

NOTICE OF REGULAR MEETING

July 26, 2016

MONTGOMERY CITY COUNCIL

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that a Regular Meeting of the Montgomery City Council will be held on Tuesday, July 26, 2016 at 6:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

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

CONSENT AGENDA:

1. Matters related to the approval of minutes for the Regular Meeting held on July 12, 2016.
2. Consideration and possible action to accept Excess Collections for 2015 Debt Service and Certification for Debt Service Collection Rate for 2016/2017.
3. Consideration and possible action regarding adoption of the following Resolution:
RESOLUTION APPROVING THE MONTGOMERY COUNTY EMERGENCY SERVICE DISTRICT BUDGET FOR FISCAL YEAR 2017.
4. Consideration and possible action regarding a nomination for the Montgomery County Emergency Communication District Board.
5. Consideration and possible action regarding scheduling the 2016-2017 Budget Public Hearing to be held on August 9, 2016.

CONSIDERATION AND POSSIBLE ACTION:

6. Consideration and possible action regarding granting a Leave of Absence to Jon Bickford, City Council, Place I.
7. Consideration and possible action on Department Reports.
 - A. Administrator's Report
 - B. Public Works Report
 - C. Police Department Report
 - D. Court Department Report
 - E. Utility/Development Report
 - F. Water Report
 - G. Engineer's Report
 - H. Financial Report
8. Consideration and possible action regarding an Agreement by and between the Kroger Company and the City of Montgomery for additional funding of the proposed public improvements intended to serve the 52-acre Kroger/Milestone Development. (*Tabled at the June 14, 2016 & June 28, 2016 Meetings*)
9. Consideration and possible action regarding execution of construction contracts with Key Construction for completion of the proposed public water, sanitary sewer, drainage, and paving improvements to serve the 52-acre Kroger/Milestone Development.
10. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, TO RATIFY AND CONTINUE A MUNICIPAL COURT TECHNOLOGY FUND REQUIRING ALL DEFENDANTS CONVICTED OF A MISDEMEANOR OFFENSE IN THE MUNICIPAL COURT IN THE CITY OF MONTGOMERY TO PAY A TECHNOLOGY FEE OF \$4.00 AS A COURT COST; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION AS PROVIDED BY LAW.
11. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS REGARDING TELECOMMUNICATIONS TOWER FACILITIES BY AMENDING THE MONTGOMERY CODE OF ORDINANCES BY ADDING ARTICLE V, "TELECOMMUNICATION FACILITIES" TO CHAPTER 18, "BUILDINGS AND BUILDING REGULATIONS;" PROVIDING DEFINITIONS; PROVIDING HEIGHT STANDARDS, DISTANCES FROM RESIDENTIAL USES, LANDSCAPING, APPLICATION REQUIREMENTS, AND APPLICATION FEES; PROVIDING SEVERABILITY AND REPEALING CLAUSES; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.

12. Consideration and possible action regarding services provided by Gulf Utility.

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.

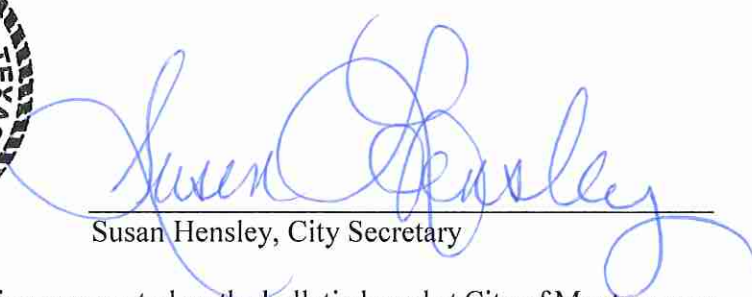
13. Convene into Closed Executive Session pursuant to the Texas Open Meetings Act at Sections 551.071 and 551.072 of the Texas Government Code to meet with the City Attorney to receive confidential legal advice about real property transactions; and Sections 551.071 and 551.074 of the Texas Government Code to discuss a personnel matter with the City Administrator and City Attorney.
14. 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




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 22nd day of July, 2016 at 3:00 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

MINUTES OF REGULAR MEETING

July 12, 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, Jr. City Council Position # 2
 Rebecca Huss City Council Position # 4
 Dave McCorquodale City Council Position # 5

Absent: Jon Bickford City Council Position # 1
 T.J. Wilkerson City Council Position # 3

Also Present: Jack Yates City Administrator
 Larry Foerster City Attorney

Mayor Jones advised that T.J. Wilkerson was running late, but was expected to attend the meeting.

Mayor Jones advised that this was the second absence in a row for Jon Bickford. Mayor Jones stated that Jon Bickford had sent a message to City Council requesting to be considered for a leave of absence due to a family illness. Mayor Jones said that the request arrived too late to be put on the agenda for tonight, but will be placed on the next City Council Meeting agenda for consideration.

Mayor Jones then welcomed all the visitors to the Council Meeting.

INVOCATION

John Champagne gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAGS**PLEDGE OF ALLEGIANCE TO FLAGS**

VISITOR/CITIZENS FORUM:

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

Mayor Jones recognized Logan Bonner, with Boy Scout Troop 491, that is based in Montgomery, Texas. Mr. Bonner advised that he was attending the meeting to decide on an issue in the community and then write about that issue as part of the requirement to earn his Community Merit Badge.

Mayor Jones advised that there were some residents that were here tonight to make comments, and reminded City Council that all they could do is listen to the comments. Mayor Jones said that there is no need for discussions. Mayor Jones asked the speakers to limit their time, preferably three minutes or so.

Mrs. Amy Font, who resides in Waterstone, stated that they are very concerned about their property. Mrs. Font said that apparently they had been complaining to the wrong people and she needed to come before City Council. Mrs. Font said that she was sure that everyone has seen the canal and what they are dealing with in their backyard. Mrs. Font said that she has lived in Waterstone for two years and the canal has been dry 8 months out of the year. Mrs. Font said that they have taken a lot of damage to her home in the back and their boat, along with everything else with the floods that came in on Memorial Day weekend.

Mrs. Font stated that she has been talking with Mr. Glynn Fleming, City Engineer, and she thinks she knows where the bridge is going and they are going to repair it with FEMA. Mrs. Font said that her issue is that she has continuously tried to contact Mr. Steve Bowen, and she also attempted to invite him to the meeting tonight, but he refused to attend. Mrs. Font said that she feels very intimidated today coming to talk to City Council after the conversation that she had with Mr. Bowen this afternoon. Mrs. Font said that Mr. Bowen said for her to go down to City Council tonight and complain about the ditch, because then he will be in the press in the morning and they could possibly be delaying work to be done. Mrs. Font said that she had proof that Mr. Bowen owns the ditch, the property around her home and all of Waterstone. Mrs. Font said that she knows where Mr. LeFevre's property ends and Mr. Bowen's begins. Mrs. Font said that today every time that she went to speak to Mr. Bowen at his

office he would shut and lock the door. Mrs. Font said that they did not want to speak to anyone from Waterstone.

Mrs. Font said that the problem is the taxes on her house are \$17,000 and it is useless. Mrs. Font said that her and her husband bought their home to retire in. Mrs. Font said that they are waterfront property, which is what all the signs out front say, but they are not waterfront property. Mrs. Font said that they are buried in mud. Mrs. Font said that they also own the lot next door to them. Mrs. Font said that her relator told her today to give the lot away. Mrs. Font said that she went down to ask Mr. Bowen to purchase the lot back for what she had paid for it. Mrs. Font said that she was also told if she would buy the land across from her home, then he would purchase the lot, which she did not care to do.

Mrs. Font said that when she purchased her home at 156 Waterstone, she was told that nothing was going to be developed across from her, but now she knows that Mr. Bowen had plans in December, 2015 to develop a community across from her. Mrs. Font feels that she has been lied to again. Mrs. Font said she can't believe that she is being taxed like she is. All she wants is the area cleaned and fixed. Mr. Font said that this is the third time that they have flooded in their community, with it coming over the bank and cost him \$25,000 to \$30,000 in damages. Mr. Font said that he bought waterfront property so he could have a boat and now it will cost \$353 to store his boat. Mr. Font said that he asked if they could store their boat in the driveway because none of the neighbors have junk boats, but no they could not. Mrs. Font said that Mr. Bowen told them to do what they have to do with their boats right now. Mrs. Font said that Mr. Bowen is developing the peninsula. Mrs. Font said that she asked Mr. Bowen to stop work on the peninsula and come and help all the residents that are there in Waterstone and paying taxes, \$60 a year to the SJRA and \$660 a year in POA dues, and she can't get any answers. Mrs. Font said that she has pulled all the information, and Mr. Bowen owns all the lots across from her residence and Waterstone. Mrs. Font said that she feels so intimidated from what Mr. Bowen said to her about being in the press tomorrow. Mrs. Font said that Mr. Bowen is waiting for Mr. LeFevre to finish developing a detention pond further down the line. Mrs. Font said that she understands there is an issue coming from Town Creek and there are several subdivisions that are flooding them. Mrs. Font asked what was going to happen tomorrow when they have a major rain, because she is buried in mud. Mrs. Font said that she asked Mr. Bowen to come tonight and he refused.

Rebecca Huss said that she appreciated Mrs. Font coming to City Council and feeling that she could share, and said that they were always welcome to come here and speak to the City.

Mrs. Font said that she had one quick question and asked whether the City could help them and asked where they go from here. Mr. Font said that the value of their home depreciated over \$100,000 over night. Mr. Font said that if a child fell off into the canal now it is like quicksand out there. Mr. Font said that if there were no adults there it would be bad and said that an adult will sink 4-5 feet in the mud. Mrs. Font said that the gentleman that bought the house 4-5 houses down stuck a ladder in the mud and said that he was trying to dredge himself out because he can't get his boat out of the canal. Mrs. Font said that neighbor has also sent messages out to all the neighbors saying not to let any of the children walk across the mud because he sunk in the mud and barely got out. Mrs. Font said that she is very concerned and felt like the City should be involved.

Mrs. Linda Stewart, along with her husband and daughter also reside in Waterstone, and asked the other Waterstone residents to stand up to show how many were in attendance. Mrs. Stewart advised that they had bought their home in 2011, thinking that they would also retire here. Mrs. Stewart said that it was beautiful and Montgomery was an appealing little town, and now they have construction and Kroger coming in along with a lot of other things. Mrs. Stewart said that in 2011 they had fires and drought back there. The following year the channel was a little back down, certainly not what they had thought when they moved in. In the following two years, they saw the water come back, and they had the flooding. Mrs. Stewart said that the Spring Creek Bridge looked like a dam the day of the flood with the water flowing through it. Mrs. Stewart said that this is one of those things where Mr. Bowen has refused repeatedly to come to the aid of the residents of Waterstone. Mrs. Stewart said that Mr. Bowen needs to be held accountable for this. Mrs. Stewart said that they are residents of the City of Montgomery so why when you see that type of destruction, would new residents come to the City. Mrs. Stewart asked the City to please consider this information and if there is anything that the City can do they would appreciate it. Mrs. Stewart thanked City Council.

Mr. Kim Cunningham, who resides in Waterstone, stated that he thought the other two ladies had done a fine job of stating the information. Mr. Cunningham said that he would first like to start off by recognizing all the Police Officers out here that take care of us on a daily basis and said that they really appreciate the job that they do. Mr. Cunningham said that "may the good Lord watch over them as they watch over us."

Mr. Cunningham said that the main issue that he sees, as Mrs. Font stated, was the lack of response. Mr. Cunningham said that if there would be a clear direction or a plan on how it would be fixed and

how it was going to be addressed, they would all be at ease. Mr. Cunningham said the constant slamming of the door in their faces when they go to try and discuss the issue is not conducive to an environment that they all purchased their homes to be in. Mr. Cunningham said that if their home is devalued and the community as a whole continues to degrade, that will be less tax dollars that the City will have to provide support services. Mr. Cunningham said he is going to remove the debris at his own expense because he cares about his neighbors and the property. Mr. Cunningham said that he had told Mr. Bowen that he was going to buy a boat for the kids, and Mr. Bowen said for him to plan on saving his money. Mr. Cunningham said that type of response from Mr. Bowen was not conducive to a constructive environment.

Mr. Johnny Romero said that the previous speakers had covered everything that he was going to state.

Mr. Foerster, City Attorney, thanked the people from Waterstone for being in attendance tonight, and said that this is important to the City. Mr. Foerster said that he wanted them to know that the City Council by law can't discuss this matter, because this is not listed as an agenda item that has to be posted 72-hours prior to the meeting. Mr. Foerster said that he wanted them to know that as they leave here tonight, this is an issue that is very concerning to the Mayor, City Council and members of City staff. Mr. Foerster said that they have been working on this issue long before the flooding occurred on Memorial Day weekend. Mr. Foerster said that while Mrs. Font is correct that these are plats and reserves and canals are part of Mr. Bowen's property and the City has no legal obligation or ownership of them, but nonetheless, they join with you in being concerned about the matter and they are going to work as constructively as they can to work with Mr. Bowen, and Mr. Bowen's attorney, Mr. Steve Weisinger is present tonight, who is also concerned about the matter. Mr. Foerster said that they have been working in that direction, but it is not something that will happen overnight. Mr. Foerster said that there was a lot of silt and mud in those canals. They have to correct not only what is in the canals now, but as the engineers say "what is happening upstream" and the impacts that can occur should they have another rain. Mr. Foerster said aside from that, he is afraid there is nothing more that they can address tonight.

Rebecca Huss asked if there were any provisions in the Texas laws that would allow people that have not appealed their property tax values in response to an emergency to go back and request an adjustment. Mr. Foerster said that he could not answer that question because he did not know of any, which is not to say that there is not. Mr. Foerster advised that Mark Castleschouldt, Director with the

Montgomery County Appraisal District, has entertained objections after the date, but he did not know if that would be available. Mr. Foerster said that would not fix their problem. Mr. Cunningham and the other residents said they were not worried about their taxes because they have already been paid for this year. Mrs. Font said that they just want the problem fixed. Mr. Foerster said that they have been involved with this matter prior to calling the City last week, so they are aware of the matter and they are, as City staff, doing what they can to assist the Waterstone residents in getting this matter resolved. Mr. Foerster said that this will not be a quick fix, which he thinks that everyone here understands.

CONSENT AGENDA:

1. Consideration and if determined appropriate, take action regarding approval of Minutes for the Regular Meeting held on June 28, 2016.

John Champagne moved to approve the minutes as presented. Dave McCorquodale seconded the motion.

Discussion: Rebecca Huss stated that in the minutes the tree ordinance stated that the ordinance was supposed to be brought back today for final approval. Mr. Yates advised that the Kroger Agreement had taken up a lot of the City Attorney's time. Mr. Foerster stated that the ordinance has been drafted and would be ready for certain at the next meeting.

Mayor Jones noted for the record that T.J. Wilkerson arrived at the meeting at 6:25 p.m.

The motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action regarding recent flooding at 920 College Street by Ms. Merily Thompson.

Mr. Fleming advised that the City had been contacted by Mrs. Thompson last week regarding some drainage issues in another portion of town.

Mrs. Merily Thompson stated that she had come to the City prior to the approval of the development which has been created around the park, where Mr. Cheatham is the developer. Mrs. Thompson said that the cause and effect of that development was her concern however long ago that was, because the direct runoff would be coming in her direction and she voiced her concern back then because she felt that it was going to be a problem. Mrs. Thompson said that the concern has come to fruition. Mrs. Thompson said that what she has encountered from the last rain is impassable water, to the point that it came over the road because the culverts that are existing can't handle the amount of rain that they had. However, they have had larger rains and she did not have an issue before this, so she has to believe that it comes from the change in the direction of the watershed. Mrs. Thompson said that the water was inches from coming into her house, which was built out of the flood plain according to the County's specifications. Mrs. Thompson said that the water also came across two thirds of her son's property, which is adjacent to her property. Mrs. Thompson said that the water that comes between their properties is raging and said that it was a health issue for anyone that might have small children, animals or whatever. Mrs. Thompson said that there was erosion and just all kinds of stuff going on, and she thought it was a problem because she can't stop the direction of the water. Mrs. Thompson said that they needed to come to a logical means for everybody involved to make this a better situation, because the people in the subdivision behind them are also affected when the water comes down and goes across the road and is obviously down in Waterstone, which she is very sorry about. Mrs. Thompson said that she did not realize the extent of what was going on there, but the problem is huge and needs to be resolved. Mrs. Thompson said that the erosion that is occurring on her property because of the water is substantial. Mrs. Thompson said that her concerns are: flooding, erosion and a lot that has no value now because she can't impede the water and it is unbuildable. Mrs. Thompson said that she does not see the retention pond that she thought was in the original development plan, so she does not know if there are still some issues that need to be addressed. Mrs. Thompson said that they are not even halfway through the development and they have problems, so when they add the other houses they will have a bigger problem. Mr. Thompson said that she hoped the City has some resolutions. Mrs. Thompson said that she wanted to make sure that everyone was very clear that these are not new issues,

because they talked about them before the development ever occurred and said it is a problem.

John Champagne asked Mr. Fleming whether all due diligence, in terms of runoff, was done prior to the development. Mr. Fleming said that all the records suggest that it was, because this development was reviewed and approved by the previous administration in the summer of 2014. Mr. Fleming said that yes it appears as though due diligence was done because there is a signed, sealed statement with the Engineer of Record, on the plan set, attesting to the fact that there is no adverse effect to the neighboring property owners and downstream property owners as a result of the development. Rebecca Huss said that they spoke about Mrs. Thompson's concerns at length and that was something that the Engineer attested to and said that he had insurance to cover if he made a mistake in his calculations.

Mr. Fleming said that he would be happy to answer any questions, and he had a couple of thoughts regarding the conversation at large that they have had this evening. Mr. Fleming said that as far as the design criteria, the City of Montgomery does not have their own dedicated drainage design criteria, the City follows the Montgomery County Design Criteria. The County Design Criteria mandates that they design to a 5-year storm frequency. Mr. Fleming said that all developments that come to the City are reviewed against that standard. Mr. Fleming said that the two events that they saw on April 16, 2016 and again on Memorial Day weekend, so far out strike what is reasonable or possible in design criteria, and are commonly referred to as 500-year events. Mr. Fleming said that statistically speaking, it means that there is a .02 percent chance that you are going to get that storm on any given day. Mr. Fleming said that the City of Houston only requires them to design to a 2 year frequency.

Mayor Jones asked if there was some sort of detention pond at that location, this event would have overrun that by a longshot. Mr. Fleming said that a detention pond would have been designed to contain a 25-year event, so this event would have easily overwhelmed that. Mr. Fleming said that while development is still underway, it has not been closed out and accepted by the City. Mr. Fleming said that they have inspected it once for general compliance with construction drawings and found it to be overall compliant, but there are

a handful of punch list items, but none would directly impact or cause what they saw during this event.

Dave McCorquodale said that it was his understanding that there was no detention pond, it was a direct discharge. Mr. Fleming said that it was his understanding that is not really an intent to have a true detention pond and there is sort of a natural watercourse that runs through there, and Caroline Street was extended and some culverts were placed beneath there, and the intent might have been for the culverts to act as restrictors for the watercourse. Mayor Jones said he understands that you can't engineer to a .02 percent flood, but asked what a normal heavy rain might be and asked if they had any even anecdotal accounts of what happens to that situation in just a normal heavy rain. John Champagne said that he believed that Mr. Fleming had stated that the default criteria was a 5-year event runoff. Mr. Fleming reviewed a map of the area in question. Mr. Fleming said that Mrs. Thompson has an elevation certificate documenting that the finished floor elevation is a minimum of one foot above the flood elevation shown. Mr. Fleming said that they have seen two 500 year events that overwhelmed the natural watercourse, culverts and road. Mr. Fleming said that after going out to Mrs. Thompson's property and seeing the drainage channel the rain events had clearly overwhelmed those as well. However, Mrs. Thompson's home did not flood. Mr. Fleming said that he understands that it is scary to see and not fun to be there while it is happening, but at least in this instance with two 500 year events occurred and the home was constructed properly and there was not structural flooding.

Rebecca Huss asked how much it would cost if the development was built with a 25-year standard instead of the 5-year standard, and whether there was a percentage increase in the cost. Mr. Fleming said that was not something that would be really easy to say because it would be strictly site specific.

Dave McCorquodale said that looking at the overall drainage, and asked about the culverts underneath College Street and asked if we would be looking at those so we are not making a detention pond through her property. Mr. Fleming said that at first glance there are three culverts that run beneath College Street that are not in great shape, but in functional condition. Mr. Fleming said that knowing what we know now, it will be one of the things

that he will add to his list to monitor their condition and if they do get to a point where he felt that they need to be worked on or repaired he will put them to the top of the list. Mayor Jones said that the detention pond at Stowe's feeds into that same channel, so he thought there should be a lot happening upstream even though it is restricted by the road culvert because there is a lot of water coming from upstream that far outweighs what might be coming off of that subdivision. Mr. Fleming said that the Mayor was very astute. Mr. Fleming said that all told within the City limits there are roughly 3,500 acres and part of the challenge faced in a rapidly developing area is large developments that are taking down 200-150 acre parcels are very easy to review drainage for, but an area like this is going to develop in half acre, 2-3 acre parcels, which is what they are seeing. These smaller developments present a challenge. Mr. Fleming said that he can't speak to how things were done in the past, but he can tell them now that they review all developments and apply a lot of scrutiny regarding drainage. They are looking at not only the individual impact the development has, but they are trying to look at it cumulatively in terms of the overall impact caused not just by that parcel but the parcels around them. Mr. Fleming said that they have been taking all that into account.

Mayor Jones said when Mrs. Thompson said she was clearly out of the Floodplain, did she mean the 100-year Floodplain. Mrs. Thompson said that they just asked her to be above the flood elevation based on the County's specifications. Mr. Fleming said that would be a typical design standard. Mayor Jones confirmed that it would be above the 100-year Floodplain. Mr. Fleming said that was correct.

Mr. Fleming said as they move forward and see more probable rain events they will keep an eye on this area, and if they do see something they will advise. Rebecca Huss asked about the City's Floodplain Map and whether it was up to date and current. Mr. Fleming said that they were very current. Mr. Fleming said that in about 2011 FEMA began redrawing all their maps, and the maps in this area were drawn in 2014.

John Champagne said given any location during a certain amount of rain and a certain period of time, is it Mr. Fleming's belief, as a professional engineer, would there be any property immune to flooding. Mr. Fleming said no. Mayor Jones said that Mrs. Thompson contends that this new subdivision is causing the problem, and asked Mr. Fleming for his

thoughts. Mr. Fleming said that based on the two rain events that we have spoken of, he thought that it is impossible to make a reasonable assessment whether that is or is not the case. Mr. Fleming said that these two events would have inundated anything that was designed because we watched the impacts of these two events all over town, with a lot of damages in other areas as well. Mayor Jones said that there were a lot of places under water that he had never seen under water before. Mr. Fleming said that he had also seen water in areas that he had never seen before.

Dave McCorquodale asked Mr. Fleming about when they look at infiltration and the engineer does his calculations do they take into account the particular soil types. Mr. Fleming said that soil type and vegetative cover are taken into account when they are making their calculations. Rebecca Huss asked if there was a difference with trees versus new grass. Mr. Fleming said that it changes the patterns of the runoff and the time it takes the water to be absorbed. Rebecca Huss said that is something that has been happening where there has been a lot of clearing prior to development. Mr. Fleming said that it is all covered under the County Drainage Criteria. Rebecca Huss said that it was illegal to send water to someone else's land or to change the course of the water on your land to effect theirs. Mr. Fleming said that you may not discharge waters in a concentrated fashion. Rebecca Huss asked if you could change the path of the water as long as you don't change the quantity of the discharge. Mr. Fleming said that you can't discharge directly on your neighbor's property, you have to make allotments to convey the water.

John Champagne requested that they move to the next topic. Rebecca Huss said that she appreciated that Mr. Fleming was putting this on the list of items to check regularly and she felt that it was important to stay on top of the matter.

3. Consideration and possible action regarding acceptance of the conveyance of a Public Access Easement by QBS Custom Homes, Inc., a Texas Corporation, to the City of Montgomery, Texas, for and 0.0556 acres or 2,423 square feet of land being part of Lot 7 of West Side at the Park, Section 1, according to the map or plat thereof recorded in Cabinet Z, Sheet 2937, of the Map of Records of Montgomery County Texas (M.C.M.R.), lying in the Benjamin Rigsby Survey, Abstract 31, in Montgomery, Montgomery County, Texas.

Mr. Fleming advised this was just cleaning up an Access Easement issue and pertains to the West Side of the Park development. Mr. Fleming said that when it was originally developed and designed there was plans for an Access Easement to come off of Caroline Street in between lots 10 and 11. During the construction phase the developers engineer contacted the City Secretary requesting to revise that and they did not have any objection then, nor does he have any objection now. Mr. Fleming said that there were a couple options on how to handle it, either file a new plat or leave the original in place and record a new easement, which is what they have chosen to do. Mr. Fleming said that original easement remains in place and they just recorded a second easement.

Rebecca Huss asked if the City will be, at some time, responsible for maintaining the road. Mr. Fleming said that was correct it would be a public road. Dave McCorquodale asked if they would still have a single access. Mr. Fleming said that was correct.

Rebecca Huss moved to approve the request for acceptance of the conveyance of a Public Access Easement by QBS Custom Homes, Inc. Dave McCorquodale seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding an Agreement by and between the Kroger Company and the City of Montgomery for additional funding of the proposed public improvements intended to serve the 52-acre Kroger/Milestone Development. (Tabled at the June 28, 2016 Meeting)

Mr. Foerster advised that they have had a number of teleconferences with the Kroger people, their lawyer, Mr. Fleming, Mr. Yates, himself and Nic Houston, the grant administrator and they have been working on the language of the agreement. Mr. Foerster said that they will have the final draft to be presented to City Council at the next meeting.

Dave McCorquodale moved to table the Item 4. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action regarding construction plans for Heritage Medical Plaza.

Mr. Fleming advised that some of the initial site work has begun on the development, where the old structure and some of the trees have been taken down. Mr. Fleming said the developer has obtained the services of a landscaping architect, and they are finalizing landscaping plans that should come before City Council before the end of the month.

Mr. Fleming said that the last item that was still outstanding and was being discussed was how to approach Houston Street and what improvements would be needed there. Mr. Fleming said the developer has asked for the ability to revise their construction plans to show the planned driveway out onto Houston Street to be phased in at a later date. Mr. Fleming said that the developer wants to move forward with their utility and building construction, while they work through some variance issues with TxDOT. Mr. Fleming said that the developer is prepared to go through construction now, extensively TxDOT could delay that process 120 days, if not more, to review their submission. Mr. Fleming said that he offers no objection to their request.

Mayor Jones said that the reason that they are here is that City Council approved construction drawings, pending the resolution of Houston Street. Mayor Jones said that there is no satisfactory resolution at this time. Mr. Fleming said that he has met with both TxDOT, the developer and his engineering team regarding this matter. Mr. Fleming said that what Mr. Cheatham, property owner, is most interested in is that they take a long look at what exactly they are doing to this particular intersection.

Mr. Fleming said that his will have a very visible impact on the heart of the City, and whatever they do, they will have to live with for the next 30 plus years. Mr. Fleming said that they are also setting how they are going to approach every one of the intersections that will develop along 149 and all the way up to Old Plantersville Road. Mr. Fleming said that he thought it was important that they a good hard look at this intersection and make sure that they get it right. Mayor Jones said the reason that the traffic signal is there at SH105 and Houston Street was because of the Post Office. Mayor Jones said that the north/south traffic is not like it used to be, but he felt that it is in the best interest for Mr. Cheatham's project and the City to get the driveway on Houston Street. Mayor Jones said that he hoped that the Houston Street driveway could get worked out. Mr. Fleming said that he truly

believes that is what everyone wants, and the developer has indicated a willingness to make that happen.

Mayor Jones said that if all fails with the Houston Street driveway, Mr. Cheatham has an entrance/exit on SH105. Mr. Fleming said that some of the conversations that he has had with Mr. Cheatham's engineering team, was that they could always put a statement on the drawings to indicate a willingness or intent, both for the City and the developer, in the near future to make the Houston Street driveway happen. Mr. Fleming said that from a traffic standpoint they know that they need the Houston Street driveway.

Mayor Jones said that by approving this action, it will allow the developer to move on with all phases of construction. Mr. Fleming said that was correct, it would allow the developer to move forward with utility and building construction, assuming the developer has proper building permits. Mr. Fleming said that they would continue to work with TxDOT and the developer probably for the rest of this year to get the Houston Street issue resolved as quickly as possible.

Dave McCorquodale asked about the 25 and 35 foot radius of the intersection that is mentioned in the agenda materials, and asked what radius they were talking about. Mr. Fleming said that right now what they have discussed with TxDOT was a preliminary discussion, because he has not seen a formal variance request at this time. Mr. Fleming said that what they are talking about is a 20 foot radii. Mr. Fleming said that the existing configuration at that intersection (SH105 and Houston Street) would remain and the signal structure would not be relocated. Dave McCorquodale asked if it would be the edge of pavement radii. Mr. Fleming said that it would be the turning radii. Mr. Fleming said that Houston Street would be proposed to be widened to the west. Mr. Fleming said that one thing that is of interest to the City, TxDOT has indicated that they would like to see a 35 foot clip on each corner, recorded by plat, which is something that Mr. Cheatham would have to give up on his side, and the City on the side of Cedar Brake Park. Mr. Fleming said that this would not change the appearance of the intersection and would not require them to move anything in the Park, it would just allow them to put ADA compliant access ramps there in the TxDOT right-of-way. Mr. Fleming said that TxDOT wants the access ramps in their right-of-way so that they are theirs to maintain. John Champagne said those

ramps were going to have to happen. Dave McCorquodale asked if the larger radius would put the driveway on Houston Street closer than what TxDOT would allow. Mayor Jones said that no matter what they do, it will not make it easier for big trucks to turn onto Houston Street. Mr. Fleming said that he did not think that intersection would ever be designed for big trucks, but what it will do when they add additional paving and widen Houston Street, it will make it more of a true two lane road and facilitate traffic. Mayor Jones asked to confirm that they would not need a turning lane. Mr. Fleming said that was correct, Houston Street would be strictly a two lane road that will taper down as they move north.

Rebecca Huss said that she would like to see an escrow account for this development if they do decide to move forward and allowing construction. Rebecca Huss said she thinks that it would give the City certainty that it will happen in a time that suits the City as opposed to what the developers finances will allow when TxDOT finally gives their blessing. Rebecca Huss said the escrow account would give the City the confidence that the construction completion will occur at the time it is scheduled. John Champagne asked if that was a motion. Rebecca Huss said that she did not know if they needed to make a motion for this because Mr. Fleming said that this was a discussion. John Champagne said that he felt that it was open for recommendations and motions.

Mr. Foerster said that the agenda states "consideration and possible action regarding construction plans" so he felt that it was appropriate to have a motion. Mr. Foerster said that Mr. Cheatham was present and could speak to anything that Mr. Fleming has referred to and might have issue with. Mr. Foerster said that it was their understanding that Mr. Cheatham was prepared to submit \$75,000 for the Houston Street. Mayor Jones asked if those funds were to be held in escrow or just promised.

Mr. Cheatham stated that they have proper permits and they have offered to make improvements to Houston Street, so they don't need to have escrow agreements. Mr. Jonathan White, with the developer, advised that at the end of the day everybody wants the driveway off of SH 105. Mr. White said that they have had the discussion regarding how dangerous it would be to leave a medical facility and having to turn left onto SH105 into oncoming traffic. Mr. White said that they are wanting to guarantee this project and they

are willing to contribute as much as, with contingencies, up to \$100,000. Mr. White said that once they can finalize the plans and get bids, hopefully they will be able to bring that cost down to hopefully what Mr. Cheatham is willing to contribute. Mr. White said that this is a pretty large commitment and it is going to set a precedence for every intersection moving forward. Mr. White said that they are not really willing to do a financial guarantee at this time. Mayor Jones asked if they were willing to operate the development without the driveway in perpetuity. Mr. White said that was correct.

Mr. Yates said that the reason this was before City Council was because he felt that he needed City Council direction on this matter rather than having it made at staff level. Mayor Jones said that the direction is to allow them to continue construction with the resolution of a future Houston Street driveway still pending. Mayor Jones said that would allow the developer to keep working.

Mr. Fleming said that the developer was certainly free to construct with unapproved plans, solely at their own risk, which is one option. Option two would be to have the City Engineer sign the plans with them, as approved, so that they can move forward with construction onsite with approved drawings, with the understanding and the hope being that it they can work out Houston Street. Option three would be to continue to hold the plans as not approved at this time.

Mr. Fleming said that, he would defer to legal counsel on this, strictly according to the Code of Ordinances, they are almost to a point where all requirements have been met from the design standpoint. Mr. Fleming said if they remove the driveway to Houston Street from their plans then it removes the original variance request for the driveway. Mayor Jones asked if that was what the developer was asking. Mr. Fleming said that the developer wants to show the driveway on Houston Street as being phased in at a later date, effectively stalling the variance request right now and allow the developer to move forward with their site work and construction.

Mayor Jones asked if City Council could vote tonight on the construction drawings without the driveway on Houston Street. Mr. Fleming said that the City Council had already

approved the construction drawings, they were just pending resolution of the design of Houston Street.

John Champagne said that he was a little confused and asked if the developer had met all the requirements that the City has in place. Mr. Fleming said that if the driveway on Houston Street is shown as being phased in at a later date, yes they have. John Champagne asked if the approval of this be contingent upon when the driveway is phased in, that it has to meet the requirements that might be in place at that time. Mr. Fleming said that the contention is that the developer has some financial obligations related to them moving forward with the development on the site, and stated yes to the question.

Rebecca Huss said that she would still like to see what type of guarantee they are going to provide, because the traffic control structure on Shephard Street still has not been installed. Rebecca Huss said that she would like to have the funds in escrow, and she understands the point that if it does not happen then it would not make sense for the City to have the funds. Rebecca Huss said that there could be some language in the escrow agreement that would return the funds if TxDOT denies the developer's request. Mr. Yates said that if they remove the variance request, staff would have no other choice but to approve the construction plans because they have met all the obligations.

John Champagne moved that the developer be allowed to begin construction, and at a later date if they want to phase in the Houston Street driveway that the requirements would be met at that time.

Mr. Foerster asked Mr. Fleming if he was comfortable with that motion. Mr. Fleming said that he was comfortable with the motion. Rebecca Huss asked if the motion would rescind the variance request for Houston Street that City Council granted previously. Mr. Fleming said that he would say that it would place it on hold.

Mr. Foerster said, for clarification of the record, there is no commitment on the part of Mr. Cheatham or the City, with respect to that access on Houston Street. Mr. Yates said that was correct. John Champagne said that as far as he was concerned the motion, the driveway is a non-issue until there is a commitment to phase it in at a later date. Mayor Jones asked

to confirm that the construction drawings have been approved. Mr. Fleming said that the construction drawings have been approved by City Council, they just have not been signed and returned by the City Engineer. Mr. Foerster said that the grant for the variance is now being withdrawn and asked if that was correct. Mr. Fleming said that as he had stated, the variance request was being placed on hold because the variance request was approved, pending resolution of the driveway on Houston Street.

Rebecca Huss said that she felt that the variance should be stricken, because in two or three years or in the future, City Council might have a completely different perspective, and you would not want to have a variance based on historical circumstances. John Champagne said that his motion did not include the variance. Rebecca Huss said that the variance was granted at a previous date. John Champagne said that the variance would be addressed with the proposed phased in driveway at that time. Mayor Jones said that the variance is only applicable if there is a driveway on Houston Street, and there is no driveway.

Mr. Fleming said that he would hate to jeopardize the partnership between the developer and the City to see some improvements to Houston Street through completion. Dave McCorquodale asked about phasing in a driveway and what would be required to be done. Mr. Fleming said that the driveway would be shown on the construction plans, with a note that it would be phased in at a later date, with a qualifier that they would have to notify City staff. Dave McCorquodale asked if the TxDOT request would be impacted at all or was that a separate issue. Mr. Fleming advised that was really a separate issue for improving Houston Street as the City feels it needs to be done, it will be the widening of the intersection at SH105.

Mayor Jones asked to confirm that everyone knows what the motion is and what they are voting on. Rebecca Huss asked the City Secretary, Susan Hensley, to read back the motion.

Ms. Hensley advised that the motion read “John Champagne moved to approve allowing the developer to continue, and if at a later date phase in the driveway, and put the requirements of the variance on hold until a later date when it would be reissued.”

John Champagne said that there was consternation on the “hold of the variance” and asked if City Council would rather see the variance separate. Mr. Fleming said that his cause for concern, which City Council might want to weigh in on, because the variance was already approved pending resolution of the Houston Street issue.

John Champagne amended his motion, and moved to make the variance a non-issue.

Mayor Jones asked whether the variance on the driveway was approved, and what happens when the driveway does happen to come up. John Champagne said that the variance has been approved and is not contingent upon anything. Mayor Jones said that it was not contingent, but when the driveway part happens. John Champagne said that the variance has already been approved.

Ms. Hensley confirmed that reference to the variance would be stricken from the motion. John Champagne said that was correct. Mr. Foerster asked that the motion be repeated.

Ms. Hensley stated “John Champagne moved to approve allowing the developer, Mr. Cheatham, to continue construction, and, if at a later date, phase in work on the Houston Street driveway.” Dave McCorquodale seconded the motion.

Discussion: Dave McCorquodale said that any improvements to that intersection will no doubt be a benefit to this parcel of land, but there is a whole lot of the City on the north side of SH 105 that will also benefit. Dave McCorquodale said that he believed that the developer bought the tract of land with his eyes wide open because he lives and works right at that intersection. Dave McCorquodale said that our governments, either local, state or regional, made that intersection, so if the developer is willing to help solve the problem he thinks that is great. Dave McCorquodale said that the situation was created by government and, to him, the burden ultimately seems like it would fall on the government to solve. Dave McCorquodale said that as was said before, everybody wants a successful resolution. John Champagne said that he agreed. Dave McCorquodale said that, it seems to him, that TxDOT and the City should be the ones to take the lead in solving this matter. Mayor Jones said that TxDOT won’t and does not have as much interest in Houston Street as the City does, unless there are people getting killed at the intersection.

Mr. Foerster said that he agrees with what is being said, and said that he did not want City Council to forget one of the points that Mr. Fleming made, that whatever the City does here will set a precedence for other streets coming off of SH105, and said that he wanted to make sure that City Council was aware of that. Mayor Jones said that it may depend on the circumstance. Mr. Foerster said that was correct. John Champagne said that was assuming they have another street with a driveway coming off of SH 105. Mayor Jones said that they do.

Mr. Fleming said that most of the secondary and minor streets that are tying into SH 105, both north and south, are in his opinion under designed for what they are getting right now and what they are about to get in traffic volumes over the next few years. Mr. Fleming said that at some point, in the relatively near future, he felt that they would be addressing every one of these streets that will probably involve commercial development. Mr. Fleming said that the majority of SH 105 will develop commercial and is already zoned for that use.

The motion carried unanimously. (4-0)

6. Presentation of the Police Lifesaving Awards to the following officers for their actions above and beyond to save the life of Bill Webb:

Sergeant Todd Barrow, Montgomery ISD Police

Deputy Tim Shackleford, Montgomery County Precinct 2 Constables Office

And recognizing Montgomery Police Officers for assisting during this event, as follows:

Officer James Bracht

Office Tim Bauer

Chief Napolitano thanked everyone, family, friends and City Council, for being present. Chief Napolitano recognized Precinct 2 Constable Gene DeForest and his Chief Deputy Steve Roper, who he has worked with for over 30 years in law enforcement.

Chief Napolitano said that April 8, 2016 was a beautiful day in Montgomery, and one of our residents decided to go for a bike ride to Dobbin. In the meantime, the law enforcement officers were out patrolling the area. As, Mr. Webb was making his way back from his

bike ride, he suffered a massive heart attack on SH 105. Sergeant Todd Barrows, with Montgomery ISD, and Deputy Tim Shackleford, with Precinct 2 Constables Office, were coming at each other on SH 105 when they saw Mr. Webb in the middle of the street. Both officers immediately stopped to assist Mr. Webb and find out what happened. Chief Napolitano said that he blocked traffic at the scene. Officer James Bracht and Officer Tim Bauer came to scene assist. Deputy Shackleford immediately began CPR and Sgt. Barrows got an AED from his patrol vehicle. Sgt. Barrows administered the AED on Mr. Webb, and continued CPR. Officer Bracht, as a bike rider, checked the bike and was able to locate identification for Mr. Webb on the bike. When EMS showed up on the scene they took over and transported Mr. Webb to the hospital. Chief Napolitano said that he and Sergeant Becky Lehn took Mrs. Webb to the hospital. Chief Napolitano said that teamwork pays off, and it does not matter if they are Pct. 2 Constable or with Montgomery Police Department, they work as a team. Chief Napolitano said that the teamwork works very well, especially out here in the City of Montgomery.

Chief Napolitano said that he had to thank all the citizens, because lately in the last 4-5 days with the things that are happening around the state and country, the people have been great to the department. Chief Napolitano when they go to get something to eat, they can't even pay for the food, someone has already paid the bill anonymously.

Chief Napolitano said that these officers did their job, and they did an extraordinary job. Chief Napolitano awarded the Life Saving Medal to Sergeant Todd Barrow, Montgomery ISD Police and Deputy Tim Shackleford, Montgomery County Precinct 2 Constables Office. Chief Napolitano presented plaques of appreciation recognizing all the officers.

Chief Napolitano invited everyone to a reception following the meeting to mingle and talk with the officers.

Chief Napolitano thanked the City of Montgomery and said that it was an extreme honor to work here and be part of this team from top to bottom. Chief Napolitano said that the City has hired a great bunch of kids that will be out there fighting for them.

7. Consideration and possible action regarding adoption of a Proclamation of Appreciation to the Webb Family for their contribution of five (5) AED's (Automated External Defibrulators) to the City of Montgomery.

Mayor Jones invited Sergeant Lehn to speak regarding this item. Sergeant Becky Lehn said that they went to the Webb residence and picked up Mrs. Rhonda Webb and took her to the hospital. Sgt. Lehn said that they did not know that her daughter is a doctor in Oklahoma. Sgt. Lehn said that when they were discussing the fact that if Sgt. Barrow had not had an AED on the side of the road, Mr. Webb would not be alive right now. Sgt. Lehn said that the City of Montgomery did not have any AED's in their patrol cars or in the department. So it was by the grace of God that Sgt. Barrow and Deputy Shackelford were on the scene.

Sgt. Lehn said that after talking with Mrs. Webb's daughter, her daughter Shannon put on a Go Fund Me page regarding AED's. Her goal was to get at least 2-4 AED's for the City. They ended up raising \$8,000 and purchasing 5 AED's for the City. The City also purchased 5 more units. Sgt. Lehn said that now they have 10 AED's, all officers have availability of the units, two units are here inside City Hall and the public works guys are now carrying AED's. Sgt. Lehn said that had it not been for Mrs. Webb and her daughter putting this all together, we still would not have these AED's. Sgt. Lehn then expressed her appreciation and thanked the Webb family.

Mrs. Rhonda Webb, with Mr. Webb, said that it might have been their idea, but it was the people that just flooded in with funds, including their church, other churches and all their friends and family that did so much.

Mayor Jones then read the Proclamation of Appreciation to the Webb Family, into the record as follows:

To recognize the Webb Family for their contribution of five (5) Automated External Defibrulators (AED's") to the City of Montgomery:

WHEREAS, the Webb Family faced a fateful event that occurred on April 8, 2016 when Mr. Webb suffered a heart attack on the side of SH 105; and

WHEREAS, the Webb Family feels strongly that the City of Montgomery should have AED's readily available when someone else is suffering a cardiac emergency.

Now, therefore, the City Council of the City of Montgomery, Texas hereby Proclaim:

Their heartfelt appreciation to the Webb Family for their generous donation of the AED's to the City of Montgomery, providing someone else the lifesaving opportunity should they be in need of the service.

Rebecca Huss moved to approve the Proclamation. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Mr. Webb said that he wanted to say that there were so many people involved in this. Mr. Webb said that his church was very involved and he appreciated all their wonderful support. Mr. Webb thanked the entire community of Montgomery, which has been their family home for years and years. Mr. Webb said that they are very proud to be members of this community and said thank you very much.

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.

8. Convene into Closed Executive Session pursuant to the Texas Open Meetings Act at Sections 551.071 of the Texas Government Code to meet with the City Attorney to receive confidential legal advice.

Mr. Foerster advised that he did not think there was any need to go into Executive Session. Mayor Jones said that City Council has the opportunity to go into Executive Session, but he is being advised that there is no need. City Council did not go into Executive Session.

Mayor Jones invited everyone to stay after the meeting for a little celebration with cookies and refreshments.

9. 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

John Champagne moved to adjourn the meeting at 7:25 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

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

Mayor Kirk Jones

Montgomery City Council
AGENDA REPORT

ITEM #2

Meeting Date: July 26, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits:
Date Prepared: July 21, 2016	

Subject

Excess debt tax collections action

Discussion

This is a required statement-even though there were no excessive debt collections for 2015. This is according to Tammy McRae the County Tax Assessor/Collector. I do not remember us doing this last year but that apparently it is necessary this year.

Recommendation

Approve as part of the Consent Item Agenda.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016 Date:



Tammy J. McRae
Tax Assessor/Collector
Montgomery County

July 11, 2016

TO: All Jurisdictions Levying a 2016 Debt Service

RE: Consent Agenda Item for Governing Body

“CONSIDER AND ACCEPT EXCESS COLLECTIONS FOR 2015 DEBT SERVICE
AND CERTIFICATION FOR DEBT SERVICE COLLECTION RATE FOR 2016/2017”

Dear Governing Body;

Enclosed is the above information for your consent agenda. Please contact me should you have questions.

Best Regards,

A handwritten signature in purple ink that reads "Tammy McRae".

Tammy McRae, PCAC



Tammy J. McRae
Tax Assessor/Collector
Montgomery County

July 11, 2016


CITY OF MONTGOMERY
2016-2017 ANTICIPATED COLLECTION RATE
2015 EXCESS DEBT TAX COLLECTIONS

In accordance with the certification requirements of Section 26.04(b), Texas Property Tax Code, the following information is provided for use on the Rollback Tax Rate Worksheet:

The anticipated collection rate for 2016 is 100%, as calculated under Sec. 26.012(2).

Excess 2015 debt tax collections are \$0.00. This amount is to be used in the 2016 debt tax rate calculation because the 2015 actual debt tax collection rate met the anticipated 2015 debt collection rate which was equal to 100%, pursuant to Sec. 26.04(e)(3)(C), Texas Property Tax Code.

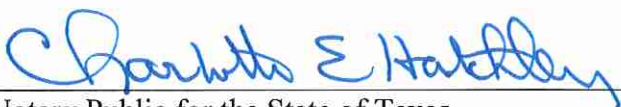
I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND COMPLIES WITH THE CERTIFICATION REQUIREMENTS OF SECTION 26.04(b), TEXAS PROPERTY TAX CODE.



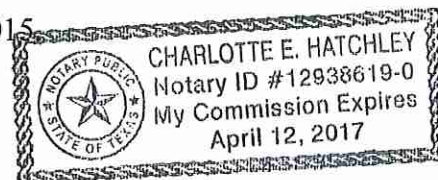
Tammy McRae
MONTGOMERY COUNTY
TAX ASSESSOR/COLLECTOR

The amount of taxes refunded in tax year 2015 for prior years is \$921.00. Included in the amount are refunds from court decisions, Sec. 25.25(b) and (c) corrections, and Sec. 31.11 payment errors. The amount is to be entered on line 13 of the Effective Tax Rate Worksheet.

Sworn and subscribed before me this 11 day of July, 2015



Notary Public for the State of Texas



**MONTGOMERY COUNTY TAX OFFICE
EXCESS DEBT SERVICE TAX COLLECTIONS REPORT FOR
JULY 1, 2015 THRU JUNE 30, 2016**

ENTITY: 303 - CITY OF MONTGOMERY

MONTH	YEAR	1 CURRENT COLLECTIONS	2 DELINQUENT COLLECTIONS	3 P&I	4 TOTAL	5 CURRENT I&S (INCLUDES P&I)	6 DELINQUENT I&S (INCLUDES P&I)	7 CURRENT M&O (INCLUDES P&I)	8 DELINQUENT M&O (INCLUDES P&I)	TOTAL
7	2015	0.00	3,408.14	505.76	3,913.90	0.00	2,465.53	0.00	1,448.37	3,913.90
8	2015	0.00	174.45	36.86	211.31	0.00	133.75	0.00	77.56	211.31
9	2015	0.00	499.67	112.12	611.79	0.00	387.24	0.00	224.55	611.79
10	2015	2,070.71	425.75	101.47	2,597.93	1,052.55	334.05	1,018.16	193.17	2,597.93
11	2015	29,814.90	320.62	87.66	30,223.18	15,155.02	258.80	14,659.88	149.48	30,223.18
12	2015	148,515.31	270.51	62.23	148,848.05	75,490.81	211.18	73,024.50	121.56	148,848.05
1	2016	182,291.33	509.73	398.42	183,199.48	92,659.28	530.60	89,632.05	377.55	183,199.48
2	2016	107,576.65	1,549.91	662.26	109,788.82	54,897.59	1,134.40	53,103.89	652.94	109,788.82
3	2016	13,543.94	2,079.67	1,386.52	17,010.13	7,380.63	1,580.25	7,139.46	909.79	17,010.13
4	2016	9,338.48	63.67	1,034.14	10,436.29	5,263.81	51.18	5,091.84	29.46	10,436.29
5	2016	6,711.65	58.02	765.15	7,534.82	3,792.55	46.76	3,668.62	26.89	7,534.82
6	2016	2,824.47	67.04	425.82	3,317.33	1,642.68	54.37	1,589.01	31.27	3,317.33
TOTAL:		502,687.44	9,427.18	5,578.41	517,693.03	257,334.92	7,188.11	248,927.41	4,242.59	517,693.03
TOTAL CREDIT:		1,449.13	971.68	25.60	2,446.41	744.93	623.05	720.56	357.87	2,446.41
TOTAL NET:		501,238.31	8,455.50	5,552.81	515,246.62	256,589.99	6,565.06	248,206.85	3,884.72	515,246.62
			TOTAL COLUMNS 5 & 6:	254,523.03						
			DEBT SERVICE:	264,999.00						
			TOTAL EXCESS/DIFFERENCE:	-475.97						

Montgomery City Council
AGENDA REPORT
ITEM #3

Meeting Date: July 26, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits:
Date Prepared: July 21, 2016	

Subject

Resolution regarding Montgomery County Emergency Communications District operating budget.

Discussion

As a member of the district is required that the city approve the operating budget. The budget appears much as it was last year. Enclosed is the Resolution and information about the District and the budget.

Recommendation

Approve as part of the Consent Item Agenda.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016 Date:



MEMORANDUM

TO: County and City Officials

FROM: Chip VanSteenberg, Executive Director

DATE: July 6, 2016

SUBJECT: MCECD Proposed Budget for Fiscal Year 2017

The Board of Managers for Montgomery County Emergency Communication District (MCECD) proposes the attached budget for the fiscal year that begins on October 1, 2016. This memo provides information about MCECD and the proposed budget.

MCECD INFORMATION

The Montgomery County Emergency Communication District (MCECD) is a special purpose district authorized and created under Chapter 772 of the State of Texas Health and Safety Code. MCECD is governed by a Board of Managers which consists of two members appointed by the Montgomery County Commissioner's Court, two members elected by the cities within the county and one member elected by the volunteer fire departments that operate in the county. The principal provider of telephone service in the county appoints a non-voting member to the board.

MCECD responsibilities are to:

- Provide and maintain the hardware, software and connections for a county-wide 9-1-1 system consisting of four public safety answering points (PSAPs) and a back-up facility at the county's Emergency Operations Center.
- Provide financial support to the two primary PSAPs which answer all 9-1-1 calls and route them to the appropriate agency depending upon location and the nature of the emergency.
- Maintain a Geographic Information System (GIS) and a comprehensive database of street center lines, street names, address ranges, service boundaries and other critical information.

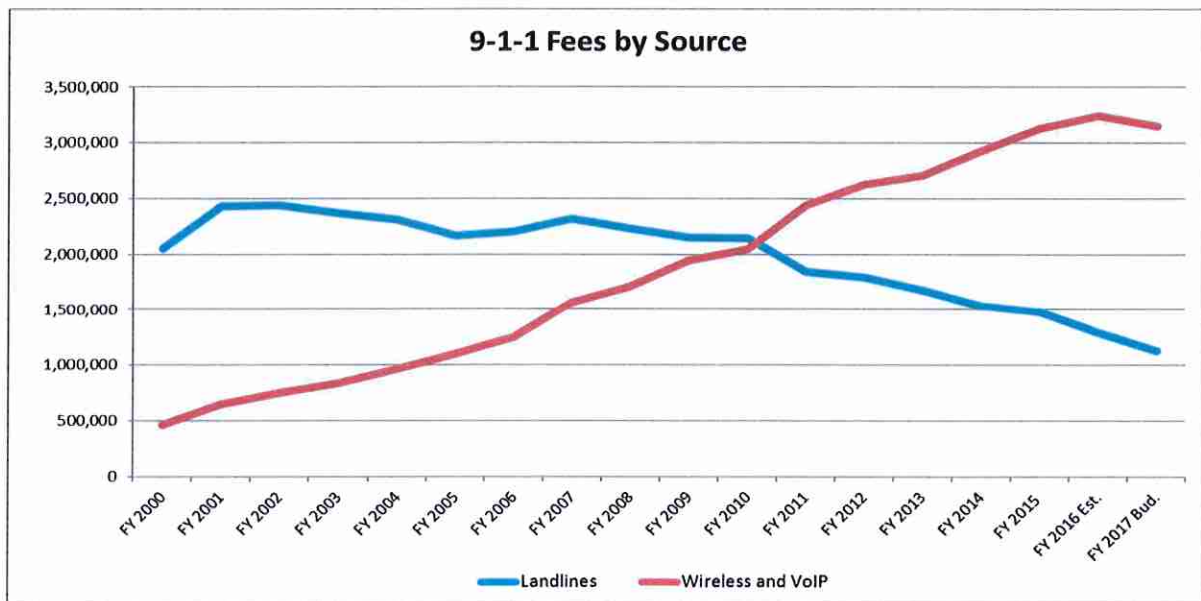
- Serve as the official addressor for the entire county
- Provide an early warning communication service
- Conduct public education on when and how to use the 9-1-1 system
- Assist PSAPs in training call-takers and dispatchers in the use of the 9-1-1 system

PROPOSED BUDGET - REVENUE

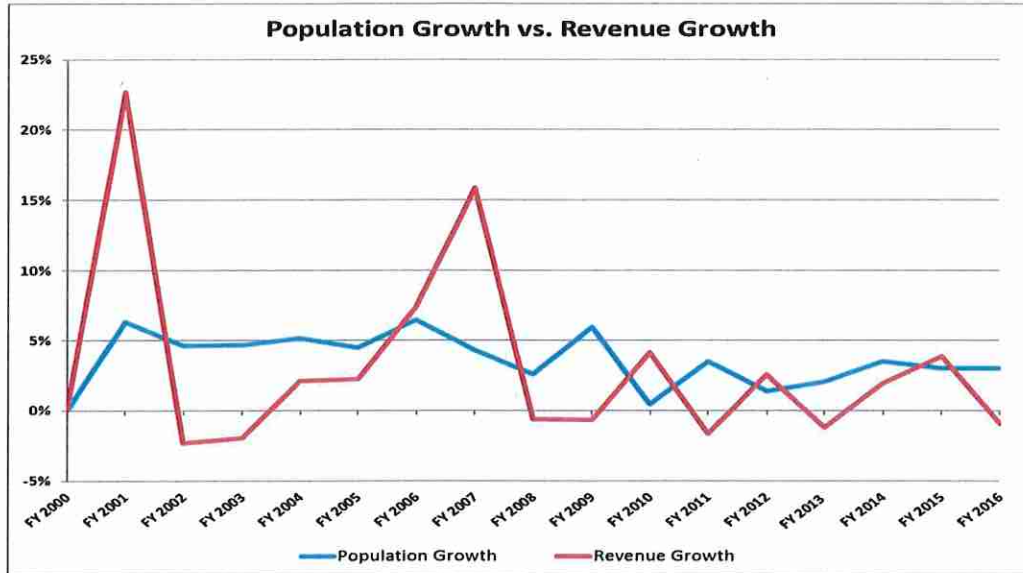
MCECD is funded primarily by fees assessed on telephone service; the amount of the fee varies by the type of service. The fee for local exchange access lines (commonly known as land lines) and for static Voice over Internet Protocol (VoIP) customers is 6% of the rate charged. The amount of the fee ranges from \$0.62 to \$1.66 per month for residential service. For business customers, the monthly fee starts at \$1.29 and goes up to \$2.23. Residents choosing telephone service provided over a device connected to the internet (known as Nomadic VoIP) pay \$0.50 per month. Landline and VoIP fees paid by Montgomery County customers are remitted directly to MCECD.

Mobile phone customers who contract for monthly service are assessed a fee of \$0.50 per month, per phone. Customers purchasing pre-paid wireless plans pay a 9-1-1 fee equal to 2% of the retail price for airtime. The wireless fees are collected by the service providers and paid directly to the State of Texas. The state then remits a proportional share of the revenue to emergency communication districts based on population.

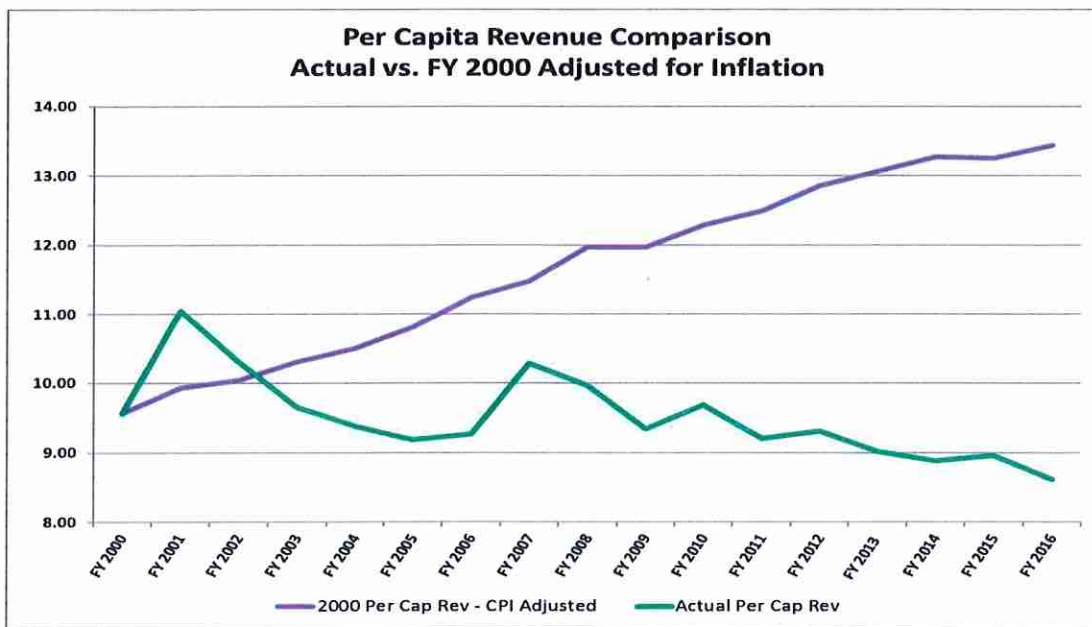
The long term trend shows phone customers replacing land lines with wireless phones and VoIP service. Therefore, revenue from wireless and VoIP providers is on the rise while land line revenue is still declining, as demonstrated here.



Overall, MCECD's revenue growth averaged 3.4% since Fiscal Year 2000. During that same time, the population growth has averaged 3.8% per year. This chart shows the annual change in revenue compared against the change in population.



Although revenue growth has kept up with the county's growing population, it has not kept pace with inflation. MCECD collected \$9.11 in 9-1-1 fees per person in 2000. That amount has fallen to \$8.62 per person, a decrease of 49¢ per person. If adjusted for inflation, the 2000 amount equals \$13.44 in today's dollars. Therefore, MCECD is providing 9-1-1 service for 36% less than in Fiscal Year 2000.



MCECD expects to collect \$4,299,700 of revenue in FY 2017 which is just 0.1% more than the budget for the current year. In spite of this small increase, the district is adequately funded and maintains adequate reserve balances for operations and capital purchases.

PROPOSED BUDGET - OPERATING EXPENDITURES

Expenses are budgeted at \$4,159,400 which is 3.1% below the budget for FY 2016. Nearly half of the MCECD proposed operating budget is accounted for by two types of expenditures. The largest is \$1,588,000 for call taking services. MCECD contracts with the Montgomery County Sheriff's Office (MCSO) and the Conroe Police Department (CPD) to answer all 9-1-1 calls generated in the county. The other large set of expenditures is \$320,000 for the data and phone connections needed to keep the system operating.

PROPOSED BUDGET – CAPITAL EXPENSES

The largest planned capital is expense is \$400,000 of MCECD contributions to encourage improvements within the PSAPs operated by the four partnering agencies. MCECD will contribute a maximum of \$100,000 toward a project that will improve the PSAP or the 9-1-1 call experience. Other anticipated capital expenses include replacing the district's emergency generator (\$115,000), purchasing four additional mobile 9-1-1 workstations (\$200,000), and replacing the computer servers for the Geographic Information System (\$42,000).

RESOLUTION NO. 2016-07

RESOLUTION APPROVING THE MONTGOMERY COUNTY
EMERGENCY COMMUNICATION DISTRICT BUDGET FOR
FISCAL YEAR 2017

WHEREAS, on June 30, 2016 the Board of Managers of the Montgomery County Emergency Communication District (MCECD) adopted a proposed budget for the fiscal year that begins on October 1, 2016; and

WHEREAS, the MCECD Board of Managers has submitted the proposed budget to City of Montgomery (Name of Participating Jurisdiction) for approval in accordance with the Emergency Telephone Act of the Texas Health and Safety Code, Section 772.309; and

WHEREAS, to be effective the budget must be approved by the Montgomery County Commissioners Court and by a majority of the governing bodies of the participating jurisdictions; and

WHEREAS, if the governing body of a participating jurisdiction does not approve or disapprove of MCECD's budget before the sixty first (61st) day after the date receipt, the budget is approved by that participating jurisdiction by operation of law; and

WHEREAS, the budget is satisfactory as submitted;

NOW, THEREFORE, BE IT RESOLVED BY THE City of Montgomery
(Governing Body of the Participating Jurisdiction) that the Montgomery County Emergency Communication District's Budget for Fiscal Year 2017 is approved.

Passed and approved this 26th day of July, 2016.

Title: Mayor Kirk Jones

ATTEST: _____

Name: Susan Hensley

Title: City Secretary



**Montgomery County Emergency
Communication District
Proposed Budget for Fiscal Year 2017**

OPERATING REVENUES & EXPENSES	FY 2016 Budget	FY 2017 Budget
REVENUES		
911 Fees - Landlines	\$ 1,274,500	\$ 1,128,300
911 Fees - Wireless	\$ 2,429,600	\$ 2,456,800
911 Fees - VoIP	\$ 585,000	\$ 693,000
Investment Income	\$ 4,800	\$ 18,000
Other Income	\$ 3,600	\$ 3,600
Total Revenues	\$ 4,297,500	\$ 4,299,700
OPERATING EXPENSES		
Cost of Services	\$ 2,570,100	\$ 2,346,500
Personnel Costs	\$ 1,260,300	\$ 1,360,200
General & Administrative Costs	\$ 462,300	\$ 452,700
Total Expenditures	\$ 4,292,700	\$ 4,159,400
Surplus of Revenues over Expenditures	\$ 4,800	\$ 140,300
Emergency Allocation for Repairs and Replacements	\$ 500,000	\$ 500,000
CAPITAL OUTLAY	FY 2016 Budget	FY 2017 Budget
Estimated Project Costs		
9-1-1 System	\$ 50,000	\$ 200,000
PSAP Improvement Grants	412,000	400,000
Other Technology	13,500	42,000
Facilities	136,000	187,000
Vehicles	-	-
Total Estimated Project Costs	\$ 611,500	\$ 829,000



**Montgomery County Emergency
Communication District
Proposed Budget for Fiscal Year 2017**

Cash Flow Estimates

Operating Funds

Estimated Cash Balance on 10/1/2015	\$ 5,781,300
Surplus of Revenues over Expenditures	140,300
Net Funds Available	5,921,600
Operating Reserve (4 months of expenses)	1,386,500
Emergency Allocation for Repairs and Replacements	500,000
Capital Reserve	4,485,100
Total for Restricted Reserves	5,871,600
Unencumbered Reserves (est. on 9/30/2017)	\$ 50,000

Capital Outlay

Estimated Capital Reserve on 10/1/2016	\$ 4,485,100
Net Proceeds from Operations	140,300
Available for Capital Outlay	4,625,400
Capital Outlay Budget for FY 2017	829,000
Estimated Capital Reserve on 9/30/2017	\$ 3,796,400

**Capital Improvement Plan
FY 2017 - FY 2021**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	Total
Beg. Balance - Capital Imp. Fund	4,485,100	3,796,400	3,204,400	1,319,400	782,400	
Estimated Operating Surplus	140,300	-	-	-	-	
Capital Plan Summary						
9-1-1 System	600,000	450,000	1,850,000	450,000	650,000	4,000,000
Other Technology	42,000	42,000	-	52,000	52,000	188,000
Facilities	187,000	70,000	35,000	35,000	35,000	362,000
Vehicles	-	30,000	-	-	45,000	75,000
Capital Plan Grand Total	829,000	592,000	1,885,000	537,000	782,000	4,625,000
Ending Balance - Capital Imp. Fund	3,796,400	3,204,400	1,319,400	782,400	400	

**Capital Improvement Plan
FY 2017 - FY 2021**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	Total
9-1-1 System						-
Microwave data network improvements	-	50,000	-	50,000	-	100,000
9-1-1 system upgrades	-	-	1,200,000	-	-	1,200,000
Mobile 9-1-1 workstations	200,000	-	250,000	-	250,000	700,000
PSAP improvement participation program	400,000	400,000	400,000	400,000	400,000	2,000,000
Subtotal for 9-1-1 System	600,000	450,000	1,850,000	450,000	650,000	4,000,000
Other Technology						
Replace GIS servers	42,000	-	-	52,000	-	94,000
Replace LAN servers	-	42,000	-	-	52,000	94,000
Subtotal for Other Technology	42,000	42,000	-	52,000	52,000	188,000
Facilities						
Replace generator	115,000	-	-	-	-	115,000
Replace HVAC units	12,000	35,000	-	-	-	47,000
Interior Improvements	10,000	10,000	10,000	10,000	10,000	50,000
Exterior Improvements	50,000	25,000	25,000	25,000	25,000	150,000
Subtotal for Facilities	187,000	70,000	35,000	35,000	35,000	362,000
Vehicles						
Replace pick-up truck	-	-	-	-	45,000	45,000
Replace SUV	-	30,000	-	-	-	30,000
Subtotal for Vehicles	-	30,000	-	-	45,000	75,000
Grand Total - All Categories	829,000	592,000	1,885,000	537,000	782,000	4,625,000

Montgomery City Council
AGENDA REPORT

ITEM #4

Meeting Date: July 26, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits:
Date Prepared: July 21, 2016	

Subject

Nomination of a Board member to the Montgomery County Emergency Communications District Board

Discussion

The nomination suggested is Vicky Rudy, City Manager of Oak Ridge North. Ms. Rudy has been on the Board for several years and has written an e-mail asking for re-appointment.

Recommendation

Approve as part of the Consent Item Agenda.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016 Date:



Montgomery County Emergency Communication District

July 5, 2016

Mayor Kirk Jones
City of Montgomery
Post Office Box 708
Montgomery, Texas 77356

Dear Mayor Jones:

The Montgomery County Emergency Communication District (MCECD) oversees and administers the 9-1-1 system for all of Montgomery County. Over 185,000 Montgomery County residents dialed 9-1-1 last year when they urgently needed a police officer, the fire department or emergency medical care.

MCECD is governed by a five member Board of Managers appointed for staggered terms of two (2) years. Two of the members are appointed by a majority vote of the cities within the county. Two others are appointed by the County Commissioners Court and the remaining member is appointed by the fire chiefs of the volunteer fire departments. (All appointments are governed by Texas Health and Safety Code, Section 772.306 c 1A.) The board currently consists of the following persons:

- Appointed by the cities: Paul Virgadamo and Vicky Rudy
- Appointed by the Commissioners Court: Jim Simon and Ryan Gable
- Appointed by the fire departments: Bob Hudson

The term for Vicky Rudy expires on September 30, 2016. Ms. Rudy is willing to remain serving as a city appointee. Your city may submit a nomination for Ms. Rudy or another qualified individual for a two-year term, expiring September 30, 2018.

Please complete and return the enclosed nomination form as soon as possible but no later than Thursday, July 21, 2016. A ballot with the names of all the nominees will be sent in August for your city's final vote.

If you should have any questions, please call me at (936) 523-5915. Thank you for your consideration in this matter.

Sincerely,

Chip VanSteenberg
Executive Director

Enclosure



Montgomery County Emergency Communication District

**Cities of Montgomery County
9-1-1 Board of Managers Appointment
To serve the two-year term
October 1, 2016 - September 30, 2018**

NOMINATION FORM

Nominee:

Name: Vicky Rudy

City of Montgomery

Date: July 26, 2016

Printed Name: Mayor Kirk Jones

Signature: _____

Please complete and fax to (936) 539-9111, or email to tgill@mc911.org, no later than close of business on Thursday, July 21, 2016.

Montgomery City Council
AGENDA REPORT

ITEM #5

Meeting Date: July 26, 2016	Budgeted Amount: No effect
Department:	
Prepared By: Jack Yates	Exhibits:
Date Prepared: July 21, 2016	

Subject

Setting the 2016-2017 Budget Public Hearing

Discussion

The planned date for the public hearing on the budget is August 9th. It does not have to be a finalized budget at that time. This is for public comment regarding the budget.

recommendation

Set the Public Hearing.

okay

Approved By		
Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016 Date:

Montgomery City Council
AGENDA REPORT

ITEM #6

Meeting Date: July 26, 2016	Budgeted Amount: No effect
Department:	
Prepared By: Jack Yates	Exhibits:
Date Prepared: July 21, 2016	

Subject

Leave of absence to Jon Bickford

Discussion

Attached is an email from Mr. Bickford explaining that he will not be able to be at the July 12, 26 and August 9th meeting, with the response from the City Attorney that the Council may grant a leave of absence.

The leave of absence has no guidelines, just Council approval is necessary. If you are not to grant a leave of absence Mr. Bickford would be removed from the Council, subject to reappointment, or not, in the end following his removal.

recommendation

Grant the leave of absence.

okay

Approved By

Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016 Date:



Hensley, Susan <shensley@ci.montgomery.tx.us>

RE: City Council Meeting Agenda Pack - July 12, 2016 Regular Meeting

1 message

Larry Foerster <foerster@dfcllp.com>

Mon, Jul 11, 2016 at 8:42 AM

To: "Bickford, Jon" <jbickford@ci.montgomery.tx.us>, Susan Hensley <shensley@ci.montgomery.tx.us>, Kirk Jones <kjones@ci.montgomery.tx.us>, Jack Yates <jyates@ci.montgomery.tx.us>

Jon:

Section 22.041(b) of the TLGC provides that the city council may give a leave of absence at a regular meeting. It is too late for the council to approve the leave of absence for tomorrow's meeting, but I suggest that the matter be on the July 26 agenda for approval. Hopefully, you may be able to make one of the July meetings.

*Larry L. Foerster***Darden, Fowler & Creighton, LLP**

414 West Phillips, Suite 100

Conroe, Texas 77301

Office 936-756-3337

Fax 936-756-2606

Email foerster@dfcllp.com

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

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

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

From: Bickford, Jon [mailto:jbickford@ci.montgomery.tx.us]**Sent:** Monday, July 11, 2016 5:58 AM**To:** Susan Hensley <shensley@ci.montgomery.tx.us>; Kirk Jones <kjones@ci.montgomery.tx.us>; Jack Yates <jyates@ci.montgomery.tx.us>; Larry Foerster <foerster@dfcllp.com>**Subject:** Re: City Council Meeting Agenda Pack - July 12, 2016 Regular Meeting

Susan, Kirk, Jack and Larry -

Due to some business event scheduling this week and our needing to visit Dana's mother in 2 weeks (she's been ill), I am going to miss both this weeks Council session as well as the session scheduled for July 26th.

While there is always a chance something could cause either meeting to be postponed or cancelled, this scheduling will otherwise mean I will be missing 3 Council meetings in a row. I believe that without advanced permission or "acceptance" of my missing 3 meetings in a row, I will be otherwise automatically released from my Council position.

Given that and my interest in maintaining my Council role, I would ask that you please consider my request for either a) permission to miss the 3rd meeting or b) a vote/whatever other action is necessary to allow me to be re-instated such that I can maintain my Council role going forward. I will be present for the August 9th session.

Please let me know if you have any questions or if may provide further clarification.

Thank you in advance for your consideration.

Jon Bickford
City of Montgomery
Council Position 1

CITY ADMINISTRATOR REPORT

- Met with Planning Commission for two meetings
- Worked on oversized loads, landscape, tree and telecommunication tower ordinances
- Met with city engineers several times regarding; plats, system management, upcoming projects, bridge improvements, developments, water/sewer rates, FEMA projects
- Met with several developers during the month regarding; developer concerning 105 and Lone Star Pkwy., Bowen/Waterstone development, Kroger development, Villages of Mia Lago, McCoy's Lumber
- Met with property owners regarding Mason Street, Lone Star Bend extension and Wade Street. Mason Street negotiations have closed for the time being. Lone Star Bend is awaiting further action by the developer and County Commissioner Meador. Wade Street, three of the four property owners are in agreement with the city's purchase of the street area, city attorney and city engineer are preparing the documents.
- Met with citizens regarding; garbage collection (this process went very well – five phone calls total out of 26 issues -- 3 were correct in that they should not be charged garbage 2 accepted the charge after discussion),, flooding issues and assistance with dilapidated structures,
- Worked on dilapidated buildings – working with property owners to clean lots.
- Coordinated with County Emergency Management staff regarding flood damage in the city and with FEMA. FEMA's visit was July 19 and July 25, visits went well-- should know by end of August the extent of reimbursement involved for the April flood, no word yet on May flood.
- Arranged Texas Water Development Board financing pre-application and worked with city engineer and financial advisor on the application.
- Worked with contractor and staff regarding AMRS water billing process and training for citizens regarding the "App" for their use.

- Communicated, discussed various items with the Council during the month
- Continued work with city staff on virtually all realms of my activities, particularly on the drafting of the city budget. And Codification meeting

Public Works

June 2016 Monthly Report

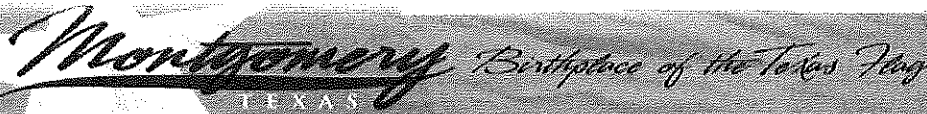
- Heavy trash weekend
- Installed reflectors with security hardware on Old Plantersville Rd marker posts
- Reset stop sign post at Plez Morgan Dr and Lone Star Pkwy
- Continued storm debris cleanup from rain event
- Cleaned mildew from north side of City Hall and trimmed bushes
- Installed new rain sensor on City Hall irrigation system
- Painted stop bars
- Installed water barriers borrowed from TXDOT on Buffalo Springs bridge
- Verified the condition of sewer tap on Liberty St vacant lot
- Held in field training session with Accurate on water meters
- Topped off facility generators with diesel
- Tightened packing on leaking valve at Water Plant 3
- Installed riprap at Water Plant 3 GST drains
- Set up for Freedom Festival
- Monthly weed patrol
- Monthly grease trap inspections
- Weekly mowing inspections
- Monthly door hangers and cutoffs
- Daily utility line locates as necessary
- 3 water taps
- 3 sewer taps
- 5 water leaks (3 private problems)
- 0 sewer stop ups
- 2 sewer inspections

Parks and Recreation

- Pressure washed all sidewalks and playground equipment at Cedar Brake, Homecoming, and Community Center
- Had AC thermostats at Community Center wired together for efficiency
- Added dirt to play tunnel at Cedar Brake Park
- Started on bollard replacement project at Homecoming Park
- M/W/F cleanings at parks
- Continue Community Center rental inspections
- Monthly lighting and air filter checks

The docents at Fernland reported a total of 259 visitors for the month and provided 16 tours including one for the Lowriders RV Club.

Prepared by:
Mike Muckleroy
Public Works Foreman



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

**CITY OF MONTGOMERY
POLICE DEPARTMENT**

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

MONTGOMERY POLICE DEPARTMENT

MONTHLY REPORT

JUNE 2016

MONTGOMERY POLICE DEPARTMENT REPORTS

During the month of May the Montgomery Police Department Police Department Patrol Officers generated **34** reports. The reports are as follows:

Criminal Mischief / Criminal Trespass - June 2 – Officer Hernandez – 300 John A. Butler

Unlawful Carry of Weapon / Possession of Marijuana – June 4 – Sgt. Rosario – Hwy 105@336

Possession of a Marijuana – June 6 – Officer Hernandez – Liberty@College

Driving while License Invalid – June 6 – Officer Thompson – 20400 Eva St.

Failure to ID – June 7 – Officer Hernandez – 100 Lone Star Parkway

Warrant Arrest – June 7 – Officer Carswell – 14600 Liberty St.

Motor Vehicle Accident – June 7 – Sgt. Rosario - 21400 Eva St.

Credit Card Abuse – June 8 – Officer Bracht – 200 Kings Ln.

Warrant Arrest – June 8 – Sgt. Rosario – 20700 Eva St.

Possession of Controlled Substance – June 11 – Officer Thompson – 21100 Eva St.

Driving while License Invalid – June 11 – Officer Carswell – 2400 Lone Star Parkway

Warrant Arrest – June 12 – Officer Thompson – 13800 Liberty St.

DWI – June 12 – Officer Carswell – 8700 Felder Ln.

Driving while License Invalid – June 12 – Officer Thompson – 13900 Liberty

Reckless Driving – June 15 – Officer Carswell – 20200 Eva St.

Towed Vehicle / No DL / No Insurance – June 15 – Officer Sgt. Rosario – 100 C.B. Stewart

Information Report – June 15 – Officer Carswell – 19400 Hwy 105

Family Disturbance – June 16 – Officer Carswell – 22800 Hwy 105

Warrant Arrest – June 17 – Officer Thompson – 1000 Baja Rd.

Abandoned Vehicle – June 19 – Officer Bauer – Cedar Brake Park

Assault Bodily injury – June 21 – Officer Thompson – 22800 Hwy 105

Criminal Trespass – June 22 – Officer Bauer – Buffalo Springs @ Eva St.

Criminal Mischief – June 22 – Officer Flores – 101 Old Plantersville Rd.

Motor Vehicle Accident – June 22 – Officer Bracht – 20100 Eva St.

Warrant Arrest – June 23 – Flores – 101 Old Plantersville Rd.

Driving While Intoxicated / Possession of Marijuana – June 23 – Officer Bauer – 21100 Eva St.

Motor Vehicle Accident – June 23 – Officer Bracht - 22700 Eva St.

Warrant Arrest – June 24 – Officer Flores – 101 Old Plantersville Rd.

Warrant Arrest – June 24 – Officer Thompson – 14600 Liberty St.

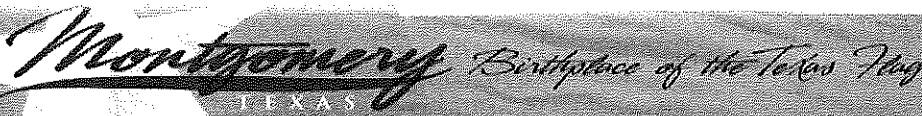
Warrant Arrest – June 25 – Officer Bracht – 20300 Eva St.

Family Disturbance – June 28 – Officer Thompson – 900 MLK

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

Theft of Service – June 30 – Officer Hernandez – 20800 Eva St.

Motor Vehicle Accident – June 30 – Officer Hernandez – 20100 Eva St.



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

CITY OF MONTGOMERY POLICE DEPARTMENT

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

MONTGOMERY POLICE DEPARTMENT NEWS:

On June 15th the City of Montgomery hosted a blood drive and had an excellent show of support and donations.

On June 21st Chief Napolitano, Sgt. Lehn and Sgt. Rosario represented the City of Montgomery Police Department by attending and honoring the life of fallen Pearland Police Officer Endy Ekpanya.

On June 23rd Sgt. Rosario attended training in DWI courtroom preparation/testimony. The training was hosted by Sugarland PD and presented by Houston PD DWI Task Force with the assistance of the Harris County DA vehicular crimes unit.

On June 24th Chief Napolitano, Lt. Belmares and Sgt. Rosario represented the City of Montgomery Police Department by attending and honoring the life of fallen Patton Village Sgt. Stacey Baumgartner. The police department also assisted with perimeter security during the ceremony which was provided by Officers Tim Bauer, Larry Evans, Miguel Sigala and James Bracht.

On June 28th Officer Flores attended Military Culture and Veteran Services with regards to PTSD Training. The training covered a wide range of topics and why Veterans are a unique population. The training was hosted by the Montgomery County Sheriff's Office and presented by Tri-County Behavioral Healthcare Veteran Services.

101 Old Plantersville Rd
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**CITY OF MONTGOMERY
POLICE DEPARTMENT**

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

ARRESTS/CHARGES:

Misdemeanor - 35

Felony – 2

TRAFFIC ENFORCEMENT:

163 - Citations Issued

69 – Warnings Issued

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

**CITY OF MONTGOMERY
POLICE DEPARTMENT**

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

Prepared by:

Lt. Joe Belmares Unit 1601

Montgomery Police Department

101 Old Plantersville Rd.

Montgomery TX, 77356

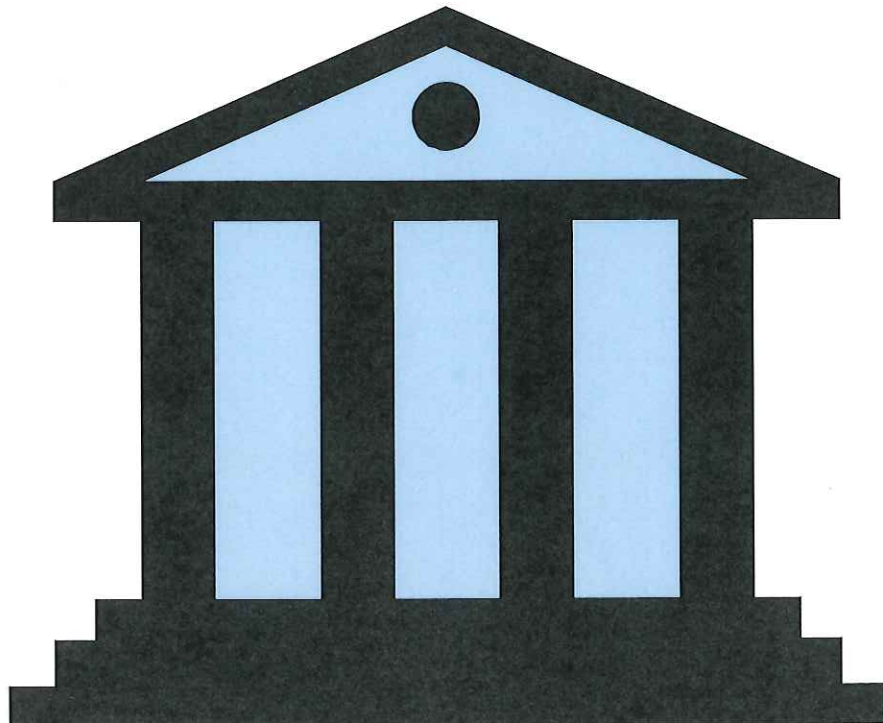
936-537-1430

jbelmares@ci.montgomery.tx.us

Municipal Court-Monthly Report

June 2016

7/11/2016
Becky Lehn
Court Administrator



Montgomery Municipal Court Monthly Report

June 2016

REVENUE Category	CURRENT	YEAR TO DATE October 1, 2015
<i>Total Cases Filed</i>	163	2878
Deposit – City	\$23,936.12	\$291,073.08
Deposit - State	\$14,106.36	\$190,035.64
Deposit - OMNI	\$148.75	\$1,153.22
Child Safety Fund	\$104.85	\$1,269.37
Judicial Efficiency	\$173.42	\$1,795.41
Court Tech Fund	\$700.79	\$9,567.10
Court Bldg. Security Fund	\$522.21	\$7,157.66
Collection Agency	\$1,546.17	\$15,975.65
<i>Total</i>	\$41,238.67	\$518,027.13

Created By: Becky Lehn

Court Administrator

July 11, 2016



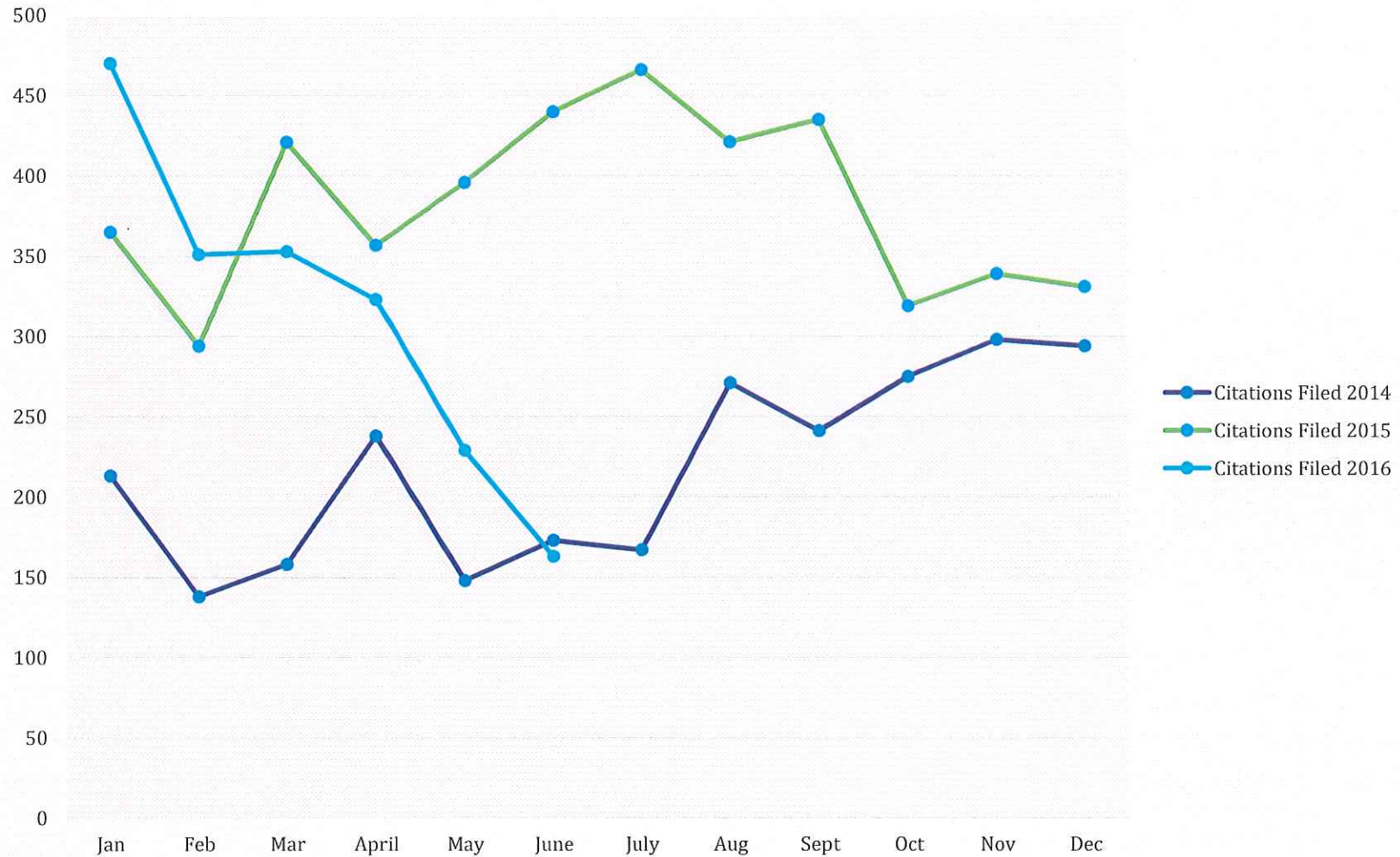
Comparison Chart

Citations/Warrants/Revenue January 2014 - Present

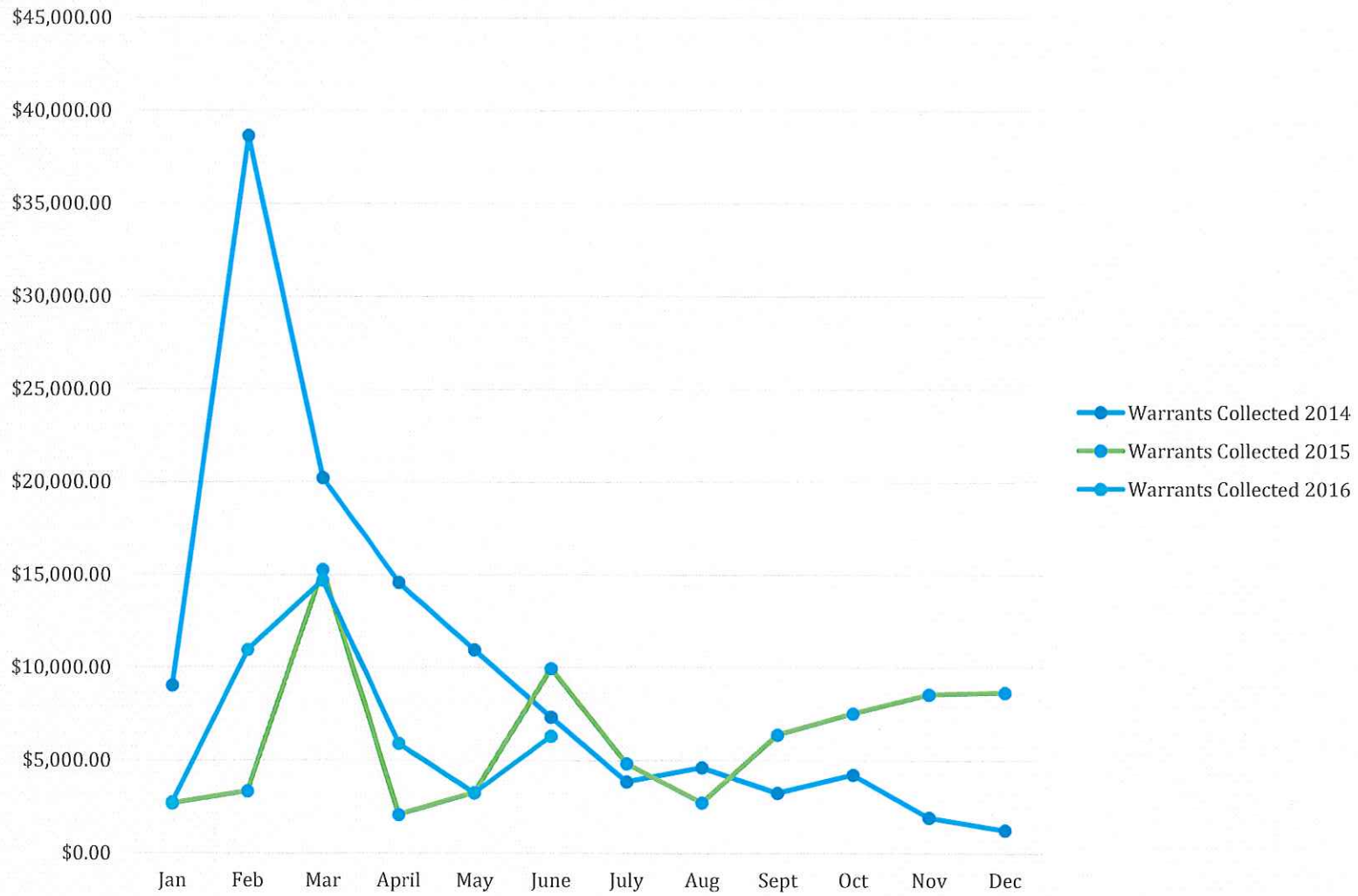
	Citations Filed			Warrants Collected			Total Revenue Collected		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
<i>Jan</i>	213	365	470	\$9,060.80	\$2,708.90	\$2,762.37	\$29,388.10	\$44,544.59	\$44,702.82
<i>Feb</i>	138	294	351	\$38,679.28	\$3,362.90	\$10,976.60	\$64,299.13	\$56,555.03	\$67,466.54
<i>Mar</i>	158	421	353	\$20,260.43	\$15,303.54	\$14,732.43	\$44,481.53	\$63,838.40	\$86,201.43
<i>April</i>	238	357	323	\$14,613.61	\$2,106.50	\$5,940.80	\$40,156.21	\$56,577.20	\$59,388.14
<i>May</i>	148	396	229	\$10,987.28	\$3,286.10	\$3,279.10	\$36,115.98	\$48,760.60	\$50,854.90
<i>June</i>	173	440	163	\$7,354.48	\$9,972.20	\$6,336.57	\$25,471.74	\$67,656.40	\$41,238.67
<i>July</i>	167	466		\$3,870.40	\$4,858.20		\$29,451.41	\$64,193.80	
<i>Aug</i>	271	421		\$4,651.40	\$2,740.40		\$29,328.47	\$47,484.40	
<i>Sept</i>	241	435		\$3,267.40	\$6,399.30		\$31,878.10	\$61,912.50	
<i>Oct</i>	275	319		\$4,257.80	\$7,550.70		\$31,657.00	\$63,688.50	
<i>Nov</i>	298	339		\$1,948.40	\$8,581.07		\$30,271.30	\$51,170.47	
<i>Dec</i>	294	331		\$1,270.00	\$8,675.20		\$38,855.10	\$53,315.66	
Totals	2164	2402	1889	\$120,221.28	\$75,545.01	\$44,027.87	\$431,354.07	\$679,697.55	\$349,852.50

Becky Lehn
 Court Administrator
 07/11/2016

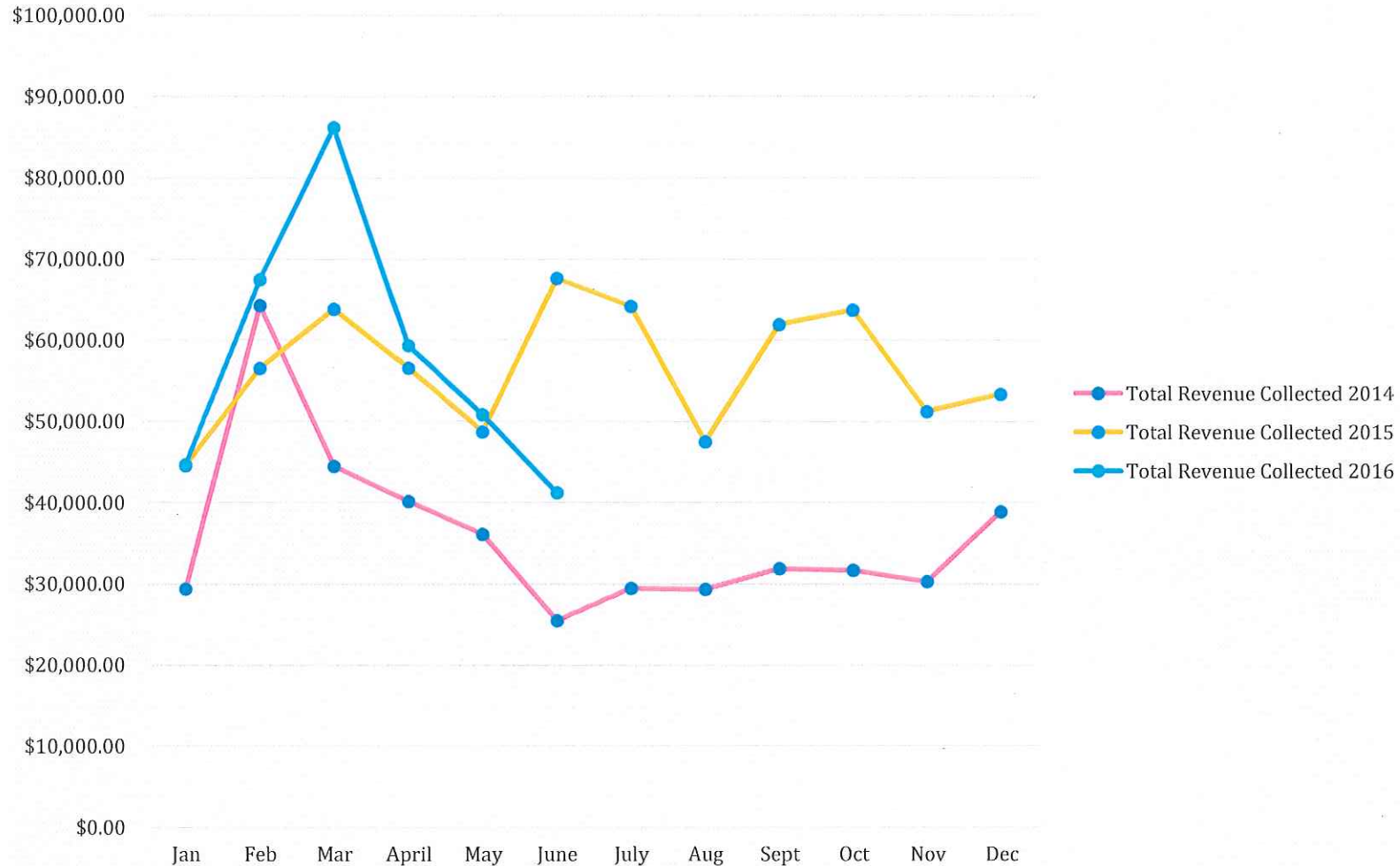
Citations Filed Yearly Comparison



Warrants Collected Yearly Comparison



Total Revenue Collected Yearly Comparison



UTILITY / PERMITS REPORTS – MONTHLY

Created by Ashley Slaughter

JUNE 2016 Report



UTILITY / DEVELOPMENT PERMIT REPORTS – JUNE 2016

TOTAL REVENUE SNAPSHOT

Utilities	\$ 62,598.49
Permits	\$12,548.50
Community Building	\$975.00

UTILITIES

UTILITY ACCOUNT TOTALS

New Water Accounts	10
Disconnected Water Accounts	5
Total number of Active Accounts	549
Number of Idle Accounts	30
Total Number of Accounts Cutoff	4

CITY ACCOUNT CONSUMPTION

City Venue	April 2016	May 2016	June 2016
Community Building - Irrigation	26	21	5
Community Building	0	2	4
City Cemetary	0	0	0
City Welcome Sign Irrigation at HWY 105 & Prairie – Rose Garden	0	0	0
North Liberty Sewer Plant	0	0	0
Cedar Break Park Statute Sprinkler	0	3	3
Cedar Break Park Restrooms	11	8	3
Fernland	3	9	11
Memory Park	200	56	72
Community Building Stage Irrigation – Rose Garden	0	0	0
City Hall & Irrigation	43	42	11
Homecoming Park Restrooms	0	1	0
Homecoming Park Drinking Fountain	0	0	0
Buffalo Springs Sewer Plant	182	170	194

Notes:

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

WATER FLUSHING CONSUMPTION

City – Will provide at meeting

Fire Dept – 12,000 gallons

PERMITS

Type	Number of Permits	Revenue
Building - Residential	4	\$4,482.00
Building - Commercial	1	\$5,340.00
Building - Pool	1	\$264.00
Building – Misc.	3	\$231.00
Electrical	3	\$359.00
Mechanical	6	\$1,054.00
Plumbing	6	\$768.50
Sign	0	\$50.00
Total:	24	\$12,548.50

COMMUNITY BUILDING – MAY

Type of Rental	# of Bookings	Revenue
Profit	5	\$975.00
Non - Profit	4	\$0.00
Amount collected after full or partial loss of deposit		

Created by Ashley Slaughter
July 20th, 2016



GULF UTILITY
SERVICE, INC.
281-355-1312

City of Montgomery

Operations Report

05/17/16-6/17/16

TAP

INTO

TECHNOLOGY

Dear City of Montgomery Council Members:

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

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

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

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

Michael Williams
Chief Operator
Gulf Utility Service

SUMMARY OF OPERATIONS

District Alerts

Lift Station 2

Lift station called out for vfd failure three times this month. Black roots were found in between the impellor and the volute. There was also 1 call out for high wet well on 5-26-16 during a heavy rain event.

Lift station 3

Lift station was pulled and cleaned twice due to pump failure. One occasion a portion of a brick was pulled out of the lift pump.

Lift Station 6

5-16-16 Lift station called out for high wet well during a heavy rain event. The lift station was found at normal level upon operator's arrival. Alarms were reset.

Lift Station 8

5-26-16 Lift station called out for high wet well during heavy rain event. Lift station was monitored until out of high level. Alarms were reset, lift station operating normally.

Buffalo Springs WWTP

Upon arrival for daily check in the operator found the blower and clarifier drive tripped out due to a possible power spike. The overloads were reset and equipment monitored, all equipment now functioning normally.

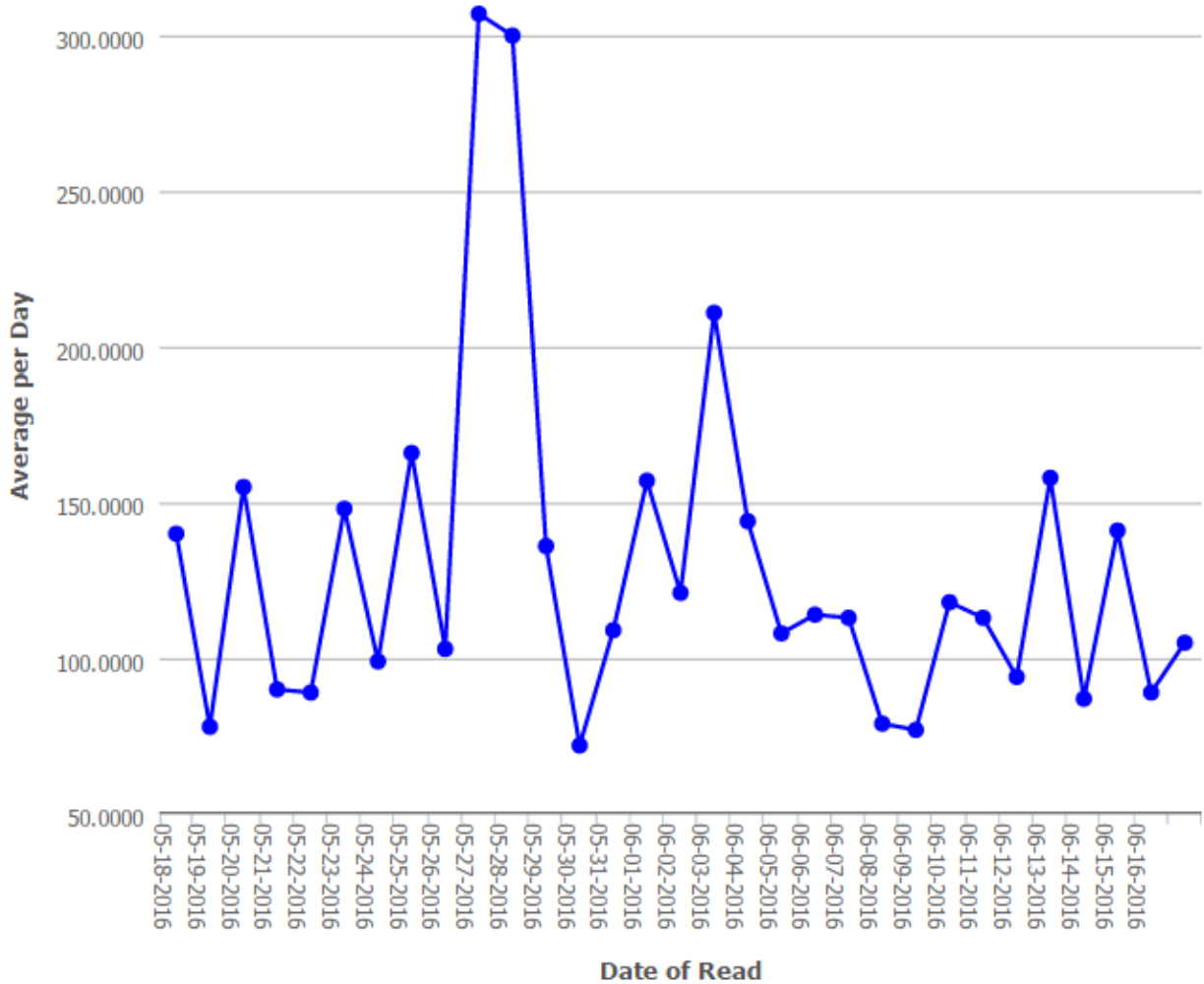
Water Plant 3

The plant started experiencing issues on 6-2-16 with well 4 not running. Operator could not get well 4 to come on in manual or automatic unless well 3 was turned off forcing well 4 to run. Electrical components were further investigated, the probes were replaced on gst 2 and an internal issue with the plc was suspected. A computer will need to be brought out to scan and analyze the plc. Before the plc could be scanned the gsts were found overflowing. The controls were calling the wells to come on even in high level causing an estimated 1 million gallons of water loss. The plc was scanned the same day and the control wires were found to be holding voltage causing the wells to be called for constantly. A temporary control wire ran above ground was installed and monitored for two weeks to verify replacing the control wires was the solution to the well issues.

Lift Station Cleaning

The gravity sewer line on Liberty from Caroline to Stewart Creek WWTP was cleaned out and lift station 2 was cleaned of debris to the bottom of the wet well.

OPERATIONS DETAIL



- Flow for the month of June was 4,021,000 gallons
- Daily peak flow May 27, 2016 was 307,000 gallons (.307 MGD)
 - 77% of permitted value
- Average Daily Flow 129,000 gallons (.129 MGD)
 - 32% of permitted value

*Average per day is a non-weighted average.

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

WATER DISTRIBUTION AND MONITORING

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

Flushing

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

COLLECTION SYSTEM

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

WASTEWATER TREATMENT PLANT

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

Permit Information – Stewart Creek

The current permit expires 06/01/2017

Discharge Limitations

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

Lab results

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


Aeration

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

Effluent

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

Buffalo Springs WWTP Effluent Monitoring Report

Effluent Permitted Values	Parameter		Measured	Excursion
Average Monthly T.S.S.	15	MGD	7.22	no
Average Monthly NH3	2	mg/l	0.10	no
Minimal CL2 Residual	1	mg/l	1.01	no
Max CL2 Residual	4	mg/l	3.70	no
Rainfall for the Month			5.67	inches

There were no excursions for the month of June



Water Report

05/17/2016 – 06/17/2015

Well Name	City Recorded	GULF Recorded	% of Total	Rating g/Day	g/pMonth
Well 2	0.026	0.026	01.0%	0.864	25.92
Well 3	1.179	1.179	16.0%	0.864	25.92
Well 4	7.317	7.317	83.0%	2.160	64.80
Total	8.522	8.522	100.00%	3.888	116.64
Flushing	1.199	1.199			
Subtotal	7.323	7.323			
Sold	7.194	7.194			
Percentage Accounted	98%	98%			

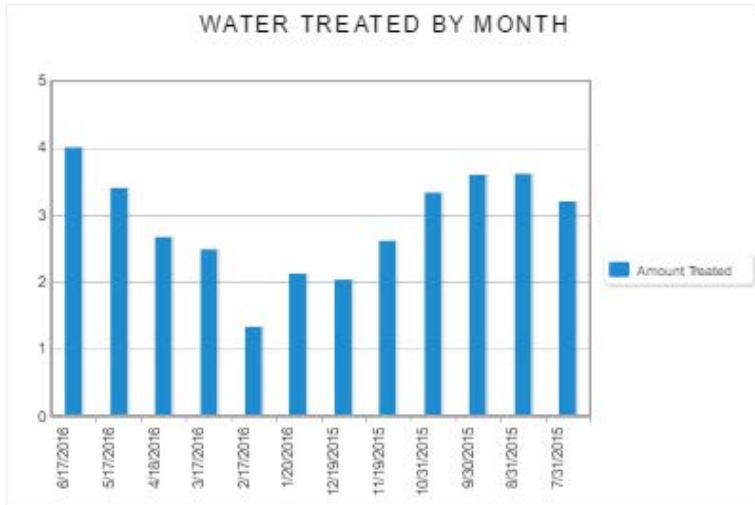
*The calendar month of May well 4 ran 99% of total water pumped

Well Run Times

Well Name	Total Hrs	% Total	Peak Day
2	2.1	1.6	06/14/2016
3	35.4	27.9	06/01/2016
4	89.5	70.5	06/13/2016
Total	127.0	100	

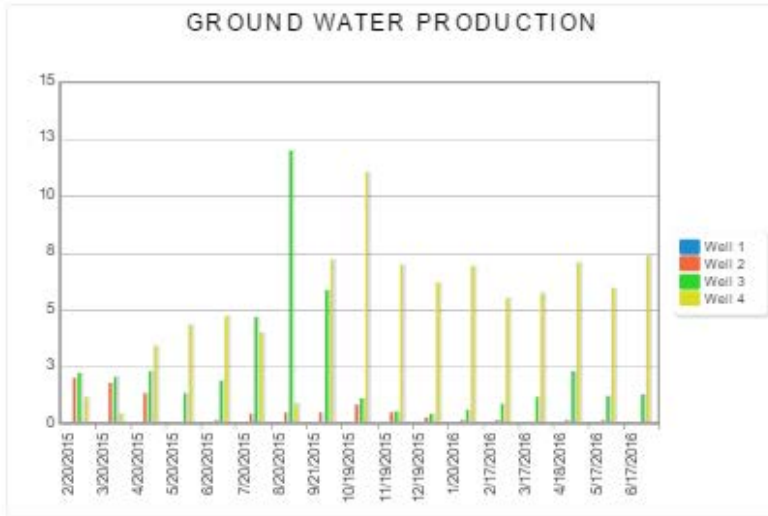
WATER PRODUCTION

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

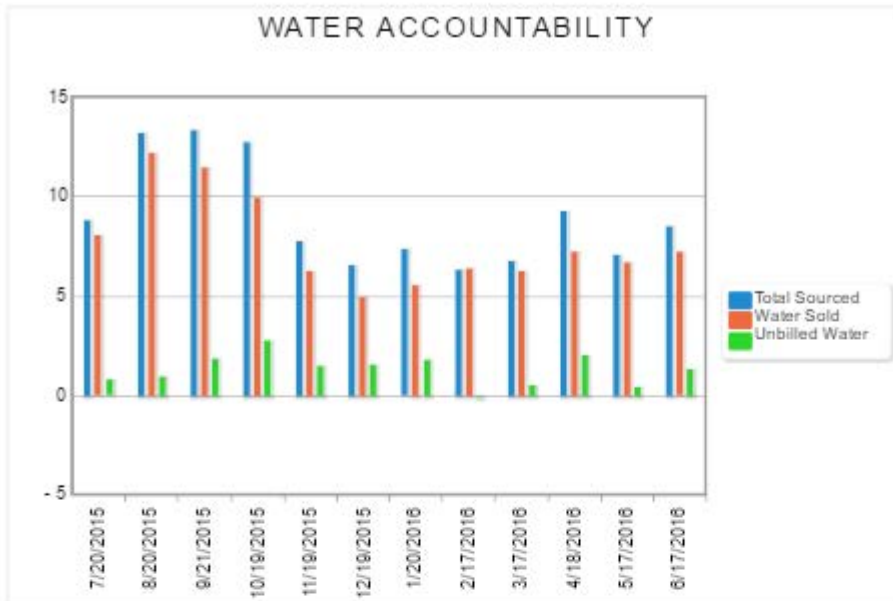


MONTH ▲	FLOW	RAIN (INCHES)
1/31/15	1.889	5.000
2/28/15	1.698	1.600
3/31/15	2.929	6.250
4/30/15	2.497	11.000
5/31/15	4.296	8.000
6/30/15	3.598	2.500
7/31/15	3.213	0.000
8/31/15	3.619	3.500
9/30/15	3.598	3.750
10/31/15	3.335	6.750
11/19/15	2.626	8.250
12/19/15	2.044	6.250
1/20/16	2.136	1.500
2/17/16	1.343	2.500
3/17/16	2.494	8.500
4/18/16	2.678	7.500
5/17/16	3.409	14.500
6/17/16	4.021	5.670
AVERAGE		5.723
TOTAL		103.020

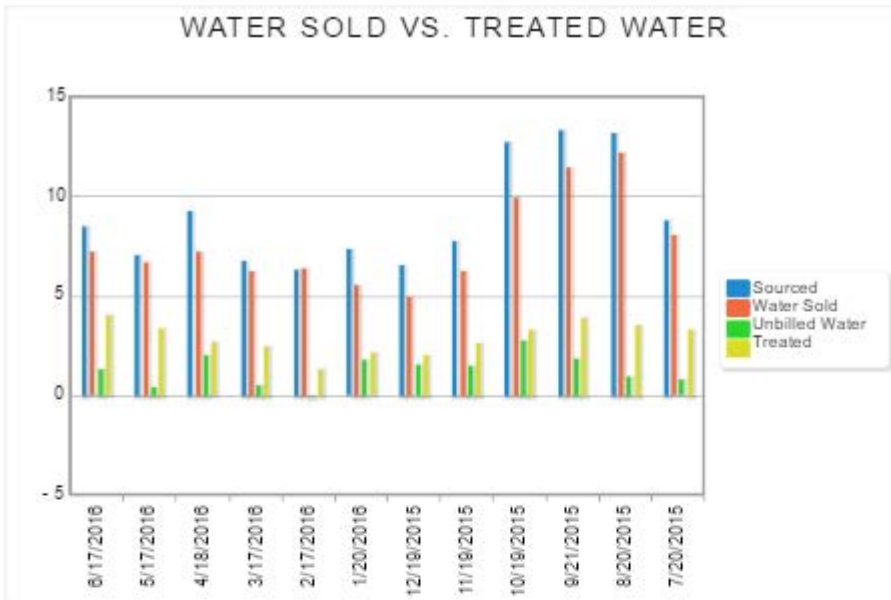
Gulf Utility Services Operations Report
 July 26, 2016



DATE ▼	TOTAL	WELL 1	WELL 2	WELL 3	WELL 4
A/G	7.977	0.000	0.443	2.377	5.157
6/17/16	8.522	0.000	0.026	1.179	7.317
5/17/16	7.107	0.000	0.073	1.137	5.897
4/18/16	9.247	0.000	0.062	2.193	6.992
3/17/16	6.789	0.000	0.005	1.077	5.687
2/17/16	8.313	0.000	0.055	0.796	5.462
1/20/16	7.355	0.000	0.030	0.499	6.826
12/19/15	6.579	0.000	0.160	0.325	6.094
11/19/15	7.783	0.000	0.415	0.467	6.881
10/19/15	12.723	0.000	0.719	1.033	10.971
9/21/15	13.341	0.000	0.415	5.778	7.150
8/20/15	13.184	0.000	0.412	11.961	0.811
7/20/15	8.806	0.000	0.328	4.560	3.918
6/20/15	8.459	0.000	0.037	1.792	4.630
5/20/15	5.503	0.000	0.001	1.255	4.247
4/20/15	6.761	0.000	1.221	2.182	3.358
3/20/15	4.028	0.000	1.678	2.008	0.342
2/20/15	5.143	0.000	1.899	2.165	1.079
TOTAL	135.603	0.000	7.536	40.405	87.662



DATE ▼	TOTAL SOURCED	WATER SOLD	UNBILLED WATER	FLUSHING/LEAKS	UNACCOUNTED	ACCTBLTY
6/17/16	8.522	7.194	1.328	1.199	0.129	98%
5/17/16	7.107	6.686	0.421	0.380	0.041	99%
4/18/16	9.247	7.218	2.029	1.565	0.464	95%
3/17/16	6.769	6.265	0.504	0.231	0.273	96%
2/17/16	6.313	6.398	-0.085	0.325	-0.410	106%
1/20/16	7.355	5.551	1.804	0.055	1.749	76%
12/19/15	6.579	4.997	1.582	0.000	1.582	76%
11/19/15	7.763	6.279	1.484	0.137	1.347	83%
10/19/15	12.723	9.965	2.758	0.000	2.758	78%
9/21/15	13.341	11.476	1.865	0.000	1.865	86%
8/20/15	13.184	12.200	0.984	0.000	0.984	93%
7/20/15	8.806	8.020	0.786	0.000	0.786	91%



DATE ▼	SOURCED	WATER SOLD	UNBILLED WATER	TREATED WATER	RETURN %	RAIN
6/17/16	8.522	7.194	1.328	4.02	56%	5.670
5/17/16	7.107	6.688	0.421	3.41	51%	14.500
4/18/16	9.247	7.218	2.029	2.68	37%	7.500
3/17/16	6.789	6.265	0.504	2.49	40%	8.500
2/17/16	6.313	6.398	-0.085	1.34	21%	2.500
1/20/16	7.355	5.551	1.804	2.14	38%	1.500
12/19/15	6.579	4.997	1.582	2.04	41%	6.250
11/19/15	7.783	6.279	1.484	2.63	42%	8.250
10/19/15	12.723	9.965	2.758	3.33	33%	6.750
9/21/15	13.341	11.476	1.865	3.9	34%	4.500
8/20/15	13.184	12.200	0.984	3.54	29%	2.000
7/20/15	8.808	8.020	0.786	3.31	41%	0.250

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



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

July 21, 2016

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

Re: Engineering Activities for the Period from June 29, 2016 – July 26, 2016
The City of Montgomery

Dear Mayor and Council:

Enclosed is our monthly engineering report which documents activities undertaken on your behalf by Jones & Carter, Inc. during the referenced time period. We will request your authorization to execute construction contracts with Key Construction for the public infrastructure project to serve the Kroger development. Additional topics of discussion will include an agreement between the City and Kroger regarding funding of the public infrastructure project, updates on FEMA assistance with City flood damage including the Buffalo Springs Bridge, and a proposed cellular tower ordinance.

Thank you for the opportunity to serve the City of Montgomery. As always, should you have any questions or need any additional information, please do not hesitate to contact Glynn Fleming or myself.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Shackelford', with a long horizontal flourish extending to the right.

Ed Shackelford, PE
Engineer for the City

EHS/gef:lr2

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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

July 21, 2016

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

Re: Engineering Report
Council Meeting: July 26, 2016
City of Montgomery

Dear Mayor and Council:

The following information summarizes our activities on your behalf since the June 28, 2016 Council Meeting:

Status of Previously Authorized Projects:

a) Impact Fee Analysis

We have completed preliminary Impact Fee calculations and are prepared to meet with the Advisory Committee in late August or early September regarding initial land use assumptions and related capital projects.

b) Joint Mobility Study

Preliminary planning for the joint mobility study is continuing and we expect to hold a kick-off meeting with representatives from Precincts One and Two within the next month.

c) TPDES Wastewater Treatment Plant Permit Renewals

We are underway with preparation of the permits renewals for both the Town Creek and Stewart Creek plants. The anticipated timeline for submission is approximately 60-90 days.

d) Texas Capital Fund Grant (Kroger)

Key Construction is continuing with work on the Kroger building and the Reserve A outparcel. On-site Private utility construction has resumed following Developer initiated revisions to the previously approved plans. The City and Kroger have reached an agreement regarding funding of construction costs in excess of the Grant award and we are prepared to execute construction contracts for the public infrastructure project.

Agenda Item No. 7 – Consideration and possible action regarding an Agreement by and between the Kroger Company and the City of Montgomery for additional funding of the proposed public improvements intended to serve the 52-acre Kroger/Milestone Development.

Status of Previously Authorized Projects (cont.):

***Agenda Item No. 8** – Consideration and possible action regarding execution of construction contracts with Key Construction for completion of the proposed public water, sanitary sewer, drainage, and paving improvements to serve the 52-acre Kroger/Milestone Development.*

e) Texas Capital Fund Grant (Pizza Shack)

Our understanding is the building plans are now complete and will be submitted to the City for code review within the week. We have resumed preparation of construction plans for the public utility extension to serve the development, and expect to advertise the project for bids in mid to late August.

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

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

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

Completion of this project will remain on hold indefinitely while the adjacent slope stability issues are addressed.

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

- i. **Heritage Place Medical Center** – On July 18th we received a revised submission showing the Houston Street driveway to be constructed in the future, and expect to return review comments within the week.
- ii. **Heritage Place Parking Expansion** – We received a revised submission on July 15th and expect to return review comments within the week.
- iii. **Heritage Plaza, Phase II** – We returned review comments on July 22, 2015 and are currently awaiting revised drawings. The Developer has indicated they are revising the proposed Phase II expansion into separate Phases II and III
- iv. **McCoy's Building Supply** – We received a revised submission on July 7th and expect to return review comments within the week.
- v. **SH-105 Retail Center** – We received a revised submission on July 15th and expect to return review comments within the week.



b) Plat Reviews

- i. **Heritage Place Parking Expansion (Development Plat)** – We received a revised submission on June 21st and are circulating for staff signatures prior to recordation.
- ii. **McCoy's Building Supply (Final Plat)** – We received a revised submission on July 7th. Upon receipt of final construction plans, the plat will be placed on upcoming Planning and Zoning Commission and City Council Agendas for City acceptance.

Meetings and Ongoing Activities:

- a) **Buffalo Springs Bridge** – We meet with FEMA representatives and City Staff on July 19th regarding application for public assistance under DR 4269 which covers damage occurring between April 17th and April 30th. Our understanding is we will be contacted by the local Project Assistance Coordinator within the week regarding the next steps in securing funding for repairs to the northern bank of the bridge. Recall, DR 4272 covers damage occurring between May 26th and June 24th and will be applied to repair of the southern bank. The Applicant Briefing, which is the initial step in securing funding, has yet to be scheduled.
- b) **Kroger Civil Site Construction, Progress Meetings** – We continue to hold bi-monthly coordination meetings with Key Construction.
- c) **Lake Creek Village, Section Two** – Construction of water, sanitary sewer, and storm sewer is ongoing and we are providing daily field inspections.
- d) **Lone Star Bend Extension** – Our understanding is City Staff met with the Precinct One Commissioner on July 21st to finalize discussions regarding the extension of Lone Star Bend. We are commencing with preparation of a legal description for an approximately 20'x80' portion of Restricted Reserve "A" situated within Block 2 of Grandview, Section One. County acquisition of this parcel is needed to complete the extension to the existing Bois D'Arc Bend right-of-way.
- e) **Terra Vista, Section One** – Construction of water and sanitary sewer is complete. We noted no progress on paving or drainage construction during the month. In early July we were contacted by Mr. Damon Sachs who represents the prospective homebuilder, Liberty Homes. On July 12th we met with representatives from Liberty Homes and Terra Vista regarding the Developer's anticipated timeline for completion of the public water, sanitary sewer, drainage, and paving improvements. Our understanding is Mr. Sachs, per his contract with the Developer, has been awaiting receipt of lots since October 2015. The Developer stated his intent is to achieve substantial completion and request a final inspection within the next 30-45 days.

Meetings and Ongoing Activities (cont.):

- f) **Texas Water Development Board, Capital Project Funding** – On June 27th we submitted four project information forms for review and comment by the Water Development Board. We anticipate receipt of comment responses within the next week. The potential next step is coordination with City Staff and the City's Financial Advisor on submission of a formal application(s) for project funding
- g) **Wade Street Survey** – We previously delivered a summary of findings to the City Administrator for review and comment. Recall this work was intended to identify a proposed City right-of-way, locate property corners, pavement extents, and utility locations along Wade Street between Worsham Street and Old Plantersville Road; and to establish a City right-of-way and proposed compensation for the adjacent property owners. Our understanding is City Staff has reached agreement with each of the impacted property owners, and we are commencing with preparation of the required legal descriptions.
- h) **Waterstone, Section Two** – Construction of water and sanitary sewer is complete. On July 6th we attended the initial lift station start up. On July 19th we met with the Contractor regarding paving failures which occurred during the April rain events, and the Developer will be removing and reinstalling the affected areas prior to any request for initial inspection.
- i) **Weekly Operations Conference Call** – We continue hosting a weekly conference call with representatives from Gulf Utility Service, Inc. and the City Staff. Items of note discussed during the previous month included the replacement and possible upgrade of Lift Pump No. 1 at Lift Station No.3. The Operator has provided us with pump performance specs and hydrostatic curve data and we are briefly analyzing for compatibility with anticipated ultimate demands at this facility.
- j) **West Side at the Park** – On July 8th we returned review comments to the engineer regarding the Shepperd Street traffic control plan and on July 12th the engineer submitted a final road striping plan. We continue to await a request for final inspection and project close out.

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

Sincerely,



Ed Shackelford, P.E.

EHS/gef:lr2

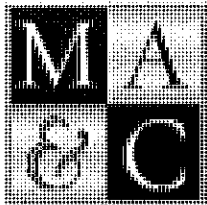
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Enclosures: N/A

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

**CITY OF MONTGOMERY
ACCOUNT BALANCES
For Meeting of July 26, 2016**

	<u>CHECKING ACCT BALANCES</u>	<u>PRIOR MONTH END INVESTMENTS</u>	<u>TOTAL FUNDS AVAILABLE</u>
<u>GENERAL FUNDS</u>			
OPERATING FUND #1017375	\$ 305,828.73		\$ 305,828.73
TEMP GRANT FUNDS - COPS UNIVERSAL #103289	\$ 10.00		\$ 10.00
ESCROW FUND #1025873	\$ -		\$ -
PARK FUND #7014236	\$ -		\$ -
POLICE DRUG & MISC FUND #1025675	\$ 10,675.64		\$ 10,675.64
INVESTMENTS - GENERAL FUND		\$ 300,000.00	\$ 300,000.00
TEXPOOL - GENERAL FUND # 00003		\$ 202,882.39	\$ 202,882.39
TEXPOOL - RESERVE FUND # 00005		\$ -	\$ -
TOTAL GENERAL FUND	\$ 316,514.37	\$ 502,882.39	\$ 819,396.76
<u>CONSTRUCTION FUND</u>			
BUILDING FUND #1058528	\$ -		\$ -
CONSTRUCTION ACCOUNT #1058544	\$ 1,008.08		\$ 1,008.08
TEXPOOL - CONST # 00009		\$ 1,566.86	\$ 1,566.86
INVESTMENTS - CONSTRUCTION		\$ -	\$ -
TOTAL CONSTRUCTION FUND	\$ 1,008.08	\$ 1,566.86	\$ 2,574.94
<u>DEBT SERVICE FUND</u>			
DEBT SERVICE FUND #7024730	\$ 70,366.15		\$ 70,366.15
TEXPOOL DEBT SERVICE # 00008	\$ -	\$ 24,226.20	\$ 24,226.20
TOTAL DEBT SERVICE FUND	\$ 70,366.15	\$ 24,226.20	\$ 94,592.35
COURT SECURITY FUND #1058361	\$ 16,229.32	\$ -	\$ 16,229.32
COURT TECHNICAL FUND #1058361	\$ 12,990.19	\$ -	\$ 12,990.19
<u>GRANT FUND</u>			
HOME GRANT ACCOUNT #1059104	\$ 10.00		\$ 10.00
GRANT ACCOUNT #1048479	\$ 287.74		\$ 287.74
TOTAL GRANT FUND	\$ 297.74	\$ -	\$ 297.74
HOTEL OCCUPANCY TAX FUND #1025253	\$ 9,399.90	\$ -	\$ 9,399.90
<u>MEDC</u>			
CHECKING ACCOUNT #1017938	\$ 395,101.67		\$ 395,101.67
TEXPOOL - MEDC # 00003		\$ 233,231.54	\$ 233,231.54
INVESTMENTS - MEDC		\$ 100,000.00	\$ 100,000.00
TOTAL MEDC	\$ 395,101.67	\$ 333,231.54	\$ 728,333.21
POLICE ASSET FORFEITURES #1047745	\$ 2,259.82		\$ 2,259.82
<u>UTILITY FUND</u>			
UTILITY FUND #1017383	\$ 93,556.57		\$ 93,556.57
CUSTOMER DEPOSITS FUND #1017417	\$ -		\$ -
WATER WORKS & SAN SEWER #7013840	\$ -		\$ -
TEXPOOL - UTILITY FUND # 00002		\$ 17,847.34	\$ 17,847.34
TOTAL UTILITY FUND	\$ 93,556.57	\$ 17,847.34	\$ 111,403.91
TOTAL ALL FUNDS	\$ 917,723.81	\$ 879,754.33	\$ 1,797,478.14
<u>INVESTMENTS</u>			
TEXPOOL - GENERAL FUND			\$ 202,882.39
INVESTMENTS - GENERAL FUND			\$ 300,000.00
TEXPOOL - CONST # 00009			\$ 1,566.86
TEXPOOL - DEBT SERVICE # 00008			\$ 24,226.20
TEXPOOL - MEDC			\$ 233,231.54
INVESTMENTS - MEDC			\$ 100,000.00
TEXPOOL - UTILITY			\$ 17,847.34
TOTAL ALL INVESTMENTS			\$ 879,754.33



MUNICIPAL ACCOUNTS
& CONSULTING, L.P.

City of Montgomery

Bookkeeper's Report

July 26, 2016

City of Montgomery
Account Balances

As of July 21, 2016

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
Fund: Operating					
Certificates of Deposit					
GREEN BANK (XXXX0365)	05/23/2016	08/22/2016	0.35 %	100,000.00	
INDEPENDENT BANK (XXXX1533)	06/16/2016	09/14/2016	0.35 %	100,000.00	
ALLEGIANCE BANK (XXXX3545)	07/16/2016	10/14/2016	0.40 %	100,000.00	
Money Market Funds					
TEXPOOL (XXXX0003)	08/01/2005		0.34 %	202,882.39	
Checking Account(s)					
FIRST BANK N.A. (XXXX7375)			0.00 %	305,828.73	Checking Account
FIRST BANK N.A. (XXXX5675)			0.00 %	10,675.64	Police Drug & Misc Fund
FIRST BANK N.A. (XXXX5873)			0.00 %	0.00	Escrow
FIRST BANK N.A. (XXXX2895)			0.00 %	10.00	COPS Universal Award
FIRST BANK N.A. (XXXX4236)			0.00 %	0.00	Park
Totals for Operating Fund:				\$819,396.76	
Fund: Capital Projects					
Money Market Funds					
TEXPOOL (XXXX0009)	12/27/2012		0.34 %	1,566.86	
Checking Account(s)					
FIRST BANK N.A. (XXXX8528)			0.00 %	0.00	Building Fund
FIRST BANK N.A. (XXXX8544)			0.00 %	1,008.08	Const Ckg-W&S Proj 1058544
Totals for Capital Projects Fund:				\$2,574.94	
Fund: Debt Service					
Money Market Funds					
TEXPOOL (XXXX0008)	12/27/2012		0.34 %	24,226.20	
Checking Account(s)					
FIRST BANK N.A. (XXXX4730)			0.00 %	70,366.15	Checking Account
Totals for Debt Service Fund:				\$94,592.35	
Fund: CT Security					
Checking Account(s)					
FIRST BANK N.A. (XXXX0580)			0.00 %	16,229.32	Cash In Bank
Totals for CT Security Fund:				\$16,229.32	
Fund: CT Tech					
Checking Account(s)					
FIRST BANK N.A. (XXXX8361)			0.00 %	12,990.19	Cash In Bank
Totals for CT Tech Fund:				\$12,990.19	
Fund: Grant					
Checking Account(s)					
FIRST BANK N.A. (XXXX8479)			0.00 %	287.74	Grant Account
FIRST BANK N.A. (XXXX9104)			0.00 %	10.00	Checking Account
Totals for Grant Fund:				\$297.74	

City of Montgomery
Account Balances

As of July 21, 2016

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
Fund: Hotel Occupancy Tax					
Checking Account(s)					
FIRST BANK N.A. (XXXX5253)			0.00 %	9,399.90	Cash In Bank
Totals for Hotel Occupancy Tax Fund:				\$9,399.90	
Fund: MEDC					
Certificates of Deposit					
INDEPENDENT BANK (XXXX6840)	05/26/2016	08/24/2016	0.35 %	100,000.00	
Money Market Funds					
TEXPOOL (XXXX0006)	08/01/2005		0.34 %	233,231.54	
Checking Account(s)					
FIRST BANK N.A. (XXXX7938)			0.00 %	395,101.67	MEDC Checking
Totals for MEDC Fund:				\$728,333.21	
Fund: Policy Asset Forfeiture					
Checking Account(s)					
FIRST BANK N.A. (XXXX7745)			0.00 %	2,259.82	Cash In Bank
Totals for Policy Asset Forfeiture Fund:				\$2,259.82	
Fund: Utility					
Money Market Funds					
TEXPOOL (XXXX0002)	08/01/2005		0.34 %	17,847.34	
Checking Account(s)					
FIRST BANK N.A. (XXXX7383)			0.00 %	93,556.57	Water & Sewer Fund
FIRST BANK N.A. (XXXX7417)			0.00 %	0.00	Customer Deposit Acct
FIRST BANK N.A. (XXXX3840)			0.00 %	0.00	Water Works
Totals for Utility Fund:				\$111,403.91	
Grand total for City of Montgomery:				\$1,797,478.14	

City of Montgomery - General
Cash Flow Report - Checking Account
As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$421,065.14
Receipts				
	Tax P&I Rev 6/16		425.82	
	Tax Revenue CL 6/16		2,320.94	
	Tax Rev EOM 6/16		570.57	
	Misc Revenue CL 6/16		13,224.44	
	Miscellaneous Rev OS 6/16		744.00	
	Court Revenue CL 6/16		36,345.37	
	Court Revenue OS 6/16		5,483.40	
	Interest		29.54	
	Beverage tax revenue 7/14/16		1,240.44	
Total Receipts				60,384.52
Disbursements				
26350	Card Service Center	First Financial Credit Card Account XXXX 0869 -	(3,634.55)	
26351	Chief & Law Inforcement Supply	Inv 396003,402933,421744	(347.78)	
26352	Entergy	Part Utilities per spreadsheet 6/16	(466.30)	
26353	Personalized Communications, Inc.	Answering Service - 7/14/16-8/10/16 Inv 18256-0	(164.44)	
26354	Postmaster	4 Rolls of stamps @ \$47 each	(188.00)	
26355	Thomas Printing & Publishing	Inv 7928 - Ticket Books	(432.50)	
26356	TML-Multistate Intergovernmental	Health, Life & AD&D Insurance July	(9,474.93)	
26357	Tyler Technologies, Inc	Monthly fee - Web Site and On Line Billing Compo	(41.00)	
26358	Thomas Lundsten	Cedar Brake Park Garden Maintenance - 5/16	(65.00)	
26359	3rd Day Creations Lawn & Landscaping	Mowing Contract -#1666 Inv 2415	(4,724.42)	
26360	Chief & Law Inforcement Supply	Order 206899 - 10 boxes Nik Test E & U	(142.77)	
26361	Coburn's Conroe	Supplies - Inv 508995980	(193.15)	
26362	Consolidated Communications	Telephone Service Per Spreadsheet (part) 07/16	(822.01)	
26363	Easley Enterprises of Texas, Inc.	City Hall General Cleaning 6/16	(375.00)	
26364	Entergy	Part Utilities per spreadsheet 6/16	(787.31)	
26365	Ger Nay Pest Control	Pest control #11278, 11281	(212.00)	
26366	GTIN	Computer supplies - Inv 5775	(2,471.27)	
26367	Jones & Carter, Inc	Invoices for May 2016	(15,474.71)	
26368	Kimberly Duckett	New Court Clerk Boot Camp 7/11-7/15/16 - Reim	(417.78)	
26369	Michael Shirley	Prosecutor Fee 6/30/16	(450.00)	
26370	Miller Uniforms & Emblems, Inc.	Uniforms Acct 299- inv 44702	(69.27)	
26371	Municipal Accounts & Consulting, L.P.	Bookkeeping 6/16 Inv 42718	(7,097.43)	
26372	Pathmark Traffic Products of Texas, Inc.	Inv #18302 - Street Signs	(675.92)	
26373	Price Air Conditioning	Air conditioner repair #1571	(211.09)	
26374	Rick Hanna, CPI	16391, 16392	(2,169.25)	
26375	Robert Rosenquist	Municipal Court Judge - 6/16	(1,000.00)	
26376	Sam's Club	Acct #040241083268-7 Inv 007803	(388.62)	
26377	Southwest Solutions Group	Netlabels Inv 67405-1	(134.00)	
26378	TAPCO	Inv 1530116 - Pedestal Pet Fountain-Cedar Brake	(2,632.47)	
26379	TML-IRP	Contract #6827 - Ins Premium 7/16	(2,910.34)	
26380	Weisinger Materials, Inc	Sandy Lome #043785	(125.00)	
26381	Office of the Attorney General	0012541428, 0012011313, 0009584649, 001180485	(2,216.00)	
26382	TMRS	0877, 00877	(9,217.60)	
26383	Daspit, Laurence F	Payroll for Week End 7/2/16	(210.10)	
26384	Kowarsch, Robert D	Payroll for Week End 7/2/16	(193.94)	
26385	Darden,Fowler & Creighton, L.L.P.	Legal Fees 6/16	(3,260.00)	
26386	Documation of East Texas, Inc	Inv 288484 - Overage thru 5/31/16	(389.29)	
26387	Entergy	Acct #105574 6/16	(2,081.41)	

City of Montgomery - General
Cash Flow Report - Checking Account
As of July 21, 2016

Num	Name	Memo	Amount	Balance
Disbursements				
26388	Eric Satndifer	Travel Reimbursement- Operation of Activated Slu	(140.25)	
26389	G & K Services, Inc.	Uniforms -1/2 Inv 1165559112, 65236,71337,7744	(205.38)	
26390	GTIN	Agreement: COM SJIS Audit Project Inv 5808	(5,000.00)	
26391	Houston Community Newspaper	Acct #189014 - Notice/ Hearing on Kroger Infrs	(592.00)	
26392	Iron Mountain	Document Shredding MTW0625	(100.05)	
26393	Jim's Hardware	Acct #102 - Part Invoices - 6/16	(834.49)	
26394	LDC	CM100017 & CM100032 - Gas Service 101 Planter	(38.26)	
26395	Mike Muckleroy	Reimbursement of Travel Expense-Operation of A	(292.23)	
26396	Montgomery County News	1606 Graduation June 1 - Inv 11487	(150.00)	
26397	Nobel Industrial Supply Corp.	Gelled Hand Sanitizer - Inv SI-114117	(562.90)	
26398	Omnibase Services of Texas, J.P	2nd Qtr Activity - 2016 - Dispositions #OBS1620	(576.00)	
26399	Postmaster	6 Rolls of stamps @ \$47 each	(282.00)	
26400	State Comptroller	State Criminal Costs and Fees Qtr Ending 6/30/16	(49,872.66)	
26401	Texas Specialties/Lone Star Signs	Bridge Closed Sign #10486	(90.00)	
26402	Thomas Lundsten	Cedar Brake Park Garden Maintenance - 6/16	(65.00)	
DD	Bauer, Timothy M	Payroll 7/8/16	(1,304.43)	
DD	Belmares, Jose N.	Payroll 7/8/16	(1,834.56)	
DD	Bracht, James C.	Payroll 7/8/16	(1,673.67)	
DD	Carswell, Christopher M	Payroll 7/8/16	(983.30)	
DD	Duckett, Kimberly T.	Payroll 7/8/16	(1,093.14)	
DD	Flores, Angelina C.	Payroll 7/8/16	(1,338.62)	
DD	Gonzalez, Krystal	Payroll 7/8/16	(1,047.18)	
DD	Hensley, Susan L.	Payroll 7/8/16	(1,462.89)	
DD	Hernandez, George J.	Payroll 7/8/16	(1,006.56)	
DD	Lehn, Rebecca L.	Payroll 7/8/16	(1,739.25)	
DD	Muckleroy, Micha D.	Payroll 7/8/16	(1,628.86)	
DD	Napolitano, James F	Payroll 7/8/16	(2,437.59)	
DD	Raica, Carol D	Payroll 7/8/16	(270.29)	
DD	Rosario III, Miguel A.	Payroll 7/8/16	(1,027.60)	
DD	Rosendo, Jose A	Payroll 7/8/16	(1,158.61)	
DD	Slaughter, Ashley A.	Payroll 7/8/16	(1,062.63)	
DD	Standifer, Eric L.	Payroll 7/8/16	(1,264.59)	
DD	Thompson, Kevin A.	Payroll 7/8/16	(613.96)	
DD	Weikel, Clayton H.	Payroll 7/8/16	(3,010.00)	
DD	Yates, Jack R	Payroll 7/8/16	(3,146.20)	
DM	ETS Corporation	Credit Card Fees 6/16	(521.53)	
POL	EFTPS	Payroll liabilities 7/8/16	(10,969.82)	
POL	EFTPS	Extra Payroll Week end 7/2/16	(66.92)	
POL	Texas Workforce Commission	99-881774-9	(290.86)	
Total Disbursements			<u>(175,620.93)</u>	
BALANCE AS OF 07/21/2016				<u><u>\$305,828.73</u></u>

City of Montgomery - General
Cash Flow Report - Police Drug & Misc Fund Account
As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$10,675.64
Receipts				
	No Receipts Activity		<u>0.00</u>	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		<u>0.00</u>	
Total Disbursements				<u>0.00</u>
BALANCE AS OF 07/21/2016				<u><u>\$10,675.64</u></u>

City of Montgomery - General
Cash Flow Report - COPS Universal Award Account
 As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 07/21/2016				\$10.00

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

Accrual Basis

June 2016

	Jun 16	Budget	\$ Over B...	Oct '15 - J...	YTD Budget	\$ Over B...	Annual Bu...
Ordinary Income/Expense							
Income							
14000.1 · Taxes & Franchise Fees							
14103 · Beverage Tax	0.00	0.00	0.00	3,450.28	4,500.00	-1,049.72	6,000.00
14111 · Franchise Tax	0.00	0.00	0.00	12,145.73	0.00	12,145.73	70,000.00
14320 · Ad Valorem Taxes	1,413.26	21,360.58	-19,947.32	248,372.95	192,245.26	56,127.69	256,327.00
14330 · Penalties & Interest on Adv Tax	207.04	125.00	82.04	2,301.28	1,125.00	1,176.28	1,500.00
14331 · Rendition Penalties	0.00	20.83	-20.83	0.00	187.51	-187.51	250.00
14600 · Sales Tax	111,859.20	111,666.67	192.53	1,039,206.30	1,004,999.99	34,206.31	1,340,000.00
Total 14000.1 · Taxes & Franchise Fees	113,479.50	133,173.08	-19,693.58	1,305,476.54	1,203,057.76	102,418.78	1,674,077.00
14000.2 · Permits & Licenses							
14105 · Building Permits	11,191.00	6,666.67	4,524.33	104,757.51	59,999.99	44,757.52	80,000.00
14146 · Vendor Permits	0.00	12.50	-12.50	20.00	112.50	-92.50	150.00
14611 · Sign Fee	0.00	200.00	-200.00	865.30	1,800.00	-934.70	2,400.00
14612 · Misc Permit Fees(plats & Zoning	20.00	20.83	-0.83	13,734.28	187.51	13,546.77	250.00
Total 14000.2 · Permits & Licenses	11,211.00	6,900.00	4,311.00	119,377.09	62,100.00	57,277.09	82,800.00
14000.4 · Fees for Service							
14380 · Community Bldg Rental	1,360.00	366.67	993.33	6,785.00	3,299.99	3,485.01	4,400.00
14381 · Kiosk Revenue	0.00	2.50	-2.50	0.00	22.50	-22.50	30.00
14385 · Right of Way Use Fees	0.34	0.00	0.34	2,860.22	0.00	2,860.22	0.00
Total 14000.4 · Fees for Service	1,360.34	369.17	991.17	9,645.22	3,322.49	6,322.73	4,430.00
14000.5 · Court Fines & Forfeitures							
14101 · Collection Fees	1,546.17	2,166.67	-620.50	15,975.65	19,499.99	-3,524.34	26,000.00
14102 · Asset Forfeitures	0.00	0.00	0.00	0.00	825.00	-825.00	1,100.00
14104 · Bond Fees (Dedicated)	213.10	0.00	213.10	-422.70	0.00	-422.70	0.00
14106 · Child Belt/Safety (Dedicated)	104.85	187.50	-82.65	1,269.37	1,687.50	-418.13	2,250.00
14110 · Fines	38,619.48	39,966.67	-1,347.19	461,480.72	359,699.99	101,780.73	479,600.00
14118 · OMNI	148.75	250.00	-101.25	1,153.22	2,250.00	-1,096.78	3,000.00
14120 · State - (Dedicated)	0.00	12,500.00	-12,500.00	0.00	112,500.00	-112,500.00	150,000.00
14125 · Warrant Fees	0.00	0.00	0.00	48.49	0.00	48.49	0.00
14126 · Judicial Efficiency (Dedicated)	173.42	125.00	48.42	1,795.41	1,125.00	670.41	1,500.00
14130 · Accident Reports	54.00	16.67	37.33	240.00	149.99	90.01	200.00
Total 14000.5 · Court Fines & Forfeitures	40,859.77	55,212.51	-14,352.74	481,540.16	497,737.47	-16,197.31	663,650.00
14000.6 · Other Revenues							
15380 · Unanticipated Income	113.10			6,832.54	0.00	6,832.54	0.00
15391 · Interest Income	29.54	83.33	-53.79	387.94	750.01	-362.07	1,000.00
15392 · Interest on Investments	146.81	41.67	105.14	997.93	374.99	622.94	500.00
Total 14000.6 · Other Revenues	289.45	125.00	164.45	8,218.41	1,125.00	7,093.41	1,500.00
Total Income	167,200.06	195,779.76	-28,579.70	1,924,257.42	1,767,342.72	156,914.70	2,426,457.00
Expense							
16000 · Personnel							
16247 · Compensated Benefit Exp.	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
16353.1 · Health Ins.	8,289.88	7,095.83	1,194.05	73,138.14	63,862.51	9,275.63	85,150.00
16353.4 · Unemployment Ins.	29.82	771.42	-741.60	3,347.12	6,942.74	-3,595.62	9,257.00
16353.5 · Workers Comp.	1,116.38	1,460.16	-343.78	14,375.46	13,141.52	1,233.94	17,522.00
16353.6 · Dental & Vision Insurance	-203.25	933.33	-1,136.58	7,225.96	8,400.01	-1,174.05	11,200.00
16353.7 · Life & AD&D Insurance	-241.77	115.00	-356.77	447.23	1,035.00	-587.77	1,380.00
16560 · Payroll Taxes	6,041.56	5,633.33	408.23	59,798.05	50,700.01	9,098.04	67,600.00
16600 · Wages	75,511.20	82,796.00	-7,284.80	742,864.09	691,164.00	51,700.09	933,552.00
16600.1 · Overtime	2,153.02	1,291.67	861.35	22,413.39	11,624.99	10,788.40	15,500.00
16620 · Retirement Expense	3,146.52	2,709.17	437.35	30,852.70	24,382.49	6,470.21	32,510.00
Total 16000 · Personnel	95,843.36	102,805.91	-6,962.55	954,462.14	871,253.27	83,208.87	1,183,671.00
16001 · Communications							
16338 · Advertising/Promotion	0.00	750.00	-750.00	1,984.00	6,750.00	-4,766.00	9,000.00
Total 16001 · Communications	0.00	750.00	-750.00	1,984.00	6,750.00	-4,766.00	9,000.00

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

Accrual Basis

June 2016

	Jun 16	Budget	\$ Over B...	Oct '15 - J...	YTD Budget	\$ Over B...	Annual Bu...
16002 · Contract Services							
16102 · General Consultant Fees	16,970.50	6,850.00	10,120.50	20,417.79	38,650.00	-18,232.21	59,200.00
16220 · Omni Expense	576.00	258.33	317.67	1,278.00	2,325.01	-1,047.01	3,100.00
16242 · Prosecutors Fees	1,350.00	833.33	516.67	7,200.00	7,500.01	-300.01	10,000.00
16280 · Mowing	9,395.50	5,416.67	3,978.83	46,713.41	48,749.99	-2,036.58	65,000.00
16299 · Inspections/Permits	5,819.75	3,750.00	2,069.75	43,322.41	33,750.00	9,572.41	45,000.00
16310 · Judge's Fee	1,000.00	1,000.00	0.00	10,000.00	9,000.00	1,000.00	12,000.00
16320 · Legal	3,260.00	2,916.66	343.34	28,292.92	26,250.02	2,042.90	35,000.00
16321 · Audit Fees	0.00	0.00	0.00	17,350.00	17,000.00	350.00	17,000.00
16322 · Engineering	0.00	6,250.00	-6,250.00	54,506.09	56,250.00	-1,743.91	75,000.00
16326 · Collection Agency Fees	735.18	2,916.67	-2,181.49	15,821.78	26,249.99	-10,428.21	35,000.00
16333 · Accounting Fees	7,097.43	6,583.33	514.10	58,808.84	59,250.01	-441.17	79,000.00
16335 · Repairs & Maintenance							
16335.1 · Maintenance - Vehicles & Equip							
16334 · Gas/Oil	1,947.93	3,542.33	-1,594.40	17,761.35	31,873.01	-14,111.66	42,500.00
16343 · Tractor & Mower	0.00	83.33	-83.33	135.23	750.01	-614.78	1,000.00
16357 · Auto Repairs	0.00	1,083.33	-1,083.33	14,225.61	9,750.01	4,475.60	13,000.00
16373 · Equipment repairs	50.50	466.66	-416.16	4,258.24	4,200.02	58.22	5,600.00
16374 · Building Repairs-City Hall/Comm	80.13	1,541.67	-1,461.54	20,888.78	13,874.99	7,013.79	18,500.00
16375 · Street Repairs - Minor	395.22	208.33	186.89	10,767.22	1,875.01	8,892.21	2,500.00
Total 16335.1 · Maintenance - Vehicles & Eq...	2,473.78	6,925.65	-4,451.87	68,036.43	62,323.05	5,713.38	83,100.00
16335 · Repairs & Maintenance - Other	375.00	1,608.33	-1,233.33	6,799.53	17,975.01	-11,175.48	23,300.00
Total 16335 · Repairs & Maintenance	2,848.78	8,533.98	-5,685.20	74,835.96	80,298.06	-5,462.10	106,400.00
16337 · Street Signs	1,026.84	416.67	610.17	5,398.04	3,749.99	1,648.05	5,000.00
16340 · Printing & Office supplies	2,458.48	366.67	2,091.81	5,458.15	3,299.99	2,158.16	4,400.00
16342 · Computers/Website	833.50	525.00	308.50	16,945.62	6,975.00	9,970.62	9,300.00
16350 · Postage/Delivery	138.50	374.99	-236.49	2,362.21	3,375.03	-1,012.82	4,500.00
16351 · Telephone	2,396.82	1,825.00	571.82	14,139.21	16,425.00	-2,285.79	21,900.00
16360 · Tax Assessor Fees	1,085.00	0.00	1,085.00	3,431.00	2,500.00	931.00	2,500.00
16370 · Election	0.00	5,000.00	-5,000.00	0.00	15,000.00	-15,000.00	15,000.00
17030 · Mobil Data Terminal	0.00	666.67	-666.67	12,743.54	5,999.99	6,743.55	8,000.00
17031 · Police Officer Scheduling Serv	0.00	166.67	-166.67	2,000.00	1,499.99	500.01	2,000.00
17040 · Computer/Technology	3,724.02	1,333.34	2,390.68	18,202.02	11,999.98	6,202.04	16,000.00
17510 · State Portion of Fines/Payouts	49,872.66	14,583.33	35,289.33	176,312.53	131,250.01	45,062.52	175,000.00
Total 16002 · Contract Services	110,588.96	70,567.31	40,021.65	635,539.52	607,348.07	28,191.45	805,300.00
16003 · Supplies & Equipment							
16244 · Radio Fees	0.00	333.33	-333.33	4,270.14	3,000.01	1,270.13	4,000.00
16328 · Uniforms & Protective Gear	639.42	687.50	-48.08	9,488.80	6,187.50	3,301.30	8,250.00
16358 · Copier/Fax Machine Lease	1,263.25	316.66	946.59	9,840.51	2,850.02	6,990.49	3,800.00
16460 · Operating Supplies (Office)							
16460.1 · Streets and Drainage	1,462.89	208.33	1,254.56	4,712.09	1,875.01	2,837.08	2,500.00
16460.2 · Cedar Brake Park	83.87	291.67	-207.80	1,926.10	2,624.99	-698.89	3,500.00
16460.3 · Homecoming Park	63.84	166.67	-102.83	915.75	1,499.99	-584.24	2,000.00
16460.4 · Fernland Park	0.00	166.67	-166.67	848.25	1,499.99	-651.74	2,000.00
16460.5 · Community Building	61.96	500.00	-438.04	3,408.54	4,500.00	-1,091.46	6,000.00
16460.6 · Tools, Etc	359.99	83.33	276.66	1,439.69	750.01	689.68	1,000.00
16460.7 · Memory Park	5.98	166.67	-160.69	1,368.92	1,499.99	-131.07	2,000.00
16460 · Operating Supplies (Office) - Other	217.69	2,375.04	-2,157.35	16,370.97	17,874.88	-1,503.91	24,500.00
Total 16460 · Operating Supplies (Office)	2,256.22	3,958.38	-1,702.16	30,990.31	32,124.86	-1,134.55	43,500.00
16503 · Code Enforcement Expenses	0.00	166.67	-166.67	0.00	1,499.99	-1,499.99	2,000.00
17010 · Emergency Equipment	0.00	250.00	-250.00	93.25	2,250.00	-2,156.75	3,000.00
17050 · Radios	0.00	2,166.66	-2,166.66	25,844.00	19,500.02	6,343.98	26,000.00
17100 · Capital Purchase Furniture	0.00	391.67	-391.67	0.00	4,274.99	-4,274.99	5,450.00
16003 · Supplies & Equipment - Other	33.35	250.00	-216.65	772.45	2,250.00	-1,477.55	3,000.00
Total 16003 · Supplies & Equipment	4,192.24	8,520.87	-4,328.63	81,299.46	73,937.39	7,362.07	99,000.00
16004 · Staff Development							
16241 · Police Training/Education	338.00	566.66	-228.66	3,490.56	5,100.02	-1,609.46	6,800.00
16339 · Dues & Subscriptions	60.00	1,875.00	-1,815.00	2,279.50	16,500.00	-14,220.50	22,000.00

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

Accrual Basis

June 2016

	Jun 16	Budget	\$ Over B...	Oct '15 - J...	YTD Budget	\$ Over B...	Annual Bu...
16341 · Employee Relations (Education)	0.00	233.33	-233.33	1,225.46	2,100.01	-874.55	2,800.00
16354 · Travel & Training (Travel)	1,173.92	1,291.67	-117.75	8,591.91	11,624.99	-3,033.08	15,500.00
Total 16004 · Staff Development	1,571.92	3,966.66	-2,394.74	15,587.43	35,325.02	-19,737.59	47,100.00
16005 · Maintenance							
16228 · Park Maint-Memory Pk	0.00	666.67	-666.67	4,545.66	5,999.99	-1,454.33	8,000.00
16229 · Park Maint - Fernland	193.69	566.67	-372.98	881.50	5,099.99	-4,218.49	6,800.00
16230 · Park Maint-Cedar Brake Park	2,822.47	400.00	2,422.47	4,898.51	3,600.00	1,298.51	4,800.00
16231 · Park Maint. - Homecoming Park	0.00	233.33	-233.33	17.99	2,100.01	-2,082.02	2,800.00
Total 16005 · Maintenance	3,016.16	1,866.67	1,149.49	10,343.66	16,799.99	-6,456.33	22,400.00
16006 · Insurance							
16353.2 · Liability Ins.	1,424.71	1,201.67	223.04	12,878.23	10,814.99	2,063.24	14,420.00
16353.3 · Property Ins.	369.25	316.66	52.59	3,323.25	2,850.02	473.23	3,800.00
Total 16006 · Insurance	1,793.96	1,518.33	275.63	16,201.48	13,665.01	2,536.47	18,220.00
16007 · Utilities							
16352.0 · Electronic Sign-City	40.30	41.67	-1.37	330.01	374.99	-44.98	500.00
16352.1 · Street Lights	1,103.50	1,108.34	-4.84	9,946.27	9,974.98	-28.71	13,300.00
16352.2 · Traffic Lights	22.99	100.00	-77.01	258.41	900.00	-641.59	1,200.00
16352.3 · Cedar Brake Park	101.06	150.00	-48.94	1,316.39	1,350.00	-33.61	1,800.00
16352.4 · Homecoming Park	56.11	83.33	-27.22	629.96	750.01	-120.05	1,000.00
16352.5 · Fernland Park	183.10	200.00	-16.90	1,538.21	1,800.00	-261.79	2,400.00
16352.6 · Utilities - City Hall	607.15	541.67	65.48	4,752.67	4,874.99	-122.32	6,500.00
16352.7 · Utilities - Gas	38.26	175.00	-136.74	609.38	1,575.00	-965.62	2,100.00
16352.8 · Utilities - Comm Center Bldg	210.92	408.34	-197.42	2,349.96	3,674.98	-1,325.02	4,900.00
Total 16007 · Utilities	2,363.39	2,808.35	-444.96	21,731.26	25,274.95	-3,543.69	33,700.00
16008 · Capital Outlay							
16233 · Cap Outlay- Com Building Proj	0.00	166.67	-166.67	0.00	1,499.99	-1,499.99	2,000.00
17070 · Capital Outlay - Police Cars							
17070.1 · Emergency Lights, Decals	0.00	0.00	0.00	19,158.54	21,500.00	-2,341.46	21,500.00
17070.3 · Vid Tec - In Car	0.00	833.33	-833.33	1,376.18	7,500.01	-6,123.83	10,000.00
17070 · Capital Outlay - Police Cars - Other	0.00	0.00	0.00	52,501.80	40,000.00	12,501.80	54,000.00
Total 17070 · Capital Outlay - Police Cars	0.00	833.33	-833.33	73,036.52	69,000.01	4,036.51	85,500.00
17071 · Cap Purchase - Computers/Equip							
17071.1 · Copsync	0.00			5,285.16	0.00	5,285.16	0.00
17071.2 · Radar	0.00			1,175.70			
17071.4 · Laser Fish (Software Equip)	0.00			3,445.88	0.00	3,445.88	0.00
17071.6 · Investigative and Testing Equip	142.77	250.00	-107.23	142.77	2,250.00	-2,107.23	3,000.00
17071.7 · Ballistic Vests & Shields	0.00	416.67	-416.67	1,936.02	3,749.99	-1,813.97	5,000.00
17071 · Cap Purchase - Computers/Equip - Ot...	41.00	1,808.34	-1,767.34	17,522.48	16,274.98	1,247.50	21,700.00
Total 17071 · Cap Purchase - Computers/Equip	183.77	2,475.01	-2,291.24	29,508.01	22,274.97	7,233.04	29,700.00
17071.5 · Patrol Weapons	0.00	208.34	-208.34	1,010.13	1,874.98	-864.85	2,500.00
17071.9 · In Field Fingerprinter	0.00	375.00	-375.00	0.00	3,375.00	-3,375.00	4,500.00
17072 · Capital Outlay-PWorks Items	0.00	3,833.33	-3,833.33	39,733.43	34,500.01	5,233.42	46,000.00
17080 · Capital Outlay-Improvements	0.00	833.33	-833.33	0.00	7,500.01	-7,500.01	10,000.00
Total 16008 · Capital Outlay	183.77	8,725.01	-8,541.24	143,288.09	140,024.97	3,263.12	180,200.00
16009 · Miscellaneous Expenses							
16590 · Misc. Expense	521.53	1,025.00	-503.47	17,495.58	9,225.00	8,270.58	12,300.00
16009 · Miscellaneous Expenses - Other	0.00			30.07			
Total 16009 · Miscellaneous Expenses	521.53	1,025.00	-503.47	17,525.65	9,225.00	8,300.65	12,300.00
16010 · Contingency	0.00	8.33	-8.33	500.00	75.01	424.99	100.00
16356 · Contract Labor- Streets	0.00	8,737.25	-8,737.25	24,320.00	43,135.25	-18,815.25	69,347.00
16500 · Leases - Parks and Recreation							

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

Accrual Basis

June 2016

	<u>Jun 16</u>	<u>Budget</u>	<u>\$ Over B...</u>	<u>Oct '15 - J...</u>	<u>YTD Budget</u>	<u>\$ Over B...</u>	<u>Annual Bu...</u>
16504 · Adams Park	0.00			2,641.01			
Total 16500 · Leases - Parks and Recreation	0.00			2,641.01			
Total Expense	220,075.29	211,299.69	8,775.60	1,925,423.70	1,842,813.93	82,609.77	2,480,338.00
Net Ordinary Income	-52,875.23	-15,519.93	-37,355.30	-1,166.28	-75,471.21	74,304.93	-53,881.00
Other Income/Expense							
Other Income							
14000.3 · Transfers In							
14620.2 · Admin Transfer from MEDC	0.00	9,375.00	-9,375.00	18,750.00	28,125.00	-9,375.00	37,500.00
14620.4 · Admin Trf from Court Security	0.00	720.00	-720.00	720.00	2,160.00	-1,440.00	2,880.00
Total 14000.3 · Transfers In	0.00	10,095.00	-10,095.00	19,470.00	30,285.00	-10,815.00	40,380.00
Total Other Income	0.00	10,095.00	-10,095.00	19,470.00	30,285.00	-10,815.00	40,380.00
Net Other Income	0.00	10,095.00	-10,095.00	19,470.00	30,285.00	-10,815.00	40,380.00
Net Income	<u>-52,875.23</u>	<u>-5,424.93</u>	<u>-47,450.30</u>	<u>18,303.72</u>	<u>-45,186.21</u>	<u>63,489.93</u>	<u>-13,501.00</u>

City of Montgomery - Capital Projects
Cash Flow Report - Const CkgW&S Proj 1058544 Account
As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$983.08
Receipts				
	Reim of Deposit to General in error		25.00	
Total Receipts				25.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 07/21/2016				<u>\$1,008.08</u>

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

Accrual Basis

June 2016

	Jun 16	Bud...	% of Bud...	Oct '15 - ...	YTD Bu...	% of ...	Annual B...
Ordinary Income/Expense							
Income							
45391 · Interest Earned	0.60	12.50	4.8%	236.17	112.50	209.9%	150.00
Total Income	0.60	12.50	4.8%	236.17	112.50	209.9%	150.00
Expense							
43890 · Engineering -Series 2012							
43890.1 · Eng-Catahoula Aquifer WW	0.00			1,062.72			
43890.2 · Eng-WP #3 Improvements	0.00			3,768.67			
43890 · Engineering -Series 2012 - Other	0.00			28,505.67			
Total 43890 · Engineering -Series 2012	0.00			33,337.06			
44000 · Wastewater System							
44000.1 · Wastewater-Lift Station Repair	0.00	0.00	0.0%	0.00	30,000.00	0.0%	30,000.00
44002 · Cap Outlay-SS Diversion/Permit	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 44000 · Wastewater System	0.00	0.00	0.0%	0.00	30,000.00	0.0%	30,000.00
46000 · Roadway System Improvements							
46000.1 · Water - Meters	22,886.00	0.00	100.0%	181,386.00	120,000.00	151.2%	120,000.00
46000 · Roadway System Improvements - Other	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 46000 · Roadway System Improvements	22,886.00	0.00	100.0%	181,386.00	120,000.00	151.2%	120,000.00
48000 · Cap Outlay-Fac, Equip. & PIng							
48000.1 · Water-Buffalo Sp Bridge Proj	0.00	0.00	0.0%	0.00	70,000.00	0.0%	70,000.00
48000 · Cap Outlay-Fac, Equip. & PIng - Other	0.00	0.00	0.0%	0.00	0.00	0.0%	0.00
Total 48000 · Cap Outlay-Fac, Equip. & PIng	0.00	0.00	0.0%	0.00	70,000.00	0.0%	70,000.00
Total Expense	22,886.00	0.00	100.0%	214,723.06	220,000.00	97.6%	220,000.00
Net Ordinary Income	-22,885.40	12.50	-183,083.2%	-214,486.89	-219,887.50	97.5%	-219,850.00
Net Income	-22,885.40	12.50	-183,083.2%	-214,486.89	-219,887.50	97.5%	-219,850.00

City of Montgomery - Debt Service
Cash Flow Report - Checking Account
 As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$70,364.61
Receipts				
	Interest		1.54	
Total Receipts				1.54
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 07/21/2016				\$70,366.15

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**City of Montgomery - Debt Service
Profit & Loss Budget Performance**

07/21/16

June 2016

Accrual Basis

	Jun 16	Budget	\$ Over Bud...	Oct '15 - Ju...	YTD Budget	\$ Over Bud...	Annual Bu...
Income							
34000 · Taxes & Franchise Fees							
34320 · Ad Valorem Taxes	0.00	502.31	-502.31	256,705.72	264,668.74	-7,963.02	264,985.00
34330 · Penalty & Interest	0.00	108.33	-108.33	2,386.62	975.01	1,411.61	1,300.00
Total 34000 · Taxes & Franchise Fees	0.00	610.64	-610.64	259,092.34	265,643.75	-6,551.41	266,285.00
34100 · Transfers							
34301.4 · Transfers in-MEDC Fund	0.00	0.00	0.00	58,750.00	58,750.00	0.00	117,500.00
34301.5 · Transfers in - Utility Fund	0.00	0.00	0.00	62,650.00	62,650.00	0.00	125,300.00
Total 34100 · Transfers	0.00	0.00	0.00	121,400.00	121,400.00	0.00	242,800.00
34200 · Proceeds-Bond Series Refundings	0.00	0.00	0.00	0.00	0.00	0.00	0.00
35000 · Other Revenues							
35390 · Interest on Checking	0.00	1.25	-1.25	0.00	11.25	-11.25	15.00
35391 · Interest on Investments	1.54	15.42	-13.88	59.30	138.74	-79.44	185.00
Total 35000 · Other Revenues	1.54	16.67	-15.13	59.30	149.99	-90.69	200.00
Total Income	1.54	627.31	-625.77	380,551.64	387,193.74	-6,642.10	509,285.00
Expense							
37000 · Debt Service							
37360 · Interest Payments On Note	0.00	0.00	0.00	8,580.00	8,580.00	0.00	16,841.25
37363 · Paying Agent Fees	0.00	0.00	0.00	250.00	2,500.00	-2,250.00	2,500.00
37365 · Interest 2012 Series Premium	0.00	0.00	0.00	100,871.88	100,871.88	0.00	198,968.75
37395 · Principal Note Payments	0.00	0.00	0.00	295,000.00	295,000.00	0.00	295,000.00
Total 37000 · Debt Service	0.00	0.00	0.00	404,701.88	406,951.88	-2,250.00	513,310.00
37370 · Expenses-Refunding Bond Act	0.00	0.00	0.00	0.00	0.00	0.00	0.00
37440 · Payment to Refunding Bond Agent	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expense	0.00	0.00	0.00	404,701.88	406,951.88	-2,250.00	513,310.00
Net Income	1.54	627.31	-625.77	-24,150.24	-19,758.14	-4,392.10	-4,025.00

City of Montgomery - Ct Security Fund
Cash Flow Report - Checking Account
 As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$16,229.08
Receipts				
	Interest		<u>0.24</u>	
Total Receipts				0.24
Disbursements				
	No Disbursements Activity		<u>0.00</u>	
Total Disbursements				<u>0.00</u>
BALANCE AS OF 07/21/2016				<u><u>\$16,229.32</u></u>

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

Accrual Basis

June 2016

	<u>Jun 16</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct '15 ...</u>	<u>YTD B...</u>	<u>\$ Over ...</u>	<u>Annual ...</u>
Ordinary Income/Expense							
Income							
84110 · Court Fines & Forfeitures							
84110.1 · Court Security Fees	0.00	375.00	-375.00	5,977.03	3,375.00	2,602.03	4,500.00
Total 84110 · Court Fines & Forfeitures	<u>0.00</u>	<u>375.00</u>	<u>-375.00</u>	<u>5,977.03</u>	<u>3,375.00</u>	<u>2,602.03</u>	<u>4,500.00</u>
84120 · Other Revenues							
84120.1 · Interest Income	0.24	1.67	-1.43	1.85	14.99	-13.14	20.00
Total 84120 · Other Revenues	<u>0.24</u>	<u>1.67</u>	<u>-1.43</u>	<u>1.85</u>	<u>14.99</u>	<u>-13.14</u>	<u>20.00</u>
Total Income	<u>0.24</u>	<u>376.67</u>	<u>-376.43</u>	<u>5,978.88</u>	<u>3,389.99</u>	<u>2,588.89</u>	<u>4,520.00</u>
Net Ordinary Income	0.24	376.67	-376.43	5,978.88	3,389.99	2,588.89	4,520.00
Other Income/Expense							
Other Expense							
86560 · Interfund Tranfers							
86551 · Baliff Transfer to General Fund	720.00	720.00	0.00	2,160.00	2,160.00	0.00	2,880.00
Total 86560 · Interfund Tranfers	<u>720.00</u>	<u>720.00</u>	<u>0.00</u>	<u>2,160.00</u>	<u>2,160.00</u>	<u>0.00</u>	<u>2,880.00</u>
Total Other Expense	<u>720.00</u>	<u>720.00</u>	<u>0.00</u>	<u>2,160.00</u>	<u>2,160.00</u>	<u>0.00</u>	<u>2,880.00</u>
Net Other Income	<u>-720.00</u>	<u>-720.00</u>	<u>0.00</u>	<u>-2,160.00</u>	<u>-2,160.00</u>	<u>0.00</u>	<u>-2,880.00</u>
Net Income	<u><u>-719.76</u></u>	<u><u>-343.33</u></u>	<u><u>-376.43</u></u>	<u><u>3,818.88</u></u>	<u><u>1,229.99</u></u>	<u><u>2,588.89</u></u>	<u><u>1,640.00</u></u>

City of Montgomery - Ct Tech Fund
Cash Flow Report - Checking Account
 As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$12,990.08
Receipts				
	Interest		0.11	
Total Receipts				0.11
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 07/21/2016				<u>\$12,990.19</u>

City of Montgomery - Ct Tech Fund Actual to Budget Performance

June 2016

Accrual Basis

	<u>Jun 16</u>	<u>Budget</u>	<u>\$ Over ...</u>	<u>Oct '15...</u>	<u>YTD B...</u>	<u>\$ Over ...</u>	<u>Annual...</u>
Ordinary Income/Expense							
Income							
74100 · Court Fines and Forfeitures							
74110 · Court Technology Fees	0.00	666.67	-666.67	7,988.43	5,999.99	1,988.44	8,000.00
Total 74100 · Court Fines and Forfeitures	<u>0.00</u>	<u>666.67</u>	<u>-666.67</u>	<u>7,988.43</u>	<u>5,999.99</u>	<u>1,988.44</u>	<u>8,000.00</u>
74200 · Other Revenues							
74291 · Interest Income	0.11	0.83	-0.72	0.19	7.51	-7.32	10.00
Total 74200 · Other Revenues	<u>0.11</u>	<u>0.83</u>	<u>-0.72</u>	<u>0.19</u>	<u>7.51</u>	<u>-7.32</u>	<u>10.00</u>
Total Income	<u>0.11</u>	<u>667.50</u>	<u>-667.39</u>	<u>7,988.62</u>	<u>6,007.50</u>	<u>1,981.12</u>	<u>8,010.00</u>
Expense							
76200 · Contract Services							
76362 · Computer/Website Services	0.00	500.00	-500.00	3,728.88	4,500.00	-771.12	6,000.00
76363 · Computer/ Equipment	0.00			0.00	0.00	0.00	0.00
Total 76200 · Contract Services	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>3,728.88</u>	<u>4,500.00</u>	<u>-771.12</u>	<u>6,000.00</u>
76300 · Supplies & Equipment							
76361 · Computer/Technology Equipment	0.00			0.00	0.00	0.00	0.00
Total 76300 · Supplies & Equipment	<u>0.00</u>	<u></u>	<u></u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Expense	<u>0.00</u>	<u>500.00</u>	<u>-500.00</u>	<u>3,728.88</u>	<u>4,500.00</u>	<u>-771.12</u>	<u>6,000.00</u>
Net Ordinary Income	<u>0.11</u>	<u>167.50</u>	<u>-167.39</u>	<u>4,259.74</u>	<u>1,507.50</u>	<u>2,752.24</u>	<u>2,010.00</u>
Net Income	<u>0.11</u>	<u>167.50</u>	<u>-167.39</u>	<u>4,259.74</u>	<u>1,507.50</u>	<u>2,752.24</u>	<u>2,010.00</u>

City of Montgomery - Grant
Cash Flow Report - Grant Account Account
 As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$287.74
Receipts				
	No Receipts Activity		<u>0.00</u>	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		<u>0.00</u>	
Total Disbursements				<u>0.00</u>
BALANCE AS OF 07/21/2016				<u><u>\$287.74</u></u>

City of Montgomery - Grant
Cash Flow Report - Checking Account
 As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 07/21/2016				\$10.00

City of Montgomery - Hotel Occupaacy Tax Fund
Cash Flow Report - Checking Account
 As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$9,399.90
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 07/21/2016				\$9,399.90

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

Accrual Basis

June 2016

	<u>Jun 16</u>	<u>Budget</u>	<u>\$ Over...</u>	<u>Oct '15...</u>	<u>YTD ...</u>	<u>\$ Over...</u>	<u>Annua...</u>
Income							
44300 · Taxes & Franchise Fees							
44330 · Hotel Occupancy Taxes	0.00	104.17	-104.17	0.00	937.49	-937.49	1,250.00
Total 44300 · Taxes & Franchise Fees	0.00	104.17	-104.17	0.00	937.49	-937.49	1,250.00
44400 · Other Revenues							
44360 · Interest Earned On Checking	0.00	1.67	-1.67	0.00	14.99	-14.99	20.00
Total 44400 · Other Revenues	0.00	1.67	-1.67	0.00	14.99	-14.99	20.00
Total Income	0.00	105.84	-105.84	0.00	952.48	-952.48	1,270.00
Expense	0.00			0.00			
Net Income	<u>0.00</u>	<u>105.84</u>	<u>-105.84</u>	<u>0.00</u>	<u>952.48</u>	<u>-952.48</u>	<u>1,270.00</u>

City of Montgomery - MEDC
Cash Flow Report - MEDC Checking Account
As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$414,524.08
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
1743	Armette Marketing	Final Invoice 6627 - Seasonal Decorations	(5,696.03)	
1744	Events Plus	Rental of Tents and install - Montgomery Antiques	(10,367.35)	
1745	Montgomery Area Chamber of Commerce	Partnership Grant for Director Services & Office S	(2,566.67)	
1746	Shannan Reid	Expenses Reimbursement - Conference in Irving, T	(331.44)	
1747	Waste Management of Texas, Inc.	Inv 1405906-1792-8, 1405965-1792-4 6/16	(460.92)	
Total Disbursements				(19,422.41)
BALANCE AS OF 07/21/2016				<u>\$395,101.67</u>

City of Montgomery - MEDC
Actual to Budget Performance
June 2016

	Jun 16	Budget	\$ Over Bu...	Oct '15 - J...	YTD Bud...	\$ Over Bu...	Annual B...
Income							
55000 · Taxes & Franchise Fees							
55400 · Sales Tax	37,286.40	33,256.60	4,029.80	346,402.12	320,857.43	25,544.69	466,000.00
Total 55000 · Taxes & Franchise Fees	37,286.40	33,256.60	4,029.80	346,402.12	320,857.43	25,544.69	466,000.00
55300 · Other Revenues							
55391 · Interest Income	69.63	20.83	48.80	652.99	187.51	465.48	250.00
Total 55300 · Other Revenues	69.63	20.83	48.80	652.99	187.51	465.48	250.00
Total Income	37,356.03	33,277.43	4,078.60	347,055.11	321,044.94	26,010.17	466,250.00
Expense							
56000 · Category I							
56000.6 · Downtown Parking Improvements	0.00	3,333.33	(3,333.33)	1,370.19	16,666.67	(15,296.48)	20,000.00
56000.8 · Utility Extensions	0.00	29,166.67	(29,166.67)	0.00	140,833.33	(140,833.33)	170,000.00
56425 · Undesignated Projects (Cat I)	0.00			1,250.00	0.00	1,250.00	0.00
56430 · Tsf to Debt Serv/ W & S Project	29,375.00	29,375.00	0.00	88,125.00	88,125.00	0.00	117,500.00
Total 56000 · Category I	29,375.00	61,875.00	(32,500.00)	90,745.19	245,625.00	(154,879.81)	307,500.00
56001 · Category II							
56001.7 · Seasonal Decorations	0.00	0.00	0.00	9,809.53	0.00	9,809.53	0.00
56423 · Economic Development Grant Prog	0.00	0.00	0.00	0.00	15,000.00	(15,000.00)	15,000.00
Total 56001 · Category II	0.00	0.00	0.00	9,809.53	15,000.00	(5,190.47)	15,000.00
56002 · Category III							
56420.1 · Christmas in Montgomery	0.00	0.00	0.00	5,000.00	5,000.00	0.00	5,000.00
56420.2 · Christmas Lighting(Civic Assn)	0.00	0.00	0.00	1,341.50	1,600.00	(258.50)	1,600.00
56423.1 · Walking Tours	0.00	0.00	0.00	2,660.00	10,000.00	(7,340.00)	10,000.00
56424.1 · Heritage Village Det. Pond Imp	0.00	0.00	0.00	0.00	10,000.00	(10,000.00)	10,000.00
56429 · Removal of Blight	460.92	0.00	460.92	12,007.96	22,500.00	(10,492.04)	30,000.00
56433 · Downtown Signs	0.00	0.00	0.00	0.00	3,000.00	(3,000.00)	3,000.00
56435 · Fernland Irrigation / Lighting	0.00	0.00	0.00	10,000.00	10,000.00	0.00	10,000.00
56439 · Downtown Development Projects	0.00	0.00	0.00	0.00	5,000.00	(5,000.00)	5,000.00
Total 56002 · Category III	460.92	0.00	460.92	31,009.46	67,100.00	(36,090.54)	74,600.00
56003 · Category IV							
56408.1 · Promotional Video	0.00	0.00	0.00	0.00	4,000.00	(4,000.00)	4,000.00
56409 · Antique Show & Fest	0.00	0.00	0.00	10,000.00	10,000.00	0.00	10,000.00
56413 · Brochures/Printed Literature	0.00	0.00	0.00	4,405.00	7,500.00	(3,095.00)	10,000.00
56413.1 · Banners Assistance	0.00	0.00	0.00	0.00	3,000.00	(3,000.00)	3,000.00
56414 · Wine & Music Fest	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
56415 · Texian/Heritage Festival	0.00	0.00	0.00	8,000.00	8,000.00	0.00	8,000.00
Total 56003 · Category IV	0.00	0.00	0.00	22,405.00	32,500.00	(10,095.00)	45,000.00
56004 · Category V							
56004.1 · Admin Transfers to Gen Fund	9,375.00	9,375.00	0.00	28,125.00	28,125.00	0.00	37,500.00
56004.2 · MACC Administration & Office	2,566.67	2,500.00	66.67	23,100.03	22,500.00	600.03	30,000.00
56004.3 · Miscellaneous Expenses	0.00	0.00	0.00	694.27	1,500.00	(805.73)	1,500.00
56327 · Gen Consulting (Acct,Eng,Legal)	0.00	1,250.00	(1,250.00)	1,120.00	11,250.00	(10,130.00)	15,000.00
56354 · Travel & Training Expenses	331.44	875.00	(543.56)	806.44	3,500.00	(2,693.56)	3,500.00
Total 56004 · Category V	12,273.11	14,000.00	(1,726.89)	53,845.74	66,875.00	(13,029.26)	87,500.00
Total Expense	42,109.03	75,875.00	(33,765.97)	207,814.92	427,100.00	(219,285.08)	529,600.00
Net Income	(4,753.00)	(42,597.57)	37,844.57	139,240.19	(106,055.06)	245,295.25	(63,350.00)

City of Montgomery - Police Asset Forfeiture
Cash Flow Report - Checking Account
 As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$2,259.82
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 07/21/2016				<u>\$2,259.82</u>

City of Montgomery - Water & Sewer
Cash Flow Report - Water & Sewer Fund Account
As of July 21, 2016

Num	Name	Memo	Amount	Balance
BALANCE AS OF 06/25/2016				\$55,315.02
Receipts				
	A/R Revenue CL 6/30/16		75,092.45	
	A/R Revenue OS 6/30/16		233.46	
	A/R Rev OS report 6/16		62.64	
	OS CC Fees at 6/16		5.00	
	Miscellaneous revenue 6/16		2,634.34	
	Interest		4.83	
Total Receipts				78,032.72
Disbursements				
13094	Consolidated Communications	936-597-4826 - New Summit Business Park Auto	(36.33)	
13095	Entergy	PartUtilities per spreadsheet 6/16	(71.56)	
13096	Lone Star Groundwater Conservation Dist	Qtr Permit Installment - 16-00723, 00724	(713.26)	
13097	Montgomery County UD#3-GRP Sponsor	May and June 2016 - Fees	(2,349.70)	
13098	Montgomery County UD#4-GRP Sponsor	May and June Fees	(2,349.70)	
13099	Coburn's Conroe		(1,007.10)	
13100	Consolidated Communications	936-597-8846/0 - Stewart Creek WWTP 07/16	(37.19)	
13101	DXI Industries Inc.		(702.00)	
13102	Entergy	PartUtilities per spreadsheet 6/16	(7,968.35)	
13103	Jones & Carter, Inc		(7,038.00)	
13104	Magna Flow Environmental, Inc	Sludge Hauling #42860	(2,778.28)	
13105	Municipal Accounts & Consulting, L.P.	Accounting Service Inv 42718 6/16	(400.00)	
13106	Neil Technical Services, Inc		(2,425.85)	
13107	PAVERS SUPPLY COMPANY	Riprap Inv 87374	(33.99)	
13108	State Comptroller	TIN 1-74-2063592-6 sales tax - 2ndQtr Fees 2016	(1,760.69)	
13109	Texas Excavation Safety System, Inc.	Monthly Message Fees for 6/16- 16-08491	(50.35)	
13110	TML - IRP	Insurance Premiums 07/16	(1,074.66)	
13111	Darden, Fowler & Creighton, L.L.P.	Legal Fees 6/16	(700.00)	
13112	DataProse, Inc.	DP1601815 - 6/16	(629.12)	
13113	Eastex Environmental Laboratory, Inc.	Chemicals #C16G034	(516.00)	
13114	G&K Services, Inc.	1/2 invoices 1165559112,65236,71337,77445	(205.38)	
13115	Jim's Hardware	Acct #102 -Part of invoice for 6/16	(49.92)	
13116	LDC	Generator - 149 South #1 Gen & 105 West #2 Ge	(44.36)	
13117	Tyler Technologies	Insite Transaction Fees - Utility Billing #025-1613	(31.25)	
13118	Waste Management	Residential Garbage Collection (387 Customers Tot	(6,634.13)	
DM	ETS Corporation	Credit Card Fees 6/16	(103.90)	
DM	Return Deposit	Returned deposit item	(80.10)	
Total Disbursements				(39,791.17)
BALANCE AS OF 07/21/2016				\$93,556.57

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

June 2016

	Jun 16	Budget	\$ Over Bu...	Oct '15 - J...	YTD Bud...	\$ Over Bu...	Annual B...
Ordinary Income/Expense							
Income							
24000 · Charges for Service							
24100 · Water Revenue	30,244.69	30,365.67	(120.98)	252,732.11	273,290.99	(20,558.88)	364,388.00
24118 · Surface Water Revenue	481.53	375.00	106.53	4,004.84	3,375.00	629.84	4,500.00
24119 · Application Fee	0.00	66.67	(66.67)	70.61	599.99	(529.38)	800.00
24120 · Disconnect Reconnect	600.00	183.33	416.67	3,825.00	1,650.01	2,174.99	2,200.00
24200 · Sewer Revenue	17,631.72	16,250.00	1,381.72	140,251.04	146,250.00	(5,998.96)	195,000.00
24310 · Tap Fees/Inspections	5,310.00	2,916.67	2,393.33	58,153.00	26,249.99	31,903.01	35,000.00
24319 · Grease Trap Inspections	800.00	833.33	(33.33)	7,200.00	7,500.01	(300.01)	10,000.00
24330 · Late Charges	1,412.11	916.67	495.44	11,945.94	8,249.99	3,695.95	11,000.00
24333 · Returned Ck Fee	50.00	15.00	35.00	150.00	135.00	15.00	180.00
25403 · Solid Waste Revenue	7,272.93	5,583.33	1,689.60	59,351.12	50,250.01	9,101.11	67,000.00
Total 24000 · Charges for Service	63,802.98	57,505.67	6,297.31	537,683.66	517,550.99	20,132.67	690,068.00
24101 · Taxes and Franchise Fees							
24110 · Sales Tax Rev for Solid Waste	590.38	458.33	132.05	4,812.31	4,125.01	687.30	5,500.00
Total 24101 · Taxes and Franchise Fees	590.38	458.33	132.05	4,812.31	4,125.01	687.30	5,500.00
24121 · Groundwater Reduction Revenue	11,350.35	7,916.67	3,433.68	90,751.55	71,249.99	19,501.56	95,000.00
25000 · Other Revenues							
25391 · Interest Income	4.83	25.00	(20.17)	54.14	225.00	(170.86)	300.00
25392 · Interest earned on Investments	5.34	14.17	(8.83)	85.21	127.49	(42.28)	170.00
25399 · Miscellaneous Revenue	139.34	62.50	76.84	501.13	562.50	(61.37)	750.00
Total 25000 · Other Revenues	149.51	101.67	47.84	640.48	914.99	(274.51)	1,220.00
25393 · Use of Surplus Funds	0.00	0.00	0.00	0.00	0.00	0.00	80,000.00
Total Income	75,893.22	65,982.34	9,910.88	633,888.00	593,840.98	40,047.02	871,788.00
Expense							
26001 · Personnel							
26353.1 · Health Ins.	975.28	1,333.33	(358.05)	8,720.72	12,000.01	(3,279.29)	16,000.00
26353.4 · Unemployment Ins	0.00	0.00	0.00	342.00	522.00	(180.00)	522.00
26353.5 · Workers Comp.	102.95	166.67	(63.72)	1,047.48	1,499.99	(452.51)	2,000.00
26353.6 · Dental Insurance	87.04	120.83	(33.79)	774.32	1,087.51	(313.19)	1,450.00
26353.7 · Life & AD&D Insurance	27.80	37.50	(9.70)	250.20	337.50	(87.30)	450.00
26501 · Retirement Expense	273.82	268.58	5.24	2,769.53	2,417.26	352.27	3,223.00
26560 · Payroll Taxes	507.19	570.00	(62.81)	5,130.03	5,130.00	0.03	6,840.00
26600 · Wages	6,630.17	6,517.67	112.50	67,059.60	58,658.99	8,400.61	78,212.00
26600.1 · Overtime	0.00	90.00	(90.00)	0.00	810.00	(810.00)	1,080.00
Total 26001 · Personnel	8,604.25	9,104.58	(500.33)	86,093.88	82,463.26	3,630.62	109,777.00
26200 · Contract Services							
26320 · Legal Fees	700.00	183.33	516.67	10,760.00	1,650.01	9,109.99	2,200.00
26322 · Engineering	(16,551.25)	4,583.33	(21,134.58)	65,890.88	41,250.01	24,640.87	55,000.00
26323 · Operator	0.00	2,500.00	(2,500.00)	24,275.00	22,500.00	1,775.00	30,000.00
26324 · Billing and Collections	410.47	375.00	35.47	2,677.06	3,375.00	(697.94)	4,500.00
26328 · Testing	516.00	1,000.00	(484.00)	5,884.10	9,000.00	(3,115.90)	12,000.00
26331 · Sales Tax for Solid Waste	1,760.69	462.50	1,298.19	4,871.97	4,162.50	709.47	5,550.00
26333 · Accounting Fees	400.00	500.00	(100.00)	3,600.00	4,500.00	(900.00)	6,000.00
26336 · Sludge Hauling	2,778.28	1,166.67	1,611.61	25,045.16	10,499.99	14,545.17	14,000.00
26340 · Printing	0.00	41.67	(41.67)	0.00	374.99	(374.99)	500.00
26350 · Postage	343.90	208.33	135.57	2,314.03	1,875.01	439.02	2,500.00
26351 · Telephone	184.52	166.67	17.85	1,591.72	1,499.99	91.73	2,000.00
26370 · Tap Fees & Inspections	0.00	1,666.67	(1,666.67)	6,504.63	14,999.99	(8,495.36)	20,000.00
26399 · Garbage Pickup	7,386.97	5,166.67	2,220.30	66,436.38	46,499.99	19,936.39	62,000.00
26200 · Contract Services - Other	0.00			531.33			
Total 26200 · Contract Services	(2,070.42)	18,020.84	(20,091.26)	220,382.26	162,187.48	58,194.78	216,250.00
26300 · Communications							
26338 · Advertising/Promotion	0.00	41.67	(41.67)	900.00	374.99	525.01	500.00
Total 26300 · Communications	0.00	41.67	(41.67)	900.00	374.99	525.01	500.00
26326 · Permits & Licenses	0.00	1,583.33	(1,583.33)	12,043.15	14,250.01	(2,206.86)	19,000.00
26371 · Dues & Subscriptions	0.00			545.00			

	Jun 16	Budget	\$ Over Bu...	Oct '15 - J...	YTD Bud...	\$ Over Bu...	Annual B...
26400 · Reserve Contingency	639.47			639.47			
26400.1 · Supplies & Equipment							
26342 · Chemicals	492.00	1,416.67	(924.67)	10,198.64	12,749.99	(2,551.35)	17,000.00
26358 · Copier/Fax Machine Lease	0.00	375.00	(375.00)	653.34	3,375.00	(2,721.66)	4,500.00
26460 · Operating Supplies	116.21	1,500.00	(1,383.79)	16,122.95	13,500.00	2,622.95	18,000.00
26485 · Uniforms	205.38	187.50	17.88	1,586.65	1,687.50	(100.85)	2,250.00
27040 · ComputerTechnology Equipment	0.00	416.67	(416.67)	1,722.92	3,749.99	(2,027.07)	5,000.00
26400.1 · Supplies & Equipment - Other	0.00	0.00	0.00	2,400.00	0.00	2,400.00	0.00
Total 26400.1 · Supplies & Equipment	813.59	3,895.84	(3,082.25)	32,684.50	35,062.48	(2,377.98)	46,750.00
26401 · Groundwater Reduction Expenses	2,236.48	1,666.67	569.81	45,534.24	14,999.99	30,534.25	20,000.00
26500 · Staff Development							
26339 · Dues & Subscriptions	0.00	83.33	(83.33)	0.00	750.01	(750.01)	1,000.00
26354 · Travel & Training (Travel)	0.00	166.67	(166.67)	1,638.38	1,499.99	138.39	2,000.00
26355 · Employee Relations (Education)	0.00	41.67	(41.67)	100.00	374.99	(274.99)	500.00
Total 26500 · Staff Development	0.00	291.67	(291.67)	1,738.38	2,624.99	(886.61)	3,500.00
26600.2 · Maintenance							
26335 · Repairs & Maintenance	8,718.66	9,583.33	(864.67)	135,412.64	86,250.01	49,162.63	115,000.00
26335.1 · Vehicle Rep. & Maint.	0.00	333.33	(333.33)	164.26	3,000.01	(2,835.75)	4,000.00
26349 · Gas & Oil	0.00	416.67	(416.67)	1,890.72	3,749.99	(1,859.27)	5,000.00
Total 26600.2 · Maintenance	8,718.66	10,333.33	(1,614.67)	137,467.62	93,000.01	44,467.61	124,000.00
26700 · Insurance Expense							
26353.2 · Liability Ins.	142.96	129.17	13.79	4,029.80	1,162.49	2,867.31	1,550.00
26353.3 · Property Ins.	828.75	833.33	(4.58)	4,608.78	7,500.01	(2,891.23)	10,000.00
Total 26700 · Insurance Expense	971.71	962.50	9.21	8,638.58	8,662.50	(23.92)	11,550.00
26800 · Utilities Expense							
26352.1 · Utilities - Gas for Generators	44.36	45.83	(1.47)	758.91	412.51	346.40	550.00
26352.2 · Utilities-Water Plants	4,936.52	3,500.00	1,436.52	43,440.45	31,500.00	11,940.45	42,000.00
26352.3 · Utilities-WW Treatment Plants	1,994.40	2,916.67	(922.27)	17,376.84	26,249.99	(8,873.15)	35,000.00
26352.4 · Utilities - Lift Stations	1,097.47	625.00	472.47	15,932.13	5,625.00	10,307.13	7,500.00
26352.5 · Utilities - Security Light	11.52	50.00	(38.48)	92.00	450.00	(358.00)	600.00
Total 26800 · Utilities Expense	8,084.27	7,137.50	946.77	77,600.33	64,237.50	13,362.83	85,650.00
26900 · Capital Outlay							
26900.3 · Capital Outlay Equipment	0.00	11,666.67	(11,666.67)	0.00	104,999.99	(104,999.99)	140,000.00
26900 · Capital Outlay - Other	0.00			1,040.00			
Total 26900 · Capital Outlay	0.00	11,666.67	(11,666.67)	1,040.00	104,999.99	(103,959.99)	140,000.00
27000 · Miscellaneous Expenses							
26359 · Misc Expense	103.90	83.33	20.57	3,422.27	750.01	2,672.26	1,000.00
Total 27000 · Miscellaneous Expenses	103.90	83.33	20.57	3,422.27	750.01	2,672.26	1,000.00
Total Expense	28,101.91	64,787.93	(36,686.02)	628,729.68	583,613.21	45,116.47	777,977.00
Net Ordinary Income	47,791.31	1,194.41	46,596.90	5,158.32	10,227.77	(5,069.45)	93,811.00
Other Income/Expense							
Other Expense							
27001 · Other Expenses							
27001.2 · Transfer to Debt Service	0.00	31,325.00	(31,325.00)	62,650.00	93,975.00	(31,325.00)	125,300.00
Total 27001 · Other Expenses	0.00	31,325.00	(31,325.00)	62,650.00	93,975.00	(31,325.00)	125,300.00
Total Other Expense	0.00	31,325.00	(31,325.00)	62,650.00	93,975.00	(31,325.00)	125,300.00
Net Other Income	0.00	(31,325.00)	31,325.00	(62,650.00)	(93,975.00)	31,325.00	(125,300.00)
Net Income	47,791.31	(30,130.59)	77,921.90	(57,491.68)	(83,747.23)	26,255.55	(31,489.00)

City of Montgomery
District Debt Service Payments

07/01/2016 - 09/30/2017

Paying Agent	Series	Date Due	Date Paid	Principal	Interest	Total Due
Debt Service Payment Due 09/01/2016						
Amegy Bank of Texas	2012	09/01/2016		0.00	58,887.50	58,887.50
Amegy Bank of Texas	2012R	09/01/2016		0.00	39,209.37	39,209.37
First National Bank of Huntsville	2015R	09/01/2016		0.00	8,261.25	8,261.25
		Total Due 09/01/2016		0.00	106,358.12	106,358.12
Debt Service Payment Due 03/01/2017						
Amegy Bank of Texas	2012	03/01/2017		120,000.00	58,887.50	178,887.50
Amegy Bank of Texas	2012R	03/01/2017		105,000.00	39,209.38	144,209.38
First National Bank of Huntsville	2015R	03/01/2017		80,000.00	8,261.25	88,261.25
		Total Due 03/01/2017		305,000.00	106,358.13	411,358.13
Debt Service Payment Due 09/01/2017						
Amegy Bank of Texas	2012	09/01/2017		0.00	57,087.50	57,087.50
Amegy Bank of Texas	2012R	09/01/2017		0.00	38,159.38	38,159.38
First National Bank of Huntsville	2015R	09/01/2017		0.00	7,761.25	7,761.25
		Total Due 09/01/2017		0.00	103,008.13	103,008.13
		District Total		\$305,000.00	\$315,724.38	\$620,724.38

City of Montgomery
Summary of Pledged Securities

As of July 21, 2016

Financial Institution: ALLEGIANCE BANK		
Total CDs, MM:	\$100,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
Financial Institution: FIRST BANK N.A. (Depository Bank)		
Total CDs, MM, and Checking Accounts:	\$917,723.81	Collateral Security Required: Yes
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: Yes
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	0.00 %	
Financial Institution: GREEN BANK		
Total CDs, MM:	\$100,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
Financial Institution: INDEPENDENT BANK		
Total CDs, MM:	\$200,000.00	Collateral Security Required: No
Less FDIC coverage:	\$250,000.00	Collateral Security Agreement On File: No
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	
Financial Institution: TEXPOOL		
Total CDs, MM:	\$479,754.33	Collateral Security Required: No
Less FDIC coverage:	\$0.00	Collateral Security Agreement On File: Yes
Total pledged securities:	\$0.00	Investment Policy Received: Yes
Ratio of pledged securities to investments:	N/A	

Meeting Date: July 26, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits: the Supplement Agreement
Date Prepared: July 21, 2016	

Subject

A Supplement to the Kroger/Milestone agreement regarding payment in excess of the construction grant available.

Discussion

The Supplement to the agreement provides that Kroger's will pay for everything in excess of the construction grant provided by the Texas Capital Fund. The city attorney and city engineer are recommending the approval of the Supplement. The construction amount of \$901,896.25 , compared to the construction amount available from the grant of \$595,868 leaves \$306,028.25 from Kroger. Any cost overruns are also, in the Agreement , to be paid by Kroger. Section 3A. 7. States the city must complete the project within 120 days, however there is no penalty if the project runs over the 120 days-- the city intends to make every effort to complete the project within the allotted time.

It is essential that the Council approved this supplement in advance of the next time on the agenda regarding the contracting for the water, sewer, road and drainage project.

Recommendation

Approve the supplement

Approved By

Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016
		Date:

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

SUPPLEMENT TO
COMMUNITY AND BUSINESS AGREEMENT
FOR TEXAS CAPITAL FUND GRANT
INFRASTRUCTURE PROJECT #7215102
BETWEEN
THE CITY OF MONTGOMERY, TEXAS
AND KROGER TEXAS LIMITED PARTNERSHIP

THIS SUPPLEMENT TO COMMUNITY AND BUSINESS AGREEMENT FOR TEXAS CAPITAL FUND GRANT INFRASTRUCTURE PROJECT #7215102 (this “Supplement”) is executed as of the ___ day of July 2016, by and between the City of Montgomery, Texas (the “City”), and Kroger Texas Limited Partnership, an Ohio limited partnership (“Company”).

RECITALS

A. Company and the City are parties to a Community and Business Agreement (“Agreement”) entered into as of _____, attached as **Exhibit A**.

B. Company and the City now desire to supplement the Agreement as hereinafter set forth. All capitalized terms used in this Supplement shall have the meanings given to such terms as set forth in the Agreement unless otherwise defined herein.

C. The parties anticipate that the costs of the Infrastructure Project will exceed the estimated costs set forth in the Texas Capital Fund Grant Application. The parties, through this Supplement, wish to provide terms and conditions for payment of costs of the Infrastructure Project in excess of the amounts received by the City pursuant to the Texas Capital Fund Grant (“Grant Funds”).

D. Attached as **Exhibit B** is the successful bid submitted to the City by Key Construction in the amount of Nine Hundred One Thousand Eight Hundred Ninety-Six and 25/100 Dollars (\$901,896.25) for the construction of the Infrastructure Project (“Construction

Budget”), and attached as **Exhibit C** are the plans and specifications for the Infrastructure Project.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing recitals, the mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Purchaser hereby agree as follows:

1. Project Construction Cost. As stated in Section 3.2 of the Agreement, the City shall use Grant Funds in the amount of Five Hundred Ninety-Five Thousand Eight Hundred Sixty-Eight and No/100 Dollars (\$595,868.00) to construct the Infrastructure Project.

2. Project Administration Cost. As stated in Section 3.3 of the Agreement, the City shall use Grant Funds in the amount of Fifty Thousand and No/100 Dollars (\$50,000.00) to carry out Project administration activities (“Project Administration Grant Amount”).

3. Project Engineering Cost. As stated in Section 3.4 of the Agreement, the City shall use Grant Funds in the amount of One Hundred Four Thousand One Hundred Thirty-Two and No/100 Dollars (\$104,132.00) to carry out engineering activities for the Infrastructure Project (the “Project Engineering Grant Amount”). For purposes of this Supplement, “engineering” shall include but not be limited to study and report phase, preliminary design phase, final design phase, bidding and negotiating phase, construction phase, post-construction phase, surveying, geotechnical services, construction materials testing, reproduction, and resident project representation.

4. New Article IIIA. The Agreement is supplemented by adding a new Article IIIA, as follows:

ARTICLE IIIA CONSTRUCTION COST OVERRUNS

3A.1. The City shall enter contracts with third party contractors and vendors (“Contractors”) for the construction of the Infrastructure Project; shall enter contracts with third parties for the Infrastructure Project engineering; and shall enter contracts with third parties for Infrastructure Project administration. Company shall not be a party to any such contracts. The City shall provide Company the opportunity to review and provide input on contracts for the construction of the Infrastructure Project. The City shall use Grant Funds in the full amount of the Construction Grant Amount to pay Contractors for the construction of the Infrastructure Project. The City shall use Grant Funds in the full amount of the Project Engineering Grant Amount to pay for Infrastructure Project engineering. The City shall use Grant Funds in the full amount of the Project Administration Grant Amount to pay for Infrastructure Project administration.

3A.2. After the City has made payments to Contractors for Infrastructure Project construction equal to the Construction Grant Amount exclusive of any Grant Funds dedicated to construction that are held back until completion of construction pursuant to the Texas Department of Agriculture Texas Capital Fund Contract (the "Construction Hold Back"), Company shall be responsible for additional amounts payable to Contractors to complete the construction of the Infrastructure Project. After the City has expended the Project Engineering Grant Amount, exclusive of any Grant Funds dedicated to engineering that are held back until Project completion pursuant to the Texas Department of Agriculture Texas Capital Fund Contract (the "Engineering Hold Back"), to remit payments to third parties for engineering charges for the Infrastructure Project, Company shall be responsible for additional amounts payable to third parties to provide Infrastructure Project engineering services necessary to complete the Infrastructure Project. After the City has expended the Project Administration Grant Amount, exclusive of any Grant Funds dedicated to administration that are held back until Project completion pursuant to the Texas Department of Agriculture Texas Capital Fund Contract (the "Administration Hold Back"), to remit payments to third parties for Infrastructure Project administration services for the Infrastructure Project, Company shall be responsible for additional amounts payable to third parties to provide Infrastructure Project administration services necessary to complete the Infrastructure Project. As an example and for clarity, the Company would begin to pay construction costs once the City has expended Grant Funds equal to the Construction Grant Amount less the Construction Hold Back for construction purposes, even if the City had not yet expended Grant Funds equal to the Project Engineering Grant Amount less the Engineering Hold Back for engineering services. City on its receipts of, respectively, the Construction Hold Back, the Engineering Hold Back, and the Administration Hold Back shall use the full amounts of each such Hold Back together with any necessary additional amounts provided by the Company to pay any final invoice or invoices for, respectively, Project construction, engineering, and administration costs. The Company's obligations under this Section 3A.2 are subject to the terms, conditions, and limitations of this Article IIIA.

3A.3. The City may in its discretion execute any reasonably necessary change orders or approve other increases in budgeted construction expenditures as long as such increased expenditures collectively do not increase the sum of all contract amounts payable to all Contractors for the construction of the Infrastructure Project by more than five percent of the Construction Budget, or $\$901,896.25 * 5.00\% = \$45,094.81$ (the "Discretionary Budget Increase"), that is, up to a total construction cost expenditure of $\$901,896.25 + \$45,094.81 = \$946,991.06$. After the City has approved increased construction expenditures in the amount of the Discretionary Budget Increase, the City shall provide written notice to Company of any proposed subsequent change orders or other increased construction costs that would authorize cost increases not reflected in the Construction Budget (a "Construction Cost Increase"). Company within three business days of receiving written notice of a Construction Cost Increase shall provide a written response to the City approving the Construction Cost Increase or stating an objection to the Construction Cost Increase. If Company fails to provide such response within three business days, the Construction Cost Increase shall be deemed approved by Company. If

Company states an objection to a Construction Cost Increase, the parties shall cooperate and as expeditiously as possible use commercially reasonable best efforts to resolve Company's objections and, if necessary, identify alternative approaches or expenditures that are acceptable to both parties and the Contractors and allow the timely completion of the Infrastructure Project in accordance with industry standard construction practices.

3A.4. The City in its discretion may approve or incur expenditures for Infrastructure Project engineering costs of up to One Hundred Fourteen Thousand One Hundred Thirty-Two and No/100 Dollars (\$114,132.00), that is, up to Ten Thousand and No/100 Dollars (\$10,000.00) in excess of the Project Engineering Grant Amount. After the City has incurred or approved Project Engineering Costs of One Hundred Fourteen Thousand One Hundred Thirty-Two and No/100 Dollars (\$114,132.00), the City shall provide written notice to Company of any proposed additional Infrastructure Project engineering costs, which may be in the form of a budget for the anticipated remaining Infrastructure Project engineering costs necessary to complete the Infrastructure Project (an "Engineering Cost Increase"). Company within three business days of receiving written notice of an Engineering Cost Increase shall provide a written response to the City approving the Engineering Cost Increase or stating an objection to the Engineering Cost Increase. If Company fails to provide such response within three business days, the Engineering Cost Increase shall be deemed approved by Company. If Company states an objection to an Engineering Cost Increase, the parties shall cooperate and as expeditiously as possible use commercially reasonable best efforts to resolve Company's objections and, if necessary, identify alternative approaches or expenditures that are acceptable to both parties and allow the timely completion of the Infrastructure Project in accordance with industry standard construction practices.

3A.5. The City in its discretion may approve or incur expenditures for Infrastructure Project administration costs of up to the Project Administration Grant Amount. After the City has incurred or approved Infrastructure Project administration costs equal to the Project Administration Grant Amount, the City shall provide written notice to Company of any proposed additional Infrastructure Project administration costs, which may be in the form of a budget for the anticipated remaining Infrastructure Project administration costs necessary to complete the Infrastructure Project (an "Administration Cost Increase"). Company within three business days of receiving written notice of an Administration Cost Increase shall provide a written response to the City approving the Administration Cost Increase or stating an objection to the Administration Cost Increase. If Company fails to provide such response within three business days, the Administration Cost Increase shall be deemed approved by Company. If Company states an objection to an Administration Cost Increase, the parties shall cooperate and as expeditiously as possible use commercially reasonable best efforts to resolve Company's objections and, if necessary, identify alternative approaches or expenditures that are acceptable to both parties and allow the timely completion of the Infrastructure Project in accordance with industry standard construction practices.

3A.6. Company shall not pay amounts pursuant to this Article IIIA for expenses incurred by the City in excess of, respectively, the Construction Grant Amount, the

Project Engineering Grant Amount, and the Project Administration Grant Amount less applicable Holdbacks until such time as the City has provided Company with schedules of, respectively, (i) amounts paid by the City to Contractors for the construction of the Infrastructure Project using Grant Funds, including copies of Contractor invoices paid by the City and such other supporting documentation as Company may reasonably request; (ii) amounts paid by the City for Infrastructure Project engineering costs using Grant Funds, including copies of invoices paid by the City and such other supporting documentation as Company may reasonably request; and (iii) amounts paid by the City for Infrastructure Project administration costs using Grant Funds, including copies of invoices paid by the City and such other supporting documentation as Company may reasonably request.

3A.7. The City through its Contractors must accomplish Completion of Construction within one hundred twenty (120) days after the City issues a Notice to Proceed to the prime Contractor. For purposes of this Article IIIA, "Completion of Construction" shall mean that the Infrastructure Project is open and available for use as a public roadway and that any Infrastructure Project utilities necessary for the Company to operate its retail grocery center have been placed in service. The deadline for Completion of Construction shall be extended for the period of any delay caused by Force Majeure, defined as any event, matter, or thing that prevents or delays the performance of any obligation arising under this Agreement, but only to the extent such event, matter, or thing is beyond the reasonable control of the person claiming the same and the effect of such event, matter, or thing would not have been avoided had such person used reasonable care or acted in compliance with industry standards, including but not limited to events, matters, or things such as war; blockade; revolution; insurrection; riot; acts of terrorism or public disorder; fire; flood; earthquake; acts of God; or labor strikes, disputes, or disruptions.

3A.8. After the City has expended Grant Funds equal to, respectively, the Construction Grant Amount less the Construction Holdback, the Project Engineering Grant Amount less the Engineering Holdback, or the Project Administration Grant Amount less the Administration Holdback to pay for construction, engineering, or administration of the Infrastructure Project, the City shall provide periodic written requests to Company ("Payment Requests"), no more frequently than monthly, requesting that Company pay specified expenses incurred in excess of the Construction Grant Amount less the Construction Holdback, the Project Engineering Grant Amount less the Engineering Holdback, or the Project Administration Grant Amount less the Administration Holdback. Each Payment Request shall identify amounts due and payable to specific Contractors or other vendors for which payment is requested, shall include invoices and other supporting documentation substantiating the charges, and, in the event a particular charge is to be paid in part by the City's final remaining unexpended Grant Funds or the Holdback and in part by Company, shall specify the portion of any invoices or charges included in the Payment Request that the City has paid or will pay using Grant Funds. The City must submit its final Payment Request to the Company no later than sixty (60) days after Completion of Construction.

3A.9. Company within ten (10) business days of Company's receipt of a Payment Request shall remit the requested payment to the City, which the City must use to pay the Contractor or other vendor's charges in the related Payment Request. Contractors and other City vendors are not parties to nor third-party beneficiaries of the Agreement as amended by this Amendment.

3A.10. If Company disagrees with the amount or validity of any Contractor or other vendor charges included in a Payment Request, Company shall specify to the City in writing the reasons why Company objects to any charges. The City and Company shall cooperate and use commercially reasonable best efforts to reach agreement regarding the accuracy of Company's grounds for objection and if necessary City shall dispute such charges with the Contractor or other vendor and resolve with the Contractor or other vendor the correct amount of such charges.

3A.11. Company shall not have any general right to oversee or administer the construction of the Infrastructure Project, but shall have only the specific rights granted to it by this Article IIIA.

5. Ratification. Except as expressly supplemented by this Supplement, all of the terms of the Agreement shall continue in full force and effect and are hereby ratified and affirmed. In the event any terms of this Supplement conflict with terms of the Agreement, the terms of this Supplement shall control. This Supplement constitutes the entire agreement of the parties regarding the subject matter hereof. Any previous agreements between the parties related to the subject matter of this Supplement are hereby replaced by this Supplement. This Supplement may be modified or changed only by a written instrument signed by all parties.

6. Miscellaneous.

(i) This Supplement may be executed in separate counterparts and it shall be fully executed when each party whose signature is required herein has signed at least one (1) counterpart even though no one (1) counterpart contains the signatures of all of the parties to this Supplement. This Supplement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns. Facsimile or email signatures shall have the same force and effect as original signatures.

(ii) This Supplement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Montgomery County, Texas. Venue for any action arising under this Supplement shall lie exclusively in Montgomery County, Texas.

(iii) In the event any provision of this Supplement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Supplement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.

(iv) Any notices required or permitted to be given hereunder shall be given by certified or registered mail, return receipt requested, to the addresses set forth below or to such other single address as either party hereto shall notify the other:

If to City:
The City of Montgomery, Texas
P.O. Box 708
Montgomery, Texas 77356
Attn: City Administrator

If to Company:
Kroger Texas Limited Partnership
19245 David Memorial Drive
Shenandoah, TX 77381
Attn: Norbert Mueller
With copy to:
Kroger Texas Limited Partnership
1014 Vine St.
Cincinnati, OH 45202
Attn: Rita Williams

(v) The City shall maintain as confidential any and all information, data and records provided by Company or otherwise obtained in a manner which required Company's consent, and designated as proprietary and/or confidential and, excepting the State of Texas, shall not disclose such information to any third party, except as required by law.

Executed this the _____ day of July, 2016.

Exhibit "A" Community and Business Agreement for Texas Capital Fund Grant Infrastructure Project #7215102 between The City of Montgomery, Texas and Kroger Texas Limited Partnership

Exhibit "B" Key Construction Detailed Bid for Project Construction

Exhibit "C" Final Plans and Specifications

CITY OF MONTGOMERY:

Kirk Jones, Mayor

KROGER TEXAS LIMITED PARTNERSHIP:

By: KRGP Inc., its general partner

Name:

Title:

Montgomery City Council
AGENDA REPORT

ITEM #9

Meeting Date: July 26, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits: Memo from the City Engineer
Date Prepared: July 21, 2016	

Subject

Approval of execution of construction contracts with Key Construction for completion of public water, sewer, drainage, and paving improvements to serve the Kroger development

Discussion

The Council approved the bid at its June 28th meeting. Since that time the engineer has been getting references on the Key Construction and awaiting the Kroger supplement agreement regarding the overage of the construction cost versus the grant construction monies available.

Recommendation

Approve the signing of the Contract with Key Construction

Approved By

Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016 Date:



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

July 21, 2016

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

Re: Recommendation of Award and Execution of Contracts for Construction of Public Infrastructure
Improvements to Serve the Kroger Development
The City of Montgomery

Dear Mayor and Council:

Recall at the June 28th Council meeting we reported Key Construction to be the apparent low bidder in the amount of \$901,896.25, and we received your authorization to prepare a Recommendation of Award for signature upon completion of an agreement between the City and Kroger Corporation regarding funding of the approximate \$300,000 difference in the Texas Capital Fund Grant award and the anticipated construction cost. Our understanding is the City and Kroger have reached an agreement whereby Kroger will fund this difference. As such, we request your authorization to prepare and execute construction contracts with Key Construction for completion of the proposed water, sanitary sewer, drainage, and paving improvements to serve the Kroger development. Upon said authorization we will prepare contracts for signatures by all parties and schedule a pre-construction meeting during which a Notice to Proceed will be issued to the Contractor.

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

Sincerely,

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

Ed Shackelford, PE
Engineer for the City

EHS/gef:lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-1003-01 Milestone Development-Public\General\Letters\Memo to Council RE Contracts.doc

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

Meeting Date: July 26, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits:
Date Prepared: July 21, 2016	

Subject

Approval of the ordinance to ratify and continue a Municipal Court Technology Fund

Discussion

In the course of doing a codification review we discovered we did not have an ordinance creating that Technology Fund. City Attorney Larry Foerster has prepared the attached ordinance that ratifies past actions and creates the Fund. No funds will have to be reimbursed or would have been improperly received if you approve the ordinance. The City Attorney can explain more at the meeting is necessary.

Recommendation

Approve the Ordinance

Approved By

Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016 Date:

Motion was made by _____, seconded by _____,
that the following Ordinance by passed:

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, TO RATIFY AND CONTINUE A MUNICIPAL COURT TECHNOLOGY FUND REQUIRING ALL DEFENDANTS CONVICTED OF A MISDEMEANOR OFFENSE IN THE MUNICIPAL COURT IN THE CITY OF MONTGOMERY TO PAY A TECHNOLOGY FEE OF \$4.00 AS A COURT COST; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION AS PROVIDED BY LAW.

WHEREAS, Article 102.0172 of the Texas Code of Criminal Procedure has been amended to repeal the expiration date for a municipal court technology fund and make the technology fund fee mandatory for defendants convicted of misdemeanors; and

WHEREAS, the City Council of the City of Montgomery, Texas desires to ratify and continue a municipal court technology fund requiring all defendants convicted of a misdemeanor offense in the municipal court of the Montgomery, Texas to pay a municipal court technology fee of Four Dollars (\$4.00) as a court cost;

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

SECTION I. MUNICIPAL TECHNOLOGY FUND

The City Council of Montgomery hereby approves and ratifies the implementation of a Municipal Court Technology Fee of Four Dollars (\$4.00) to be paid by all defendants convicted of a misdemeanor in the municipal court of the City of Montgomery. The fees collected shall be placed in the Municipal Court Technology Fund to be used to finance the purchase of or to maintain technological enhancements for the Municipal Court of Montgomery, Texas, as provided in Article 102.0172 of the Texas Code of Criminal Procedure.

SECTION II. REPEALING ALL ORDINANCES IN CONFLICT

All other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby repealed.

SECTION III. SAVINGS CLAUSE

This City Council of the City of Montgomery, Texas does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION IV. COMPLIANCE WITH OPEN MEETINGS ACT

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

SECTION V. EFFECTIVE DATE

This Ordinance shall become effective upon its passage by the City Council and publication as provided by law.

PASSED AND APPROVED this _____ day of July 2016.

CITY OF MONTGOMERY, TEXAS

Kirk Jones, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM

Larry L. Foerster, City Attorney

Montgomery City Council
AGENDA REPORT

ITEM #11

Meeting Date: July 26, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits:
Date Prepared: July 21, 2016	

Subject

Telecommunications Tower ordinance

Discussion

The ordinance is attached. I expect a unanimous recommendation for your approval last night (the 25th) by the Planning Commission. It has cleared city attorney and city engineer review and is recommended for your approval.

Recommendation

Approval of the ordinance.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016 Date:

ORDINANCE _____

AN ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS REGARDING TELECOMMUNICATIONS TOWER FACILITIES BY AMENDING THE MONTGOMERY CODE OF ORDINANCES BY ADDING ARTICLE V, "TELECOMMUNICATION FACILITIES" TO CHAPTER 18, "BUILDINGS AND BUILDING REGULATIONS;" PROVIDING DEFINITIONS; PROVIDING HEIGHT STANDARDS, DISTANCES FROM RESIDENTIAL USES, LANDSCAPING, APPLICATION REQUIREMENTS, AND APPLICATION FEES; PROVIDING SEVERABILITY AND REPEALING CLAUSES; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, telecommunication towers and appurtenant facilities are a necessary part of modern life and need to be placed within the City to best serve the citizens of the City and the immediate area surrounding the City; and

WHEREAS, placement of a telecommunication facility, specifically cell towers, has a significant effect on community development, property values, and quality of life aspects for City residents in the immediate area of the structure; and

WHEREAS, the standards and regulations should be known by applicants for new telecommunication tower placement and so that the City staff, the Planning and Zoning Commission, and the City Council can use these guidelines and regulations in their deliberations; and

WHEREAS, these standards and regulations have been publicly discussed and decided on in advance of the decisions related to the placement of telecommunication facilities in the City;

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

SECTION ONE: FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION TWO: AMENDMENT TO CODE OF ORDINANCES

The City Code of Ordinances at Chapter 18, "BUILDINGS AND BUILDING REGULATIONS," is hereby amended by adding Article V to the chapter, entitled "TELECOMMUNICATION FACILITIES," such that it reads as follows:

Sec. 18-141. TELECOMMUNICATION FACILITIES.

Telecommunications facilities are authorized by a Special Use Permit and the following standards and procedures apply to consideration of such uses and construction.

Sec. 18-142. DEFINITIONS.

- (1) **Antenna:** A metallic, graphite, fiberglass or other device which is attached to a transmission tower, cellular tower, monopole, mast, building or other structure for transmitting and receiving electromagnetic waves.
- (2) **Building-mounted facility:** A telecommunications facility in which antennas are mounted to the roof or facade of a building.

- (3) **Cellular communications facility:** A telecommunications facility, including but not limited to an antenna or tower.
- (4) **Lattice tower:** A guyed or self-supporting three- or four-sided, open steel frame structure used to support telecommunications equipment.
- (5) **Monopole:** A single, self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole, with a below grade foundation that is intended to support antennas necessary to deliver and receive cellular or personal communications services transmissions.
- (6) **Telecommunications tower:** A free-standing structure consisting of a support structure, antenna and associated equipment. The support structure may be a wooden pole, monopole, lattice tower, light standard or other vertical support.
- (7) **Telecommunications facility:** An unmanned facility consisting of equipment for the reception, switching or receiving of wireless telecommunications.

Sec. 18-142. HEIGHT AND SETBACK STANDARDS FOR TELECOMMUNICATION TOWERS.

- (1) The height of a telecommunications tower, excluding antenna array, shall be a function of distance of the tower from any residential use, and shall be subject to the following standards:
 - a. No tower shall be erected within two hundred (200) feet of any residential use.
 - b. The height of the tower shall not exceed seventy-five (75) feet in height, if the tower is located two hundred (200) or more feet and less than two hundred fifty (250) feet from any residential use.
 - c. The height of the tower shall not exceed one hundred (100) feet in height, if the tower is located two hundred fifty (250) feet or more and less than five hundred forty (540) feet from any residential use.
 - d. The height of the tower shall not exceed one hundred twenty (120) feet in height, if the tower is located five hundred forty (540) feet or more from any residential use.
 - e. Only monopole towers shall be allowed within five hundred forty (540) feet of any residential use.
 - f. The antenna array shall not exceed the allowed tower height by more than ten (10) feet.
 - g. All guy wires and guy anchors shall be set back a minimum of twenty (20) feet from any property line.
 - h. No guy wires may cross over any adjoining property, public easements or public rights-of-way.
 - i. The tower shall be erected and operated in compliance with current Federal Communication Commission, Federal Aviation Administration, and other applicable federal and state standards.
- (2) The height limitations shall not apply in the following circumstances:
 - a. There are no more than two residential uses within two hundred (200) feet of the tower base.
 - b. The proposed tower is erected to replace existing poles and either:

1. The pole replaced is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole or telecommunication tower; or
 2. Replacement tower height, including antenna array, does not exceed:
 - (a) The height of the original utility, light standard, or recreation facility pole by more than ten (10) feet; and
 - (b) The replacement tower does not obstruct a public sidewalk, public alley, or other public right-of-way; and
 - (c) Pole function is not significantly altered.
 - c. Towers erected to be used by a public agency, including those for police, fire, EMS, 911, or other similar public emergency communications for the city.
- (3) For the purpose of applying the restrictions the term "residential use" has the meaning set forth in the City zoning ordinance use charts., but excludes property that is vacant and unplatted.
 - (4) Distances in this section shall be measured along a single straight line between the center of the tower base and the nearest point on any property line of a residential zoning district or use.

Sec. 18-143. BUILDING-MOUNTED FACILITIES.

- (1) Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached and may not exceed the height of the rooftop or structure by more than ten (10) feet.
- (2) Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.
- (3) Antennas may be located wholly within any building authorized in the zoning district. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.

Sec. 18-144. ACCESSORY BUILDINGS.

A single-story unmanned accessory building of no more than three hundred (300) square feet gross floor area is permissible to store equipment needed to send and to receive transmissions but may not include offices or long term storage of vehicles.

Sec. 18-145. INSPECTIONS.

The City reserves the right to make inspections of any telecommunication facility within the corporate limits of the City to ensure structural integrity. Based upon the results of the inspection, the City may require repair or removal of the telecommunications facility.

Sec. 18-146. APPLICATION REQUIREMENTS.

- (1) Any person, firm, corporation, or any other entity desiring to build a telecommunication facility within the corporate city limits of the City must obtain a building permit, pay appropriate fees and submit a signed application that includes all materials and information as detailed herein:
 - a. Name of applicant.
 - b. Address of applicant.
 - c. Location of proposed site.

- d. Type of support structure and antenna and height.
- e. Photos and/or drawings of all equipment, structures and antennas.
- f. Names and addresses of telecommunication providers or users of the proposed tower or antenna.
- g. Applicants master antenna/tower plan for the City and surrounding area, if necessary.
- h. Detailed account of co-location efforts as described in subsection (2) and (3) below.
- i. If a new tower is allowed, the owner must certify in writing a willingness to allow co-location at the new site, as well as the technological and fiscal feasibility of co-location.
- j. Any other requirement of this article.

(2) Subject to subsection (3) below, no wireless telecommunications tower shall be permitted unless it is demonstrated by sufficient documentary evidence that at least one of the following conditions is applicable:

- a. No existing towers or suitable structures are located within the geographical areas required to meet the applicant's engineering requirements, and no such tower or suitable structure is under consideration for building permits.
- b. Existing towers or other structures are not of sufficient height and cannot be reasonably altered to meet the applicant's engineering requirements.
- c. Existing towers or other structures do not have sufficient structural strength and cannot be reasonably altered to support applicant's proposed antenna and related equipment.
- d. The proposed antenna would cause electromagnetic interference with existing antenna(s) on the other towers or structures; or the existing antenna(s) on other towers or structures would cause interference with the proposed antenna and the interference cannot be prevented at a reasonable cost.
- e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- f. Co-location would have a more detrimental environmental, aesthetic or visual impact on the surrounding area than would construction of a new tower.

(3) Even if an applicant is able to demonstrate the existence of one of the foregoing conditions, a new tower may not be permitted if it is determined that the proposed location of the tower is not essential to the applicant to provide service in a given geographical area and the proposed tower would:

- a. Interfere with or endanger the use of other telecommunication facilities,
- b. Endanger persons or property;
- c. Not be compatible with existing or proposed adjacent development;
- d. Have an impermissible environmental, visual or aesthetic impact on the surrounding area; or
- e. That the proposed tower will interfere with public safety and emergency communications.

(4) **Special Exceptions:** In order to be considered for a special exception to these application requirements, the applicant must demonstrate that the applicant has sent written requests by

certified mail to the owner(s) of the tower for proposed possible co-location.

- a. The owner of the tower for possible co-location shall answer the requesting applicant within thirty (30) days of receipt of the request for co-location.
- b. It shall be unlawful for a tower owner or the person in control of said tower to deny a request without substantial documentary evidence as required herein demonstrating why co-location would not be reasonably possible.

Sec. 18-147. LOCATION OF TOWERS.

- (1) A tower permit shall not be approved for the construction of a tower on a lot, tract or parcel of land where the construction of a tower is prohibited, expressly or impliedly, by duly recorded and unexpired deed restrictions or covenants running with the land.
- (2) In a residential area, a tower permit shall not be approved for the construction or alteration of a tower structure.
- (3) A tower permit shall not be approved for the construction or alteration of a tower structure unless the proposed tower structure is located a distance at least equal to the applicable setback area established by subsection (6) of this section.
- (4) In an area within one-quarter mile of the downtown Historic Preservation District, a tower permit shall not be approved for the construction or alteration of a tower structure unless the proposed tower is:
 - a. Located from the Historic Preservation District a distance at least equal to the applicable setback area established by subsection (6) of this section, which shall for this limited purpose apply without regard to the existence of any residential lot; for purposes of this requirement, measurements shall be made from the perimeter of the District; and
 - b. One or more intervening buildings, structures, topological features or trees will substantially obstruct a person's sight line of the tower structure from ground level at the perimeter of the district.
- (5) A tower permit shall not be issued for the construction or alteration of a tower structure in a park or on a tract surrounded by a park.
- (6) A tower permit shall not be approved for the construction or alteration of a tower structure unless the distance between the center of the base of a tower and the nearest residential lot is at least 1½ times the height of the tower or tower structure. This measurement shall be made to the nearest point on the property line of the residential lot, unless the tower permit application includes a category 3, condition II survey, as defined by the Texas Surveyors Association, of all properties within the setback area. If the survey is provided, the measurement shall instead be made as follows:
 - a. If a residence has been constructed on the lot, the measurement shall be from the tower structure to the nearest outside wall of the residential structure on each lot; or
 - b. If a residence has not been constructed on the lot, the measurement shall be from the tower structure to the center of the residential lot minus 25 feet.
- (7) If a proposed tower site does not directly front onto a public right-of-way, there must be a public access easement of at least twenty-five (25) feet in width to provide easy access to the tower site.
- (8) A tower permit shall not be approved for the construction or alteration of a tower structure

within 1,000 feet of an approved tower structure, other than a tower structure for which a permit would not be required under this article. For purposes of this requirement, a tower is considered to be "approved" when a tower permit has been issued pursuant to this article and the tower structure has been constructed or any building permit issued thereunder remains in effect. The city administrator shall promulgate rules and procedures for establishing precedent to the extent of conflict between two or more tower structures.

- (9) Property uses and distances referred to in this section shall be determined as of the date and time that the completed tower permit application is filed.

Sec. 18-148. TOWER STRUCTURE AND DESIGN.

- (1) Each antenna tower structure for which a permit is approved and issued shall be designed, engineered and constructed to accommodate the placement of a minimum of two antenna arrays. This requirement shall not apply to a camouflage tower.
- (2) All telecommunication towers must meet or exceed the requirements of the EIA/TIA-222-E "Structural Standards for Steel Antenna Towers" in effect at the time of the application.
- (3) All new applications for a telecommunications tower or any proposed alteration to an existing tower must be submitted for review and approval by the City Building Code Official and the City Engineer.

Sec. 18-149. SECURITY FENCE.

- (1) The base of a tower shall be completely enclosed by a fence, wall, or barrier which limits climbing access to the tower and any supporting systems, lines, wires, buildings or other structures.
- (2) Guy wires must also be fenced if they are outside the enclosed tower site.
- (3) The fence, wall or barrier required by subsection (1) of this section shall not be less than eight feet in height with no openings, holes or gaps larger than four inches measured in any direction. Gates and doors opening directly into the area enclosed by a fence, wall or barrier, as required by this section, shall be equipped with a lock to keep and capable of keeping the doors or gates securely closed and locked at all times.
- (4) The requirements of this section do not apply to:
 - a. Any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower; or
 - b. Existing tower sites having security fences at least six feet in height.

Sec. 18-150. SCREENING FENCE.

- (1) The base of a tower, including all mechanical equipment and accessory structures, shall be screened from view of residential lots by a wooden, substantially opaque screening fence designed and built to provide privacy with a minimum height of eight feet.
- (2) The screening fence may contain gates or doors allowing access to the tower and accessory structures for maintenance purposes, which shall be kept completely closed except for maintenance purposes and shall be located a minimum of 18 feet from the public right-of-way.
- (3) The requirements of this section do not apply to:

- a. Any tower constructed or placed a distance of more than two times the height of the tower structure from all residential lots and at least 50 feet from the right-of-way of the nearest street; or
 - b. Any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower.
- (4) When both Section 18-150 and this section are applicable, a single fence conforming to all applicable requirements of both sections may be provided.

Sec. 18-151. LANDSCAPING.

- (1) The entire facility must be aesthetically and architecturally compatible with its environment. The telecommunications tower itself must be camouflaged to blend with the surrounding environment through the use of color, materials and design. The entire facility and its landscape must be maintained in accordance with a submitted landscape plan that is approved by the City.
- (2) A tower site shall have landscaping maintained in a healthy, growing condition at all times and in compliance with all applicable ordinances, deed restrictions and regulations.
- (3) At a minimum, a tower site shall have one large shrub, not less than 18 inches in height at the time of planting, capable of reaching a minimum height of four feet for each three linear feet of required screening fence; provided that not less than eight large shrubs shall be provided for each tower site. The shrubs required by this subsection shall be installed at the tower site along the exterior side of the screening fence required in Section 18-150.
- (4) At a minimum, a tower site shall have one tree, with a minimum caliper of four inches, for each 30 linear feet of required screening fence; provided that not less than one tree along each public right-of-way bordering the host tract shall be provided at each tower site. All trees shall be selected from the list of trees identified as acceptable under the City commercial landscaping and tree preservation requirements.
- (5) The person or entity in whose name the tower permit is issued shall have complete responsibility for the maintenance of all landscaping required by this section.
- (6) Any tower site that is excluded from the screening requirements of Section 18-150 shall also be excluded from the landscape requirements of this section for which any amount of linear footage of screening fence is required.

Sec. 18-152. SIGNS AND LIGHTS.

- (1) Lettering, signs, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall not be placed on or affixed to any part of a tower, antenna array or antenna, other than as required by Federal Communications Commission regulations regarding tower registration or other applicable law.
- (2) A tower or tower structure shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required by law or regulation, a design that reasonably minimizes disturbance to any adjacent residences shall be utilized.
- (3) The base of the tower shall have security lighting in conformance with the City's dark sky lighting ordinance.
- (4) A sign identifying the tower operator's address and an emergency phone number must be posted upon each gate of the enclosure.

Sec. 18-153. ADDITIONAL ANTENNAS PLACED ON TOWER.

After a tower has been completed and is in use, any additional antennas must be approved by the City Engineer in compliance with Section 18-148 above; reviewed by the Planning and Zoning Commission; and approved by the City Council. Additional units are not required to follow the Special Use Permit approval process in the City zoning ordinance, but must be publicly acted upon by the two bodies.

Sec. 18-154. MAINTENANCE AND INSPECTION.

- (1) All buildings, structures, supporting structures, wires, fences or ground areas used in connection with a tower shall be maintained in a safe condition and in good working order. All equipment or machinery required by the City building codes, the fire code or any other applicable regulation or ordinance for a building or structure or supporting structure or device shall be maintained in good working order. The owner or operator of a tower shall be responsible for the maintenance of the tower, supporting structures, buildings, fences and ground areas.
- (2) Within thirty (30) days of the annual anniversary of the City Council approval of the tower application, the owner or operator of the tower shall submit an annual written inspection report from a professional engineer confirming that the tower is in a safe condition and in good working order.
- (3) By applying for a tower permit under this article, the applicant specifically grants permission to the City, its duly authorized agents, officials and employees, to enter upon the property for which a permit or waiver is sought, after first providing reasonable notice, for the purpose of making all inspections required or authorized to be made under this article, the fire code, the building codes, this Code or any other applicable regulation, rule or ordinance.

Sec. 18-155. REMOVAL OF TOWERS.

Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of the antenna or tower shall remove the antenna or tower within 90 days of receipt of notice from the city administrator notifying the owner of the abandonment. If the antenna or tower is not removed within the 90 days, the City may remove the antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the antenna or tower. The city attorney is hereby authorized to pursue all necessary legal remedies to implement the provisions of this section.

Sec. 18-156. DEED RESTRICTION AFFIDAVIT.

- (1) Every applicant for a tower permit or a waiver shall furnish to the city administrator an affidavit setting forth that the applicant is familiar with the title to the real property to which the requested permit appertains and that the intended use will not violate any applicable deed restrictions. The affidavit shall be accompanied with a certified copy of the instruments containing the deed restrictions, the instrument of revocation or termination, the declaratory judgment or any other recorded document containing restrictions that affect the use of the property.
- (2) A tower permit shall not be issued until the requested affidavit and supporting documentation has been produced. Any permit issued on the basis of erroneous documentation known to the applicant or an affidavit which contains false information known to the applicant is void with the same force and effect as if it had never been issued and without the necessity of any action by the City or any other person or agency. A tower permit shall not be issued for the construction or alteration of a tower if the use or the intended use will be in violation of the recorded deed restrictions.

Sec. 18-157. PERMITTED HOURS FOR CONSTRUCTION AND MAINTENANCE.

Construction, placement, removal and maintenance of, and alterations or modifications to, a tower or equipment storage facility for a tower shall not be performed except between the hours of 7:00 a.m. and 9:00 p.m. of any day, except in a bona fide emergency; provided however, that the owner, operator or his agents may perform regular maintenance between the hours of 9:00 p.m. through 7:00 a.m. as long as it does not create an unreasonable noise.

Sec. 18-158. BUILDING PERMIT REQUIREMENT AND PLAN REVIEW.

- (1) A tower permit obtained pursuant to the provisions of this article shall become invalid after the passage of 180 days from the date of final approval of the tower permit unless any required building permit for the construction or alteration of the tower has been obtained before the expiration of that 180-day period.
- (2) The construction, placement or alteration of a tower is subject to any plan review by the City staff, permitting requirements or hearing process applicable to commercial construction in general which is required either by ordinance or by the rules promulgated by the city administrator; provided that the regulation or rules are consistent with the provisions of this article.

Sec. 18-159. FINAL APPROVAL OF APPLICATIONS.

Any application for a telecommunications tower, a telecommunications facility, or an additional antenna placed on a tower must be reviewed by the City Planning and Zoning Commission which shall submit its recommendation to the City Council. The City Council shall have final authority on approval of the application.

Sec. 18-160. TOWER PERMIT FEES.

- (1) The fees authorized with a permit application under this article are for the following:
 - a. Towers having a height of 100 feet or less, the fee shall be \$2,000.00;
 - b. Towers having a height of more than 100 feet but not exceeding 150 feet, the fee shall be \$2,500.00; and
 - c. Towers having a height in excess of 150 feet, the fee shall be \$3,500.00.
- (2) The fee authorized with a permit application for additional antennas, receiving/sending units is \$ 1,000.00.

SECTION THREE: REPEALING CLAUSE

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

SECTION FOUR: SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court or competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby

declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION FIVE: TEXAS OPEN MEETINGS ACT

The City Council hereby officially finds and determines that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION SIX: EFFECTIVE DATE UPON PUBLICATION

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

PASSED AND APPROVED this _____ day of _____ 2016.

Kirk Jones, Mayor

ATTEST:

City Secretary Susan Hensley

APPROVED AS TO FORM:

Larry Foerster, City Attorney

Meeting Date: July 26, 2016	Budgeted Amount:
Department:	
Prepared By: Jack Yates	Exhibits: Gulf Utility annual 2014 – 2015 and 2015 – 2016 cost breakdown and Gulf Utility monthly expenditure sheet for 2015-2016
Date Prepared: July 21, 2016	

Subject

Discussion and possible action regarding services provided by Gulf Utility

Discussion

Based upon a request from Mr. Champagne I have calculated the 2014-2015 and the total for the nine months of 2015 – 2016 fiscal year. The figures show for 2014 – 2015 total cost was \$172,216.38 compared to (for nine months) 2015 – 2016 total of \$95,038.00.

Glynn Fleming, Mike Muckleroy and I analyzed the monthly invoices and came up with the following report:

1. The reduction in the 2015 – 2016 is primarily due to the expansion of their basic services in the operating monthly base fee and Gulf was observed more than in 2014-2015 by the staff.
2. The weekly phone call from Glynn Fleming and Mike Muckleroy (often though not always with the City Administrator) and Gulf’s Michael Williams has increased the efficiency and decision-making regarding use of Gulf. Examples of this are; who makes taps, extent of lift station repairs, management of the water wells- to name a few.
3. Monthly operating cost is about to increase due to maintenance scheduled work but repairs and maintenance should go down an equal amount.

General opinion: Good on Operation of plants and system side, not so good after an employee left on the Construction side but another employee has been hired that should improve the situation. Cost is reasonable especially compared to other companies. Still not an easy company to communicate with on repair/maintenance items. If money were no issue another company could, perhaps, be better – – but all things considered (size and complexity of current system) Gulf Utility is the best fit for the time being.

Montgomery City Council
AGENDA REPORT

Recommendation

Continue with Gulf Utility

Approved By

Department Manager		Date:
City Administrator	Jack Yates	July 21, 2016 Date:

GULF UTILITY

	2014-2015	2015-2016 (9 MTHS)
OPERATING	\$32,194.69	\$26,232.00
TESTING	\$2,923.00	IN R/M COST
POSTAGE	\$242.57	IN R/M COST
TAP FEES	\$28,146.12	\$5,690.00
REPAIRS & MAINTENANCE	\$108,952.57	\$63,116.00
TOTAL	\$172,216.38	\$95,038.00

GULF UTILITY - H2O

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUG.	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
G OPER.	\$3,200.00	\$3,200.00	\$3,200.00	\$3,200.00	\$3,200.00				\$2,623.00	\$2,209.00	\$2,200.00	\$3,200.00
WPM	\$1,790.00	\$4,159.00	\$3,685.00	\$3,900.00	\$2,558.00				\$76.00	\$513.00	\$945.00	\$2,264.00
WSM	\$2,901.00	\$1,376.00	\$1,761.00	\$698.00	\$792.00				\$1,324.00	\$2,481.00	\$1,679.00	\$992.00
WTAPS	\$650.00	\$2,850.00	\$1,370.00	\$0.00	\$0.00				\$0.00	\$0.00	\$550.00	\$0.00
SS	\$0.00	\$1,085.00	\$0.00	\$0.00	\$0.00				\$0.00	\$0.00	\$555.00	\$0.00
WWTP	\$3,535.00	\$7.00	\$4,428.00	\$1,829.00	\$233.00				\$909.00	\$586.00	\$327.00	\$590.00
LSTA	\$774.00	\$943.00	\$2,409.00	\$532.00	\$4,224.00				\$1,529.00	\$1,389.00	\$2,204.00	\$1,265.00
TOTAL	\$12,849.00	\$13,619.00	\$16,853.00	\$10,140.00	\$11,168.00				\$6,461.00	\$7,177.00	\$8,460.00	\$8,311.00
LEGEND:												
GENERAL OPERATIONS												
WATER PLANT MAINTENANCE												
WATER SYSTEM MAINTENANCE												
WATER TAPS												
SEWER SYSTEM												
WWTP												
LIFT STATIONS												