks at Memory Park. Mr. Muckleroy said that the docents at Fernland reported a total of 530 visitors for the month and provided 54 tours.

Jon Bickford asked if they had seen a decrease in the whole lift station clogs and having to come out and repair and clean out lift stations. Mr. Muckleroy said that the incidents are fairly low right now. They had an issue for a couple weeks when lift station 5 broke down and had to be repaired, where some of the roots from it transferred down to lift station 2. Gulf Utility came in and cleaned the entire main line on 149. Jon Bickford asked if the constant problems that they were having have seemed to subside. Mr. Muckleroy said that they have also started the official maintenance program where they regularly check pumps and look for clogs, impeller issues, fluid levels and things like that. Jon Bickford asked if that was helping. Mr. Muckleroy said that it was absolutely helping.

- A. Police Department Report – Chief James Napolitano presented his report to City Council. Chief Napolitano advised that the ticket were down for last month, due to

less people coming through the City during the summer, and the department has been down three officers. Officer Carswell has been in school and will soon be a DRE, which is Drug Recognition Expert, so when stops are made on the street and someone needs to know what a certain narcotic is, Officer Carswell has been certified by the State as an expert and he can go out and advise whether that person has been taking those drugs and whether a blood test would be recommended.

Chief Napolitano said that the men and women of his department make the most contact with the citizens of the City and the surrounding county neighborhoods. They do their best in professionally handling stops and every situation with proficiency and with courtesy. Officer Bracht makes a lot of DWI stops. They had a fatality accident at McDonald's on a Saturday morning, and the District Attorney's Office specifically called the Department and sent an email saying what an exceptional report had been prepared by Officer Bracht for the DA's Office on whether they should file charges on the case. Chief Napolitano said that Officer Bracht did an extensive investigation. Chief Napolitano said that when the officers get involved in these type of cases, they have less and less time to just be out writing tickets. Chief Napolitano said that they are looking at priorities and what they are for the City. Chief Napolitano said that he asks each officer to make ten contacts a day, which does not mean ten tickets, just ten contacts including the merchants.

Rebecca Huss asked if the DRE would be solely in the City of Montgomery. Chief Napolitano said no, Officer Carswell could also be used in District 5, which would be the only other place that he would be used, which is on this side of Montgomery County, on the north side all the way to the Grimes County line and down to about half way to Magnolia, and halfway between here and the Lake. Chief Napolitano said that what can happen is Montgomery County could ask for all DRE's to come to the County Jail and work a shift at the jail as they do a DWI roundup weekend. Rebecca Huss asked who pays for Officer Carswell to work at the jail. Chief Napolitano said that the City would pay for that. Rebecca Huss asked if that would be the priority for Officer Carswell to work somewhere else. Chief Napolitano said no, what they had to understand is that safety inside this County, is also the people that run through the City. Officer Carswell can be used in other places and make a difference in the County and

in the City, by stopping DWI's. Chief Napolitano said that the more they can train citizens to understand that they should not drive while intoxicated, and if they make that communication by arresting them, then that is what they need to do. Chief Napolitano said that it would not happen often, but might occur once or twice a year, at the most. Chief Napolitano said that there has not been a DWI roundup since he has been at the City, which is 3 years.

John Champagne said that it seemed to him that not many children ride school buses anymore, and asked what the City can do about traffic that tends to stack up. Chief Napolitano said that he had worked traffic this morning, where he started with the high school. Chief Napolitano said that he and Officer Carswell worked the intersection of SH105 and FM 2854, while Officer Bauer had FM 149. Chief Napolitano said that the traffic stacked up once they passed 149 on SH 105, they were not getting into the school fast enough. John Champagne said that they park on the side of the road and once things start moving, they get in and the whole lane is blocked. Chief Napolitano said that they are trying to get the schools to open up school a little bit early so they can start flowing the parents that need to drop off their children early so they can go to work. Chief Napolitano said that Clepper gets backed up, along with 149 going south to middle school. John Champagne said that if the vehicles could stay on the shoulder of the street until they can get to the school it would be better. Chief Napolitano said that he is going to get with Mr. Muckleroy to look at readjusting some of the school speed limit signs for better visibility because one parent coming out of Buffalo Springs said that they did not know there was a school there.

- B. Court Department Report – In the absence of Ms. Rebecca Lehn, Court Administrator, Mr. Yates presented the Court Report to City Council. Mr. Yates advised that the Court brought in \$42,990 for the month and they are exceeding this years' budget. Mr. Yates said that the Chief had already talked about the low citations for the month, which are down quite a bit from last year, but they are expecting them to go up in the next several months. Mayor Jones said that there was a delay between citations and court revenues so they will be seeing some lower numbers in the next couple of months.

C. Utility/Development Report – Mrs. Ashley Slaughter presented her report to City Council. Mrs. Slaughter advised that last month they had \$89,352 in revenue from utilities, \$4,600 from permits, and \$330 from Community Building rentals resulting from three bookings. Mrs. Slaughter said that they had collected \$50 from one of the rentals because they did not clean the room correctly. Mrs. Slaughter said that there were 18 new water accounts, with 8 cutoffs for the month. Mrs. Slaughter said that was a total of 21 permits, two of which were new homes.

Mrs. Slaughter said that she ran the report as of August 5, 2016 to account for the corrections and to make sure that Gulf Utility had the correct information for the consumption report.

John Champagne asked if Memory Park showing 338,000 gallons used during the month of July was correct. Mrs. Slaughter said that was the number that was reported to her from InCode. Mr. Muckleroy said that he needed to do the math for that reading, because he did not think that figure was correct. Jon Bickford said that Memory Park's usage went from being less than half of the sewer plant to twice the sewer plant in one month. Mr. Muckleroy said that they did have two leaks two days apart, he was not sure which days they were, but he thought that they were in that billing cycle. Mr. Muckleroy said that he did not think that it would add up to 338,000 gallons. Jon Bickford said that the usage in May was 56,000, June at 72,000 and July is showing 338,000, which is five times what it was the prior month. Mrs. Slaughter said that she would look at the information again and discuss it with Mr. Muckleroy, then update City Council next month.

D. Water Report – Mr. Mike Williams, with Gulf Utility, presented his report to City Council. Mr. Williams reported on the district alerts. They had a broken chlorine pipe at the plant, which they repaired. They found a damaged coupling to blower #1 that has been repaired. The skimmer arm to the clarifier was not turning, so they had to pump it out to clean the area and make a good weld. Mr. William said that they pumped out the clarifier and inspected it for any other damage. Mr. Williams said that they had a couple of failed primes on Well 4, which was mostly from power balances. Mr.

Williams said that each time it was tested by the operator, it was found to be functioning normally.

Mr. Williams said that the flow for the month of July was 3,012,000 gallons at the sewer plant, which is 77% of permitted value, and the daily peak flow was .170 million gallons per day. Mr. Williams said that the reason for the spike was pumping up the clarifier.

Rebecca Huss said that she thought the City was permitted up to 400,000 gallons. Mr. Williams said that was correct. Rebecca Huss asked how 170,000 gallons was 77% of 400,000. Mr. Williams said that was a mistake, the daily average flow was 97,000 gallons that is 24% of permitted value. Rebecca Huss said that as long as they stay below half of the permitted value, because obviously they want to delay getting a new sewage treatment plant. Mr. Williams said that they had no excursions for the month of July, and for the very first seen a whole month with the visual rain gauge resulting in 3.94 inches of rain in July. Mr. Williams said that in his next report he will include the peak day and give a break down by the hour.

Mr. Williams said that they had a total of 98% accountability, flushing of 225,000 gallons, and a total pumpage of 12.284 million gallons, with Well 4 putting out 94.7% of the water.

John Champagne said that he had read that at one of the lift stations, where they went to repair a pump and the chain broke. Mr. Williams said that had occurred at Lift Station 3. Mr. Williams said that when they did the preventative maintenance, most of the pumps required new chains. When they conduct the next preventative maintenance check they will be replacing the chains with galvanized chains.

Rebecca Huss asked about the statement that said that the pump was retrieved, and whether that meant that the pump fell to the bottom and had to be fished out. Mr. Williams said that was correct, they had to manually hook the pump and bring it back up. Rebecca Huss said that it sounds like you could break a lot of pumps doing that, so the chain replacement is a great idea.

Mr. Williams said that they also identified that the seal on Lift Station 1 was blowing sewage back into the wet well, instead of pumping it out, so they are getting quotes for replacement.

Mayor Jones asked about the status of reuse of the water at the wastewater treatment plant. Mr. Williams stated that they had gotten quotes together, and as requested by Jones and Carter, they are getting construction drawings. Mayor Jones asked if they would complete the project in this fiscal year. Mr. Williams said that he thought that they could.

Jon Bickford asked about the information they had requested reconciling actual costs versus what they budgeted for Gulf's water operations. He also asked if it would be possible to do monthly comparisons showing the proposed flat rate and the actual costs showing how they are doing in terms of the overall expense. Jon Bickford asked if it would be possible to get a reconciliation on a month-by-month or quarter-by-quarter basis, showing some type of trend over the year. Mr. Williams said that he could do that. Jon Bickford asked if he could include that in the monthly report moving forward. Mr. Yates said that they had produced that report for the year, which would be easy to update monthly. Rebecca Huss said that was an item at a previous meeting, where they did a presentation of the analysis. John Champagne said that he did not think that Jon Bickford was at that meeting.

Mayor Jones asked how often Gulf Utility invoices the City. Mr. Williams said that they invoice monthly. Mr. Yates said that the invoice is broken down into the different categories, so it will not be difficult for them to update the information each month.

- E. Engineer's Report – Mr. Ed Shackelford, City Engineer, presented his report to City Council. Mr. Shackelford advised that Mr. Fleming was on vacation. Mr. Shackelford said that the Impact Fee Advisory Committee would be meeting on September 2, 2016 to discuss land use assumptions and related capital projects.

Mr. Shackelford advised that the mobility study was underway and he would have updates at the next Council meeting.

Mr. Shackelford advised that the contracts had been delivered to Key Construction for the Kroger public infrastructure project, which he expects to get back in a week. Mr. Shackelford said that he anticipates holding a preconstruction meeting by the end of the month.

The Pizza Shack construction drawings were received on Friday. Mayor Jones asked if Pizza Shack knew when they were going to move dirt. Mr. Shackelford said that he thought that it would be September or October. Mr. Shackelford advised that Pizza Shack knows that they are behind schedule, and, per the Texas Capital Fund Grant, they need to be underway October and November, at the latest, to make sure that they complete the project within the three year period.

Mr. Shackelford said that the Master Plan Capital Project No. 1 – GST Backfill plans for Water Plant No. 2 are complete and waiting for funding.

Mr. Shackelford stated that they have recommended not to move forward on the Town Creek Bridge waterline project until the bridge damage and adjacent slope stability issues are addressed. They are still concerned with Kroger opening and other activity at the intersection of FM 2854 and SH 105, so they are looking at other options to get a looped waterline. One of those options would be to pick the waterline up on the west side of Plez Morgan and Lone Star Parkway and extend it east to Buffalo Crossing and Lone Star Parkway. The preliminary estimate to extend that waterline is \$400,000. Mr. Shackelford said that they are looking at how that fits in with the funding that the City is requesting. Jon Bickford asked if that would eliminate the need to have the waterline cross under the bridge. Mr. Shackelford said that it would defer the need. Jon Bickford said that \$400,000 is a lot of money just to defer the project. Mayor Jones asked if the waterline would also serve other properties. Mr. Shackelford said that was correct, it would essentially fill in the gap and solve the loop problem.

Mr. Shackleford said that the drawings for Heritage Place Medical Plaza and parking expansion have been approved.

Mr. Shackleford advised that the McCoy's final plat and approved drawings were presented and approved by the Planning and Zoning Commission last night, and are being recommended for approval by City Council tonight.

Mr. Shackleford stated that they returned comments on the revised submission by the SH 105 Retail Center. They also returned comments on the Villas of Mia Lago, Section Two. Jon Bickford asked if the Retail Center was going to be a strip mall. Mr. Shackleford said that was correct, and their two driveways would be located on SH 105 and Lone Star Parkway.

Mr. Shackleford advised that the contractor for the Hills of Town Creek said that they are getting ready to initiate a construction entrance. Mr. Shackleford said that this evening he had discussed with Mr. Yates that they need to make sure that they can move the school traffic, so they can get the entrance installed.

Mr. Shackleford said that they are still having meetings with Kroger on a bi-weekly basis. Mr. Shackleford also advised that the Lake Creek Village, Section Two project is nearing completion.

Rebecca Huss asked about the Backfill Project and whether the City needed to find the funds for the project. Mr. Shackleford said that the City does need to find funds for that project. Rebecca Huss said that the whole reason for that project was to address water pressure and safety concerns on the west side of the City, and said that she thought that the City would have the funds for that project. Rebecca Huss asked if that project was in the plans for this fiscal year, because at one point they had discussed having an emergency short circuit the bidding process to get it underway as soon as possible. Mayor Jones said that they determined that the project was not an emergency after all. Rebecca Huss said that depended on your perspective and where you live. Mayor Jones said that it was not an emergency as far as fire protection. John Champagne asked if mediation had been done to get the pressure to a minimum. Mr. Shackleford said that

there were some adjustments to get minimum pressure, as an interim, but it was not a failsafe solution.

Mr. Shackleford said that they had 45-46 psi just outside the apartment complex and by the time you go up 45 feet, 12 feet per floor, the psi drops off pretty quick. Rebecca Huss said that her concern was when a fire truck hooks up to the hydrant, the City can deliver the water. Jon Bickford asked whether the fire trucks were fine with 45-46 psi. Mr. Shackleford said that at the hydrant, yes, but as the water goes through the meter and the backflow prevention device, it drops 8-10 psi. Mr. Shackleford said that the City is meeting the required psi at the meter, but once you get inside the property they are not. Rebecca Huss asked if the fire trucks have hookups inside the apartment complex. Mr. Shackleford said that he was not certain of that, but he will verify if they have a fire loop. Mr. Shackleford stated that normally the fire loop is independent of their potable water. Rebecca Huss asked Mr. Yates if there was funding for this project and whether they could get the project going. Rebecca Huss asked if this project was on the list for the Water Development Board. Mr. Yates said that it was. Mr. Yates also noted that the Fire Department had said that they had a plan to put out fires at that location. Mayor Jones said that they would bring water in from somewhere else. Mr. Shackleford said that was an interim plan.

Rebecca Huss asked about the Buffalo Springs Bridge project, where it states that they “have contacted the Natural Resources Conservation Service regarding the disposition of the canal and they are awaiting a response a response regarding possible assistance.” Rebecca Huss said that she thought the City did not own the canal, and asked Mr. Shackleford to explain the assistance part. Mr. Shackleford said that he thought what they are looking at is whether there is assistance available for those that do own the canal to come in apply for their own funding to help solve the problem. Mr. Shackleford said that one of the things was to make sure that Mr. Bowen and others knew what was available, even though they were not the governmental entity.

- F. Financial Report – Mrs. Cathy Branco, Financial Consultant, presented her report to City Council. Mrs. Branco stated that the total funds available to the City are \$2,124,290.87, and of that the investments total \$879,904.84. Mrs. Branco said that

she had made all of the administrative transfers for the year. Mrs. Branco said that all the payroll adjustments have also been made for the utility personnel. The debt payment for the City that is due September 1, will be made on August 31, 2016 by wire transfer from the bank in the amount of \$106,358.12. Mrs. Branco noted that the net income for operating funds is \$67,000. Mrs. Branco said that the City's deficit has actually gone down to \$20,800. Jon Bickford asked what that deficit was for. Mrs. Branco said that was for the utility fund for the year.

Rebecca Huss moved to accept the departmental reports as presented. Jon Bickford seconded the motion, the motion carried unanimously. (5-0)

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

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS ADOPTING AN OPERATING BUDGET FOR FISCAL YEAR 2016-2017.

Mr. Yates summarized the proposed budget overview with City Council, advising that they expected to have just over \$3,000,000 million dollars in General Fund revenues, with \$2,972,000 in expenditures, with \$19,472 revenue over expenditures. Mr. Yates said that the budget underestimates revenues and overestimates expenditures, so they expect to do even better.

Mr. Yates said that the Utility Fund has revenues of \$1,091,560, with expenses totaling \$947,750, which will allow \$18,510 in surplus of revenues over expenditures, which is assuming they approve the proposed water and sewer rate increase.

Mr. Yates said that in the totality of the 2016-2017 budget, including the Debt Service Fund and Special Funds, the projected ending balance is \$1,200,000 for General Fund, and the projected balance of all funds is \$1,281,000, compared to the projected balance at the end of this budget year of \$1,179,000.

John Champagne moved to adopt an Ordinance of the City of Montgomery, Texas adopting the Operating Budget for Fiscal Year 2016-2017. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

4. Consideration and possible action regarding calling a Public Hearing regarding a water and sewer rate increase.

Mr. Yates said that the request was to call the Public Hearing to be held at the next Regular Meeting on September 13, 2016 at 6:00 p.m. Mr. Yates said that between now and then, he will issue a press release regarding the proposed water and sewer rates, and they will be having public meetings at the Community Center this Thursday. Mr. Yates said that he also sent out a post card about the meetings last week.

Rebecca Huss asked if Mr. Yates had Mr. Randy Burleigh's updated spreadsheet with the new garbage rates. Mr. Yates said that he would check on that. Rebecca Huss said that they had discussed giving personalized estimates of resident's bills with the increased rates, and they could wirelessly link into a printer at the Community Center. Mr. Yates said that he would either have a print out or a standard form that he could fill out for each person showing the result the rate increase would have on their bill. Mr. Yates said that Mr. Burleigh has done a line item person-by-person listing showing their monthly consumption. Jon Bickford said that they could send the information via email versus printing them out. Mayor Jones asked whether the Public Hearing was required by law, and would they be adopting an ordinance if they approve the new rates. Mr. Yates said that was correct.

Jon Bickford moved to schedule a Public Hearing regarding a water and sewer rate increase to be held on September 13, 2016 at 6 p.m. at City Hall. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

5. Consideration and possible action regarding approval of Montgomery EDC funding for McCoy's Building Supply sewer line upgrade.

Mr. Shackelford advised that McCoy's was proposed to be located at the southwest corner of Buffalo Springs and SH 105 and they need a gravity feed sanitary sewer line from their site to Lift Station 1. Capacity wise, McCoy's requires an 8-inch line. The City's Code allows for the City to upsize the line and pay the difference in the cost.

Mr. Shackelford said that they were recommending that the City upsize to a 12-inch line to be installed from just west of that location, which would take them to the east property line of the Baptist Church, going back to Lift Station 1. Mr. Shackelford said that the estimate to upsize the line and go a little bit deeper is approximately \$100,000, which has been submitted to Montgomery EDC for consideration and they have granted approval up to \$100,000, pending support and approval by City Council.

Mr. Yates said that this would open up the south area between FM 2854 east of the Baptist Church for development, because it already has a waterline. Mr. Shackelford said that a 12-inch waterline already exists and a 12-inch gravity sanitary sewer line is necessary. Jon Bickford asked about whether the City was going to assess a fee as developers came in. Mr. Shackelford said that would be the Pro Rata Share. Mr. Shackelford said that McCoy's is paying whatever it costs to put in the 8-inch line, the City will pay the difference to upsize to the 12-inch line. As other developers tie into the line, they would evaluate what capacity they are taking out of the line, and they would pay their Pro Rata Share. Rebecca Huss said that would accrue to both McCoy's and the MEDC. Jon Bickford said that he was trying to figure out if they are charging them a Pro Rata Share and then giving them money on top of that. Mr. Shackelford said that he would have to go back and look at the ordinance.

Mr. Shackelford said the line will go all the way to Lift Station 1, from the Church. Jon Bickford asked about when someone wants to build next to McCoy's on the east side, would they have to put in a 12-inch line. Mr. Shackelford said that they would tie into the existing 12-inch line. Mayor Jones said that with the depth of the line, in the future, they might be able to eliminate the Lift Station. Mr. Shackelford said that the last item on the agenda talks about Milestone Phase II, extending public utilities, and that line is deep enough to take care of the Lift Station that serves Ransom's. The sewer line on the south side is not as deep as they could have gone, but it is deep enough to serve all the property on the south side.

Jon Bickford asked if this was going to be paid for out of the 2015-2016 MEDC funds or 2016-2017. Mayor Jones said that it would be out of the 2016-2017 MEDC Budget. Mayor Jones said that MEDC has \$170,000-\$200,000 in the budget for infrastructure projects that are not going to be completed this year.

Jon Bickford moved to participate in a 12-inch upgrade to the sewer line serving SH 105 and McCoy's Lumber, and authorizing the Montgomery EDC funding for McCoy's Building Supply sewer line upgrade from 8 inches to 12 inches, for an amount not to exceed \$100,000. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

6. Consideration and possible action regarding approval of Final Plat submission and accompanying construction plans for McCoy's Building Supply.

Mr. Shackelford said that they have reviewed the plat and the construction drawings, which were approved by the Planning and Zoning Commission last night, so they are coming to Council tonight to request their approval.

John Champagne moved to approve the final plat submission and accompanying construction plans for McCoy's Building Supply, and authorize the Mayor to sign the plat. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

7. Consideration and possible action regarding billing ESD #2 for in-station water and sewer and for other water used by ESD #2.

Mr. Yates advised that the Fire Department has not been paying for water and sewer, which has been an understanding for some time, but there is no documentation regarding the no-charge policy.

Mr. Yates said that because of the City's attempt to reduce the non-billable water use in the City for City related uses, the question of whether to begin billing ESD #2 for its building use and for its training/firefighting water has arisen. The ESD #2 Station is metered and has been using approximately 19,000 gallons per month. This would be an annual water and sewer billing of \$2,052. Mr. Yates said that the training and firefighting use they estimated to be about 10,000-15,000 gallons per month that would result in \$1,500 per year.

Mr. Yates said that his recommendation would be to begin charging ESD #2 for the Fire Station water and sewer at the residential rate in the billing due October 1, 2016. Mr. Yates said he

does not recommend charging for the training/firefighting water because of the public good created by their training and actual firefighting in the City.

Mr. Yates said that he wanted to add two points to his recommendation, resulting from a presentation by the Fire Chief a couple of weeks ago. The Fire Chief said that there were two or three fires in Montgomery last year, so most of the water was being used outside the City, which might point toward charging for the water, but the counterpoint to that is inside the City the ISO Fire Rating is 3 because of the Fire Station being inside the City. The ISO Rating is worth many thousands of dollars versus a Rating of a 5 or a 4, and would more than make up for the charge of the water.

Jon Bickford asked if there were two different meters at the Fire Station. Mr. Yates said that one is a normal meter that any business would have, and they are about to put in another meter on the fire apparatus that would measure their training water. Jon Bickford said that commercial rates would make more sense to him, and he had no issue with not charging them for water for the trucks to put out fires, but he would encourage them not to use the waste water washing trucks or someone might want to wash their own vehicle there. Mr. Yates said that he did not think that they used the hydrant for washing trucks. Mr. Muckleroy said that the entire building runs off the main meter. Mr. Yates said that he chose residential rates because it is a lesser charge and they are residents of the property benefactor, the Fire Department. Rebecca Huss said that unless they feel that for the \$2,000 it is not worth upsetting the status quo. Jon Bickford said that it comes out of the taxes and the City pays for it. T.J. Wilkerson said that he agreed with Mr. Yates.

T.J. Wilkerson moved to follow staff's recommendations to begin charging ESD #2 for in-station water and sewer at the residential rate, beginning October 1, 2016, and to not charge for the training/firefighting water because of the public good created by their training and actual firefighting in the City. John Champagne seconded the motion, the motion carried unanimously. (5-0)

Mayor Jones said that the water used for training/firefighting will be metered.

8. Consideration and possible action regarding the approval of a Resolution By The City Council Of The City Of Montgomery, Texas Requesting Financial Assistance From The Texas Water Development Board For Water System Projects.

Mr. Yates introduced Mr. Jim Gilley, Financial Advisor who works with the Bond Attorney. Mr. Gilley advised that items 8 and 9 are the same action requesting financial assistance, one is for drinking water projects and the other is for the sanitary sewer projects. Mr. Gilley said that part of their application process is that they require that City Council formally request financial assistance in the form of a Resolution, which is what these two items are. Mr. Gilley said that they are in a bind to get these documents going because they have a deadline of Thursday to complete the applications. Mr. Gilley said that everything is completed, except for a couple of engineering items, which Mr. Fleming is going to try and get to them tomorrow. Mr. Gilley said that they do need to ask that if they do approve both of these Resolutions, that they be executed tonight so they can get them to the Bond Attorney tomorrow. Jon Bickford asked if they had everything that they need to execute the documents. Mr. Gilley said that Mr. James Gilley, Jr., has the documents with him tonight. Mayor Jones said that Mr. Fleming is on vacation. Mr. Gilley said that he has had conversations with Mr. Fleming so they are okay.

Mr. Gilley advised that they were requesting \$1.3 million for the clean water, and \$2 million for the drinking water, which require four applications, because there are two projects under each of the funds. Mr. Gilley said that this will be a loan from the state. Mr. Gilley said that the clean water and drinking water funds are subsidized by a Federal Grant to the state. Mr. Gilley said that the subsidy from the Federal Government buys down the rate to the City. Mr. Gilley said that they estimate the rate, right now, is estimated to be right under 1½ percent, maybe closer to 1 percent, so it is worth the hassle.

Mr. Gilley said that the process is they get the application in and administratively completed by Thursday. Once the Water Development Board has reviewed the application, they will approve and extend a loan commitment to the City, hopefully for all four projects, which probably will not until before December or January 2017. Mr. Gilley said that once the commitment is offered they can start the process of issuing the debt, which would be Certificates of Obligation. Mr. Gilley said that the City will probably have funds sometime in spring.

Mayor Jones asked if this kind of loan will save the City a lot of money in the long term versus looking for something on the open market. Mr. Gilley said that was correct. Mr. Gilley said that it entails a little more administratively, but the subsidy for the drinking water is 2 ¼ percent below the market, the clean water is 1.85 percent under market rate. Mayor Jones said that was a lot of difference. Mr. Gilley said that it does make a big difference. Mayor Jones asked if they had to take the entire amount at one time. Mr. Gilley said that was correct, it will close just like a bond issue. Jon Bickford asked if there was a penalty for early payoff. Mr. Gilley will allow no penalty, but they require a call protection for 10 years, so once the City gets to 10 years they can call the loan and pay it off.

Rebecca Huss asked about the drinking water, where the two projects are the downtown and SH 105 improvements, and Water Plant 3 improvements, but the Water Plant 2 Backfill Project is not being funded by this. Mr. Yates said that was correct. Mayor Jones asked if they could change projects once they get the loan. Mr. Shackelford said that was correct as long as they stick to the drinking water projects.

John Champagne asked if this was going out to the open market. Mr. Gilley said that it was not, it was going through the Texas Water Development Board. John Champagne asked what was funding this. Mr. Gilley said that the federal government subsidizes some of loans so that the rates are lower, but most of the money comes from the State of Texas bonds, that we as voters authorize. Mr. Gilley said that it is really a direct placement of your debt with the State of Texas, and they hold the City's security, but you have to be approved by the Attorney General. Mr. Gilley said that it is just like going out on the open market, but they are the only buyer and it is a direct placement. John Champagne said that he understood.

Jon Bickford moved to approve a Resolution by the City Council of the City of Montgomery, Texas Requesting Financial Assistance from The Texas Water Development Board for Water System Projects. Dave McCorquodale seconded the motion, the motion carried unanimously.
(5-0)

9. Consideration and possible action regarding the approval of a Resolution By The City Council Of The City Of Montgomery, Texas Requesting Financial Assistance From The Texas Water Development Board For Sanitary Sewer System Projects.

Dave McCorquodale moved to approve a Resolution by the City Council of the City of Montgomery, Texas Requesting Financial Assistance from The Texas Water Development Board for Sanitary Sewer System Projects. John Champagne seconded the motion, the motion carried unanimously. (5-0)

10. Consideration and possible action regarding request by Milestone Development for Jones & Carter, Inc. to design the Public water and sanitary sewer line extension to the Buffalo Crossing Phase II development.

Mr. Shackelford advised that Mr. Steve Griggs, Engineer with Milestone, contacted him a couple weeks ago and asked if Jones and Carter was interested in designing the Buffalo Springs Shopping Center water and sewer extension project. Mr. Shackelford advised that there was a letter from him included in the information, and according to their Professional Code of Ethics and Board of Registration requirements, for them to be able to work on something like this, as the City Engineer, they must at least acknowledge the potential for a conflict of interest, and both parties agree that it is okay, before they negotiate the project. Mr. Shackelford said that they talked a little about this at the last Council Meeting. When they were hired as the City Engineer, this was a pending question, basically it was decided back then that Council would look at this on a case-by-case basis. Mr. Shackelford said that this is the first time they he has come before City Council to ask if they would object to allowing Jones and Carter to work on both sides. Mr. Shackelford said that the purpose of the letter is to tell City Council that he and Mr. Fleming, who they see on a regular basis and represent the City's interests daily, are not involved in the design process, but they are involved in the review of whatever design the other members of their firm provide.

Mr. Shackelford said that he and Mr. Fleming would still represent the City's interests, while someone else in the company will prepare the design, and then bring that design to them for review. Mr. Shackelford said that they will receive a harder review than normal reviews, and they will be more transparent than they might be with another consultant. Mr. Shackelford

said that they are asking for Council's permission. They have had one conversation, but there is no proposal pending.

John Champagne moved to approve the request by Milestone Development for Jones & Carter, Inc. to design the Public water and sanitary sewer line extension to the Buffalo Crossing Phase II development. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

Mr. Shackelford thanked City Council for their trust.

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.

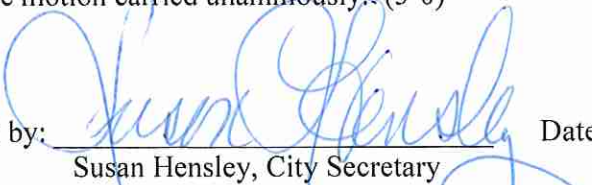
COUNCIL INQUIRY:

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

No comments were made.

ADJOURN

John Champagne moved to adjourn the meeting at 7:44 p.m. Dave McCorquodale seconded the motion, the motion carried unanimously. (5-0)

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

Mayor Kirk Jones

Montgomery City Council
AGENDA REPORT
ITEM #3

Meeting Date: September 13, 2016	Budgeted Amount: N/A
Department:	
Prepared By: Jack Yates	Exhibits: Proclamation
Date Prepared: September 8, 2016	

Subject

Adoption of proclamation to Ashbaker's for Old Montgomery Steakhouse operation

Discussion

The Ashbaker's have operated the Old Montgomery Steakhouse for 20 years. It was suggested that we issued a proclamation thanking them for their operating their business in the city for that long of a period of time

Recommendation

Approve the Proclamation as presented

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 8, 2016 Date:

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.

PASSED, APPROVED AND ADOPTED this the 13th day of September, 2016.

Mayor Kirk Jones

ATTEST:

City Secretary Susan Hensley

Meeting Date: September 13, 2016	Budgeted Amount: Increase in alcoholic beverage taxes and hotel occupancy tax
Department:	
Prepared By: Jack Yates	Exhibits: alcoholic beverage application
Date Prepared: September 7, 2016	

Subject

Setting a public hearing for the alcohol application of Hodge Podge Lodge

Discussion

The application is in your packet. This is from the new owner of the Lodge.

For your information, the new owner lives in the Walden area, in a conversation with me told me of, some expansion plans that includes many more weddings and special events at the Lodge plus a widening opening of the restaurant into a fine dining/destination experience type of restaurant. He also said that he bought it knowing of the driveway situation and after having a conversation with Mac Hiack who owns the adjoining frontage property along S. H. 105.

Recommendation

Set the public hearing date for October 11th.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 7, 2016 Date:

Sec. 6-37. - Application.

- (a) Written application for the sale of alcoholic beverages shall be made on forms provided by the city and filed with the city secretary. Such application shall be signed by the actual lessee or intended operator of the business for which the license is sought. The owner of the property must file a written consent to the application, unless the owner is making the application. Every such application shall contain the following:
- (1) An adequate legal description of the property for which license is sought, either by lot and block number or by a metes and bound description.
 - (2) The exact nature of the business to be operated must be fully described.
 - (3) A plat of the property must be attached to the application showing the improvements, parking areas, and location of signs and other structures on the property and within 300 feet to scale.
 - (4) A description of signs and the hours they will be operated.
 - (5) A floor plan of the building in which the business is to be conducted must be attached to the application, showing fixtures, furniture, restrooms, kitchen and other equipment.
 - (6) A statement giving the names, addresses and interests of all persons having a direct or indirect financial interest in the property and the business to be conducted.
 - (7) A verified statement must be attached to the application stating that the building is not within 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.
- (b) A filing fee as fixed by TABC to defray the expenses of processing an application filed under this article must be paid when the application is filed.

(Ord. No. 1989-2, § 3(d), (f), 2-14-1989)

State law reference— Local fee authorized, V.T.C.A., Alcoholic Beverage Code § 61.36.

Sec. 6-39. - Public hearing; reapplication.

After all the requirements for license application under the provisions of this article have been met, a public hearing shall be scheduled by the city clerk at a regular meeting of the city council, with at least ten days' advance written notice to be mailed to all owners of property within 200 feet of the property in question, informing them of the time and place of holding the public hearing. Such notice shall be mailed to owners as shown on the last approved tax roll of the city. If the application is not approved by the city council, no new application may be filed for a period of one year from the date of the public hearing on the original application, unless the city council shall determine that conditions have so changed that an earlier hearing would be justified.

(Ord. No. 1989-2, § 3(h), 2-14-1989)

Sec. 6-38. - Grounds for denial.

- (a) No application under this article shall be approved:
- (1) If the applicant or application does not meet all requirements of the ordinances of the city.
 - (2) If the granting of such application shall increase the number of alcoholic beverage establishments to more than five in any one block, a block to be defined as being from intersection to intersection on both sides of the street.
 - (3) If the applicant shall owe any delinquent taxes to the city.
 - (4) If applicant has not already fulfilled all county and state requirements.
- (b) As used in this section, the term "applicant" shall mean and include each member of a partnership or association and all officers and the owner or owners of the majority of the corporate stock of a corporation and the manager of such business for a corporation.

(Ord. No. 1989-2, § 3(g), 2-14-1989)

Sec. 6-2. - Applicability of Texas Alcoholic Beverage Code and state and county regulations.

The provisions of this chapter shall be considered concurrent with or in addition to the Texas Alcoholic Beverage Code, and, where a conflict may be found to exist, the provisions of the Texas Alcoholic Beverage Code shall apply. Applicants for a city alcoholic beverage license must comply with all applicable state and county codes and regulations as well as the requirements of this chapter.

(Ord. No. 1989-2, § 22, 2-14-1989)



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: 08/30/16

1. Type of Alcoholic Beverage License:

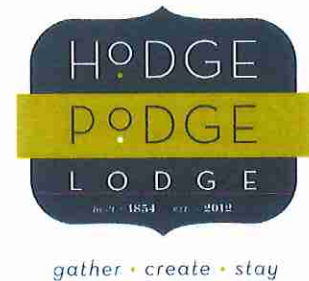
- (1) Category A - Off Premises Consumption Sale of All Alcoholic Beverages - Package Store
(2) Category B - Off Premises Consumption Sale of Wine, Beer or Ale.
(3) Category C - Off Premises Consumption Sale of Beer.
X (4) Category D - On Premises Consumption Sale of Beer, Wine and Mixed beverages - Restaurant or Cafe, where the sale of beer, wine and mixed beverage on the premises would be incidental to the restaurant or cafe.
(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: Lot One (1), in Block One (1), of MELROSE PLACE, a Subdivision in Montgomery County, Texas, according to the Map or Plat thereof recorded in Cabinet "K", Sheet 88 of the Map Records of Montgomery County, Texas.
3. Exact Nature of the Business to be operated. (Must be fully described). HPL Hospitality will compliment Hodge Podge Lodge with a small restaurant and catering services on-site for weddings and corporate events.
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. (SEE ATTACHED)
5. Description of signs and the hours they will be operated to be attached as a separate document. Sign is already present at 300 Prairie and Caroline. It will have The Eatery @ HPL hours added to it.
6. Attach floor plan of the building in which the business is to be conducted (showing fixtures, furniture, restrooms, kitchen and other equipment). (SEE ATTACHED)
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: ZNZ Creative Services LLC | Jeffrey S Angelo, President Phone: 832-256-5555
Address: 19996 Crescent Ct. Montgomery TX 77356
Home Address: SAME Phone: SAME
Check if you are leasing property: []
9. Land Owner: Jeffrey S Angelo & Mistie A Angelo Irrevocable Trust Phone: 832-256-5555
Address: 19996 Crescent Ct. Montgomery TX 77356
10. Business Partners: Phone:
Address:
Home Address: Phone:

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

Business Owner and/or Lessee or Partner if Applicable

August 30, 2016



City of Montgomery

To Whom It May concern:

Hodge Podge Lodge (HPL) both the property, bed and breakfast, and the wedding/events business has been sold to Jeffrey and Mistie Angelo. The closing on all property is to take place September 6, 2016. The goal for HPL is to add HPL Hospitality as a service to clients booking wedding and events. This service will provide a boutique type breakfast and lunch restaurant (The Eatery @ HPL) along with catering services to all events. Beer and wine are scheduled to be including as a part of these offerings.

HPL Hospitality (The Eatery@ HPL) will be open Tuesday – Friday 8 AM – 3 PM – Closed on Monday's

HPL Catering will be open all hours in compliance with local and state liquor laws.

The Building located at 300 Prairie Rd (Lot One (1), in Block One (1), of MELROSE PLACE, a Subdivision in Montgomery County, Texas) is not located within 300 feet of a church, school or hospital and the building is in compliance with the requirements of the chapter for separate and adequate toilet facilities for men and women when conducting on-premise consumption of beer, liquor or wine.

Thank you for your consideration in approving this permit application.

Sincerely,



Jeffrey S. Angelo, President

ZNZ Creative Services d/b/a Hodge Podge Lodge | d/b/a HPL Hospitality

Hodge Podge Lodge and HPL Hospitality are located 1391 feet from the entrance of the nearest school.

This website uses cookies to ensure you get the best experience on our website

Got it!



START DOWNLOAD

3 steps to Fast Maps & Directions

1. Click Start Download
2. Free Access - No Sign up!
3. Get Free Directions & Maps

mapsgalaxy

Distance 1391.604 Feet

Autopan ?

Property owners within 200 feet of property line.

HAIK, MAC TRUSTEE

11757 KATY FWY #STE 1500 HOUSTON, TX 77079-1727

Parcel Number: R264054

GRAVESMITH GROUP LLC

1700 NORMAL PARK DR HUNTSVILLE, TX 77340-4233

Parcel Number: R317454

KRG KINGWOOD LLC

% KITE REALTY GROUP 30 S MERIDIAN STE 1100 INDIANAPOLIS, IN 46204-3565

Parcel Number: R313669

HOCKLEY, JOE C

PO BOX 393 MONTGOMERY, TX 77356-0393

Parcel Number: R123985

CRONIN, THOMAS F

14340 LIBERTY ST MONTGOMERY, TX 77356-4624

Parcel Number: R123945

KNIGHTS INSPECTION SERVICES LLC

213 PRAIRIE ST MONTGOMERY, TX 77356

Parcel Number: R123944

MONTGOMERY COUNTY ESD#2

1400 S LOOP 336 W CONROE, TX 77304-3317

Parcel Number: R123943

BROSCH, DEBORAH PEEL

303 MASON ST MONTGOMERY, TX 77356-4440

Parcel Number: R123942

BROSCH, DEBORAH PEEL

303 MASON ST MONTGOMERY, TX 77356-4440

Parcel Number: R123941

MARKS, MILES E

PO BOX 79642 HOUSTON, TX 77279-9642

Parcel Number: R31365

**FINAL PLAT OF MELROSE PLACE
1 LOT AND 2 RESTRICTED RESERVES**

BEING A 76836 ACRES TRACT OR PARCEL OF LAND SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NO. 8, MONTGOMERY COUNTY, TEXAS, AND SAID 76836 ACRES BEING A PORTION OF A CALLED 1/2 ACRES TRACT OF LAND CONVEYED TO W.A. MENEFEE, JR. AS DESCRIBED IN DEED RECORDED IN VOL. 612, PG. 144, D.B.M.C. AND THE EASTERN PORTION OF A CALLED 240 ACRES TRACT OF LAND CONVEYED TO R.D. MENEFEE, JR. AND SUZANNE J. MENEFEE, AS DESCRIBED IN DEED RECORDED IN VOL. 1147, PG. 304, D.B.M.C.

THE STATE OF TEXAS

COUNTY OF MONTGOMERY:

I, SUZANNE J. MENEFEE, Individually, and SUZANNE J. MENEFEE and DAVID PRICE MENEFEE, as Co-Trustees of the Trusts created in the Last Will and Testament of WILLIAM O. MENEFEE, JR. Deceased, owners of the property subdivided in the above and foregoing map of the MELROSE PLACE SUBDIVISION, do hereby allow subdivision of said property, according to lines, streets, lots, alleys, parks, building lots, and easements thereon, and design to said subdivision as MELROSE PLACE in the JOHN CORNER SURVEY, Abstract No. 8, Montgomery County, Texas, and dedicate to public use, as such the streets, alleys, parks, and easements shown thereon (hereinafter) and do hereby waive any claim for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occupied by the alteration of the surface of any portion of streets or alleys to conform to such grades, and do hereby bind ourselves, our heirs and assigns to warrant and forever defend the title of the land so dedicated.

There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a place twenty (20) feet above the ground upward located adjacent to all easements shown hereon.

Further, we, SUZANNE J. MENEFEE, Individually, and SUZANNE J. MENEFEE and DAVID PRICE MENEFEE, as Co-Trustees of the Trusts created in the Last Will and Testament of WILLIAM O. MENEFEE, JR. Deceased, do hereby forever dedicate to the public a strip of land a minimum of fifteen (15) feet wide on each side of the center line of any and all gutters, ravines, draws, sloughs, or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving Montgomery County and/or any other public agency the right to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.



SCALE 1" = 100'



CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	7° 37' 19"	1577.02'	223.00'	111.71'	222.92'	S 60° 26' 25" W
LINE	BEARING	DISTANCE				
L 1	S 42° 00' 00" W	19.37'				
L 2	N 90° 00' 00" W	14.14'				
L 3	N 00° 00' 00" W	20.00'				
L 4	N 90° 00' 00" E	10.00'				
L 5	S 00° 00' 00" E	20.00'				
L 6	S 01° 19' 00" W	10.25'				

ALL CORNERS TO BE 1" X 3/8" IRON PIPES UNLESS OTHERWISE NOTED.

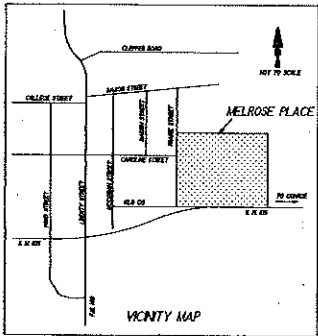
STATE OF TEXAS
COUNTY OF MONTGOMERY:

I, Mark Turnbull, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on

March 6, 1998, at 12:30 o'clock P.M. and duly recorded on March 6, 1998, at 4:05 o'clock P.M. in Cabinet K, Sheet 88 of record of Maps for said County.

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

Mark Turnbull, Clerk County Court
Montgomery County, Texas
By: *Mark J. Hall*



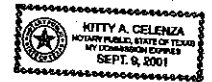
WITNESS our hands this 19 day of February, 1998, at Conroe, Montgomery County, Texas.

Kitty A. Ceienza
Kitty A. Ceienza, Notary Public, State of Texas, My Commission Expires Sept. 9, 2001

Suzanne J. Menefee
SUZANNE J. MENEFEE, Individually and as Co-Trustee of the Trusts created in the Last Will and Testament of WILLIAM O. MENEFEE, JR. Deceased.

David Price Menefee
DAVID PRICE MENEFEE as Co-Trustee of the Trusts created in the Last Will and Testament of WILLIAM O. MENEFEE, JR. Deceased.

FILED FOR RECORD
98 MAR - 6 PM 4:05
MARK TURNBULL, CLERK
MONTGOMERY COUNTY, TEXAS
DEPUTY



KNOW ALL MEN BY THESE PRESENTS:

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

Steven E. Laughlin
Registered Public Surveyor, No. 5178

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

Ronald A. Spikorski
Ronald A. Spikorski, P.E. - City Engineer - Montgomery

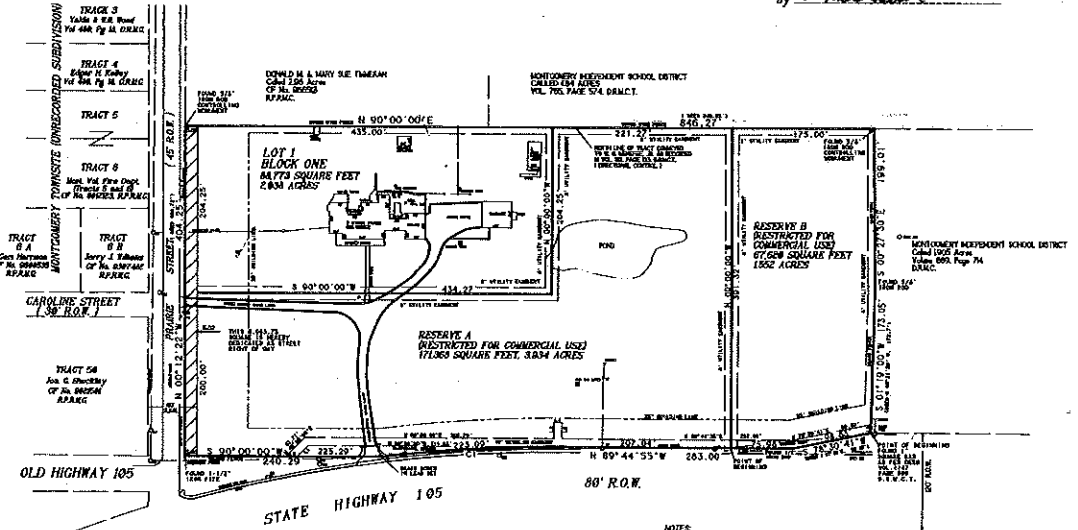
This plat and subdivision has been submitted to and considered by the City Planning Commission and the City Council of the City of Montgomery, Texas, and is hereby approved by such Commission and Council.

Dated This 4th day of March, 1998.

ATTEST:
By: *Carol J. Langley*
Mayor - Montgomery

Carol J. Langley
City Secretary - Carol J. Langley

By: *Sharon K. Miller*
Sharon K. Miller
City Planning Commission



NOTES:
1. BEARING OF BEARING IN THE NORTH LINE OF DEED RECORDED IN VOL. 80, PG. 63, D.B.M.C. IS NO EVIDENCE OF RECORDING OF THE PROPERTY ALONG TRACT PLANS.
2. THE WEST 1/2 CONVEYED TO MONTGOMERY COUNTY TEXAS, VOL. 208, PG. 202, D.B.M.C. AND/OR FRAZER STREET A 45' R.O.W. 3. SAID 1/2 CONVEYED FROM VOL. 241, PG. 58, VOL. 300, PAGE 204 AND VOL. 5, PAGES 29-30, D.B.M.C.

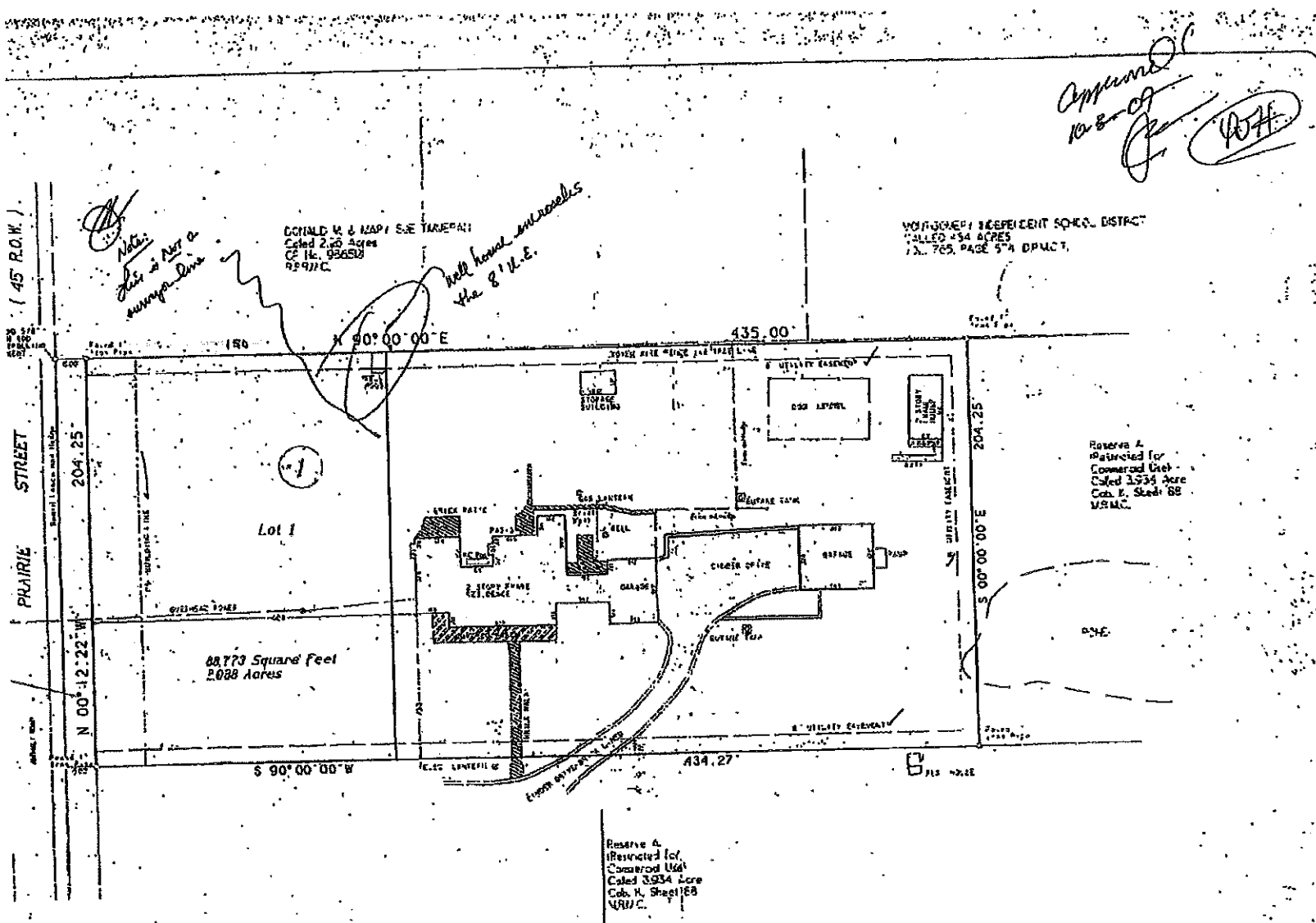


File # 9815619 Cab. K Sheet 88

LAUGHLIN SURVEYING

1900 SOUTH FRAZIER, SUITE 114, CONROE, TEXAS 77381
Tel. (409) 768-2244 Fax (409) 768-2244

Date: January 4, 1998 466 9725-87



PRairie STREET (45' R.O.W.)
 204.25'
 N 00° 12' 22" W

Note:
 This is Not a
 Survey Line

DONALD W. & MARY S.E. TAKEPAH
 Caled 2.26 Acres
 CP No. 986512
 92971.C.

*Well house encroaches
 the S 1/4 E.*

VOIT-GOMEZ INDEPENDENT SCH. DISTRICT
 CALLED #54 ACRES
 T.S. 765, PAGE 57A DPMCT.

*Approved
 10-8-09
 [Signature]*

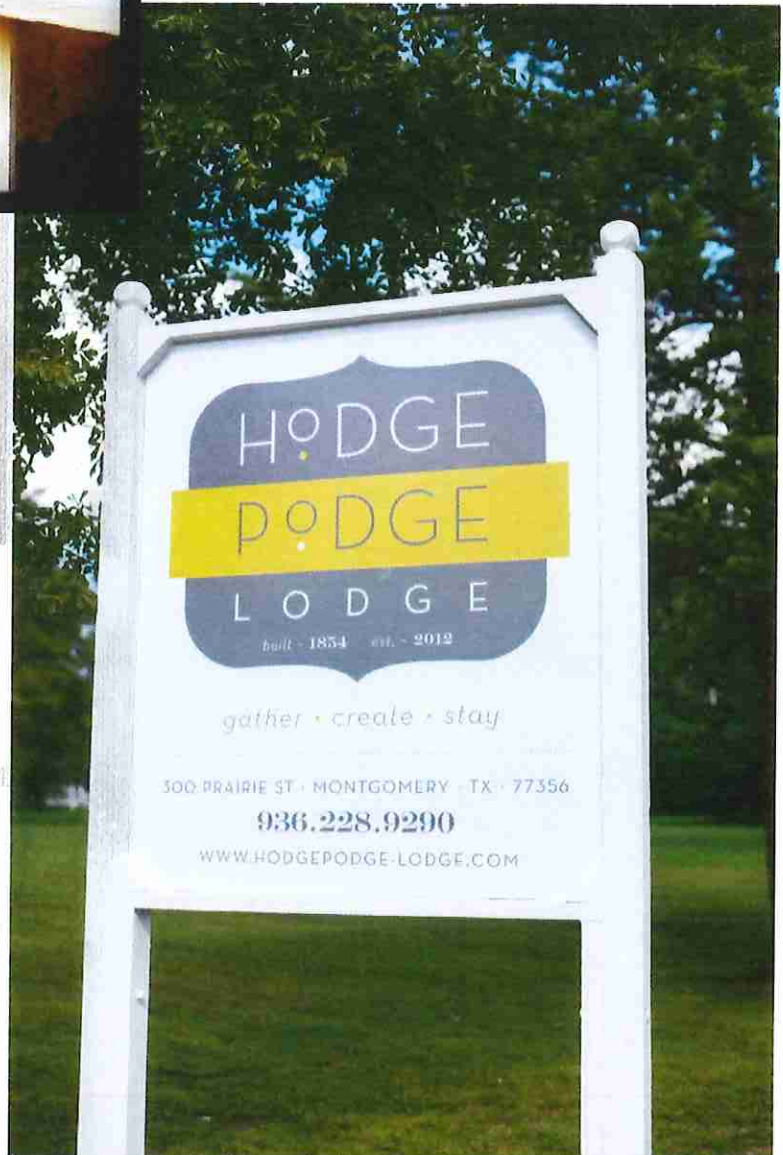
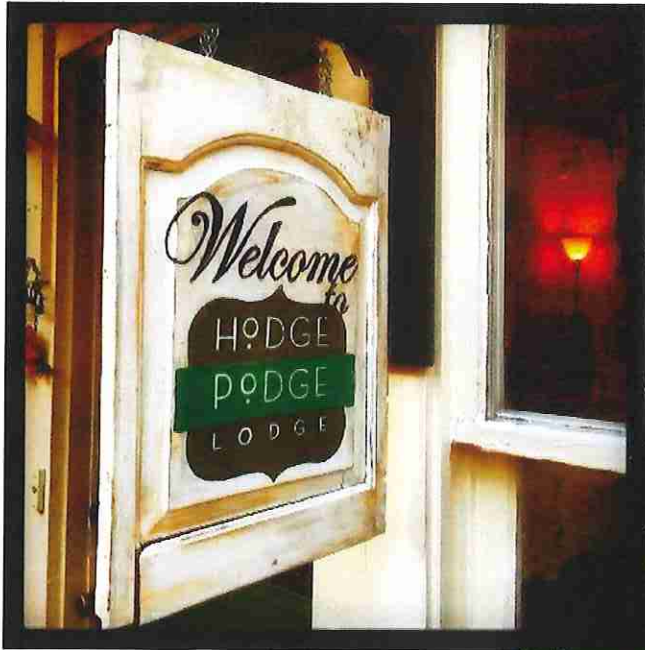
88,773 Square Feet
 2.028 Acres

Reserve 4
 Restricted for
 Commercial Use
 Caled 3.534 Acre
 Cob. N. Sheet 88
 M.R.M.C.

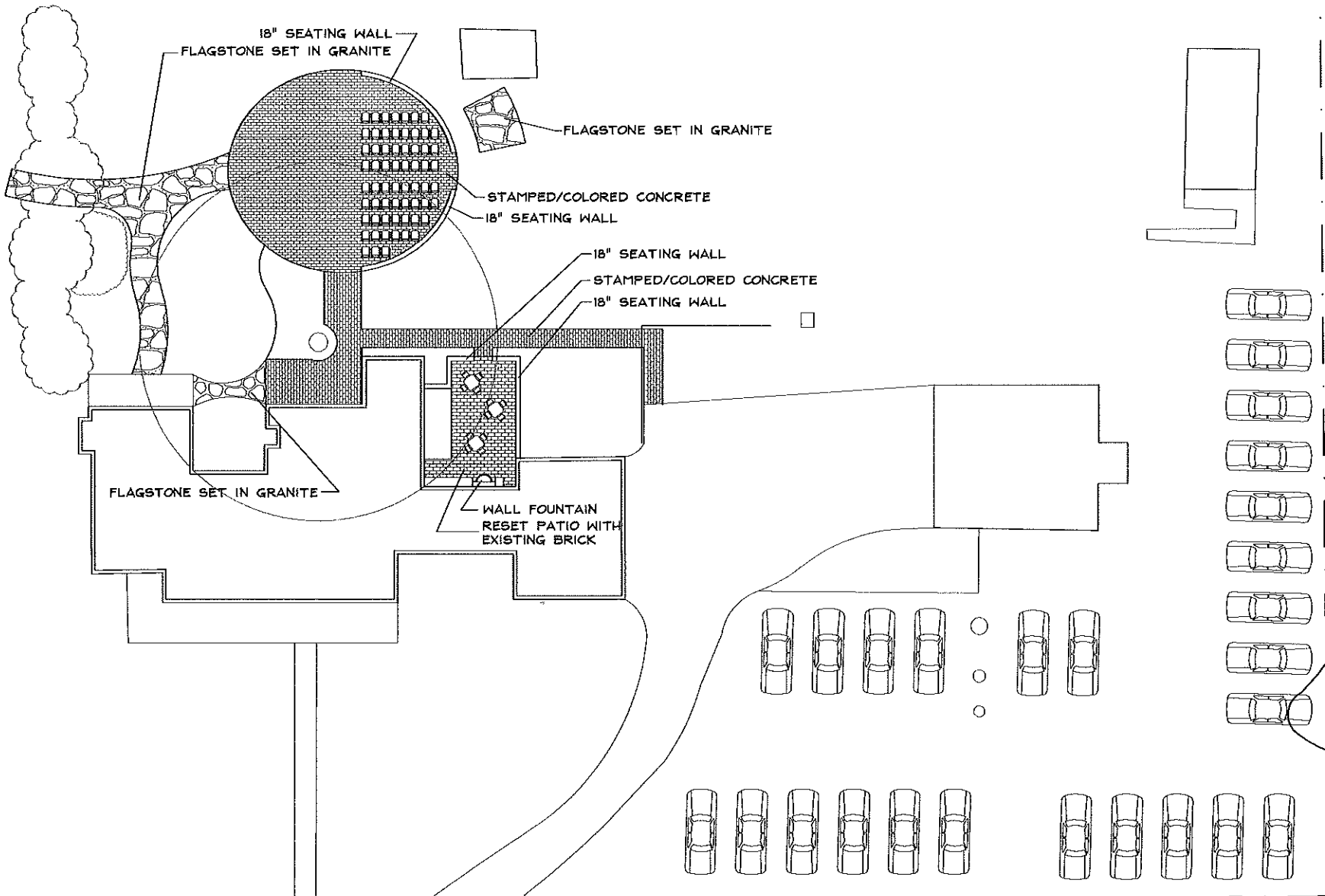
Reserve 4
 Restricted for
 Commercial Use
 Caled 3.534 Acre
 Cob. N. Sheet 88
 M.R.M.C.

Lot 1
 N 90° 00' 00" E 435.00'
 S 90° 00' 00" W 434.27'
 204.25'
 S 00° 00' 00" E
 204.25'
 434.27'
 435.00'

Signs



Amie Kintzley

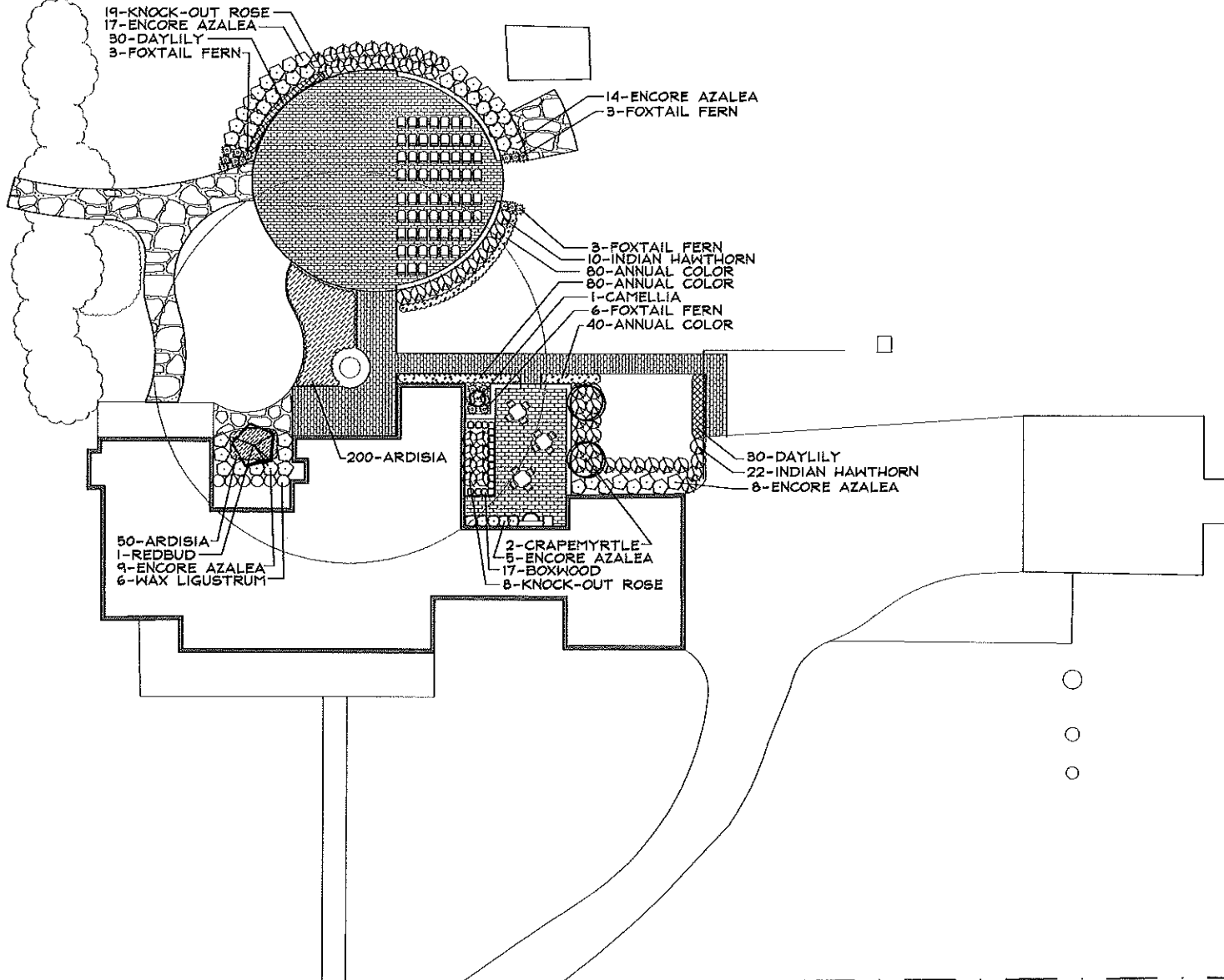


300 PRAIRIE
Landscape Improvements
Montgomery, TX

Job No: 110-12-048
Scale: 1" = 20' - 0"
Date: Oct. 23, 2012
Revised:

Hardscape
Plan

L-1



19-KNOCK-OUT ROSE
 17-ENCORE AZALEA
 30-DAYLILY
 3-FOXTAIL FERN

14-ENCORE AZALEA
 3-FOXTAIL FERN

3-FOXTAIL FERN
 10-INDIAN HAWTHORN
 80-ANNUAL COLOR
 80-ANNUAL COLOR
 1-CAMELLIA
 6-FOXTAIL FERN
 40-ANNUAL COLOR

200-ARDISIA

30-DAYLILY
 22-INDIAN HAWTHORN
 8-ENCORE AZALEA

50-ARDISIA
 1-REDBUD
 9-ENCORE AZALEA
 6-WAX LIGUSTRUM

2-CRAPEMYRTLE
 5-ENCORE AZALEA
 17-BOXWOOD
 8-KNOCK-OUT ROSE

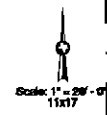


300 PRAIRIE
 Landscape Improvements
 Montgomery, TX

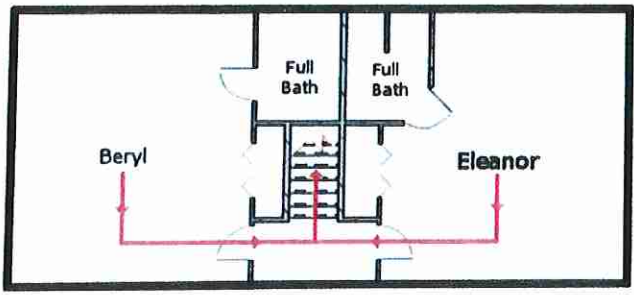
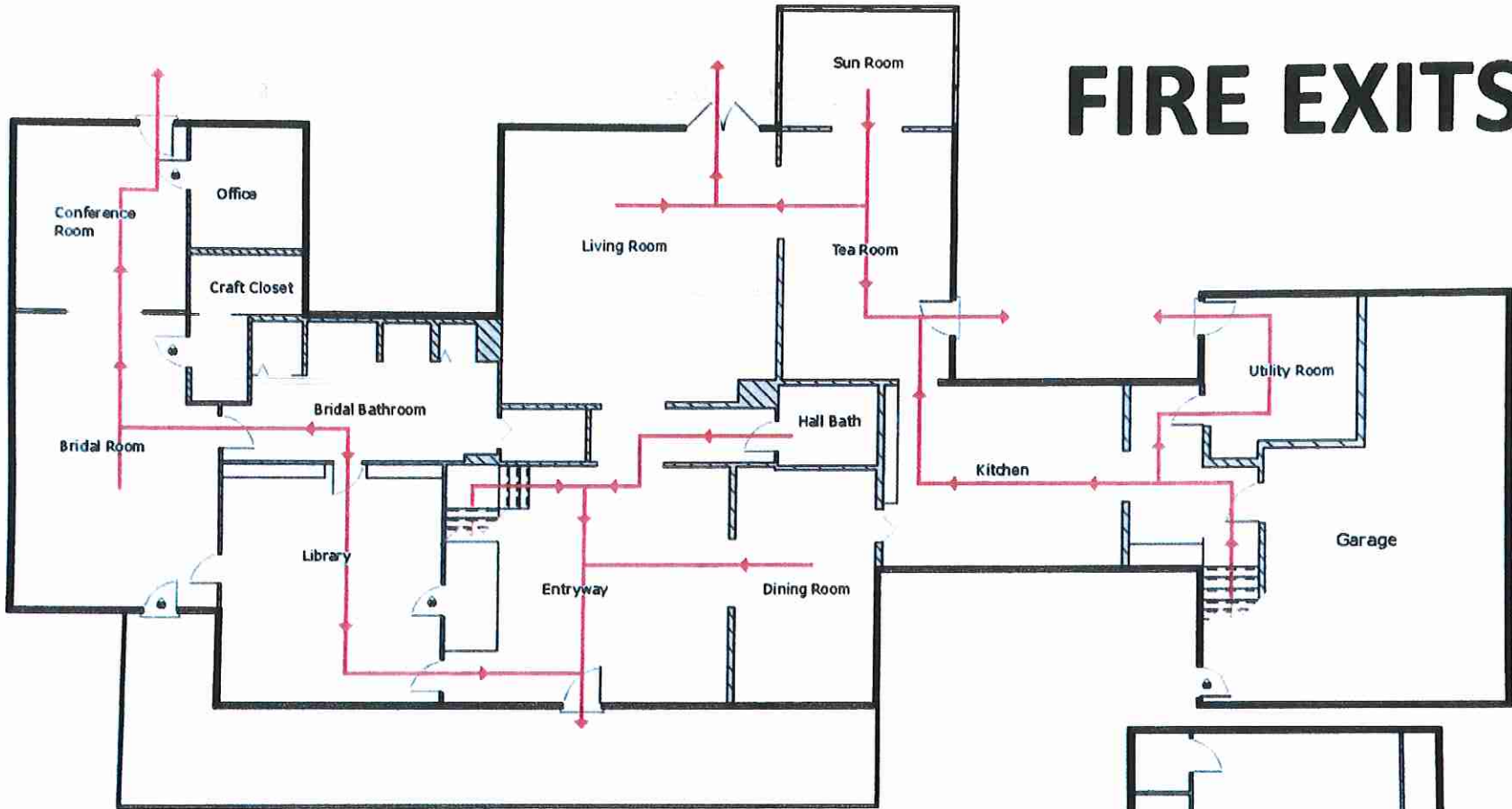
Job No: 110-12-048
 Scale: 1" = 30' - 0"
 Date: Oct. 10, 2012
 Project:

Landscape Plan

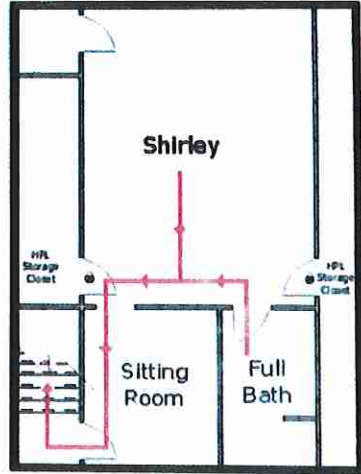
L-2



FIRE EXITS



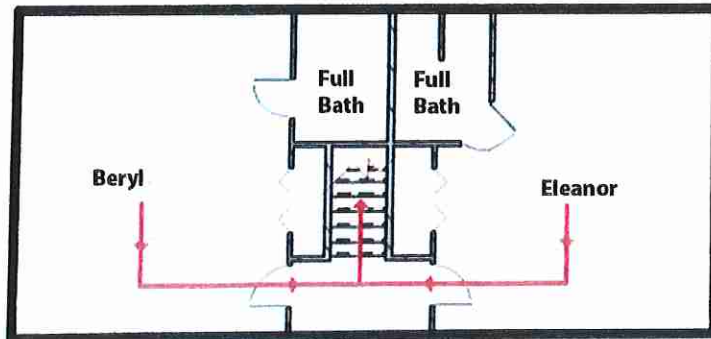
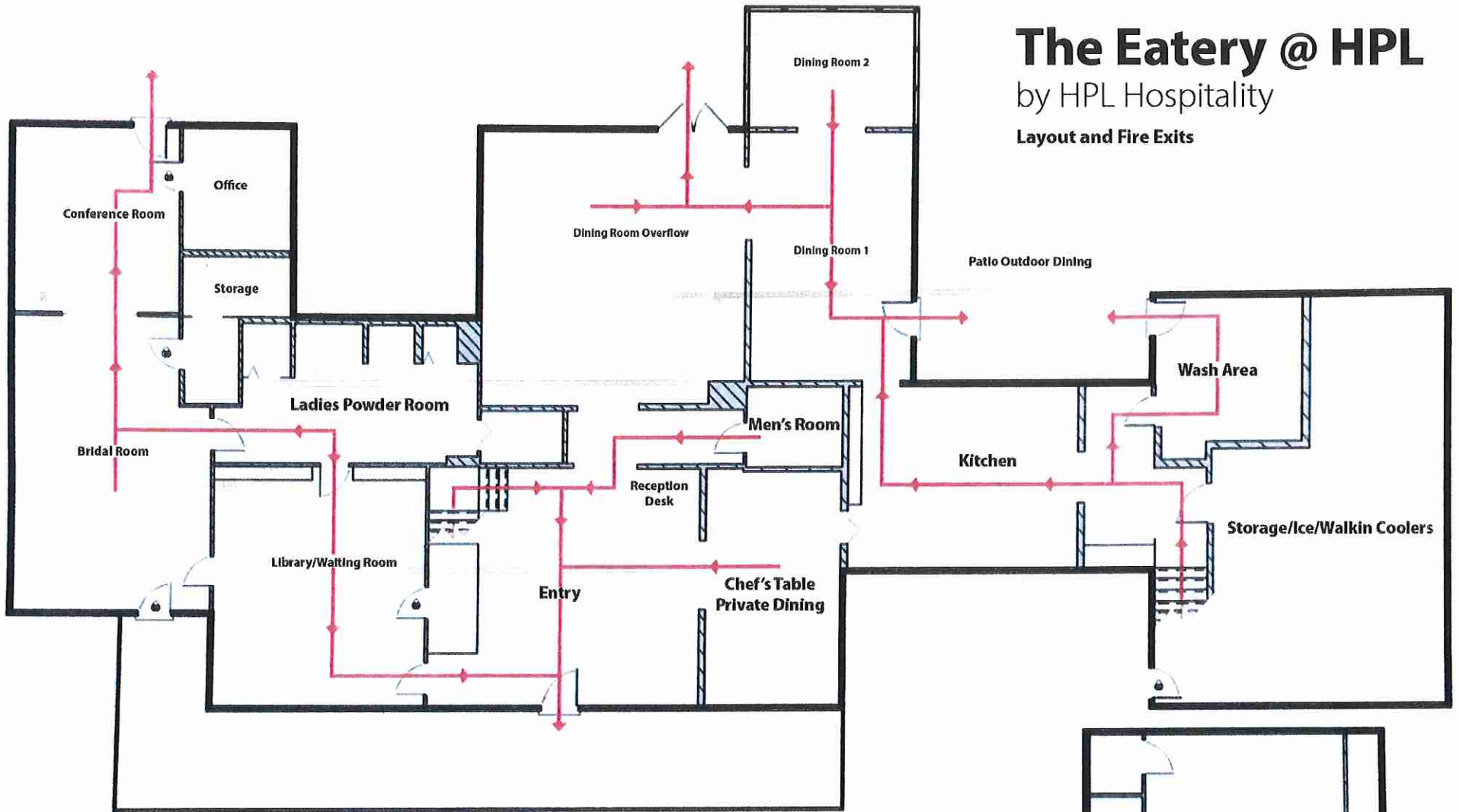
<-- Upstairs -->



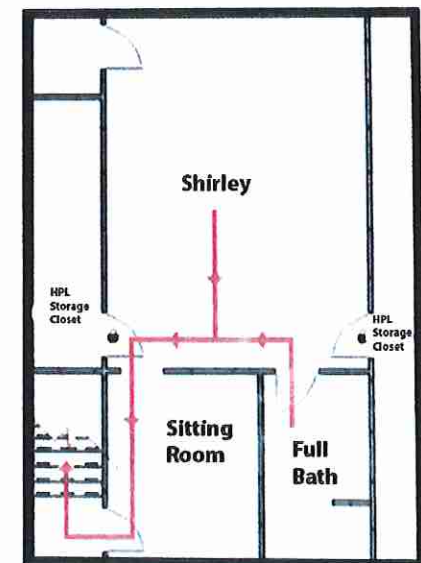
The Eatery @ HPL

by HPL Hospitality

Layout and Fire Exits



<-- Upstairs -->





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

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

3. Indicate Primary Business at this Location

- Restaurant
- Bar
- Sexually Oriented
- Sporting Arena, Civic Center, Hotel
- Grocery/Market
- Miscellaneous VENUE

4. Trade Name of Location

HPL HOSPITALITY

5. Location Address

300 PRAIRIE ST

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

6. Mailing Address

300 PRAIRIE ST

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

7. Business Phone No.

(832) 256 - 5555

Alternate Phone No.

(832) 256 - 5555

E-mail Address

JEFFRYANGELO@OUTLOOK.COM

OWNER INFORMATION

8. Type of Owner

- Individual
- Partnership
- Limited Partnership
- Limited Liability Partnership
- Corporation
- Limited Liability Company
- Joint Venture
- Trust
- City/County/University
- Other _____

9. Business Owner/Applicant

ZNZ Creative Services 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 Angelo	First Name Jeffry	MI S	Title President
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- /-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

Jeffrey S Angelo

SIGN HERE

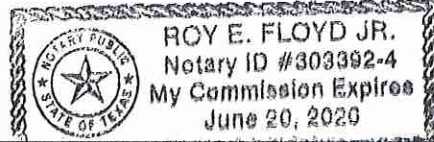
TITLE

President

Before me, the undersigned authority, on this 19th 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

City

TEXAS

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

City

TEXAS

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 22 day of August, 2016, 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

Mark Turnbull _____ Montgomery COUNTY
County Clerk

S E A L

By J. C. Dearous, Deputy

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
County Clerk

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46(b) & 61.42(b)

This is to certify on this 24th day of August, 2016, 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 32-050572885 Outlet Number 00002

Print Name of Comptroller Employee Emma Walker

Print Title of Comptroller Employee E.O

SIGN
HERE

Emma Walker FIELD OFFICE 2431

SEAL

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		
SEAL		

Meeting Date: September 13, 2016	Budgeted Amount: Increase of alcoholic beverage tax funds
Department:	
Prepared By: Jack Yates	Exhibits: Application
Date Prepared: September 8, 2016	

Subject

Setting a public hearing on an alcoholic beverage permit for 401 College Street

Discussion

This a request from Estella Hernandez for a Wine Bar to be located at 401 College Street which does not have a Certificate of Occupancy due to remaining \$5,000 due from the owner of the building to the city for parking. The remaining \$5,000 is due by the end of 2016.

However, this application can go through, including your ultimate approval of the license, awaiting the actual operation of the bar only after the payment has been received and a Certificate of Occupancy ultimately given for the first floor of the building. Ms. Hernandez understands the issue of the Certificate of Occupancy.

Recommendation

Schedule the public hearing for October 11th

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 8, 2016 Date:

Gerald Franklin Agency, Inc.
Alcoholic Beverage License Service
146 Westcott
Houston, Tx 77007-8008
713-868-0068 x224
Fax 713-868-2211

Email: ehernandez@geraldfranklinagency.com
9/7/2016 11:44 AM

Via Overnite

City of Montgomery
Susan Hensley, City Secretary
101 Old Plantersville Rd.
Montgomery, Tx 77316
936-597-3288

Re: Winery Permit for
Whitley Vineyards - Wine Bar
401 College Street, Suite 150
Montgomery, Tx 77356

Susan, per our telephone conversation, enclosed please find the city application with the required documents along with the TABC PreQua.

Please return the application to me in the enclosed overnight envelope.

Please do not hesitate to call or email with any questions.

Sincerely,

Estella Hernandez
ehernandez@geraldfranklinagency.com

Encl



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: 09/08/16

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 Cafe, where the sale of beer, wine and mixed beverage on the premises would be incidental to the restaurant or cafe.
(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: "Being 10,450 sq. ft. of land in the John Corner Survey A-8, City of Montgomery (old Noble Lot), Montgomery Co, TX, and being the same Lot as described in Vol. 571 Pg. 441 of the County Clerk's Deed Records.")
3. Exact Nature of the Business to be operated. (Must be fully described). in Vol. 571 Pg. 441 of the County Clerk's Deed Records. (Attached)

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. (Attached)

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: Whitley Vineyards, LLC (Philip Whitley - Managing Member and Gina Whitley - Managing Member) Phone: 936-672-6736

Address: P.O. Box 713, Montgomery, TX 77356

Home Address: 26998 W. FM 1097, Montgomery, TX 77356 Phone: 936-672-6736

Check if you are leasing property: [x]

9. Land Owner: Kemifer Corporation Phone:
Address:

10. Business Partners: Phone:
Address:

Home Address: Phone:

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

Signature of Philip Whitley
Business Owner and/or Lessee
Philip Whitley, Managing Member of
Whitley Vineyards, LLC

Signature of Gina R. Whitley
Partner if Applicable
Gina R Whitley, Managing Member of
Whitley Vineyards, LLC



WHITLEY

— VINEYARDS —

7. Verified Statement

Philip and Gina Whitley, owners of Whitley Vineyards, LLC have mapped out the distance surrounding the location of Whitley Vineyards Wine Bar at 401 College Street, Suite 150, Montgomery, TX 77356 and state that it is not within three hundred (300) feet of a church, school or hospital.

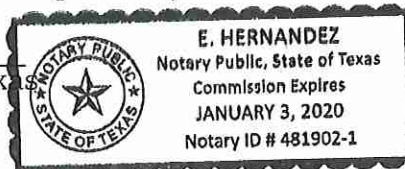
Businesses surrounding 401 College Street, Montgomery TX 77356:

- Kemifer Atrium (business products supplier and professional services companies)
- Community Building
- Burger Fresh restaurant
- The Westmont Building (retail shops, insurance, photography, barbershop)
- Liberty Bell Antiques
- Montgomery Emporium Antiques
- First State Bank building (Pet Store)
- Fleet Realty Group
- Jacob's Property
- Modern Farmhouse Antiques
- Small Town Sugar (retail shop)
- Cozy Grape Wine Bar and Bistro
- American Chic Boutique
- Fair Thee Well Boutique
- Old Montgomery Steakhouse
- Cozy Supper Club (fine spirits & cigar lounge)
- Knights Inspection

X Gina R. Whitley
Gina R Whitley
Managing Member of Whitley Vineyards, LLC

Sworn to before me this 7th day of September, 2016

E. Hernandez
Notary Public for the State of Texas





WHITLEY

— VINEYARDS —

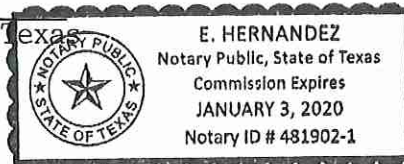
3. Exact Nature of Business

To sell and serve wine by the glass and wine tastings, wine bottle sales, and merchandise sales. Hosting events (wine and food pairings e.g. “wine & chocolates”, “wine & cheese”, private events and meetings for both leisure and corporate consumers. To create a place of community, to gather, relax and embrace in conversation while enjoying a glass of wine.

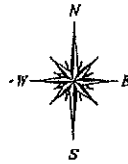
X Gina R. Whitley
Gina R Whitley
Managing Member of
Whitley Vineyards, LLC

Sworn to before me this 7th day of September, 2016

E. Hernandez
Notary Public for the State of Texas



BARNES PLAT MINOR PLAT



THE STATE OF TEXAS
COUNTY OF MONTGOMERY

That Kevin Barnes herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designating the herein described real property as the Barnes Plat Subdivision, and does hereby make subdivision of said property according to the lines, streets, alleys, parks, and easements hereon shown, and dedicate to public use forever all areas shown on this plat as streets, alleys, parks, and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by establishing of grades as approved for streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

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

There is also dedicated for utilities an unobstructed easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.

FURTHER, We do hereby dedicate forever to the public a strip of land a minimum of fifteen (15) feet wide on each side of the center line of any and all public, private, drains, ditches or other natural drainage courses located in said subdivision, as easements for drainage purposes, giving Montgomery County and/or other public agency the right to enter upon said easement of any and all sites for the purpose of construction and of maintaining drainage work and/or structure.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title of the property, and shall be enforceable, at the option of Montgomery County, by Montgomery County or any citizen thereof, by injunction, as follows:

- The drainage of apple tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.
- Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be backwater, and shall be a minimum of one and three quarters (1-3/4) square feet (10" diameter pipe culvert).

FURTHER, I do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

WITNESS my hand in Conroe, Montgomery County, Texas, this 1st day of February 2012.

Kevin Barnes
Kevin Barnes

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared Kevin Barnes, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledgment to me that he executed the same for purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 1st day of February, 2012.

Candice Curlee
Notary Public in and for
Montgomery County, Texas.



I, THE UNDERSIGNED, Engineer for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which no appeal is required.

W.D. [Signature]
City Engineer - Montgomery

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

Dated this 1st day of February, 2012.

ATTEST:
By: Suzanne Kella
City Administrator - Montgomery

Tract shown hereon is located in ZONE X, areas outside the 100-year flood plain, according to Federal Emergency Management Agency Flood Insurance Rate Map Community Panel No. 48350C 0109 F effective 12/19/06.

LEGEND
B.L. - BUILDING LINE
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT
R.P.R.C. - REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS
O.P.R.C. - OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS
M.C.R. - DEED RECORDS OF MONTGOMERY COUNTY, TEXAS
M.C.W. - MAP RECORDS OF MONTGOMERY COUNTY, TEXAS

TEXAS PROFESSIONAL SURVEYING, LLC.
5032 N. FRAZIER STREET, STE. A
CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448

PROJECT NO. 143-01-PL01
KEY MAP 1231
DRAWN DATE: 09-2-11
REVISED:
DRAWN BY: CD

NOTE: all 5/8" iron rods at all lot corners unless otherwise shown.

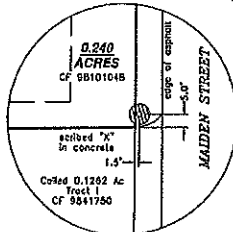
OWNER: KEVIN BARNES
P.O. Box 1403
Montgomery, Texas 77306

SURVEYOR: TEXAS PROFESSIONAL SURVEYING, LLC.
3032 N. FRAZIER ST. STE. A
CONROE, TEXAS 77303

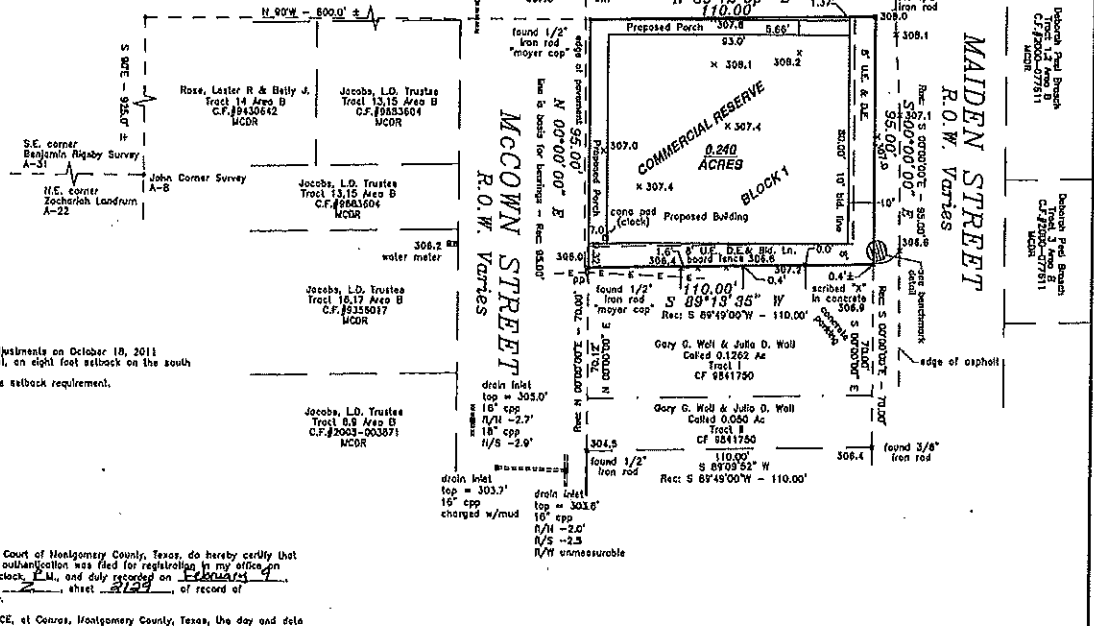
File # 2012-011623 Cab. 2 sheet # 2129

BEING A 0.240 ACRE TRACT OF LAND SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NO. 8, MONTGOMERY COUNTY, TEXAS, BEING THAT SAME CALLED 10,450 SQUARE FEET OF LAND AS DESCRIBED IN DEED RECORDED UNDER COUNTY CLERK'S FILE NO. 2010115439 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS.

1 COMMERCIAL RESERVE, 1 BLOCK



-BENCH MARK-
3" BRASS DISK SET IN CONCRETE COLUMN
6" IN DIAMETER, THREE FEET DEEP AND BURIED
FLUSH WITH NATURAL GROUND
STATIONED, BARNES PLAT
ELEVATION: 306.18'
MAYD 1989, 2003 ADJUSTMENT



Notes:
A variance was granted by the Board of Adjustments on October 18, 2011 allowing zero setback on the north and west, an eight foot setback on the south and a ten foot setback on the east.
A variance was also granted on the negative setback requirement.

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

I, Mark Turnbull, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with its certificate of publication was filed for registration in my office on February 1, 2012 at 1:55 o'clock P.M., and duly recorded on February 9, 2012 at 1:54 o'clock P.M., in volume 2, sheet 2129 of record of for said County.

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

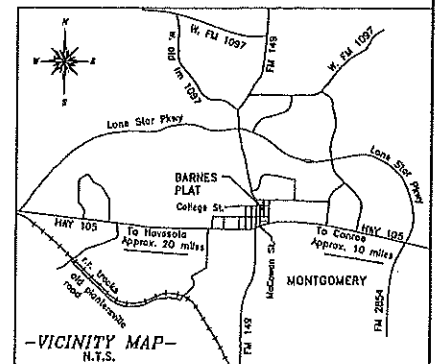


Mark Turnbull
Mark Turnbull, Clerk, County Court,
Montgomery County, Texas
By: [Signature]

KNOW ALL MEN BY THESE PRESENTS:

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

[Signature]
Kenneth E. Sawoy R.P.L.S., 5730
Professional Land Surveyor





WHITLEY

— VINEYARDS —

4. Location of Parking and Signage.



Company Sign #2
(on Brick)

Business Hours Sign
(on Brick)
Company Sign #1
(on Brick)

parking

parking

Wine Bar
lease space #150
NW corner of building



WHITLEY

— VINEYARDS —

5. Description of signs

Company Sign #1

- Logo (as show on letterhead)
- Name: Whitley Vineyards ~Wine Bar
- Material: Metal art design, wood
- Size: 3ft. x 4ft. approx.

Company Sign #2

- Logo (as show on letterhead)
- Name: Whitley Vineyards ~Wine Bar
- Material: Metal art design, wood
- Size: 3ft. x 4ft. approx.

Business Hours Sign

- Business Hours
- Material: Metal, plastic or wood
- Size: 14in. x 18in. approx.

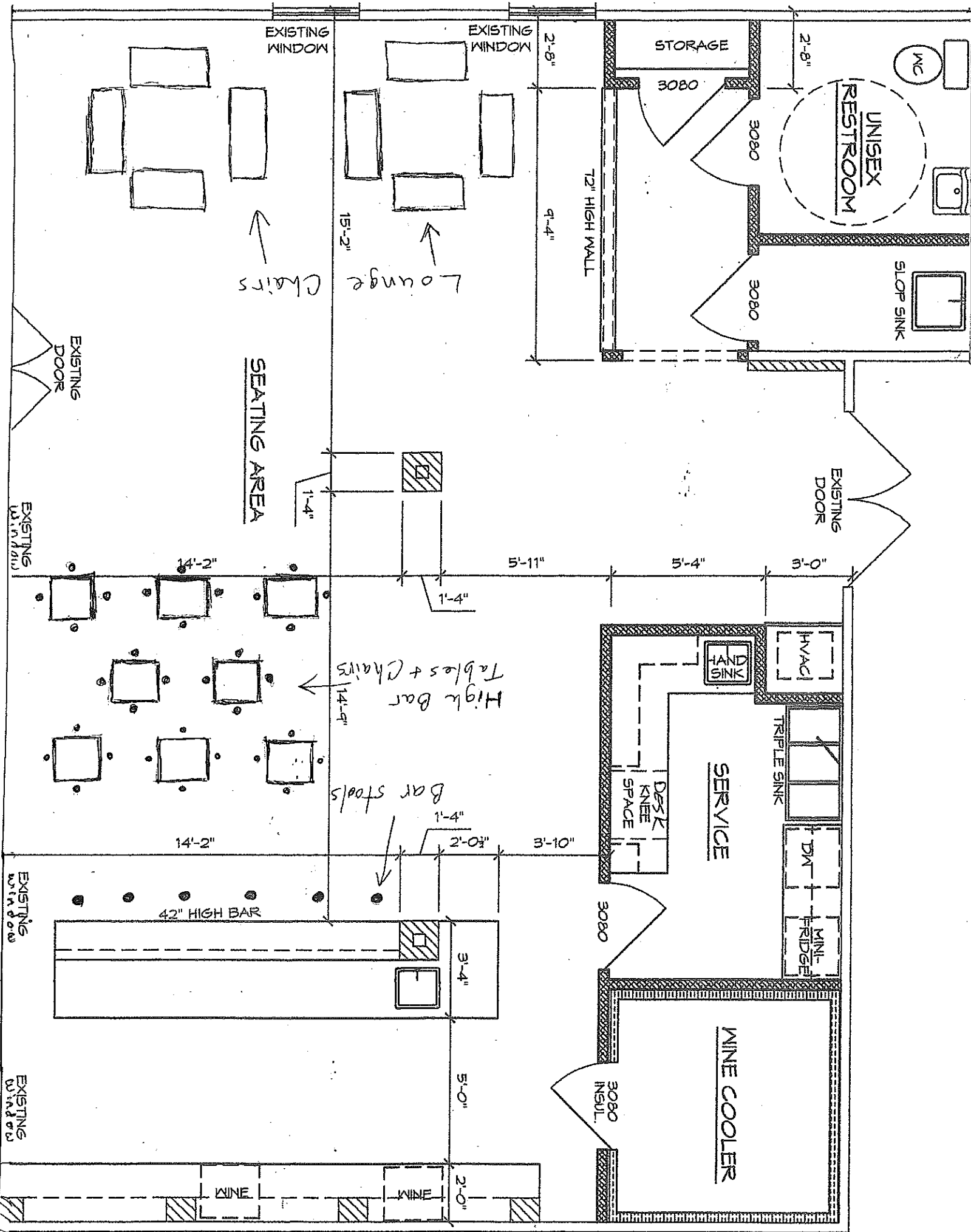


WHITLEY

— VINEYARDS —

5. Hours operated

Sunday	12:00 pm – 5:00 pm
Monday	11:00 am – 8:00 pm
Tuesday	11:00 am – 8:00 pm
Wednesday	11:00 am – 8:00 pm
Thursday	11:00 am – 8:00 pm
Friday	11:00 am – 5:00 pm
Saturday	6:00 pm – 9:00 pm





DATE	REVISIONS
8/16/16	MODIFY BAR CONFIGURATION

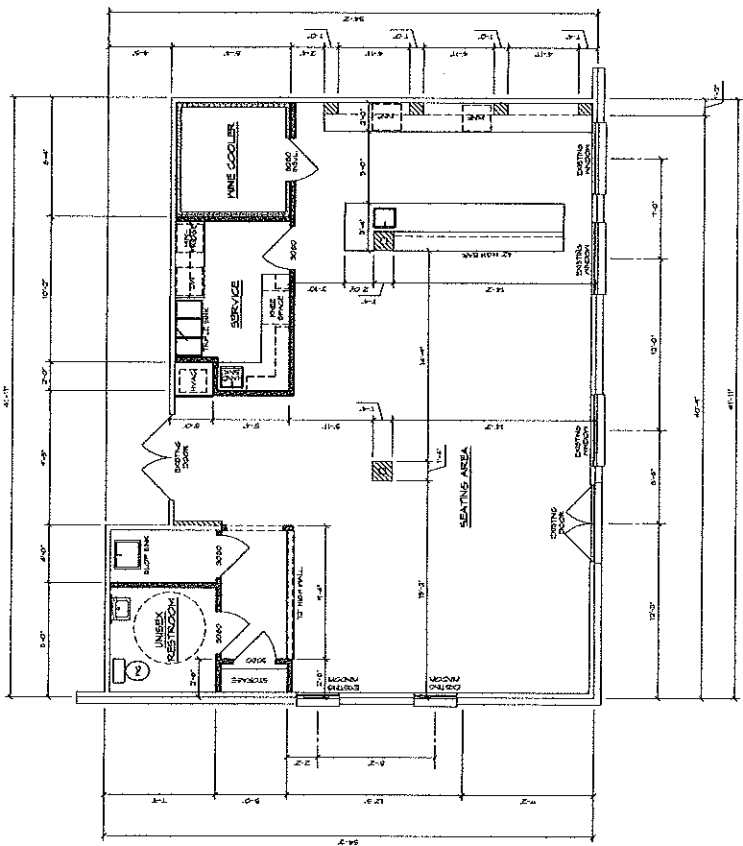
CHK BY: DM	DATE: AUG 14 2016
DRAWN BY: DM	PLAN: 16-1200-C
LEGAL DESCRIPTION: 401 COLLEGE ST., STE. 150 MONTGOMERY, TEXAS 77136	

A-1
SHEET

PROJECT DESCRIPTION: BUILD-OUT LEASE SPACE FOR WINE BAR
 USE GROUP CLASSIFICATION: A-2 - ASSEMBLY
 OCCUPANCY: WINE BAR (716 S.F. NET) X 1 PERSON PER 19 S.F. = 40 PERSONS
 CONSTRUCTION TYPE: EXISTING STRUCTURE - TYPE V-B
 CODE COMPLIANCE:
 ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH THE FOLLOWING CODES:
 INTERNATIONAL BUILDING CODE, 2015
 NATIONAL ELECTRICAL CODE, 2014
 NATIONAL MECHANICAL CODE, 2015
 INTERNATIONAL MECHANICAL CODE, 2015
 INTERNATIONAL FIRE CODE, 2015
 TEXAS MECHANICAL BUILDING CODES
 TEXAS ASSEMBLY STANDARDS 2012

ROOM	FLOORING	WALL FINISH	COUNTERTOP	CABINETRY	GLASS FINISH	REMARKS
GENERAL SEATING	STAINLESS STEEL	PAINT	GRANITE	WHITE	EXPOSED	TILE BACKSPLASH
BATHROOM	STONE	PAINT	GRANITE	WHITE	EXPOSED	TILE BACKSPLASH
					5/8" SMT. ROCK	WALLS TILED TO 34" A.F.F.

- NOTES:
- ALL INTERIOR DOORS SHALL BE SOLID CORE.
 - ALL INTERIOR DOOR HANDLES SHALL BE LEVER TYPE.
 - CEILING SHALL BE UNFINISHED (I.E. EXPOSED) IN SEATING AREA.

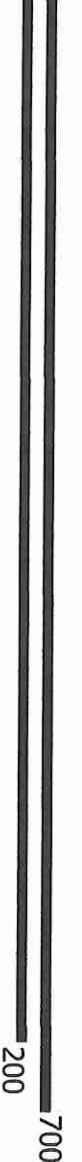


FLOOR PLAN
 SCALE: 1/4" = 1'-0"



Google Earth

feet
meters



Google Earth



WHITLEY
— VINEYARDS —

7. Toilet Facilities

Whitley Vineyards Wine Bar located at 401 College Street, Suite 150 is designed for a unisex bathroom, however the atrium building in which its lease space occupies has both men and women bathrooms accessible from the interior wine bar door, and available to guests during operating hours.

GROUND FLOOR: RETAIL SPACE

AVAILABLE | **1ST LEVEL** | 2ND LEVEL

Interior Access to separate men + women bathrooms



PREVIOUS

NEXT

936-827-1485

SOCIAL MEDIA

info@kemifer.com



WHOLESALER'S, DISTRIBUTOR'S and MANUFACTURER'S PREQUALIFICATION PACKET

L-W
(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
 Reinstatement License/Permit Number _____
 Change of Licensed Location License/Permit Number _____

2. Type of Wholesaler's, Distributor's, and Manufacturer's License/Permit

<input type="checkbox"/> W Wholesaler's Permit	<input type="checkbox"/> J Bonded Warehouse Permit
<input type="checkbox"/> X General Class B Wholesaler's Permit	<input type="checkbox"/> JD Bonded Warehouse Permit (Dry Area)
<input type="checkbox"/> LX Local Class B Wholesaler's Permit	<input type="checkbox"/> BB General Distributor's License
<input type="checkbox"/> Z Wine Bottler's Permit	<input type="checkbox"/> BD Local Distributor's License
<input checked="" type="checkbox"/> O Private Carrier's Permit	<input type="checkbox"/> BC Branch Distributor's License
<input type="checkbox"/> L Private Storage Permit	<input type="checkbox"/> BI Importer's License
<input type="checkbox"/> K Public Storage Permit	<input type="checkbox"/> BJ Importer's Carrier's License
<input type="checkbox"/> GS Winery Storage Permit	<input type="checkbox"/> MW Manufacturer's Warehouse License
<input type="checkbox"/> GF Winery Festival Permit	<input type="checkbox"/> BA Manufacturer's License – allows on-premise consumption
<input type="checkbox"/> SL Storage License	<input type="checkbox"/> B Brewer's Permit – allows on-premise consumption
<input type="checkbox"/> DA Brewer's Self Distribution Permit	<input type="checkbox"/> D Distiller's and Rectifier's Permit – allows on-premise consumption
<input type="checkbox"/> DB Manufacturer's Self Distribution License	<input checked="" type="checkbox"/> G Winery Permit – allows on-premise consumption

3. Trade Name of Location
Whitley Vineyards -Wine Bar

4. Location Address (of Primary Permit)
401 College Street, Suite 150

City Montgomery	County Montgomery	State Tx	Zip Code 77356
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5. If you are applying for a Storage License (SL) list your Primary Permit Number

6. Mailing Address P.O. Box 713	City Montgomery	State Tx	Zip Code 77356
------------------------------------	--------------------	-------------	-------------------

7. Business Phone No. 936-672-6736	Alternate Phone No. 926-672-6736	E-mail Address gwhitley@consolidated.net
---------------------------------------	-------------------------------------	---

OWNER INFORMATION

8. Type of Owner

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

9. Owner of Business/Applicant
Whitley Vineyards, LLC

10. If Applicant is:		Who Must be Listed Below: (attach L-OIC if additional space is needed).	
Individual		Individual Owner	
Partnership		All Partners	
Limited Partnership		All General Partners	
Corporation		All Officers	
Limited Liability Company		All Officers or Managers	
Joint Venture		Venturers	
Trust		Trustee(s)	
Last Name Whitley	First Name Gina	MI R	Title Managing Member
Last Name Whitley	First Name Philip	MI D	Title Managing Member
Last Name	First Name	MI	Title

MEASUREMENT INFORMATION

Section 109.31 et. seq

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

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

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

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

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

PUBLIC STORAGE PERMIT (K) OR WINERY STORAGE PERMIT (GS)

If applying for a **Public Storage Permit (K)** or **Winery Storage Permit (GS)** include the Bonded Warehouse Permit (J) or Bonded Warehouse Permit (Dry Area) (JD) number. A **Public Storage permit (K)** may only be issued in the same county as your primary permit as per Section 45.03.

13. Name of Public or Winery Storage Facility

14. For Public Storage: Bonded Warehouse Permit

J -

14. For Winery Storage: Bonded Warehouse Permit (Dry Area)

JD -

15. Location Address

City

County

State

Zip Code

PRIVATE STORAGE PERMIT (L) OR MANUFACTURER'S WAREHOUSE LICENSE (MW)

If applying for a **Private Storage Permit (L)** or a **Manufacturer's Warehouse License (MW)** complete question 16. A **Private Storage Permit (L)** may only be issued in the same county as your primary permit as per Section 45.03.

For the location address of the **Private Storage Permit (L)** or **Manufacturer's Warehouse License (MW)**, indicate owner of the property on **Owner of Property (L-OP)**.

If applying for a **Manufacturer's Warehouse License (MW)** complete questions 17 and 18.

16. Location Address of: Private Storage Permit Manufacturer's Warehouse License

City	County	State	Zip Code
17. Manufacturer's License No. BA -		18. Original Issue Date (mm/dd/yyyy)	

DISTILLER'S AND RECTIFIER'S PERMIT (D), BREWER'S PERMIT (B) or MANUFACTURER'S LICENSE (BA)

60-DAY SIGN INFORMATION

19. As required under Section 11.391 and 61.381, enter the exact date this sign was posted at your location.	Exact Date (mm/dd/yyyy) / /
20. Do you, the applicant, intend to sell for on-premise consumption during the life of this license/permit? If "YES," have you confirmed with your city and county that it is an allowable privilege?	20. <input type="radio"/> YES <input type="radio"/> NO

ALL APPLICANTS

21. CHECK HERE IF NOT IN CITY LIMITS
I, the applicant, have confirmed I am not located in the city limits of any city and therefore all city certificates are not required.

WARNING AND SIGNATURE

If Applicant Is/Must Sign

Individual	Individual Owner
Partnership	Partner
Limited Partnership	General Partner
Corporation	Officer
Limited Liability Company	Officer or Manager

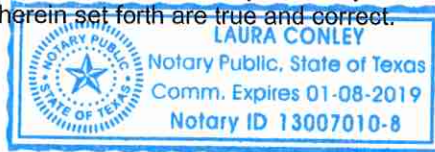
WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable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

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

PRINT NAME <u>Gina Whitley</u>	SIGN HERE <input checked="" type="checkbox"/> <u>Gina Whitley</u>
	TITLE <u>Managing Member</u>

Before me, the undersigned authority, on this 6th day of September, 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 Laura Conley
NOTARY PUBLIC



SEAL

CERTIFICATE OF CITY SECRETARY (FOR W, X, LX, Z, G, J, BB, BD, BC & BI)

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 excluding wineries, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN
HERE _____, TEXAS
City Secretary/Clerk City

SEAL

CERTIFICATE OF CITY SECRETARY (FOR B, D & BA)

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 excluding wineries, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages, and

does does not

allow for on-premise consumption in accordance with 501.035(g) of the Election Code.

SIGN
HERE _____, TEXAS
City Secretary/Clerk City

SEAL

**CERTIFICATE OF CITY SECRETARY (FOR L, K, MW & SL)
ADDRESS FOR STORAGE PERMITS AND MANUFACTURER'S WAREHOUSE LICENSE**

CHECK HERE IF NOT IN CITY LIMITS

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

SIGN
HERE _____, TEXAS
City Secretary/Clerk City

SEAL

CERTIFICATE OF COUNTY CLERK (FOR W, X, LX, Z, G, J, BB, BD, BC & BI)

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 excluding wineries, and is not prohibited by any valid order of the Commissioner's Court.

SIGN
HERE _____ COUNTY
County Clerk

SEAL

CERTIFICATE OF COUNTY CLERK (FOR B, D & BA)

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 excluding wineries, and is not prohibited by any valid order of the Commissioner's Court, and

does does not

allow for on-premise consumption in accordance with 501.035(g) of the Election Code.

SIGN
HERE _____ COUNTY
County Clerk

S E A L

**CERTIFICATE OF COUNTY CLERK (FOR L, K, MW & SL)
ADDRESS FOR STORAGE PERMITS AND MANUFACTURER'S WAREHOUSE LICENSE**

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

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE FOR ALL APPLICANTS

This is to certify on this 7th day of September, 2016, 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 320581255 Outlet Number 1

Print Name of Comptroller Employee Debra Richardson

Print Title of Comptroller Employee Enforcement Officer

SIGN
HERE _____ FIELD OFFICE 2131/Houston

S E A L

PUBLISHER'S AFFIDAVIT (FOR W, X, LX, B, D, Z, G, BB, BD, BC, BI & BA)

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 #6

Meeting Date: September 13, 2016	Budgeted Amount: N/A
Department:	
Prepared By: Jack Yates	Exhibits: Certification of Appraisal Roll document and supporting materials
Date Prepared: September 7, 2016	

Subject

Adoption of Certification of Appraisal Roll for city of Montgomery Public Improvement District 1

Discussion

The City Council is required, according to the PID creation Ordinance, to accept the Certification of the Appraisal Roll (as provided by the Montgomery County Appraisal District).

The creation ordinance also allows \$50 per property owner (there are six property owners) as a fee to the city for its activities. I will be billing the appraisal district following your action of acceptance of the Certification.

Recommendation

Accept the Certification of the 2016 Appraisal Roll for the City of Montgomery Public Improvement District 1

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 7, 2016 Date:


STATE OF TEXAS §
 § PROPERTY TAX CODE, SECTION 26.01(a)
COUNTY OF MONTGOMERY §

**CERTIFICATION OF 2016 APPRAISAL ROLL FOR
City of Montgomery Public Improvement District 1**

I, Mark A. Castleschouldt, Chief Appraiser for the Montgomery Central Appraisal District, solemnly swear that the attached is a recap of the approved Appraisal Roll of the Montgomery Central Appraisal District and constitutes the **CERTIFIED** values for **City of Montgomery Public Improvement District 1**.

The attached also includes, listed separately, the amount of new value as a result of new improvements, newly approved exemptions, newly approved special valuations (agriculture and timber), and, if applicable, any newly annexed property taxable by **City of Montgomery Public Improvement District 1**. Also included are properties, if any, which are taxable by **City of Montgomery Public Improvement District 1** but which remain under protest. The Chief Appraiser is unaware of any properties that are not included in either the Certified Roll or the Withheld Roll and therefore have not been approved by the Montgomery County Appraisal Review Board and certified by the Chief Appraiser.

Date: July 25, 2016



Mark A. Castleschouldt, Chief Appraiser
Montgomery Central Appraisal District

Assessment Roll Grand Totals Report

MCAD

Tax Year: 2016 As of: Certification

PM1 - City of Montgomery PID 1 (ARB Approved Totals)

Number of Properties: 6

Land Totals

Land - Homesite	(+)	\$0		
Land - Non Homesite	(+)	\$1,632,270		
Land - Ag Market	(+)	\$0		
Land - Timber Market	(+)	\$0		
Land - Exempt Ag/Timber Market	(+)	\$0		
Total Land Market Value	(=)	\$1,632,270	(+)	\$1,632,270

Improvement Totals

Improvements - Homesite	(+)	\$0		
Improvements - Non Homesite	(+)	\$3,350,830		
Total Improvements	(=)	\$3,350,830	(+)	\$3,350,830

Other Totals

Personal Property (0)		\$0	(+)	\$0
Minerals (0)		\$0	(+)	\$0
Autos (0)		\$0	(+)	\$0
Total Market Value			(=)	\$4,983,100
Total Homestead Cap Adjustment (0)				(-) \$0
Total Exempt Property (0)				(-) \$0

Productivity Totals

Total Productivity Market (Non Exempt)	(+)	\$0		
Ag Use (0)	(-)	\$0		
Timber Use (0)	(-)	\$0		
Total Productivity Loss	(=)	\$0	(-)	\$0
Total Assessed			(=)	\$4,983,100

Exemptions

			(HS Assd)	0)
Total Exemptions	(=)	\$0	(-)	\$0
Net Taxable (Before Freeze)			(=)	\$4,983,100

Effective Tax Rate Report

MCAD

TaxYear: 2016

Taxing Units: PM1 - City of Montgomery PID 1

NEW EXEMPTIONS:

	COUNT	2015 ABSOLUTE EX VALUES	2016 PARTIAL EX VALUES
NEW EXEMPT PROPERTY	0	\$0	
NEW HS EXEMPTIONS	0		\$0
NEW PRO EXEMPTIONS	0		\$0
NEW OA EXEMPTIONS	0		\$0
NEW DP EXEMPTIONS	0		\$0
NEW DV1 EXEMPTIONS	0		\$0
NEW DV2 EXEMPTIONS	0		\$0
NEW DV3 EXEMPTIONS	0		\$0
NEW DV4 EXEMPTIONS	0		\$0
NEW DVX EXEMPTIONS	0		\$0
NEW HB366 EXEMPTIONS	0		\$0
NEW PC EXEMPTIONS	0		\$0
ABSOLUTE EX TOTAL			\$0
PARTIAL EX TOTAL		(+)	\$0
2015 TAXABLE VALUE LOST DUE TO PROPERTY BECOMING EXEMPT IN 2016		(=)	\$0

NEW ANNEXED PROPERTY:

	COUNT	APPRAISED VALUE	TAXABLE VALUE
NEWLY ANNEXED PROPERTY	0	\$0	\$0
IMPROVEMENT SEGMENTS	0	\$0	
LAND SEGMENTS	0	\$0	
MINERAL	0	\$0	
OTHER	0	\$0	
TAXABLE VALUE ON NEWLY ANNEXED PROPERTY:			\$0

Effective Tax Rate Report

MCAD

TaxYear: 2016

Taxing Units: PM1 - City of Montgomery PID 1

NEW AG APPLICATIONS:

NEW AG APPLICATIONS COUNT		0
2015 MARKET		\$0
2016 USE	(-)	\$0
VALUE LOST DUE TO AG APPLICATIONS:	(=)	\$0 (\$0 Taxable)

NEW IMPROVEMENTS:

	COUNT	TOTAL APPRAISED VALUE ¹	NEW CURRENT TAXABLE ²
NEW IMPROVEMENTS	3	\$4,381,360	\$3,350,830
RESIDENTIAL	0	\$0	\$0
COMMERCIAL	3	\$4,381,360	\$3,350,830
OTHER	0	\$0	\$0
NEW ADDITIONS	0	\$0	\$0
RESIDENTIAL	0	\$0	\$0
COMMERCIAL	0	\$0	\$0
OTHER	0	\$0	\$0
PERCENT COMPLETION CHANGED	0	\$0	\$0
TOTAL NEW PERSONAL VALUE	0	\$0	\$0
SECTION 52 & 59	0	\$0	\$0
REDUCED/EXPIRING ABATEMENTS	0	\$0	\$0
TOTALS:		\$4,381,360	\$3,350,830

TABLE V-B
Annual Installment per Improved Acre from Trigger Date*

Year	Principal	Interest	Total Payment	Plus Administrative Expenses **
1	1,790.12	2,500.00	4,290.12	4,590.12
2	1,897.52	2,392.59	4,290.12	
3	2,011.37	2,278.74	4,290.12	
4	2,132.06	2,158.06	4,290.12	
5	2,259.98	2,030.14	4,290.12	
6	2,395.58	1,894.54	4,290.12	
7	2,539.31	1,750.80	4,290.12	
8	2,691.67	1,598.44	4,290.12	
9	2,853.17	1,436.94	4,290.12	
10	3,024.36	1,265.75	4,290.12	
11	3,205.82	1,084.29	4,290.12	
12	3,398.17	891.94	4,290.12	
13	3,602.06	688.05	4,290.12	
14	3,818.19	471.93	4,290.12	
15	4,047.28	242.84	4,290.12	
Total				

Assessed
Valuation of
PID =
\$ 4,361,360
= .11 mills

* The Assessment shall run from the Trigger Date and shall be amortized over fifteen annual payments including principal and interest at 6% per annum. In addition, each year the City shall charge an Administrative Expense of \$50.00 per Parcel of Assessed Property to reimburse the City for its Administrative Expenses. In the event such fee for Administrative Expense is not sufficient to reimburse the City for its Administrative Expenses, the City shall deduct such expenses from the monies otherwise to be paid to Developer.

** To be determined based on number of Parcels included as Assessed Property.

Montgomery City Council
AGENDA REPORT

ITEM #7

Meeting Date: September 13, 2016	Budgeted Amount: Impact on Utility budget/financing of maintenance of system
Department:	
Prepared By: Jack Yates	Exhibits: Rate Ordinance
Date Prepared: September 7, 2016	

Subject

Adoption of Ordinance regarding increase of rates for water and sewer

Discussion

The rate ordinance is in your packet. This has been discussed several times if anybody has specific questions please let me know.

Recommendation

Approve the ordinance as presented

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 7, 2016 Date:

Motion was made by _____, seconded by _____,

and passed by a _____ to _____ vote that the following Ordinance by passed:

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deposits (Section 90-61)

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

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

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

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

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

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

SECTION 9. Effective Date. This Ordinance shall become effective and be in full force from October 1, 2016 after publication as required by law.

PASSED AND APPROVED this _____ day of September 2016.

Kirk Jones, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

APPENDIX "A"

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

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

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

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

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

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

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

Other rates/fees				
<i>Deposits</i>		Amount		
Residential Consumer		\$125.00		
Commerical Consumer		\$250.00		
Institutional Consumer		\$250.00		
Industrial Consumer		\$250.00		
Residential Renter/Leaser Consumer		\$225.00		
<i>Lone Star Groundwater Fee</i>		\$0.07 per 1000 gallons of usage		
<i>Groundwater Reduction Plan Fee</i>		\$1.65 per 1000 gallons of usage		
<i>Application fee for service</i>		\$30.00		
<i>Meter turn-off or turn-on fee</i>		\$30.00	each time	
<i>Returned Check Charge</i>		\$50.00		
<i>Disconnect Fee/Failure to pay</i>		\$75.00		
<i>Monthly grease trap inspection</i>		\$50.00		

Meeting Date: September 13, 2016	Budgeted Amount: Not sure of impact, depends on bid accepted
Department:	
Prepared By: Jack Yates	Exhibits: Memo of Mike Muckleroy Regarding solicitation of bids
Date Prepared: September 7, 2016	

Subject

Solicitation of mowing contract bids

Discussion

As explained in Mike’s memo the city now has a contract with Third Day Creations company, however Mike is not satisfied with their service. Also, in your packet is a “Mowing Deductions” summary sheet showing the deductions each month that Mike has, in agreement with the contractor deducted from the contractors payment. The months November, December, January, February and March there is a discussion between Mike and the contractor so that the contractors only mowing what is already been approved-thus the no deductions in those months.

Mike feels that we can get a competitive bid if the bid goes out for public solicitation.

The item will be back before you, probably at the second meeting in October, after receiving and reviewing the bids.

Recommendation

Authorize the solicitation of mowing bids.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 7, 2016 Date:



Memorandum

To: City Administrator, Mayor, and Council

From: Mike Muckleroy – Public Works Manager

Date of Memo: August 30, 2016

RE: Mowing Contract Bids

Request of Council:

This memo is a request to accept bids for the mowing contract of all city facilities and right of ways.

Background:

The City of Montgomery currently holds a contract with Third Day Creations Lawn and Landscaping. There have been several issues with the satisfaction of the work being completed. The Public Works Department has had to focus a lot of extra time and resources to perform mowing inspections and re-inspections because of this. There have been numerous deductions to date which is not what we want to see happen to our mowing contract. Council has made a good decision to keep the entire city neat and trimmed and if deductions are being made it simply translates to mowing not being completed. Attached is a mowing deductions tabulation showing that \$4970 has been deducted in the past 6 months which is approximately one month's contract price of \$5557.50

Recommended Action:

The Public Works Department recommends accepting bids for this contract immediately.

Alternatives:

Make no change to the contract.

~MOWING DEDUCTIONS ~

2015-2016

	A	B	C
1	MONTH		AMOUNT
2	SEPTMEBER - 2015		
3			
4	OCTOBER - 2015		1126.08
5			
6	NOVEMBER - 2015		0.00
7			
8	DECEMBER - 2015		0.00
9			
10	JANUARY - 2016		0.00
11			
12	FEBRUARY - 2016		0.00
13			
14	MARCH - 2016		0.00
15			
16	APRIL - 2016		1564.27
17			
18	MAY - 2016		886.42
19			
20	JUNE - 2016		833.08
21			
22	JULY - 2016		560.61
23			
24	AUGUST - 2016		

Meeting Date: September 13, 2016	Budgeted Amount: A few hours of Rick Hanna and Glynn Fleming time \$1,000/maximum
Department:	
Prepared By: Jack Yates	Exhibits: e-mails between Rick Hanna and the City Administrator regarding this Committee's reasons for existence and suggestion of who might be on the Committee
Date Prepared: September 8, 2016	

Subject

Appointment of the Building Code Review Committee to assist Building Inspector

Discussion

As you can see from the emails attached, Rick Hanna, the city building inspector, had some questions from some builders about roofing joist separation which led Rick to question a few other points about the building codes that he thinks may need to be amended. However, Rick, suggested (correctly to my belief) that getting some local builders opinions might be better than just his coming up with suggestions on his own.

I have spoken with Bill Simpson (resident, planning commission member and owner of a roofing business), Michael Ogorchock Sr. (all-around construction wise person), and Bryan Solomon (owner of an electrical supply and service company and experienced electrician) to see if they were willing to serve only committee and all three said they would serve. I also suggest Glynn Fleming, city engineer.

As I explained to each of them, and now to you, they were selected based upon the general expertise and that the Committee will probably meet two or three times here at the City Hall with Rick Hanna. With no pay for their volunteer time.

Susan Hensley will be the Secretary, minute taker, of the group.

What may come from this Committee, is an ordinance amending specific sections of the code(s).

Montgomery City Council
AGENDA REPORT

Recommendation

Appoint a Building Code Review Committee of Bill Simpson, Mike Ogorchock Sr., Bryan Solomon, Glynn Fleming and Rick Hanna

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 8, 2016 Date:

From: Rick Hanna
To: 'Yates, Jack'
Subject: RE: Building Code Changes

That sounds good, although another builder and maybe a tradesman (electrician, plumber) would be a good addition.

From: Yates, Jack
To: Rick Hanna
Subject: Re: Building Code Changes

How about Phil LaFevre, Chris Cheatham and Michael Ogorchock, plus one general contractor that you suggest that does respectable work in the city. Plus maybe Glynn Fleming, our city engineer.

Jack

Rick Hanna wrote:

Jack,

If Council is open to considering amendments to the Building Codes, I would suggest compiling neighboring cities amendments (i.e. Conroe, Tomball) and see what they have. A committee should be formed of developers, builders, designers, etc. to develop an overall plan rather than haphazardly making changes.

Thanks,

From: Yates, Jack
To: Rick Hanna
Subject: Fwd: Kroger

Rick, is this something that we want change in our building code to go to the 19.25 inches rather than 24?

Jack

----- Forwarded message -----

From: <plefevre@lefco-inc.com>

Subject: RE: Kroger

To: "Yates, Jack"

I was meeting with Rick Hannah to see what he thought about the two builders we have (Motik and Style-craft) and what changes we need to require if any for Section Two. He indicated that the City does not want to get too restrictive in its codes but for what it is worth he feels 24 inch spacing on roof rafters may be a little wide and we could see wavy roofs in a few years. He prefers 19.25 inches. I am good with you guys tightening that up if you want to.

Meeting Date: September 13, 2016	Budgeted Amount: Saves approx.. \$2,000 per month
Department:	
Prepared By: Jack Yates	Exhibits: Memo from City engineer and proposed Notice of Termination letter
Date Prepared: September 8, 2016	

Subject

Consideration of notifying Montgomery County Utility District Nos. 3 and 4 of termination of Groundwater Reduction Plan Agreement

Discussion

A full explanation memo is attached from Ed Shackelford.

Recommendation

Approve the letter of Notice of Termination

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 8, 2016 Date:



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

September 8, 2016

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

Re: *Agenda Item No. 10 - Consideration and possible action regarding Notice of Termination of Joint Groundwater Reduction Plan Agreement with Montgomery County Utility District Nos. 3 and 4.*

Dear Mayor and Council:

In 2011 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 (the MUDs) in a joint Groundwater Reduction Plan (GRP). An acceptable GRP must outline a strategy for conserving groundwater and/or providing an alternate water source to meet both current and future demands, while exhibiting continued compliance with the regulatory plan. Phase II(B) requires all Large Volume Groundwater Users (LVGUs) who produce 10 million gallons or more per year from the Gulf Coast Aquifer to reduce their groundwater usage to a future permitted authorization of 70% of their total qualifying demand. Total qualifying demand is defined as permitted withdrawal for the calendar year 2009. In 2009 permitted withdrawal from Water Well Nos. 2 and 3, which draw from the Gulf Coast Aquifer, totaled 67,930,000 gallons.

In 2013 the City began planning for the construction of an alternate water source, Water Well No. 4 which draws from the Catahoula Aquifer, and prepared a revised GRP with the intent of eventually opting out of the joint GRP. Construction of Well No. 4 was completed in early 2014 and the well was put into full service later that year. Today the City produces approximately 82,000,000 million gallons of water annually and Well No. 4 accounts for over 80% of this production.

Recall, per the terms of the joint GRP the City must pay 80% of the current San Jacinto River Authority (SJRA) groundwater pumpage rate to the MUDs for all water withdrawn from the Gulf Coast Aquifer. Additionally, the City may exercise the right to terminate the joint GRP effective December 31, 2016 and must provide minimum 90 days advance written notice of this intent. Should the City choose to exercise this option, the current GRP will remain unchanged, the contractual obligation to remit payment to the MUDs will cease, and the City will incur no additional pumpage charges so long as Well Nos. 2 and 3 production remains below the reduced permitted withdrawal.

Enclosed for your review and consideration is a DRAFT Notice of Termination Letter. We will be prepared to offer further discussion and field questions on Tuesday evening. 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,



Ed Shackelford, PE
Engineer for the City

EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2016\Letters\Memo to Council RE Termination of Joint GRP.doc

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



CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

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

September 13, 2016
Montgomery County Utility District No. 3
c/o Mr. Neil Thomas
Norton Rose Fulbright us, LLP
1301 McKinney, Suite 5100
Houston, TX 77010
Attention: Ms. Doris Hickman

Montgomery County Utility District No. 4
c/o Mr. W. Dickinson Yale, Jr.
Coats|Rose
9 Greenway Plaza, Suite 1100
Houston, TX 77046
Attention: Mr. Gary North

RE: Agreement for Joint Groundwater Reduction Plan
Notice of Termination by the City of Montgomery

Gentlemen:

Pursuant to Article IV, Section 4.01(A) of the referenced agreement entered into in June 2011 by the City of Montgomery (the City), Montgomery County Utility District No. 3, and Montgomery County Utility District No. 4, this letter shall serve as notice the City intends to terminate the referenced agreement effective December 31, 2016.

Please indicate your receipt and acknowledgement of this notice by returning an executed copy to Mr. Larry Foerster, the City's legal counsel as follows:

Larry Foerster
Darden, Fowler & Creighton, LLP
414 West Phillips, Suite 100
Conroe, Texas 77301

Please do not hesitate to contact Mr. Foerster directly should additional questions arise.

Regards,

Kirk Jones, Mayor

Enclosures: N/A

cc/enc.: The City Council – City of Montgomery
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
Mr. Ed Shackelford, P.E. – Jones & Carter, Inc., City Engineer
Mr. Michael Williams – Gulf Utility Service, Inc., City Utility Operator

DRAFT

ACCEPTED BY MCUD No. 3:

Signature

Name and Title (Printed)

Date

ACCEPTED BY MCUD No.4:

Signature

Name and Title (Printed)

Date



Meeting Date: September 13, 2016	Budgeted Amount: N/A
Department:	
Prepared By: Jack Yates	Exhibits:
Date Prepared: September 8, 2016	

Subject

Setting a public hearing for Capital Improvement Advisory Committee recommendations on impact fees

Discussion

State law requires a minimum 30 days advance notice of the hearing on proposed land use assumptions (LUA) in the capital improvements plan (CIP), and this notice must be published. It is suggested the Council set the hearing date as October 25 as this is the first regular meeting date which falls within the acceptable time window.

Based on the results of the Committees meeting of September 2, the intention is to hold the next advisory committee meeting on Friday, September 30. At this time any additional questions will be answered by Glynn Fleming and the Committee will provide any written comments on the LUA and CIP. This will allow ample time to discuss and consider any/all comments and compile a written report to the Council, which must be delivered on behalf of the Committee a minimum of five days before the hearing date.

During the month of October there will be coordination with Larry Foerster to draft the ordinance approving the LUA and CIP as it must be adopted within 30 days of the hearing. Assuming, only having one regular reading in November, it will likely need to be adopted on the 8th.

Recommendation

Schedule a public hearing for Capital Improvement Advisory Committee recommendations for October 25

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 8, 2016 Date:

Meeting Date: September 13, 2016	Budgeted Amount: N/A
Department:	
Prepared By: Jack Yates	Exhibits:
Date Prepared: September 8, 2016	

Subject

Executive Session regarding City Administrator review

Discussion

The Mayor asked me to place this item on the Agenda,

Recommendation

Hold the Executive Session and Be Kind

Approved By

Department Manager		Date:
City Administrator	Jack Yates	September 8, 2016 Date: