

NOTICE OF REGULAR MEETING

June 11, 2019

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, June 11, 2019 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 of the Public Hearings and Regular Meeting held on May 28, 2019.

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, TO ADOPT NEW BUILDING PERMIT AND INSPECTION FEES RELATED TO ALL RESIDENTIAL BUILDINGS AND STRUCTURES; TO ADOPT NEW PERMIT AND INSPECTION FEES FOR MECHANICAL, ELECTRICAL, AND PLUMBING RELATED TO ALL RESIDENTIAL BUILDINGS AND STRUCTURES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.
3. Consideration and possible action regarding adoption of the following Ordinance:
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 98,"ZONING," FOR THE ZONING CLASSIFICATION OF THREE PROPERTIES IN THE ZACHARIAH LANDRUM SURVEY, ABSTRACT 22 IN MONTGOMERY FROM AN "ID" INDUSTRIAL ZONING DISTRICT TO A "B" COMMERCIAL ZONING DISTRICT; RECLASSIFYING THREE PROPERTIES IN THE ZACHARIAH LANDRUM SURVEY, ABSTRACT 22 IN MONTGOMERY FROM AN "ID" INDUSTRIAL ZONING DISTRICT TO A "R-1" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; RECLASSIFYING ONE 2.25-ACRE PROPERTY IN THE ZACHARIAH LANDRUM SURVEY, ABSTRACT

22 IN MONTGOMERY FROM AN "I" INSTITUTIONAL ZONING DISTRICT TO A "R-1" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; RECLASSIFYING SIX PROPERTIES IN THE OWEN SHANNON SURVEY, ABSTRACT 36 IN MONTGOMERY FROM A "R-1" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO A "B" COMMERCIAL ZONING DISTRICT; REALIGNING THE "B" COMMERCIAL AND "R-2" MULTI-FAMILY RESIDENTIAL ZONING DISTRICT BOUNDARIES IN A 30.84 ACRE TRACT IN THE JOHN CORNER SURVEY, ABSTRACT 8 IN MONTGOMERY BY CONSOLIDATING LIKE DISTRICTS; RECLASSIFYING CERTAIN LOTS IN THE HILLS OF TOWN CREEK SUBDIVISION, SECTION 2, FROM A "B" COMMERCIAL ZONING DISTRICT TO A "R-1" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; AND RECLASSIFYING A 0.5-ACRE TRACT IN THE OWEN SHANNON SURVEY, ABSTRACT 36 IN MONTGOMERY FROM AN "I" INSTITUTIONAL ZONING DISTRICT TO A "B" COMMERCIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.

4. Consideration and possible action regarding authorizing the purchase of two (2) police vehicles.
5. Consideration and possible action regarding declaring the following surplus property and authorizing the offering for sale:
 - a. 2013 Dodge Charger, VIN #1682; and
 - b. 2011 Dodge Charger, VIN#1802
6. Consideration and possible action regarding voluntary inclusion into the Corridor Enhancement District.
7. Report regarding the Tree Ordinance.

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. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following:
 - a) Section 551.071 (consultation with attorney) Pending and Possible Litigation.
9. Reconvene into Open Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

10. Consideration and possible action(s) if necessary on matter(s) deliberated in 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 7th day of June, 2019 at 4:15 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 PUBLIC HEARINGS AND REGULAR MEETING

May 28, 2019

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman declared a quorum was present, and called the meeting to order at 6:02 p.m.

Present: Sara Countryman Mayor
John Champagne, Jr. City Council Place # 2
T.J. Wilkerson City Council Place # 3
Rebecca Huss City Council Place # 4
Tom Cronin City Council Place # 5

Absent: Jon Bickford City Council Place # 1

Also Present: Jack Yates City Administrator
Susan Hensley City Secretary
Chris Roznovsky City Engineer

INVOCATION

John Champagne gave the Invocation. John Champagne also mentioned one of the City's officers, Lieutenant Belmares, who was hurt, and prayed for his recovery, mercy and comfort.

PLEDGE OF ALLEGIANCE TO FLAGS

CONSIDERATION AND POSSIBLE ACTION:

1. Receive the Final Reports from the Planning and Zoning Commission resulting from their two (2) Public Hearings held on May 16, 2019 and May 21, 2019 regarding the below listed City Initiated Zoning Amendments as described in Agenda Items 2-8.

Rebecca Huss moved to accept the Final Reports from the Planning and Zoning Commission. T.J. Wilkerson seconded the motion.

Discussion: Mr. Dave McCorquodale advised in the report there was one of the properties where an adjacent owner spoke against the rezoning, which is the last item, regarding 712 Community Center Drive. Mr. McCorquodale said the property was slated to be rezoned from I-Institutional to B-Commercial, at the request of the landowner. Mr. McCorquodale advised that after the facts, the Planning and Zoning Commission felt commercial use on that street would not improve the neighborhood or be in the best interest of this tract of land. Mr. McCorquodale said the Commission is recommending the property at 712 Community Center Drive not be rezoned.

Rebecca Huss said she is a high volume user of Community Drive herself. Rebecca Huss said her children go to school at Lincoln, so she uses it twice a day, five days a week for 35 weeks a year. Rebecca Huss said it is a narrow street in which the car rider line participants and buses seem to have a well-choreographed sense of where each person needs to go, but there are people driving on the wrong side of the road, buses who swerve in front of oncoming cars, and the intersection between Community Center Drive, MLK, and essentially FM 149 is approximately three car lengths away from the intersection. Rebecca Huss said for anyone who does not have much experience in driving that area, it is amazing there are not frequent accidents and she is sure the Police could attest to this because it is a nightmare. Rebecca Huss said she could not imagine adding commercial vehicles or people that don't have experience driving there because it takes a choreographed effort to drive safely through that area. John Champagne said he is hearing that Rebecca Huss is against changing the designation because of the traffic situation. Rebecca Huss said she was in agreement with the Planning and Zoning Commission because of the heavy volume of traffic that already exists there.

Mr. Yates advised they would not adopt the Ordinance until the next meeting, tonight is the Public Hearings.

Mrs. Patricia Easley asked to speak. Mayor Countryman invited Mrs. Easley to speak. Mrs. Easley said she is a homeowner and she has lived there for the past 17 years and said at times it can be pretty gnarly with the beginning of school. Mrs. Easley said she has a small business where she has prepared food since 2010 and she does not have customers coming to her home, so she does not add any traffic to the area, which was her reason for wanting to have it rezoned. Mrs. Easley said she lives on the property and said at the intersection, traffic is gnarly, but in front of her house, it is not. Mrs. Easley said she would like to know what the objection was, who objected to her rezoning, and for what reason.

Mayor Countryman asked the City Secretary if Mrs. Easley could obtain the minutes for that meeting. Ms. Hensley said yes, they would be available. Mayor Countryman said Mrs. Easley would have to submit a records request for the minutes and then she will be able to read the documentation. Mrs. Easley said her business has no conflict to the area and she has been there for 17 years, in business since 2010. Mrs. Easley said the other thing is the Park where people are having family reunions and loud music, which seems to be unregulated by the City.

Rebecca Huss asked Mr. Yates to speak about the difference between the small businesses that are permitted within a residential footprint and the businesses that they were thinking about if it was rezoned to commercial. Mr. Yates said Mrs. Easley is based on a home occupation, which means that she can't advertise and there is not a lot of traffic. Rebecca Huss said she does not do nor does she have traffic or advertisements, so she is legally allowed to conduct her business under residential or her current zoning classification. Mr. Yates said that is correct. Mr. Yates said if they are zoned commercial that would mean any type of commercial use could be used at that property. Rebecca Huss said an example of that would include a gas station. Mr. Yates said it could include a convenience store. Mrs. Easley asked if there was any other mixed use in residential and businesses side by side in the City at all. Mr. Yates said not in this case because Mrs. Easley has a school on the west side of her property and a park on the one side with residential on the south of her property. Mr. Yates said if it was all one parcel and her property was touching FM 149. Mrs. Easley said the park has its own issues with the ordinances being violated and the noise all the time, and said she did not know if they had a crowd ordinance, but they should. Mayor Countryman said Mrs. Easley might want to take the matter up under Citizen's Comments because that is a different subject matter than is being discussed under the Public Hearing for zoning.

Mr. Yates said in summary, Mrs. Easley's property use is perfectly fine as it is zoned. Mr. Yates said if it is zoned commercial, then it can be any type of commercial use. John Champagne asked to clarify that Mrs. Easley has a problem with rezoning the property. Mrs. Easley stated no, she wants it rezoned. Mayor Countryman stated that Mrs. Easley wants the property rezoned.

Rebecca Huss asked to be clear that City Council was not making a decision tonight, they are just accepting the Planning and Zoning Commission's Final Reports, and then they will go into Public Hearings, at which they will still not make a decision, and they will still have time to consider both sides. Mayor Countryman and Mr. Yates both stated that was correct.

The motion carried unanimously. (3-0)

PUBLIC HEARING(S):

Convene into Public Hearings for the purpose of giving all interested persons the right to appear and be heard regarding the following City Initiated Zoning Amendments:

2. Public Hearings: Regarding Rezoning the following properties from ID-Industrial to B-Commercial:

- a. 1.24 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St. SH 105 frontage, Montgomery, owned by the Lone Star Cowboy Church.
- b. 1.08 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St., Montgomery, owned by the Lone Star Cowboy Church.
- c. 8.35 acres in Tracts 3 & 4 of the Zachariah Landrum survey A-22, also described as along SH 105 West/Eva St. in Montgomery, owned by Alan Wayne Mann.

Mayor Countryman convened the Public Hearing at 6:14 p.m.

There were no comments.

Adjourn Public Hearings

Mayor Countryman adjourned the Public Hearings at 6:15 p.m.

3. Public Hearings: Regarding rezoning the following properties from ID-Industrial to R1-Single Family Residential:

- a. 1.41 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 11181 Womack Cemetery Rd, Montgomery, owned by William and Julie Todd.
- b. 1.88 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 21930 Twin Creeks Rd, Montgomery, owned by David and Carrie Solomon.
- c. 3.04 acres in Tract 46K of the Zachariah Landrum survey A-22, also described as part of 21910 Twin Creeks Rd, Montgomery, owned by Harvey and Juanita Simmons.

Mayor Countryman convened the Public Hearings at 6:16 p.m.

There were no comments.

Adjourn Public Hearings

Mayor Countryman Adjourned the Public Hearings at 6:16 p.m.

4. Public Hearings: Regarding rezoning the following properties from I-Institutional to R1-Single Family Residential:

- a. 2.25 acres in Tracts 45-D & 45-D-1 of the Zachariah Landrum survey A-22, also described as part of 623 Old Plantersville Rd, Montgomery, owned by the Joseph Shockley Revocable Living Trust.

Mayor Countryman convened the Public Hearing at 6:17 p.m.

There were no comments.

Adjourn Public Hearings

Mayor Countryman adjourned the Public Hearing at 6:17 p.m.

5. **Public Hearings: Regarding rezoning the following properties from R1-Single Family Residential to B-Commercial:**

- a. 0.46 acres in Tract 82 of the Owen Shannon survey A-36, also described as 15309 FM 149 Rd, Montgomery, owned by the Estate of Cherry D. Easley.
- b. 0.374 acres in Tract 84 of the Owen Shannon survey A-36, also described as approximately 15307 FM 149 Rd, Montgomery, owned by Arnette Easley.
- c. 0.41 acres in Tracts 1 & 70 of the Owen Shannon survey A-36, also described as 712 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
- d. 0.5 acres in Tract 8 of the Owen Shannon survey A-36, also described as approximately 15328 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
- e. 0.25 acres in Tract 9 of the Owen Shannon survey A-36, also described as 15330 N Liberty St, Montgomery, owned by Willie & Evelyn Wright.
- f. 0.32 acres in Tract 2 of the Owen Shannon survey A-36, also described as 22950 W FM 1097 Rd, Montgomery, owned by the Estate of Audrey B. Allen.

Mayor Countryman convened the Public Hearings at 6:18 p.m.

There were no comments.

Adjourn Public Hearings

Mayor Countryman adjourned the Public Hearings at 6:19 p.m.

6. **Public Hearings: Regarding realigning the Zoning Boundaries** for the following property:

- a. 30.84 acres in Tract 14 of the John Corner survey A-8, also described as FM 149 South frontage on the east side of road from the city limits to the MISD bus barn, owned by Risher Randall, et al. in Montgomery. The property is currently zoned B-Commercial and R2-Multi Family Residential. The proposed rezoning will realign zoning district boundaries, consolidating like districts and resulting in no appreciable change in size of either district.

Mayor Countryman convened the Public Hearing at 6:19 p.m.

There were no comments.

Adjourn Public Hearings

Mayor Countryman adjourned the Public Hearing at 6:20 p.m.

7. **Public Hearings: Regarding rezoning the following properties from B-Commercial to R1-Single Family Residential:**

- a. Lots 1 – 51, Blocks 1 & 2, The Hills of Town Creek, Section 2 Subdivision, also described as 103 – 234 Brock’s Lane, and 308 – 317 Brock’s Court, Montgomery.
- b. Open Space Reserves A, B, C, & D in The Hills of Town Creek Section 2
- c. Lots 1 – 49, Block 3, The Hills of Town Creek, Section 3 Subdivision, also described as 242 – 265 Brock’s Lane, and 110 – 155 Scenic Hills Court, Montgomery.
- d. Open Space Reserve A in The Hills of Town Creek, Section 3.

Mayor Countryman convened the Public Hearings at 6:20 p.m.

There were no comments.

Adjourn Public Hearings

Mayor Countryman adjourned the Public Hearings at 6:21 p.m.

8. **Public Hearings: Regarding rezoning the following properties from I-Institutional to B-Commercial:**

- a. 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey A-36, also described as 712 Community Center Dr., Montgomery, owned by Patricia Easley.

Mayor Countryman convened the Public Hearing at 6:21 p.m.

Ms. Shirley Nicholas who resides at 724 Community Center Road said she was the person who came to the Planning and Zoning Commission meeting and spoke about the traffic on Community Center Road. Ms. Nicholas said she understands that Mrs. Easley is running a business out of her home now, her concern is what future business could be there if it is commercial. Ms. Nicholas said she realizes school traffic is chaotic there and said she has lived there since 2002. Ms. Nicholas said she actually lives in the house that she grew up in and she remembers a time when it was a quiet street and there were very few houses there. Ms. Nicholas said she remembers less traffic. Ms. Nicholas said Mrs. Easley is right, the park is rowdy and the people there are disrespectful to the neighbors. Ms. Nicholas said, as Rebecca Huss stated, it is very difficult at times in the mornings and evenings. Ms. Nicholas said she had a serviceman come to her home in the morning and he was trying to get to her home at

8:00 a.m. and had to get through all the traffic to get to her home. Ms. Nicholas said she means no disrespect to Mrs. Easley and she understands that if they could do anything to allow her to do what she does now without changing it to commercial use permanently, stating that was her concern if something happens and Mrs. Easley decides to leave or sell the property, could someone else come to that street and change it and cause even more confusion on that small road.

John Champagne asked for clarification for himself concerning the fact the property is not commercial or it is commercial doesn't affect Mrs. Easley's business whatsoever. Mr. Yates said that is correct it would not affect her current use.

There were no other comments.

Adjourn Public Hearings

Mayor Countryman adjourned the Public Hearing at 6:24 p.m.

Reconvene into Regular Session

Mayor Countryman reconvened into the Regular Session at 6:24 p.m.

VISITOR/CITIZENS FORUM:

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

Mr. Chappell with Blue Wave Carwash advised he would withhold comments until later in the meeting when he understood what particular subject would be covered. Rebecca Huss said she did not think that it was on the Agenda. Mayor Countryman said she did not think that it was on the Agenda.

Mr. Chappell said he came in from Arlington, Texas to attend the meeting because they were under the understanding that it was going to be on the Agenda tonight. Mr. Chappell said Ms. Huss said the information might be covered under Executive Session, but he guessed at this point he wanted to know if he should discuss the information or drop it because it is not on the Agenda. Mr. Chappell said he did not know what he was supposed to do now that it is not on the Agenda. Mr. Yates said this is going before the

Board of Adjustment, which is separate from City Council. Mr. Yates said the Board of Adjustment has scheduled their Public Hearing to be held on June 12, 2019 at 3:00 p.m. Mr. Chappell said he is supposed to be back here on June 12, 2019 at 3:00 p.m. for a meeting that concerns Blue Wave Carwash. Mr. Yates said that was correct.

CONSENT AGENDA:

9. Matters related to the approval of minutes of the Regular Meeting held on May 14, 2019.

Tom Cronin moved to approve the minutes for the Regular Meeting held on May 14, 2019. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

CONSIDERATION AND POSSIBLE ACTION:

10. Consideration and possible action on Department Reports.

- A. Administrator's Report: Mr. Yates presented his report to City Council reporting on the different meetings he had attended during the month. Mr. Yates said he met with a General Land Office (GLO) representative about the upcoming grant the City will be receiving from the GLO, which she estimated would be in late June.

Mr. Yates advised that he had met with several developers during the month regarding The Shoppes of Montgomery, Chick-fil-A, Christian Brothers Auto Repair Shop, Blue-Wave Car Wash, Samdana, Pro-Core, and other development possibilities. John Champagne asked Mr. Yates if he had a discussion with Blue Wave. Mr. Yates said yes, he spoke with a representative that he has been speaking with all along who had applied for the building permit.

Mr. Yates said he has coordinated with the new Police Chief and City Administrator getting them ready to start the work process.

Mr. Yates said he completed the backflow prevention device installation at 99% percent, with only one person remaining to have their device installed. Mr. Yates said the Live Streaming presentation is not ready for this meeting primarily because of the time taken by the City-initiated zoning process during the month.

Mr. McCorquodale advised the joint workshop meeting that the Planning and Zoning Commission has requested to cover several topics. Mr. McCorquodale said they would like to discuss the Zoning Ordinance, the Tree Ordinance, Table of Use updates, and other

various issues. Mr. McCorquodale states the change all at once would help with cost savings for the notifications that have to be sent out, as well as being able to discuss the topics in a setting that allows back and forth dialogue. Mr. McCorquodale said he thought they were considering the middle of June for the workshop. John Champagne asked if he could send out two or three proposed times and get a consensus between City Council and the Planning and Zoning Commission.

Mr. McCorquodale said the other item that came up late Friday afternoon is to us and all cities across Texas is House Bill 852 regarding building permit fees. Mr. McCorquodale said cities can no longer charge permit fees based on valuation for residential construction. Mr. McCorquodale said the City charges for building permit fees, as well as almost every other city across the state which is based on valuation. Mr. McCorquodale said one of the stipulations in the bill was they passed the House and the Senate by 2/3's and it was effective immediately, so on Friday afternoon they were told the way we charge building fees are no longer allowed to be charged. Mr. McCorquodale said with Monday being a holiday, staff is really still trying to get their heads around exactly what this means. Mr. McCorquodale said they were working on some updates that will have to be modified to not be based on the valuation of the house. Mr. McCorquodale said by the next City Council Meeting, they should have the ordinance in place.

John Champagne said he briefly read over the information and he did not remember what the criteria was for assessing a fee for a permit and asked if Mr. McCorquodale knew what it is. Mr. McCorquodale said the way the bill reads is it just says you can't base the permit fee on valuation. Mayor Countryman asked if the City could determine an amount. Mr. McCorquodale said he felt the prevailing logic is going to be based on the size of the home under the principal that the larger the home is, the more involved the inspections and the review process will be. Mr. McCorquodale said with the brief interaction they have had with the surrounding cities, that is the way they feel, that they will base it on size rather than value. Rebecca Huss said in theory, those two things are the same because a 5,000 square foot home is more than likely going to be fancier than an 800 square foot home. Mr. McCorquodale said this does not apply to commercial structures. Mr. McCorquodale said there is a grey area as to whether it applies to multi-family residential. John Champagne asked if there was anything definitive which tells you what you can charge for permits. Mr. McCorquodale said no. John Champagne said they might be in arrears in issuing permits to people within the City that want to start building. Mr. McCorquodale

said anyone who submitted a permit that has not been issued, according to what they understand now, they cannot issue that permit.

John Champagne asked if they were going to let everyone know that we are in limbo until the State bestows what we can do. Mr. Yates said he would think so and he was going to ask the City Attorney if he could adjust the fees. Mr. Foerster said that he thought they would have to go with the Ordinance that will probably be presented to City Council at the next meeting. Mr. Foerster advised he has not had a chance to study the Bill that just came to his attention this morning. Mr. Foerster said based on what he is understanding, it would go into effect as soon as the Governor signs it, which was done on Friday. Mr. Foerster said he is reaching out to other cities as well to find out what they are doing and he will try to find out from Texas Municipal League what their recommendation is as to how cities handle this. Mr. Foerster said to answer John Champagne's question, all they know is what they cannot do. John Champagne said that was all he wanted to define, and said it would be interesting to know how many developers or builders they have in the State Legislature that would be positively impacted by this Bill. Mr. Foerster said in his personal observation, there is a lot stronger lobbyist for the developers than there are for cities themselves.

Rebecca Huss said it seems to her that ultimately cities will figure out a way to get it done, so it will just be a period of delay until they figure out how to make the numbers workout and that is what they will pass, so the only people that will be hurt are the people who are waiting for their permits during this period of time. Mr. Yates said their thought is probably to work toward the cost per square footage. Rebecca Huss said if they wait, because this is the second meeting of the month, and the next meeting will be 15-18 days, which is a long time for people to wait. Rebecca Huss asked if they should have a special meeting to get the adjusted schedule of fees signed so they can still do business in the City. John Champagne said he was for it. Mr. McCorquodale said he thought they would know as soon as they can put together what works and they will reach out just as soon as they have something in place. Rebecca Huss said they do not need a complicated ordinance, they just need a table of fees they can refer to for the time being.

Mr. Rick Hanna, Building Inspector, advised he feels this was basically from the Builders Association and a lot of the members of the Legislature have interests in developments and construction, so he feels like a lot of this has come from having a hard time getting their

permits approved in Austin due to time delays, so there are several other Bills that he is trying to see if they have passed or not, that will affect the time to get plan reviews completed. Mr. Hanna said he thinks the intention is a 2,000 square foot home that costs \$200,000 does not take that much more of an inspection process than a 2,000 square foot home that costs \$5,000,000, which is their objection on why they are paying more for a home that cost more, but has the same square footage. Mr. Hanna said they are working on a fee based on square footage because that is really the only thing they can go by, making sure the City still covers its expenses. Mr. Hanna said one of the Bills he is checking on to see if it has passed, was to limit what materials you can use. Mr. Hanna advised this Bill provides the City would not be able to say someone could only have masonry veneer exteriors.

Mayor Countryman said she hoped they would get something by the end of this week, because our permits have really stepped up and they have become extremely busy in that department. Rebecca Huss asked that City Council be called back for a Special Session if they have something that can get them open for business.

- B. Public Works Report – Mr. Mike Muckleroy, Director of Public Works presented his report to City Council. Mr. Muckleroy reviewed some of the work orders for the month. Mr. Muckleroy advised the Department has continued their pumping in Terra Vista, stating they have increased the process to three times per week. Mr. Muckleroy said they completed 13 sewer taps, trimmed right of ways and low lying limbs, installed a new culvert at Lift Station 10, and completed another round of in-house crack sealing of streets. Mr. Muckleroy advised he had assembled the picnic tables for the break area at City Hall and repaired electrical receptacles in downtown for the Antique Festival.

Mr. Muckleroy advised they completed 17 work orders for park maintenance issues. Mr. Muckleroy advised they buried one section to two-wire at Memory Park, noting that other sections will be replaced and buried over the next couple of months. Mr. Muckleroy said the Fernland docents reported 836 visitors and they provided 50 tours for the month.

Mr. Muckleroy said they had several trucks and trailers that had to be worked on during the month. Mr. Muckleroy said the department constructed flag poles and ground holders for the “Texas Flag Challenge.” Mr. Muckleroy announced that he had hired a new Public Works Maintenance Technician Lawrence Paulton that started last week.

Rebecca Huss asked how much money is saved by not outsourcing the crack sealing of streets. Mr. Muckleroy said they spend \$7,000 to \$8,000 to do the crack sealing, which would cost about \$25,000 to hire a contractor to come in and do the same work. John Champagne asked what the \$7,000 to \$8,000 covers. Mr. Muckleroy said it covers material and hiring a temporary employee to assist with the project. John Champagne asked if that covered the existing staff. Mr. Muckleroy said that is not figuring in all the labor on our end, which he could be safe in saying \$9,000 would be a safe figure. Mr. Muckleroy said the biggest thing is the quality of the work, because when they first started this, when they went back and looked at the contracted crack sealing work that had been done, there were lines on the ground that were not even on the cracks in the road. Mr. Muckleroy said at least when his workers are doing the work, he knows they are putting product down where it is supposed to be located.

Mr. Yates asked Mr. Muckleroy to talk about the “ultimate water meter” they found. Mr. Muckleroy said they have come out with a new ultrasonic water meter that has no moving parts and has a 20-year guarantee on accuracy with no gallons limit. Mr. Muckleroy said the current meters the City has use a disc that wears out, so they recommend changing them at two million gallons, and this new meter is 20 years no matter how many gallons. Mr. Muckleroy said the new meter will cost a little more on the $\frac{3}{4}$ and one inch side, which he thought was \$80 per meter on the $\frac{3}{4}$ inch side, which would increase their tap fees \$80. Mr. Muckleroy said when they put the new meters in the ground, they don’t have to worry about them for 20 years.

John Champagne said if flow does not degenerate for these new meters, is it time specific. Mr. Muckleroy said yes, the meter actually measures sound. John Champagne asked why it was 20 years, why not 100 years. Mr. Muckleroy said he was sure battery life would play a lot into the life of the meter. John Champagne asked if they could replace the battery. Mr. Muckleroy said the meter was all one unit. Rebecca Huss said if the meter is new, how do they know it works for 20 years. Mr. Muckleroy said the technology has been out for a couple of years, and it is just now they have incorporated it into smaller units. Rebecca Huss said if they are warrantied, then they will give you another unit, whereas the City would not get their money back if they were giving away water. Mr. Muckleroy said they don’t get money back on the current meters either. Mr. Muckleroy said the current meters will detect up to .5 gallons per minute and the new meters will detect .05 gallons of low

flow. Rebecca Huss asked if by low flow Mr. Muckleroy means a drip from a faucet. Mr. Muckleroy said it could be a drip from a toilet, but said the main part from his standpoint is not having to rebuild a meter four or five years down the road. Mr. Muckleroy said when they reach a point in another five years or so when they start rebuilding the meters that are in the ground now from the program they did 3.5 years ago, the ones that will be installed now will be good for 20 years. Rebecca Huss asked how long it takes to rebuild a meter. Mr. Muckleroy said onsite it takes about 30 minutes. Rebecca Huss said the techs are billed out at \$30 an hour with equipment, and the new meters are \$80 more. Mr. Muckleroy said it is also about \$50 in parts to rebuild the meter. Rebecca Huss asked if Mr. Muckleroy was asking permission to go to the new meters. Mr. Muckleroy said the City's tap fee is set at a set price plus the cost of the meter, which they did it that way so they would cover the cost of the meter if it should increase, even if they don't change the meter type. John Champagne asked if they would replace the meters through attrition, as they wear out they will be replaced with the ultrasonic meter. Mr. Muckleroy said that was correct.

John Champagne said he saw Mr. Muckleroy was doing inspections on grease traps, and asked who performs those inspections. Mr. Muckleroy said as of today, Gulf Utility will be performing those inspections starting tomorrow. John Champagne asked what those inspections will cost. Mr. Muckleroy advised it would cost the customer the same \$50 per month inspection fee, but it will cost the City \$45 to have Gulf Utility do the inspections.

John Champagne advised that he had received an email today from Phil's Roadhouse owner indicating that nobody ever checks their grease trap. Mr. Muckleroy stated that was not true and said he has the paperwork to prove otherwise. Rebecca Huss stated the owner probably does not know because in the three years of reports that she checked, she did not have a failure. Mr. Muckleroy said about three years ago their grease trap hatch was covered in dirt, so they got with the owner and advised the ordinance requires them to have an accessible hatch, so the owner installed one. Mr. Muckleroy said it only takes a few minutes to pop the lid, which is located in the front left corner of the building and not near the kitchen, so his guess is they just have not seen them. John Champagne said the owner indicates they have a 500 gallon reservoir. Tom Cronin said the owner stated she had cameras and has not seen Public Works, so maybe someone should stop and let them know. Mr. Muckleroy said he can pull the records and advise exactly what time they were there within a 15 minute range. Mayor Countryman said they could advise the owner to submit a records request to get that information. John Champagne said the owner sent the

information via email. Mayor Countryman said he could return the email and advise the owner about submitting a Records Request.

Rebecca Huss asked if City Council needed to recommend the ultrasonic meters. Mr. Yates said he was going to ask the company to do a presentation to the TORC Committee for their review. Rebecca Huss said good plan, along with Richard Tramm.

- C. Police Department Report – Sergeant James Bract presented the report in the absence of Lt. Joe Belmares. Sgt. Bracht said for the month of April, they ended up with 1,286 calls for service and generated 40 reports and investigations. Sgt. Bracht said out of those 40 reports, 18 were arrests. Sgt. Bracht said they ended up with 134 citations and 168 warnings.

John Champagne stated that citations are down precipitously and he understands they are understaffed, but people are flying through the City for the most part. John Champagne said citations are still running about 50% warnings.

Sgt. Bracht advised on April 13, 2019 an Easter Event that was prepared for the Church off of Eva Street, due to weather with tornado warnings that occurred, the training was moved to Conroe in an enclosed facility for the children. The training was put on by CPS, and two of our Reserve Officers attended the training class. Sgt. Bracht stated on April 22nd Officer Aguirre attended Crisis Intervention Training, and on April 23rd Sgt. Bracht himself attended an Attack Integrated Response Course that was put on by the Fire Marshal's Office with support by representation from each agency in Montgomery County so they know what the other agencies will be doing while they are on the scene.

Sgt. Bracht introduced a new officer with the Police Department, Officer McRae who spent three years with Brazos County, five years with the Navasota Police Department, and has completed his field training and is on patrol. City Council welcomed Officer McRae to the City.

Sergeant George Hernandez asked to address the citation totals, stating the two variables that he sees are the calls for service have gone up quite a bit and one of the officers, who was writing a large number of citations, has gone down. John Champagne said he did not

want citations written just for the sake of writing them and he understands the dilemma of calls taking them off the street.

Sgt. Bracht stated the Police Department has been taking an active part with water theft and they have been making serious bounds, with the officers on the street and department heads catching them and issuing citations. Sgt. Bracht said they are stealing the water straight from the fire hydrants, which is a substantial amount of water. Sgt. Bracht said they have tried their best and have gotten with the DA's office to see if they can press anymore charges because it is a Class C misdemeanor. John Champagne asked what grand larceny dollar amount is. Sgt. Hernandez said anything under \$100 is a Class C misdemeanor. Sgt. Bracht said anything over \$150 they get a ticket and if they refuse the ticket, they go to jail. John Champagne said they could easily get to that amount. Sgt. Bracht said they are working with the DA's Office and some other tactics to see what they can do. John Champagne said good job because they have been doing this for a while.

- D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator presented her report to City Council. Mrs. Duckett advised in April they collected \$40,450.17. Mrs. Duckett said she left out the citation numbers, which she will be adding to the next report.

Mrs. Duckett said the warrant officer has been working diligently to figure out different strategies, and now he is working through the alphabet and going through the jail records to cross check everyone who is incarcerated in Montgomery County Jail that have warrants through the City to have the opportunity to have the warrant served and to give them the information to request time served, or once they are released from jail they will come in and request a court date. Mrs. Duckett said the warrant officer went out Monday and Tuesday and contacted 25-40 people in that range, some refused to talk to him and some wanted the information. Mrs. Duckett said the Montgomery County Jail has a generic form where they can write a standard letter to send to the City with the request for time served, so they are working on some different strategies.

- E. Utility/Development Report – Mr. Yates presented the report, advising there were 88 permits issued for the month in the amount of \$30,292. Mr. Yates said utilities collected \$172,663. Mr. Yates said there were 13 new residential permits and 3 new commercial permits issued during the month. Mr. Yates said there are 36 new water accounts for a total of 762 active accounts.

John Champagne asked about the arrears at \$41,583. Mr. Yates said he has contacted the Auditor to ask for the language for us to be able to write off the arrears exceeding 120 days. Mr. Yates said he is still trying to get the proper language to write of the arrears.

- F. Water Report – Mr. Mike Williams, with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams advised they had three district alerts this month. Mr. Williams said on April 3rd they had a prime alarm switch go out on Well 4 that they were able to replace and get back up. Mr. Williams said on April 7, they had two alerts, one at Lift Station 10 that had a power failure due to a power surge, and a blower failure at Wastewater Treatment Plant 1 due to a power surge. John Champagne asked if whether the alarm went off, did we automatically switch to another well, or how does that work. Mr. Williams said when the prime alarm went off at Well 4, it called them out for service and they switched over to Well 3, so there was no loss in service.

Mr. Williams advised the Wastewater Plant flow and for the month of March – April it was 4,330,000 gallons, with the daily peak flow on March 19th at 187,000 gallons, with a daily average flow of 139,700 gallons. Mr. Williams noted the effluent discharge, which was all in compliance for the month of April with 1.2 inches of rain.

Mr. Williams then advised they sourced a total of 9.597 million gallons of water. Between flushing and leaks, they had a total of 483,000 gallons and sold a total of 8.633 million gallons for 95% accountability.

Rebecca Huss asked if there are any plans for summer pumpage that is different from what has been done in the past with the lawsuit and the ability to freely pump from the Gulf Coast Aquifers, since the Catahoula is hot water and the temperature is hot. Mr. Williams said yes, last summer they were monitoring the temperatures, adjusting as much as they could to keep the temperature down. Mr. Williams said one of the things they are trying to move forward with is they can't run the wells together to bring the water temperature down, they run in cycles so they will try to manage that. John Champagne said as he remembers, part of it was that we anticipated blending those two wells, and asked if that has never come to fruition. Mr. Williams said there was an inability for that plant because of the controls, but once again they are working on that. Mr. Roznovsky, City Engineer, advised you could blend the water in the tanks, you just can't run them at the same time.

Rebecca Huss said they could have more from Well 3 and then obviously water from Well 2 could circulate as well, so people could have cooler water if they are not as worried about their permit levels anymore. Mr. Roznovsky said they still have permit levels and they are still in effect. Mr. Roznovsky said the lawsuit with Lone Star Groundwater Conservation District (LSGWCD) and all the changes is an ever changing target. Mr. Roznovsky said LSGWCD, the Courts, and the Water Development Board are at odds to what is actually meant. As of right now, the permit levels are all stalled. John Champagne said when they drilled the Catahoula Well, it was a shot in the dark and they did not know what the salinity concentrations would be, so it was his understanding if it came in with a high salinity, they could blend to get it in compliance. Mr. Roznovsky said the blending that is taking affect is that you can still run both wells that go into the same tank, you just can't run them at the same time. Mr. Roznovsky said what they could do is have Well 3 run twice as much as Well 4 so they could be putting a higher ratio of the cooler water to the tank. John Champagne said it seems cumbersome to him.

Rebecca Huss asked if the cities that feel they won the lawsuit are still sticking to their original permit levels. Mr. Roznovsky said he did not know for sure, but he knows a lot of lawsuits that were based on the fees that were being charged to them and the increase in fees, and then what came down from Austin was the 2009 cutoff point and 30 percent reduction was what became invalid. Mr. Roznovsky said when the LSGWCD adopted their new management plan without those limits and sent it to the Water Development Board, the Water Development Board nixed it and said you have to have a plan that you can go back to the 2010 study, which were slightly different numbers, but it was still a limit. Mr. Roznovsky said from everything they hear, it is going to take a long time to get everything worked out, and everything now is being done on a case-by-case basis. Mr. Roznovsky said there has been no guidance or formal action by LSGWCD that says entities will get their 30 percent back.

Mr. Williams advised the City sold 8.633 million gallons of water and treated 4.33 million gallons, with 1.2 inches of rain, which is a 50 percent return rate.

- G. Engineer's Report – Mr. Roznovsky presented his report to City Council. Mr. Roznovsky advised they have a conference call with the State, bonding company, and the potential contractor for the Baja Road Project tomorrow morning to make sure the paperwork is in compliance with the State's requirements. Mr. Roznovsky said since the last report, they

had an on-site meeting with the potential new contractor. Mr. Roznovsky said the bonding company has provided the City an agreement for the new contractor to take over the contract, which is what is being reviewed tomorrow. Rebecca Huss asked whether all the third party costs were being tracked, such as the City Attorney, City Engineer, etc., to send back to the bonding company so the City does not pay any bills out of tax payer dollars. Mr. Roznovsky said that was being done.

Mr. Roznovsky reported that Lift Station 1 Replacement Project contract is being worked out, as well as the 18-Inch Sewer Line Project. Mr. Roznovsky said Atkins Creek will rebid on June 4th. Mr. Roznovsky said they have spoken to all the contractors regarding Atkins Creek that were interested in bidding the first time and got all their feedback and made some slight changes to the documents regarding time, which was their biggest issue because they were all busy. Mr. Roznovsky said they have added another 30 days to the contract and made a couple of clarifications, so they expect to submit bids on June 4, which will be presented to City Council on June 11, 2019.

John Champagne asked about why they had to rebid Atkins Creek. Mr. Roznovsky said there were no bids submitted the first time. Mr. Roznovsky said there were 11 companies, plus nine different plan rooms that pulled the plans, and everyone they talked to said there were a lot of things bidding during that time and all their crews were full so they could not do the project at that time.

Mr. Roznovsky said the current expectation regarding the GLO contract that Mr. Yates mentioned will be the end of June.

Mr. Roznovsky said they have received the maps for the proposed location that was for a proposed interconnect with Dobbin-Plantersville in which they provided some comments back and forth because they are right next to the sawmill and they wanted to make sure it was out of the way of any potential Lone Star Parkway features that would have to be moved. Mr. Roznovsky said Mrs. Vu has put together some cost estimates which they discussed.

Mayor Countryman asked what Exxon's problem was because she thought he agreed and then all of a sudden, they backed out and asked what is going on. Mr. Roznovsky said the owner agreed to provide the additional right-of-way for the turn lane, no issue, then when

they got the first set of plans, it did not account for that information. Mr. Roznovsky said they met with the owner and he agreed. The biggest issue is when they take the additional nine to ten feet, the owner can't find a place to put his dumpster out of sight. Mayor Countryman asked Mr. Yates, since they had spoken at one point, and Mr. Yates was going to propose giving him one year free as a creative measure. Mr. Yates said no, he did not because he needed to come up with a potential location for the dumpster. Mr. Yates said he has spoken to the owner of Shipley's Donuts and he is not interested in giving an easement or sale of property. John Champagne asked to confirm there is no room for the dumpster on that location if they take the nine feet. Mr. Yates said that is true. Mayor Countryman said there is room to have the dumpster, the owner just does not like the location. Mr. Yates said that is correct, he does not like it being in front. John Champagne asked why the City does not just put one in for him. Mr. Yates asked where they would put it. Mayor Countryman said that was the problem. John Champagne said he is hearing Mr. Yates say there is a place to put the dumpster, in Mr. Yates opinion. Mr. Yates said physically there is a place. John Champagne said if the City went and said they will put a compartment for them for their dumpster, would he be open to that and did we suggest that. Mr. Yates said no, but he did not think he would go for that because the type of structure they would build would be more elaborate than what he has now, but he would still be losing a parking space. John Champagne said Exxon does not see a gain by having the turn lane there. Mr. Yates said a way to think of it as what is the value to the City for the turn lane. Rebecca Huss mentioned eminent domain of the property. Mayor Countryman said they could do that too. Mayor Countryman asked if they could pursue eminent domain to get the property. Mr. Yates said yes. Mayor Countryman said then they need to get the ball rolling, because they have been talking about this for over a year. John Champagne advised Mr. Yates he should attempt to be as compromising as he can.

Mr. Roznovsky said regarding the northbound turn lane heading north, he has received comments from TxDOT and they want us to set some monuments for them on the new corners, and then reorder the description. Mr. Roznovsky said TxDOT wants the City to be the ones that set the pins in the corner with the surveyors stamp on it.

- H. Finance Report – Mr. Yates presented the Finance Report to City Council advising the following balances:

General Fund - \$1,187,372

Capital Projects - \$2,895,028

Utility Funds - \$992,967

Montgomery EDC - \$943,361

Total Funds for the City - \$6,443,941

Mr. Yates said the General Fund is to the positive \$166,115, the Utility Fund is to the positive \$209,263, and as he stated in his City Administrator's Report, he did an estimate for the General Fund and his estimate for the end of the year is \$120,000 to the positive, and the estimated positive for the Utility Fund was \$95,640 based upon all the transfers over to Capital Projects Fund. Mr. Yates said he did not have any budget amendments at this time. Mr. Yates said next month they will be starting the process for the 2019-2020 Budget July 5, with staff budget due at that time, following receipt of the June 2019 Financial Report. Mr. Yates said the department heads came up with their own budgets, with the Preliminary Budget being presented to City Council on July 19th after he has put all the departmental budgets together. Mr. Yates said there will be two or three budget workshops, with the goal of adopting the budget the first meeting in September.

Rebecca Huss moved to approve the departmental reports as presented. John Champagne seconded the motion, the motion carried unanimously. (3-0)

11. Consideration and possible action regarding Street Closure for Freedom Festival on July 6, 2019.

Mr. Yates presented the information to City Council stating the streets to be closed are Prairie, Mason, Maiden, College, McCown, Caroline, John A. Butler and North Liberty, and SH105 to Berkley from 8:00 a.m. to 5:00 p.m. Mrs. Shannan Reid advised the parade starts at 11:00 a.m. and is usually done by 12:30, which is the only time that all of the streets really experience any blocking. After that, Mrs. Reid said until 4:00 p.m., there is the small "T" at the Community Center. Mrs. Reid said this is the same as it has been for several years.

Rebecca Huss said FM 149 can't be closed from SH 105 to Berkley for 4 ½ hours, and she thought the way they have done it in the past is when the parade goes by, the streets close to prevent extra cars from inserting into the parade, which the Police usually block off in advance, then when the tail end goes through safely, they open the street back up. Mr. Yates said that is correct. Mr.

Muckleroy advised they put the barricades up in advance, and then the Police Department puts them in place when it is time to close the roads down.

Mayor Countryman said before the parade starts there is no blockage of the roads, and then when the parade starts is when the blocks are put in place to allow the parade to go through. When it ends, they open the roads back up. Rebecca Huss asked if they want the "T" closed the entire time. Mrs. Reid said she needs the "T" closed the entire time, until 5:00 p.m. John Champagne asked if this route is the same as the Christmas Parade. Mrs. Reid said yes, they keep it the same as it has been for the last seven years. John Champagne asked when they stage the parade participants, is everyone pulled over on the side of the road. John Champagne said hopefully it does not rain again the way it did last year because there are trenches all over the City and they are tearing the place up. John Champagne said when they pull trailers, trucks, etc. on the side of the road, they are rutting up the whole route. Mrs. Reid said one of the differences between the Christmas Parade and this one is they do not have the large trucks and trailers in the Freedom Festival Parade, they might have a regular size vehicle, but this is anything but a trailer parade. Mrs. Reid said they usually have small families and bicycles, golf carts, and horses. Mrs. Reid said she has provided the map and an overview of the events for the day. Mrs. Reid said they do have a "Keep Montgomery Beautiful" campaign that will be at the end of the parade and they do a full sweep and make sure it is all clean.

Rebecca Huss moved to approve the street closure of the "T" at College and McCown for the full July 6, 2019 and the parade closures as necessary. John Champagne seconded the motion, the motion carried unanimously. (3-0)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ORDINANCE NO. 2016-18, DATED SEPTEMBER 13, 2016, PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; PROVIDING AND ESTABLISHING A \$50.00 FEE FOR RE-INSPECTIONS OF GREASE TRAPS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF JUNE 1, 2019 AFTER PUBLICATION.

Mr. Muckleroy advised this ordinance goes along with their outsourcing of the grease trap inspections, and said the way that it has always worked in the past is someone fails an inspection,

so they go back and re-inspect at no charge. Mr. Muckleroy said now they are wanting to add a line that states if a re-inspection has to happen, Gulf Utility will not do it for free, so it will cover the charge to the City. John Champagne said the re-inspections were never for free.

John Champagne moved to approve the Ordinance as requested. Rebecca Huss seconded the motion, the motion carried with a vote of 2-Ayes and 1-Nay by Tom Cronin. (2-1)

13. Consideration and possible action regarding Community Development Block Grant , Phase 2:

a. Consideration and possible action regarding Completion of Phase 2; and

b. Consideration and possible action regarding Jones and Carter Engineering Contract for Phase 2.

Mr. Yates said with the excellent bid received for the CDBG Baja Street Project, it left approximately \$102,000 available for another extension of the project. Mr. Yates said this project requires new engineering for the additional area in order to use the available funds. Mr. Yates said he wanted to point out the construction amount of \$55,010 versus the engineering costs of \$44,000 that seemed high. Mr. Yates said the high cost of the engineering is because in order to do a project, it has certain fixed costs. Mr. Yates said he felt they need to do the project because the improvements would not happen if they did not do the project, which is the extension of the 8-inch line down Martin Luther King to be in the City limits, and also, they would lose points for future CDBG projects if they did not use all the funds. Mr. Yates said while he was in favor of the project, he just wanted to point out to City Council the high percentage of the cost of engineering versus the benefits of the project.

Rebecca Huss said they are kind of over a barrel because if you go from the point that the City can't afford to lose points because it impacts any future grants that we would get, then we have to do a project and we can't do another engineering firm because they do not have time to get it done between now and the deadline. Mr. Yates said that was correct, and each grant is \$300,000 - \$325,000, so generally you get funded every other cycle.

John Champagne said he would believe this additional improvement will add to the quality of life for the individuals that live there. Mr. Yates said that is correct. John Champagne said let's roll. Rebecca Huss said she agreed, she did not like the percentage, but she did not see they have any other choice and there is a good outcome as well. Mayor Countryman said correct.

John Champagne moved to approve the project as requested under Agenda Item 13 (a) and (b).
Rebecca Huss seconded the motion.

Discussion: Rebecca Huss asked to clarify that this was approval of (a) and (b) for Agenda Item 13. John Champagne advised that was correct.

The motion carried unanimously. (3-0)

EXECUTIVE SESSION:

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

14. Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following:

- a) Section 551.074 (personnel matters) related to City Administrator selection; and
- b) Section 551.071 (consultation with attorney) related to pending litigation.

Mayor Countryman adjourned into Closed Executive Session at 7:33 p.m.

15. Reconvene into Open Session.

Mayor Countryman reconvened into Open Session at 7:55 p.m.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

16. Consideration and possible action(s) if necessary on matter(s) deliberated in Closed Executive Session.

Rebecca Huss moved to direct the City Administrator to enter into a contract with Richard Tramm for a start date of June 10, 2019 as the new City Administrator. Tom Cronin seconded the motion, the motion carried unanimously. (3-0)

COUNCIL INQUIRY:

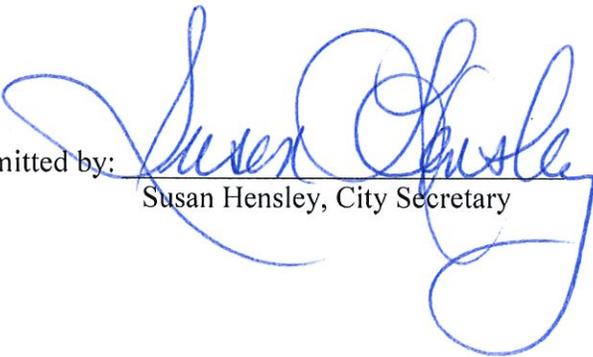
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a

statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

There were no comments.

ADJOURNMENT

John Champagne moved to adjourn the meeting at 7:57 p.m. Rebecca Huss seconded the motion, the motion carried unanimously. (3-0)

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

Mayor Sara Countryman

Montgomery City Council
AGENDA REPORT

Meeting Date: June 11, 2019	Budgeted Amount: N/A
Department: Administrative	
Prepared By: Dave McCorquodale	Exhibits: Proposed ordinance with exhibits
Date Prepared: June 7, 2019	

Subject

Consideration and possible action regarding an ordinance amending residential building permit, mechanical, electrical, plumbing and inspection fees.

Description

H.B. 852 was signed by Governor Abbott on May 21, 2019 prohibiting municipalities from using valuation when calculating **residential building permit fees**. City staff, along with the city attorney and building inspector, are proposing a new method of calculating single-family residential building permit fees:

- New fee is based on square footage of slab & upper floor living space.
- Tiered rate to reflect varying size of structure.
- New fees rates are slightly higher than current fees (adopted in 1996).

Dwelling Size	Current Fee	Proposed Fee
1,300 sqft	\$1,250	\$1,369
2,700 sqft	\$1,500	\$1,849
3,500 sqft	\$1,800	\$2,209

An increase in building permit fees has been discussed with developers and was favorably received.

Recommendation

Approve the ordinance as presented.

Approved By

Asst. to City Admin.	Dave McCorquodale 	Date: 6/7/19
City Administrator	Jack Yates 	Date: 6/7/19

ORDINANCE

Motion was made by _____ seconded by _____,
that the following Ordinance be adopted.

ORDINANCE NO. : _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, TO ADOPT NEW BUILDING PERMIT AND INSPECTION FEES RELATED TO ALL RESIDENTIAL BUILDINGS AND STRUCTURES; TO ADOPT NEW PERMIT AND INSPECTION FEES FOR MECHANICAL, ELECTRICAL, AND PLUMBING RELATED TO ALL RESIDENTIAL BUILDINGS AND STRUCTURES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Montgomery, Texas, has adopted certain codes published by the International Code Council, relating to all applicable building, mechanical, electrical, and plumbing codes for residential structures; and

WHEREAS, the adoption of these International Code Series as published by the International Code Council is done to facilitate proper inspection activities by the City of Montgomery, Montgomery County, Texas, relating to construction and to maintenance of all buildings and structures within the corporate limits of said City of Montgomery, Texas, and relating to public safety, health, and general welfare; and

WHEREAS, pursuant to recent Texas legislation, the City Council finds it necessary to amend its residential building, mechanical, electrical, and plumbing permit and inspection fee schedules;

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

SECTION I.

The Residential (R-3) Building Permit, Inspection, and Plan Review Fee Schedule attached here as Exhibit "A", and the Residential (R-3) Mechanical, Electrical, and Plumbing Permit and Inspection Fee Schedule attached here as Exhibit "B", are hereby approved by the City Council.

SECTION II.

REPEALING CLAUSE. Any matters in said Codes and Appendixes which are contrary to existing Ordinances and Code of Ordinance of the City of Montgomery, Montgomery County, Texas, shall prevail and all other Ordinances in conflict are hereby repealed to the extent of any

conflict.

SECTION III.

SEVERABILITY. If any section, subsection, sentence, clause, provision or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION IV.

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

SECTION V.

EFFECTIVE DATE. This Ordinance shall become effective and be in full force from June 11, 2019 after publication as required by law.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the 11th day of June 2019.

THE CITY OF MONTGOMERY, TEXAS

Sara Countryman, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

Exhibit "A"

City of Montgomery Residential (R-3) Building Permit, Inspection & Plan Review Fee Schedule						
Sq Ft ¹		\$	Permit ²	Base	Review	Total
<	1,000	0.50	500	50.00	250	800
1,000	1,499	0.46	690	50.00	345	1,084
1,500	1,999	0.44	880	50.00	440	1,369
2,000	2,499	0.42	1050	50.00	525	1,624
2,500	2,999	0.40	1200	50.00	600	1,849
3,000	3,499	0.38	1330	50.00	665	2,044
3,500	3,999	0.36	1440	50.00	720	2,209
4,000	4,499	0.33	1485	50.00	742	2,277
4,500	4,999	0.32	1600	50.00	800	2,450
5,000	5,499	0.31	1705	50.00	852	2,607
5,500	5,999	0.30	1800	50.00	900	2,750
6,000	6,499	0.29	1885	50.00	942	2,877
6,500	6,999	0.28	1960	50.00	980	2,990
7,000	7,499	0.27	2025	50.00	1,012	3,087
7,500	7,999	0.26	2080	50.00	1,040	3,170
8,000	8,499	0.25	2125	50.00	1,062	3,237
8,500	8,999	0.24	2160	50.00	1,080	3,290
9,000	9,999	0.23	2300	50.00	1,150	3,500
>	10,000		2500	50.00	1,250	3,800
Greater than 11,000 = \$3,800 + \$0.20 per addtl 1,000 sf						

¹ Covered Area = Foundation/Slab area for 1 story or Lowest Floor
Foundation area + each upstairs area for multi-story

² Required Inspections from Permit Fee = Foundation, Rough Framing,
Rough Energy & Building Final (4)

Exhibit "B"

City of Montgomery Residential (R-3) Mechanical, Electrical and Plumbing Permit & Inspection Fee Schedule					
Inspections			Base	Inspect	Total
1			50	75	125
2			50	150	200
3			50	225	275
4			50	300	350
5			50	375	425
6			50	450	500
Reinspection				100	100
Over 5,000 sf add \$10 per 1,000 sf					

Montgomery City Council
AGENDA REPORT

Meeting Date: June 11, 2019	Budgeted Amount: N/A
Department: Administrative	
Prepared By: Dave McCorquodale	Exhibits: Proposed ordinance with exhibits
Date Prepared: June 7, 2019	

Subject

Consideration and possible action regarding an ordinance amending the Chapter 98 “Zoning” of the City Code of Ordinances by rezoning certain properties within the City.

Description

This ordinance rezones the properties included in the City-initiated rezoning that P&Z and staff have been working on for several months. As you recall, the Planning & Zoning Commission has held two Public Hearings and notified all property owners and property owners within 200 feet of the properties to be rezoned. Council held received the Final Reports from P&Z at the May 28th meeting and held a Public Hearing.

- Property owners were in agreement with the rezoning.
- The Planning & Zoning Commission recommends rezoning the *properties with one exception*—712 Community Center Drive. The Commission recommends **not** rezoning the property from I-Institutional to B-Commercial.
- One adjacent owner spoke against rezoning 712 Community Center Dr to Commercial out of concerns related to potential effects a business could have on the street.

Recommendation

Decide whether to rezone the properties—particularly 712 Community Center Dr—and approve the ordinance as presented or with modifications as necessary.

Approved By

Asst. to City Admin.	Dave McCorquodale 	Date: 6/7/19
City Administrator	Jack Yates 	Date: 6/7/19

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 AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 98, "ZONING," FOR THE ZONING CLASSIFICATION OF THREE PROPERTIES IN THE ZACHARIAH LANDRUM SURVEY, ABSTRACT 22 IN MONTGOMERY FROM AN "ID" INDUSTRIAL ZONING DISTRICT TO A "B" COMMERCIAL ZONING DISTRICT; RECLASSIFYING THREE PROPERTIES IN THE ZACHARIAH LANDRUM SURVEY, ABSTRACT 22 IN MONTGOMERY FROM AN "ID" INDUSTRIAL ZONING DISTRICT TO A "R-1" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; RECLASSIFYING ONE 2.25-ACRE PROPERTY IN THE ZACHARIAH LANDRUM SURVEY, ABSTRACT 22 IN MONTGOMERY FROM AN "I" INSTITUTIONAL ZONING DISTRICT TO A "R-1" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; RECLASSIFYING SIX PROPERTIES IN THE OWEN SHANNON SURVEY, ABSTRACT 36 IN MONTGOMERY FROM A "R-1" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO A "B" COMMERCIAL ZONING DISTRICT; REALIGNING THE "B" COMMERCIAL AND "R-2" MULTI-FAMILY RESIDENTIAL ZONING DISTRICT BOUNDARIES IN A 30.84 ACRE TRACT IN THE JOHN CORNER SURVEY, ABSTRACT 8 IN MONTGOMERY BY CONSOLIDATING LIKE DISTRICTS; RECLASSIFYING CERTAIN LOTS IN THE HILLS OF TOWN CREEK SUBDIVISION, SECTION 2, FROM A "B" COMMERCIAL ZONING DISTRICT TO A "R-1" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; AND RECLASSIFYING A 0.5-ACRE TRACT IN THE OWEN SHANNON SURVEY, ABSTRACT 36 IN MONTGOMERY FROM AN "I" INSTITUTIONAL ZONING DISTRICT TO A "B" COMMERCIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.

WHEREAS, the City Council has passed the City of Montgomery Zoning Ordinance providing certain rules and regulations concerning zoning within the City of Montgomery, as found in the Code of Ordinances ("CODE") at Chapter 98; and

WHEREAS, a comprehensive study by the City staff has been conducted of the City of Montgomery's Official Zoning Map to determine the best uses of certain tracts of land in the City of Montgomery; and

WHEREAS, the results of the study have been incorporated into the seven *Planning and Zoning Commission Final Report of Findings and Recommendations*, dated May 28, 2019

(collectively, “the Final Reports”) attached here respectively as Exhibits “A” through “G”; and

WHEREAS, the Owners of the respective properties support the rezoning classifications and zoning boundary realignments described in the Final Reports and have requested that the City Council rezone the respective properties as recommended in the Final Reports and as authorized by Section 98-30 of the CODE; and

WHEREAS, the Planning and Zoning Commission conducted two public hearings on the proposed zoning reclassifications of the properties on May 16, 2019 and again on May 21, 2019; and

WHEREAS, pursuant to Sections 98-30(c) and 98-53 of the CODE, the City Planning and Zoning Commission has submitted seven Final Reports to the City Council in which it has voted to approve and recommend the rezoning and classifications and zoning boundary realignments described in the Reports at Exhibits “A” through “F”, consistent with each of the properties’ proposed uses; and

WHEREAS, as set out in Exhibit “G”, the Planning and Zoning Commission recommended *not* to reclassify the 0.5-acres in Tracts 15-A and 83-A of the Owen Shannon Survey, Abstract 36, owned by Patricia Easley, also described as 712 Community Center Drive, Montgomery; and

WHEREAS, a public hearing was also conducted on May 28, 2019 before the City Council, as authorized by Section 98-30(d) of the CODE, in order to consider the seven Final Reports and the proposed amendments of the zoning classifications of the respective properties; and

WHEREAS, the City Council finds that all notifications and other procedures required by Section 98-30 of the CODE have been followed; and

WHEREAS, the City Council has determined that it in the best interest of the citizens of the City that the zoning classifications of these properties described in the six Final Reports found at Exhibits “A” through “F” be reclassified or realigned as recommended by the city staff and the Planning and Zoning Commission on May 28, 2019; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City that the zoning classification of the 0.5-acre Tracts 15-A and 83-A owned by Patricia Easley also be reclassified from “I” Institutional Zoning District to “B” Commercial Zoning District;

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

Section 1. Adoption of Recitals. The recitals in the preamble to this Ordinance are hereby adopted as the findings and conclusions of the City Council.

Section. 2. Amendment to the City Zoning Map. Pursuant to Section 98-30 of the Code of

Ordinances, City of Montgomery, Texas, the Official Zoning Map of the City of Montgomery is hereby amended so that the zoning classification of the respective properties in the seven *Planning and Zoning Commission Final Report of Findings and Recommendations* as herein described in the attached Exhibits "A" through "G" are reclassified as follows:

1. Rezoning the following properties from ID-Industrial to B-Commercial:

- a. 1.24 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St. SH 105 frontage, Montgomery, owned by the Lone Star Cowboy Church.
- b. 1.08 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St., Montgomery, owned by the Lone Star Cowboy Church.
- c. 8.35 acres in Tracts 3 & 4 of the Zachariah Landrum survey A-22, also described as along SH 105 West/Eva St. in Montgomery, owned by Alan Wayne Mann.

2. Rezoning the following properties from ID-Industrial to R1-Single Family Residential:

- a. 1.41 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 11181 Womack Cemetery Rd, Montgomery, owned by William and Julie Todd.
- b. 1.88 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 21930 Twin Creeks Rd, Montgomery, owned by David and Carrie Solomon.
- c. 3.04 acres in Tract 46K of the Zachariah Landrum survey A-22, also described as part of 21910 Twin Creeks Rd, Montgomery, owned by Harvey and Juanita Simmons.

3. Rezoning the following properties from I-Institutional to R1-Single Family Residential:

- a. 2.25 acres in Tracts 45-D & 45-D-1 of the Zachariah Landrum survey A-22, also described as part of 623 Old Plantersville Rd, Montgomery, owned by the Joseph Shockley Revocable Living Trust.

4. Rezoning the following properties from R1-Single Family Residential to B-Commercial:

- a. 0.460 acres in Tract 82 of the Owen Shannon survey A-36, also described as 15309 FM 149 Rd, Montgomery, owned by the Estate of Cherry D. Easley.
- b. 0.374 acres in Tract 84 of the Owen Shannon survey A-36, also described as approximately 15307 FM 149 Rd, Montgomery, owned by Arnette Easley.
- c. 0.41 acres in Tracts 1 & 70 of the Owen Shannon survey A-36, also described as 712 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
- d. 0.5 acres in Tract 8 of the Owen Shannon survey A-36, also described as approximately 15328 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.

- e. 0.25 acres in Tract 9 of the Owen Shannon survey A-36, also described as 15330 N Liberty St, Montgomery, owned by Willie & Evelyn Wright.
 - f. 0.32 acres in Tract 2 of the Owen Shannon survey A-36, also described as 22950 W FM 1097 Rd, Montgomery, owned by the Estate of Audrey B. Allen.
5. **Realigning the Zoning Boundaries** for the following property:
- a. 30.84 acres in Tract 14 of the John Corner survey A-8, also described as FM 149 South frontage on the east side of road from the city limits to the MISD bus barn, owned by Risher Randall, et al. in Montgomery. The property is currently zoned B-Commercial and R2-Multi Family Residential. The proposed rezoning will realign zoning district boundaries, consolidating like districts and resulting in no appreciable change in size of either district.
6. **Rezoning the following properties from B-Commercial to R1-Single Family Residential:**
- a. Lots 1 – 51, Blocks 1 & 2, The Hills of Town Creek, Section 2 Subdivision, also described as 103 – 234 Brock’s Lane, and 308 – 317 Brock’s Court, Montgomery.
 - b. Open Space Reserves A, B, C, & D in The Hills of Town Creek Section 2
 - c. Lots 1 – 49, Block 3, The Hills of Town Creek, Section 3 Subdivision, also described as 242 – 265 Brock’s Lane, and 110 – 155 Scenic Hills Court, Montgomery.
 - d. Open Space Reserve A in The Hills of Town Creek.
7. **Rezoning the following properties from I-Institutional to B-Commercial:**
- a. 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey A-36, also described as 712 Community Center Dr., Montgomery, owned by Patricia Easley.

Section 3. Codification of this Ordinance. Wherever any provision of this Ordinance provides for the amendment of the Code of Ordinances, City of Montgomery, Texas, such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the Ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified Ordinance shall be deemed invalid on the basis of a variance in the number or section of this Ordinance and its codified provisions. The failure to codify the specified provisions of this Ordinance shall not affect their validity or enforcement.

Section 4. Repeals all Ordinance in Conflict with this Ordinance.

Any and all provisions of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 5. Savings Clause.

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

Section 6. Effective Date.

The effective date of this Ordinance shall be upon its passage.

PASSED AND APPROVED this _____ day of June 2019

Sara Countryman, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

PLANNING & ZONING COMMISSION FINAL REPORT OF FINDINGS AND RECOMMENDATION

TO: MONTGOMERY MAYOR AND CITY COUNCIL

Exhibit "A"

FROM: PLANNING & ZONING COMMISSION

CC: JACK YATES, CITY ADMINISTRATOR

**SUBJECT: FINAL REPORT CONCERNING A PROPOSED ZONING RECLASSIFICATION
OF THE FOLLOWING PROPERTIES:**

Rezoning the following properties from ID-Industrial to B-Commercial:

- a. 1.24 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St. SH 105 frontage, Montgomery, owned by the Lone Star Cowboy Church.
- b. 1.08 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St., Montgomery, owned by the Lone Star Cowboy Church.
- c. 8.35 acres in Tracts 3 & 4 of the Zachariah Landrum survey A-22, also described as along SH 105 West/Eva St. in Montgomery, owned by Alan Wayne Mann.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on May 16, 2019 and again on May 21, 2019 to consider reclassifying the aforementioned properties from ID-Industrial to B-Commercial. After a second duly-noticed public hearing with an opportunity for public comments concerning the zoning reclassification, the Commission at its May 21st meeting thereby found:

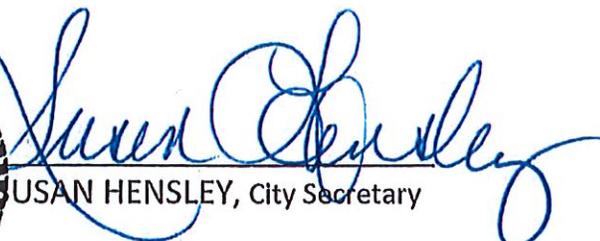
- By a 4-0 vote of the members present (Bill Simpson, Nelson Cox, Jeffrey Waddell, and Carol Langley; Arnette Easley was not in attendance), the Planning and Zoning Commission hereby presents this Final Report pursuant to Section 98-30 of the Code, recommending to reclassify the land use zoning designation of said properties on the Official Zoning Map of Montgomery, Texas, thereby subject to all the requirements of Chapter 98 of the Zoning Code, Code of Ordinances for that designation. This reclassification will improve land use and result in the betterment of development patterns within the City.

I, Nelson Cox, Chairman of the Montgomery Planning and Zoning Commission, on this 28th day of May 2019, certify the above Final Report to be true and correct to the best of my knowledge.

Signed:


NELSON COX, Chairman

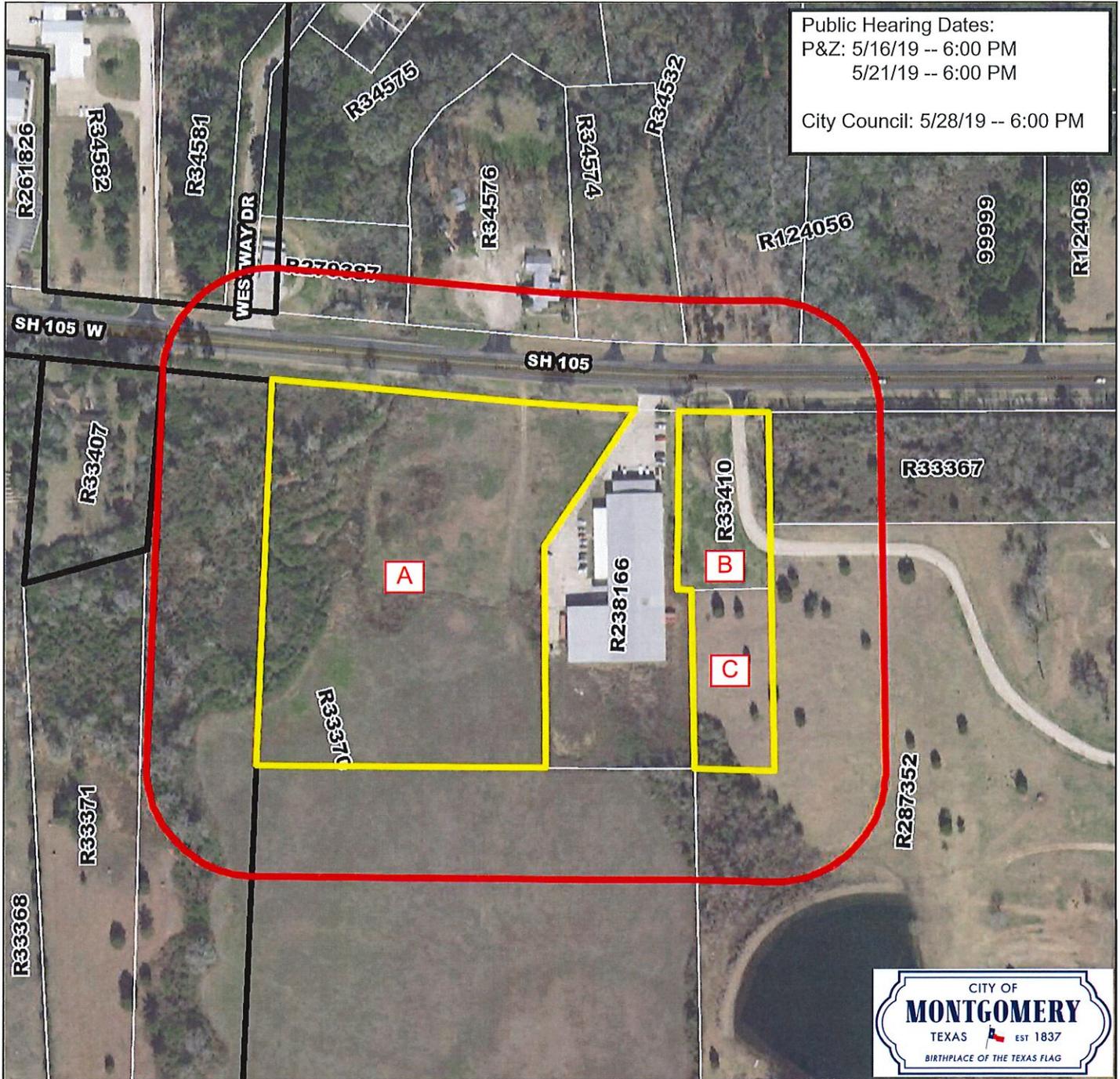



USAN HENSLEY, City Secretary

Mann & Lone Star Cowboy Church Tracts

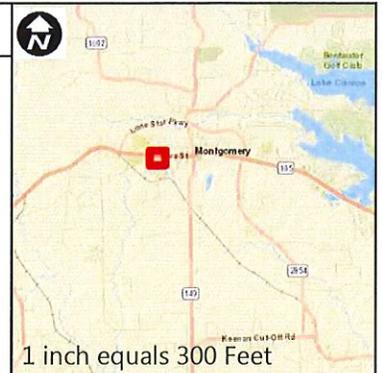
Exhibit "A"

Public Hearing Dates:
 P&Z: 5/16/19 -- 6:00 PM
 5/21/19 -- 6:00 PM
 City Council: 5/28/19 -- 6:00 PM



LEGEND: City Limit Tract Boundary 200-ft Notification Boundary

- A. Mann Tract: 8.35 acres along SH 105 W in Montgomery, west of Lone Star Cowboy Church
- B. Lone Star Cowboy Church Tract: 1.24-ac portion of 21267 Eva St, Montgomery
- C. Lone Star Cowboy Church Tract: 1.08-ac portion of 21267 Eva St, Montgomery



PLANNING & ZONING COMMISSION FINAL REPORT OF FINDINGS AND RECOMMENDATION

TO: MONTGOMERY MAYOR AND CITY COUNCIL

Exhibit "B"

FROM: PLANNING & ZONING COMMISSION

CC: JACK YATES, CITY ADMINISTRATOR

SUBJECT: FINAL REPORT CONCERNING A PROPOSED ZONING RECLASSIFICATION
OF THE FOLLOWING PROPERTIES:

Rezoning the following properties from ID-Industrial to R1-Single Family Residential:

- a. 1.41 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 11181 Womack Cemetery Rd, Montgomery, owned by William and Julie Todd.
- b. 1.88 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 21930 Twin Creeks Rd, Montgomery, owned by David and Carrie Solomon.
- c. 3.04 acres in Tract 46K of the Zachariah Landrum survey A-22, also described as part of 21910 Twin Creeks Rd, Montgomery, owned by Harvey and Juanita Simmons.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on May 16, 2019 and again on May 21, 2019 to consider reclassifying the aforementioned properties from ID-Industrial to R1-Single Family Residential. After a second duly-noticed public hearing with an opportunity for public comments concerning the zoning reclassification, the Commission at its May 21st meeting thereby found:

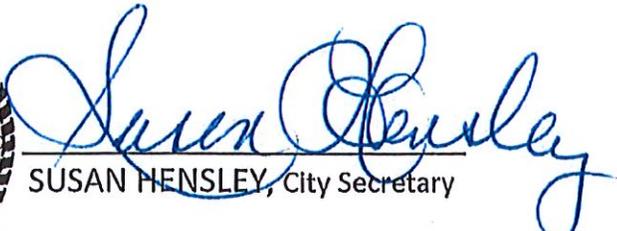
- By a 4-0 vote of the members present (Bill Simpson, Nelson Cox, Jeffrey Waddell, and Carol Langley; Arnette Easley was not in attendance), the Planning and Zoning Commission hereby presents this Final Report pursuant to Section 98-30 of the Code, recommending to reclassify the land use zoning designation of said properties on the Official Zoning Map of Montgomery, Texas, thereby subject to all the requirements of Chapter 98 of the Zoning Code, Code of Ordinances for that designation. This reclassification will improve land use, protect neighborhood character, and result in the betterment of development patterns within the City.

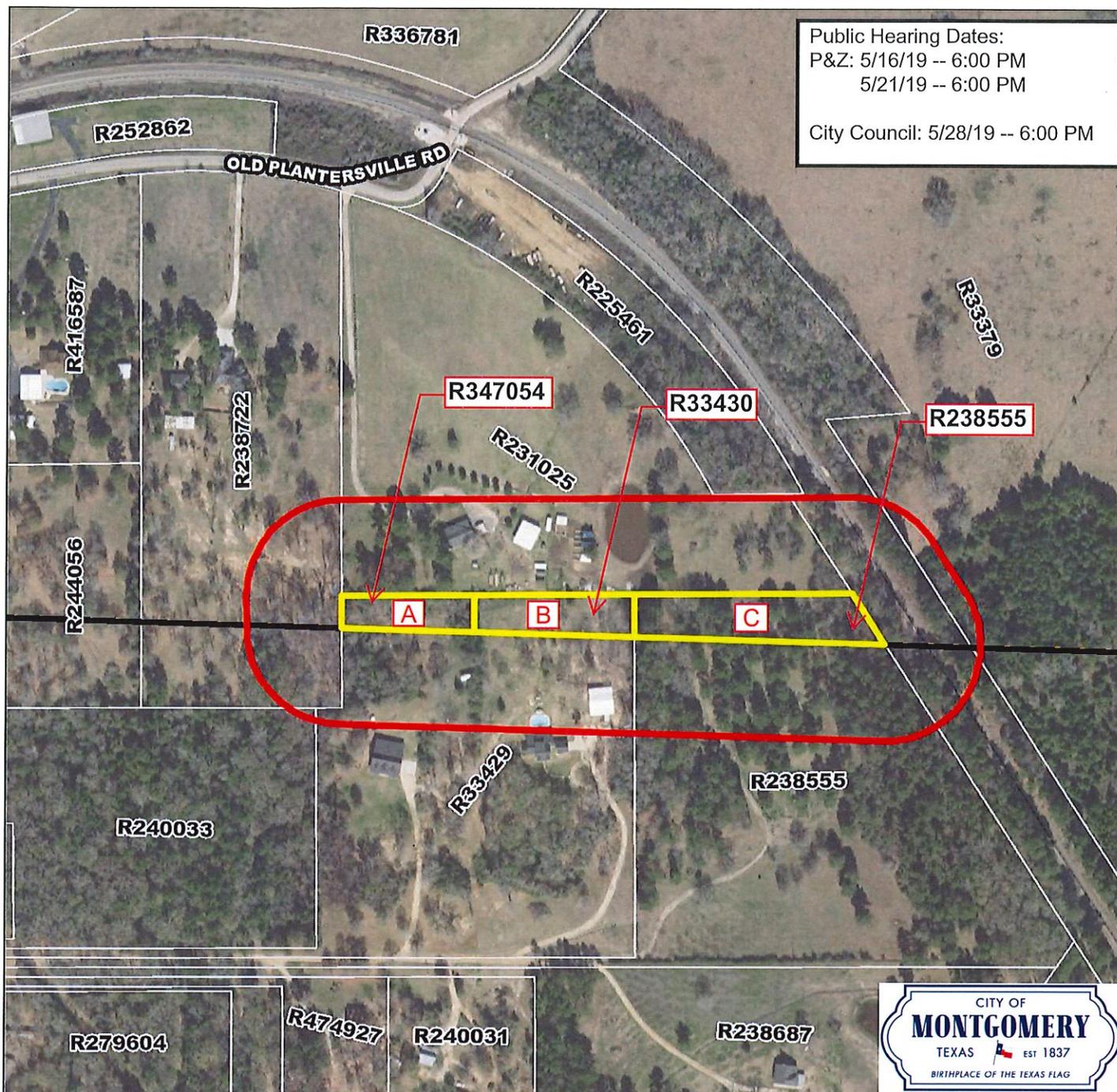
I, Nelson Cox, Chairman of the Montgomery Planning and Zoning Commission, on this 28th day of May 2019, certify the above Final Report to be true and correct to the best of my knowledge.

Signed:


NELSON COX, Chairman

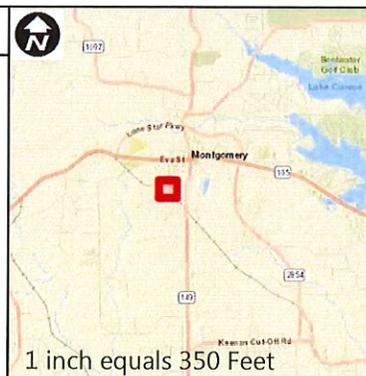



SUSAN HENSLEY, City Secretary



LEGEND: City Limit Tract Boundary 200-ft Notification Boundary

- A. Todd Tract: 11181 Womack Cemetery Rd, Montgomery
- B. Solomon Tract: 21930 Twin Creeks Rd, Montgomery
- C. Simmons Tract: 21910 Twin Creeks Rd, Montgomery



PLANNING & ZONING COMMISSION FINAL REPORT OF FINDINGS AND RECOMMENDATION

TO: MONTGOMERY MAYOR AND CITY COUNCIL

Exhibit "C"

FROM: PLANNING & ZONING COMMISSION

CC: JACK YATES, CITY ADMINISTRATOR

SUBJECT: FINAL REPORT CONCERNING A PROPOSED ZONING RECLASSIFICATION
OF THE FOLLOWING PROPERTY:

Rezoning the following properties from I-Institutional to R1-Single Family Residential:

- a. 2.25 acres in Tracts 45-D & 45-D-1 of the Zachariah Landrum survey A-22, also described as part of 623 Old Plantersville Rd, Montgomery, owned by the Joseph Shockley Revocable Living Trust.

Mayor and Members of City Council,

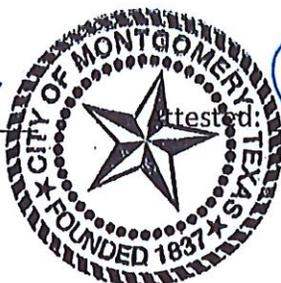
Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on May 16, 2019 and again on May 21, 2019 to consider reclassifying the aforementioned property from I-Institutional to R1-Single Family Residential. After a second duly-noticed public hearing with an opportunity for public comments concerning the zoning reclassification, the Commission at its May 21st meeting thereby found:

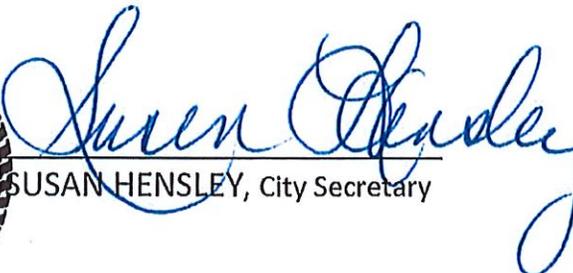
- By a 4-0 vote of the members present (Bill Simpson, Nelson Cox, Jeffrey Waddell, and Carol Langley; Arnette Easley was not in attendance), the Planning and Zoning Commission hereby presents this Final Report pursuant to Section 98-30 of the Code, recommending to reclassify the land use zoning designation of said property on the Official Zoning Map of Montgomery, Texas, thereby subject to all the requirements of Chapter 98 of the Zoning Code, Code of Ordinances for that designation. This reclassification will improve land use and result in the betterment of development patterns within the City.

I, Nelson Cox, Chairman of the Montgomery Planning and Zoning Commission, on this 28th day of May 2019, certify the above Final Report to be true and correct to the best of my knowledge.

Signed:


NELSON COX, Chairman




SUSAN HENSLEY, City Secretary



LEGEND: City Limit Tract Boundary 200-ft Notification Boundary

A 2.25-acre portion of 623 Old Plantersville Road, Montgomery

Public Hearing Dates:
 P&Z: 5/16/19 -- 6:00 PM
 5/21/19 -- 6:00 PM

City Council: 5/28/19 -- 6:00 PM



PLANNING & ZONING COMMISSION FINAL REPORT OF FINDINGS AND RECOMMENDATION

TO: MONTGOMERY MAYOR AND CITY COUNCIL

Exhibit "D"

FROM: PLANNING & ZONING COMMISSION

CC: JACK YATES, CITY ADMINISTRATOR

SUBJECT: FINAL REPORT CONCERNING A PROPOSED ZONING RECLASSIFICATION
OF THE FOLLOWING PROPERTIES:

Rezoning the following properties from R1-Single Family Residential to B-Commercial:

- a. 0.460 acres in Tract 82 of the Owen Shannon survey A-36, also described as 15309 FM 149 Rd, Montgomery, owned by the Estate of Cherry D. Easley.
- b. 0.374 acres in Tract 84 of the Owen Shannon survey A-36, also described as approximately 15307 FM 149 Rd, Montgomery, owned by Arnette Easley.
- c. 0.41 acres in Tracts 1 & 70 of the Owen Shannon survey A-36, also described as 712 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
- d. 0.5 acres in Tract 8 of the Owen Shannon survey A-36, also described as approximately 15328 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
- e. 0.25 acres in Tract 9 of the Owen Shannon survey A-36, also described as 15330 N Liberty St, Montgomery, owned by Willie & Evelyn Wright.
- f. 0.32 acres in Tract 2 of the Owen Shannon survey A-36, also described as 22950 W FM 1097 Rd, Montgomery, owned by the Estate of Audrey B. Allen.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on May 16, 2019 and again on May 21, 2019 to consider reclassifying the aforementioned properties from R1-Single Family Residential to B-Commercial. After a second duly-noticed public hearing with an opportunity for public comments concerning the zoning reclassification, the Commission at its May 21st meeting thereby found:

- By a 4-0 vote of the members present (Bill Simpson, Nelson Cox, Jeffrey Waddell, and Carol Langley; Arnette Easley was not in attendance), the Planning and Zoning Commission hereby presents this Final Report pursuant to Section 98-30 of the Code, recommending to reclassify the land use zoning designation of said properties on the Official Zoning Map of Montgomery, Texas, thereby subject to all the requirements of Chapter 98 of the Zoning Code, Code of Ordinances for that designation. This reclassification will improve land use and result in the betterment of development patterns within the City.

I, Nelson Cox, Chairman of the Montgomery Planning and Zoning Commission, on this 28th day of May 2019, certify the above Final Report to be true and correct to the best of my knowledge.

Signed:


NELSON COX, Chairman




SUSAN HENSLEY, City Secretary

PLANNING & ZONING COMMISSION FINAL REPORT OF FINDINGS AND RECOMMENDATION

TO: MONTGOMERY MAYOR AND CITY COUNCIL

Exhibit "E"

FROM: PLANNING & ZONING COMMISSION

CC: JACK YATES, CITY ADMINISTRATOR

SUBJECT: FINAL REPORT CONCERNING A PROPOSED REALIGNING OF THE ZONING BOUNDARIES FOR THE FOLLOWING PROPERTY:

30.84 acres in Tract 14 of the John Corner survey A-8, also described as FM 149 South frontage on the east side of road from the city limits to the MISD bus barn, owned by Risher Randall, et al. in Montgomery.

The property is currently zoned B-Commercial and R2-Multi Family Residential. The proposed rezoning will realign zoning district boundaries, consolidating like districts and resulting in no appreciable change in size of either district.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on May 16, 2019 and again on May 21, 2019 to consider realigning the aforementioned B-Commercial and R2-Multi Family Residential zoning district boundaries. After a second duly-noticed public hearing with an opportunity for public comments concerning the zoning reclassification, the Commission at its May 21st meeting thereby found:

- By a 4-0 vote of the members present (Bill Simpson, Nelson Cox, Jeffrey Waddell, and Carol Langley; Arnette Easley was not in attendance), the Planning and Zoning Commission hereby presents this Final Report pursuant to Section 98-30 of the Code, recommending to realign the land use zoning designation boundaries of said property on the Official Zoning Map of Montgomery, Texas, thereby subject to all the requirements of Chapter 98 of the Zoning Code, Code of Ordinances for that designation. This reclassification will improve land use and result in the betterment of development patterns within the City.

I, Nelson Cox, Chairman of the Montgomery Planning and Zoning Commission, on this 28th day of May 2019, certify the above Final Report to be true and correct to the best of my knowledge.

Signed:


NELSON COX, Chairman




SUSAN HENSLEY, City Secretary

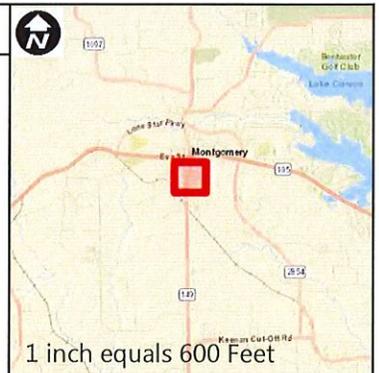


LEGEND: City Limit Tract Boundary 200-ft Notification Boundary

The area in consideration is approximately 31 acres of undeveloped land along FM 149 S.

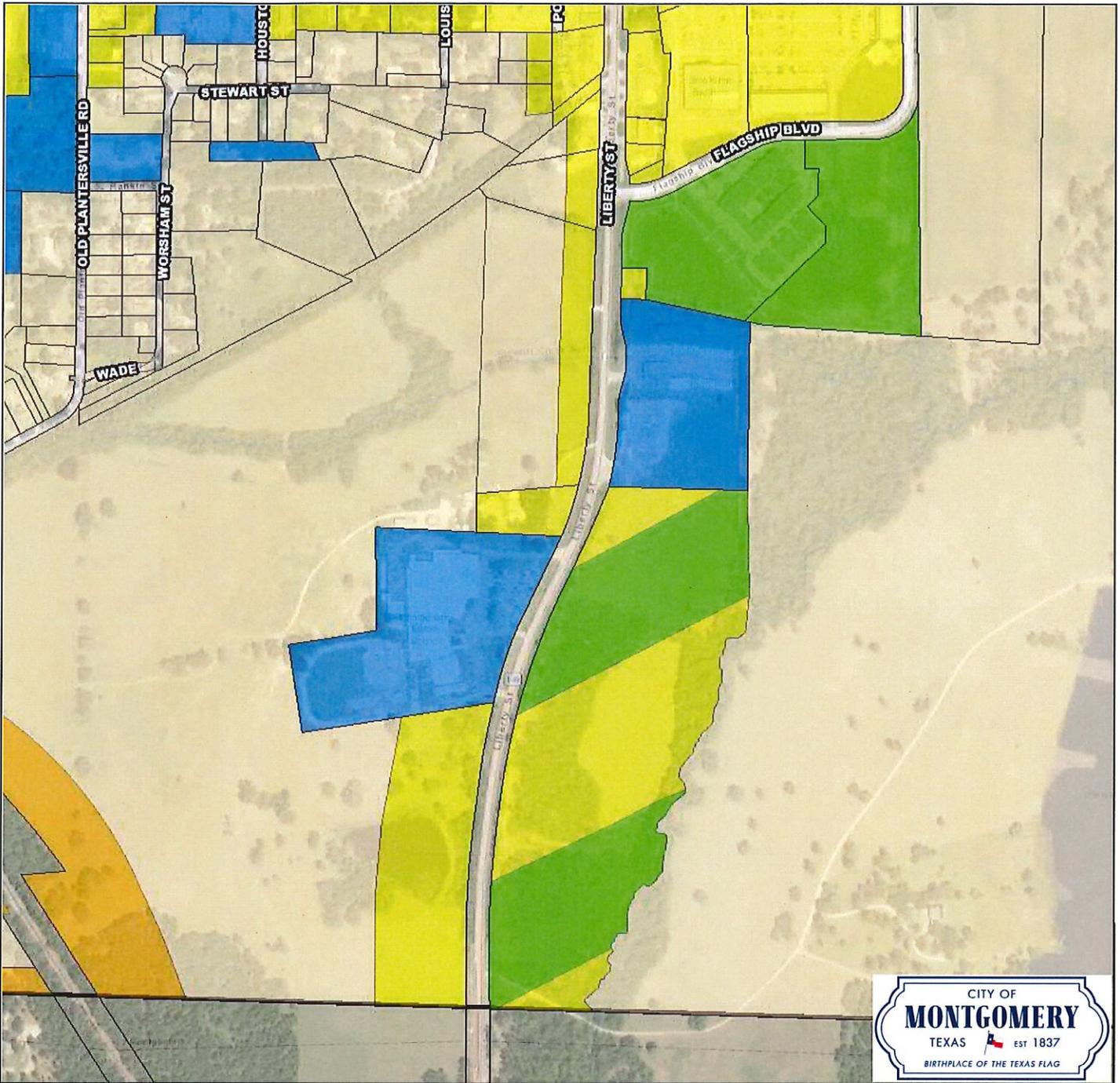
Public Hearing Dates:
 P&Z: 5/16/19 -- 6:00 PM
 5/21/19 -- 6:00 PM

City Council: 5/28/19 -- 6:00 PM



Randall Tract - Current Zoning

Exhibit "E"

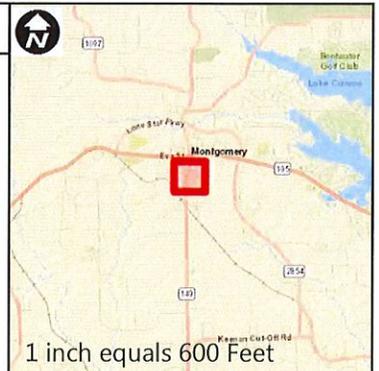


LEGEND: City Limit Tract Boundary 200-ft Notification Boundary

The area in consideration is approximately 31 acres of undeveloped land along FM 149 S.

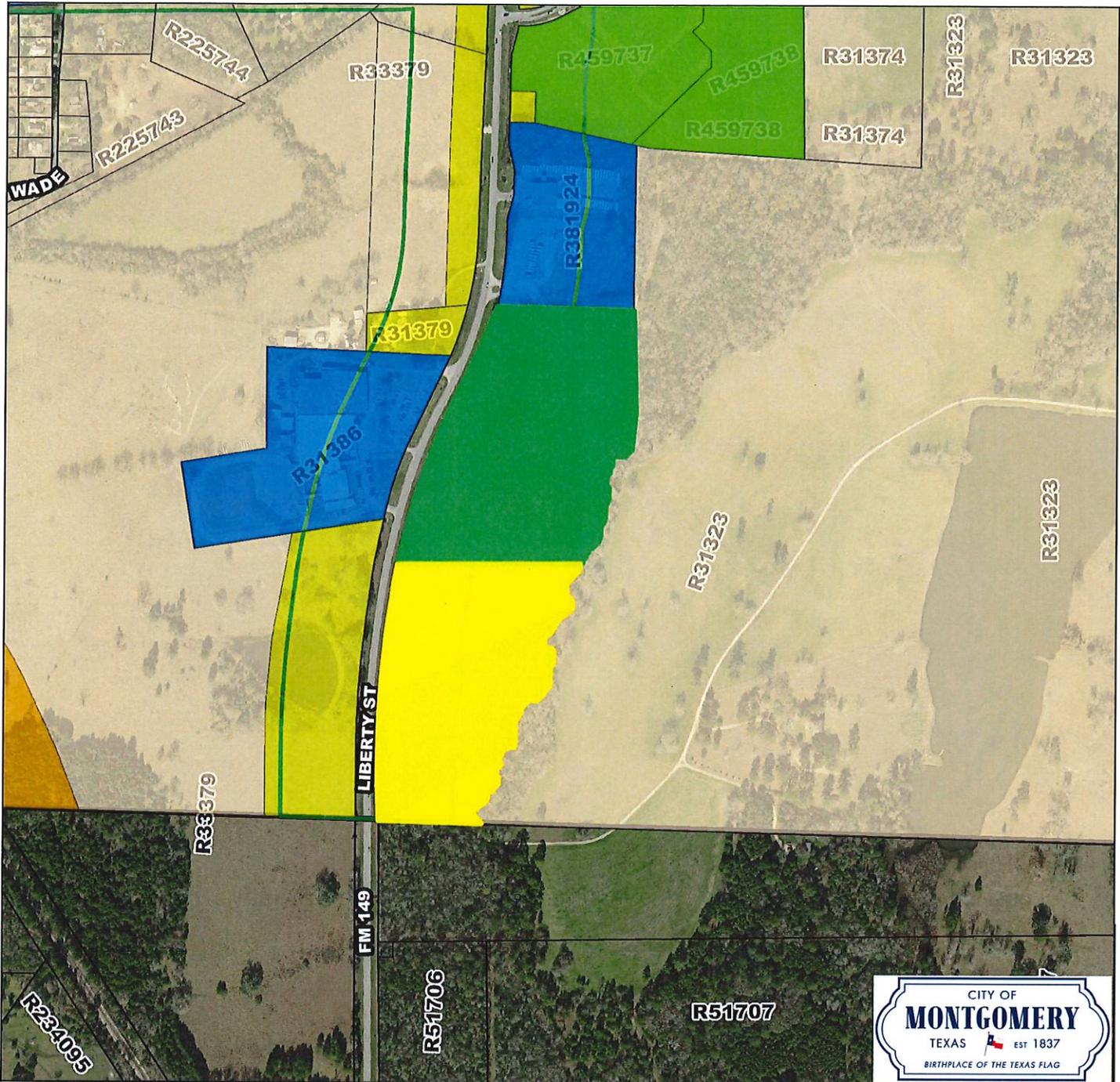
Public Hearing Dates:
P&Z: 5/16/19 -- 6:00 PM
5/21/19 -- 6:00 PM

City Council: 5/28/19 -- 6:00 PM



Randall Tract - Proposed Rezoning

Exhibit "E"

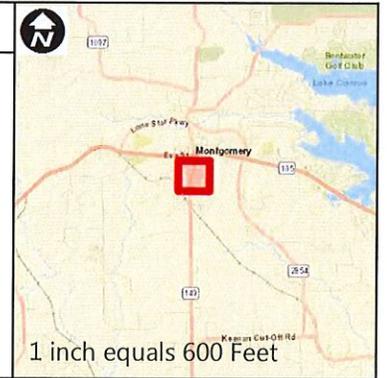


LEGEND: City Limit Tract Boundary 200-ft Notification Boundary

The area in consideration is approximately 31 acres of undeveloped land along FM 149 S.

Public Hearing Dates:
 P&Z: 5/16/19 -- 6:00 PM
 5/21/19 -- 6:00 PM

 City Council: 5/28/19 -- 6:00 PM



PLANNING & ZONING COMMISSION FINAL REPORT OF FINDINGS AND RECOMMENDATION

TO: MONTGOMERY MAYOR AND CITY COUNCIL

Exhibit "F"

FROM: PLANNING & ZONING COMMISSION

CC: JACK YATES, CITY ADMINISTRATOR

SUBJECT: FINAL REPORT CONCERNING A PROPOSED ZONING RECLASSIFICATION
OF THE FOLLOWING PROPERTIES:

Rezoning the following properties from B-Commercial to R1-Single Family Residential:

- a. Lots 1 – 51, Blocks 1 & 2, The Hills of Town Creek, Section 2 Subdivision, also described as 103 – 234 Brock's Lane, and 308 – 317 Brock's Court, Montgomery.
- b. Open Space Reserves A, B, C, & D in The Hills of Town Creek Section 2
- c. Lots 1 – 49, Block 3, The Hills of Town Creek, Section 3 Subdivision, also described as 242 – 265 Brock's Lane, and 110 – 155 Scenic Hills Court, Montgomery.
- d. Open Space Reserve A in The Hills of Town Creek, Section 3.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on May 16, 2019 and again on May 21, 2019 to consider reclassifying the aforementioned properties from B-Commercial to R1-Single Family Residential. After a second duly-noticed public hearing with an opportunity for public comments concerning the zoning reclassification, the Commission at its May 21st meeting thereby found:

- By a 5-0 vote of the members present (Arnette Easley, Bill Simpson, Nelson Cox, Jeffrey Waddell, and Carol Langley), the Planning and Zoning Commission hereby presents this Final Report pursuant to Section 98-30 of the Code, recommending to reclassify the land use zoning designation of said properties on the Official Zoning Map of Montgomery, Texas, thereby subject to all the requirements of Chapter 98 of the Zoning Code, Code of Ordinances for that designation. This reclassification will improve land use, preserve neighborhood character, and result in the betterment of development patterns within the City.

I, Nelson Cox, Chairman of the Montgomery Planning and Zoning Commission, on this 28th day of May 2019, certify the above Final Report to be true and correct to the best of my knowledge.

Signed: _____

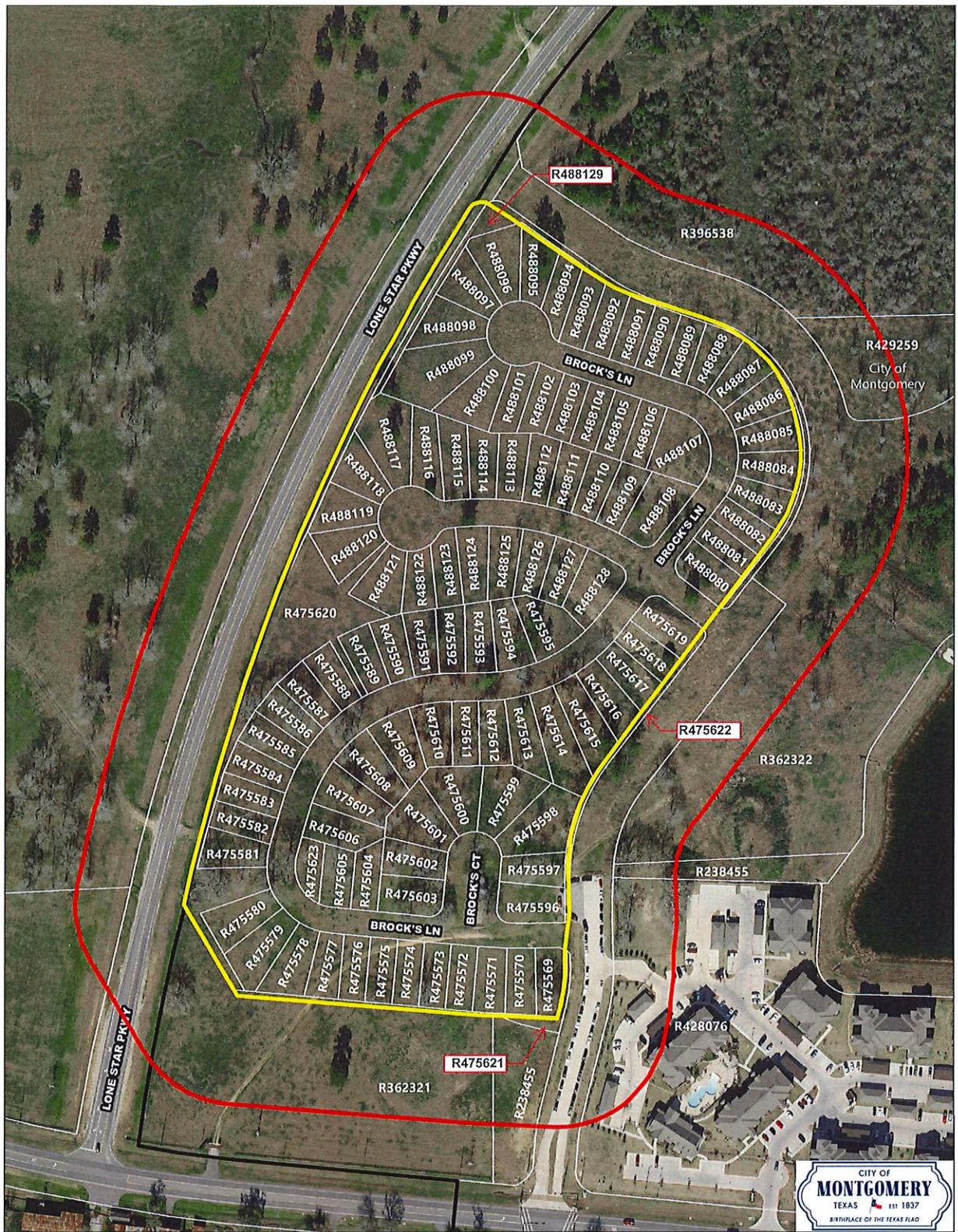
NELSON COX, Chairman



SUSAN HENSLEY, City Secretary

Hills of Town Creek Sections 2 & 3 Rezoning

Exhibit "F"



LEGEND: City Limit Tract Boundary 200-ft Notification Boundary

The Hills of Town Creek Sections 2 & 3, located at SH 105 and Lone Star Parkway on the west side of Montgomery. The subdivision consists of 100 residential lots, 5 open space reserves, and is approximately 50% built out.

Public Hearing Dates:
 P&Z: 5/16/19 -- 6:00 PM
 5/21/19 -- 6:00 PM

City Council: 5/28/19 -- 6:00 PM



1 inch equals 200 Feet



PLANNING & ZONING COMMISSION FINAL REPORT OF FINDINGS AND RECOMMENDATION

TO: MONTGOMERY MAYOR AND CITY COUNCIL

Exhibit "G"

FROM: PLANNING & ZONING COMMISSION

CC: JACK YATES, CITY ADMINISTRATOR

SUBJECT: FINAL REPORT CONCERNING A PROPOSED ZONING RECLASSIFICATION
OF THE FOLLOWING PROPERTY:

Rezoning the following properties from I-Institutional to B-Commercial:

- a. 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey A-36, also described as 712 Community Center Dr., Montgomery, owned by Patricia Easley.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on May 16, 2019 and again on May 21, 2019 to consider reclassifying the aforementioned property from I-Institutional to B-Commercial. After a second duly-noticed public hearing with an opportunity for public comments concerning the zoning reclassification, the Commission at its May 21st meeting thereby found:

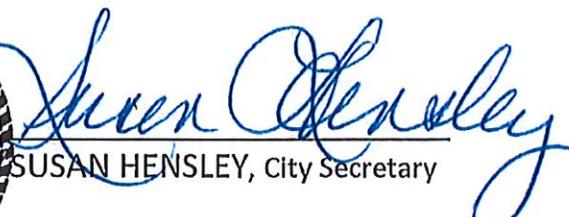
- By a 4-0 vote of the members present (Bill Simpson, Nelson Cox, Jeffrey Waddell, and Carol Langley; Arnette Easley was not in attendance), the Planning and Zoning Commission hereby presents this Final Report pursuant to Section 98-30 of the Code, recommending to not reclassify the land use zoning designation of said property.
- This recommendation was reached after hearing concerns from a neighbor within the 200-ft notification area regarding the potential for increased traffic on Community Center Drive already burdened by a high volume of school traffic, commercial hours of operation, and lack of FM 149 frontage for the property—concerns shared by the Commission and staff.

I, Nelson Cox, Chairman of the Montgomery Planning and Zoning Commission, on this 28th day of May 2019, certify the above Final Report to be true and correct to the best of my knowledge.

Signed:


NELSON COX, Chairman

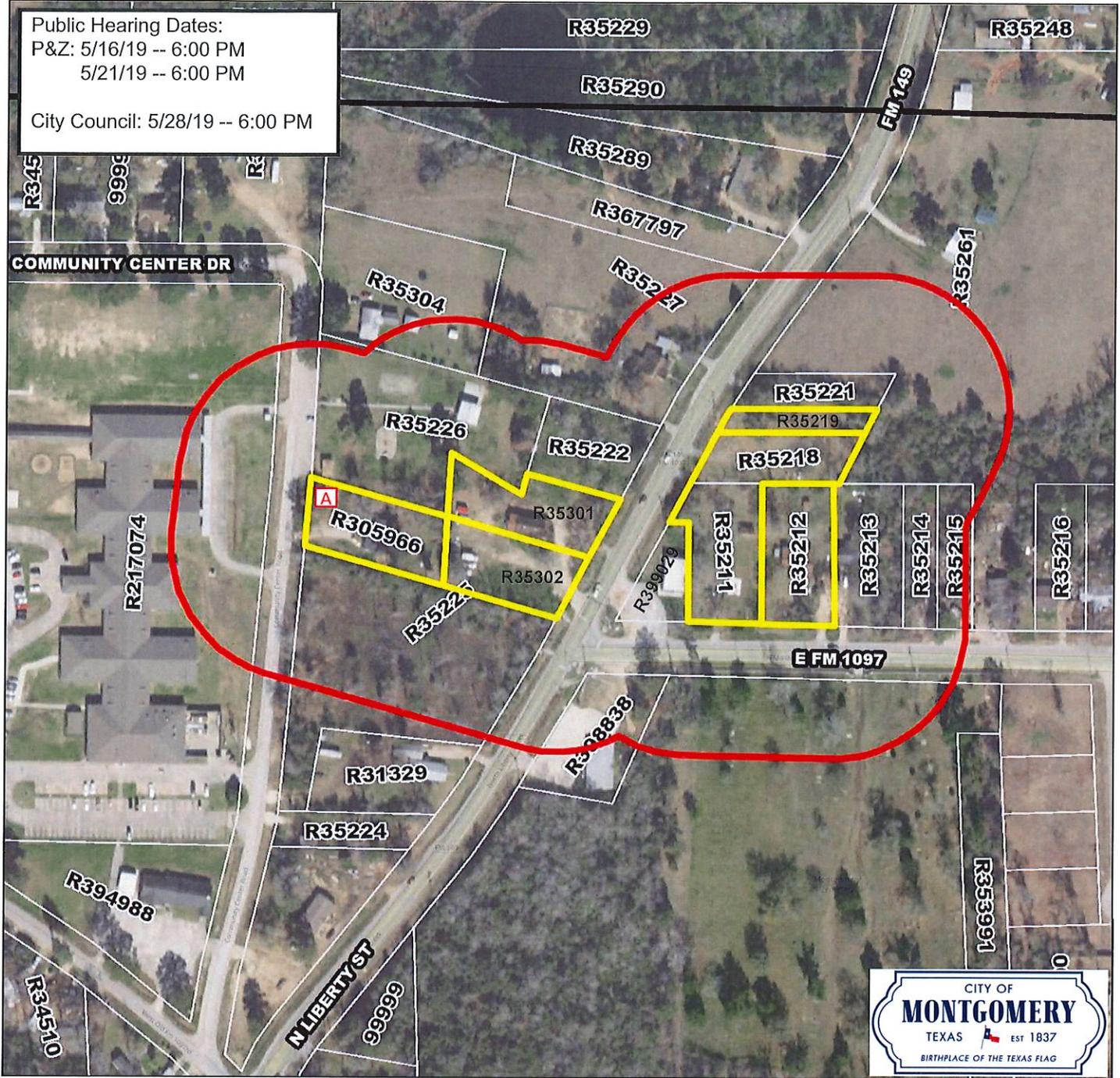



SUSAN HENSLEY, City Secretary

Patricia Easley Tract

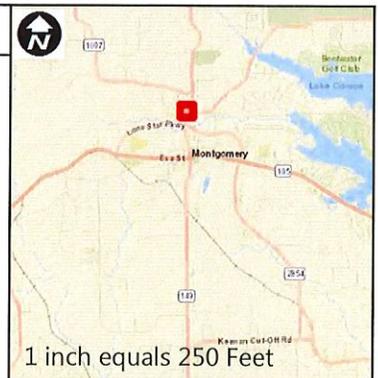
Exhibit "G"

Public Hearing Dates:
 P&Z: 5/16/19 -- 6:00 PM
 5/21/19 -- 6:00 PM
 City Council: 5/28/19 -- 6:00 PM



LEGEND: City Limit Tract Boundary 200-ft Notification Boundary

A. Patricia Easley Tract: 712 Community Center Dr, Montgomery



Montgomery City Council
AGENDA REPORT

Meeting Date: June 11, 2019	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibit: Chief's memo, Quotes on vehicles
Date Prepared: June 6, 2019	

Subject

The somewhat recent crashes of two police vehicles has caused the need for their replacement. Chief Solomon has two quotes for two new Tahoe's.

Description

The Chief's memo explains the two new purchases.
The \$78,230 funding will come from:
\$31,000 of Insurance Funds from the two wrecks,
\$15,000 budgeted to go to Capital Project Fund for purchase of Police Vehicles,
\$15,000 from the Capital Projects Fund from funds placed in the 2017-2018, and
\$17,230 from Capitol Outlay, Misc from the Police Budget , \$25,000 budgeted, \$3,212 used for \$21,788 balance in this line item.

Recommendation

Motion to approve the vehicle purchases as presented.

Approved By

City Administrator	Jack Yates	Date: June 6, 2019
--------------------	------------	--------------------

Vehicle Replacement Approval

Montgomery Police Department

Date: May 18, 2019
To: Jack Yates/ City Mayor and Council Members
From: Chief Anthony Solomon
Subject: Approval for replacement of damaged shops.

The City of Montgomery Police Department recently lost two patrol vehicles due to fleet accidents. One vehicle a 2014 Chevrolet Tahoe and the other a 2015 Ford Interceptor, both these vehicles had met the eligibility criteria of 4 years or 80,000 miles and would have been up for replacement in next year's budget.

I have discussed this with City Administrator Mr. Jack Yates, and he informed me that there are funds in the present budget to replace both shops. We have researched other options for the purchasing of these vehicles and future vehicle purchases.

This new purchasing option can save the city approximately \$2700 dollars on each vehicle. With the permission of Council we would like to move forward with the replacement of these two shops then purchase two patrol vehicle in next year's budget.

Anthony Solomon
City of Montgomery
Chief of Police

QUOTE# 00AA-CAPQ29795

CONTRACT PRICING WORKSHEET

End User: CITY OF MONTGOMERY	Contractor: CALDWELL COUNTRY
Contact Name: ANTHONY SOLOMON	CALDWELL COUNTRY
Email: TPDASOLOMON@HOTMAIL.COM	Prepared By: Averyt Knapp
Phone #:	Email: aknapp@caldwellcountry.com
Fax #:	Phone #: 979-567-6116
Location City & State: MONTGOMERY	Fax #: 979-567-0853
Date Prepared: MAY 20, 2019	Address: P. O. Box 27, Caldwell, TX 77836
Contract Number: BUY BOARD #521-16	Tax ID # 14-1856872

Product Description: 2020 CHEVROLET TAHOE PPV CC15706

A Base Price & Options:	\$37,410
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B Fleet Quote Option:

Code	Description	Cost	Code	Description	Cost
	(NO SPOTLIGHT), PPV, ALUMINUM WHEELS, 5.3L-V8, 6-SPD AUTOMATIC, DUAL BATTERIES, LOCKING REAR AXLE DIFFERENTIAL, CLOTH BUCKET FRONT/VINYL REAR BENCH, FULL RUBBER FLOOR, AMFM- STEREO W/BLUETOOTH, AIR CONDITION FRONT AND REAR, TILT, CRUISE, POWER SEAT, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, KEYLESS ENTRY, DEEP TINT GLASS, RUNNING BOARDS, TRAILER TOW HITCH PACKAGE, REAR VISION CAMERA, 23" CONSOLE, ARMREST FOR TOP MOUNT CONSOLE LARGE PAD, INTERNAL CUP HOLDERS, 3 LIGHTER PLUG OUTLET W/1-SWITCH CUT OUTS, DUAL USB CHARGE MODULE, INNER EDGE XLP 10-LT, SA315P SPEAKER BLACK PLASTIC, SIREN SPKR BRACKET PASSENGER SIDE, 2-DUAL AVENGER SUPER LED RED/BLUE, DOMINATOR 8 SUPER LED T/A R/B, 2- VERTEX SUPER-LED LIGHT RED, 2-VERTEX SUPER-LED SPLIT	INCL			

	RED/BLUE, ION LIGHT RED, ION LIGHT BLUE, ION LICENSE PLATE BRACKET HORIZ, SOLID STATE HEADLIGHT FLASHER, 3/4" MOUNT, 25' RG58/U MINI-UHF LOOSE, ANTENNA AND COAX CABLE, CAP FLEET WIRING HARNESS, TOTAL INSTALL				
	GM WARRANTY 5YR/100,000 MILES POWERTRAIN @ N/C	INCL		CALDWELL COUNTRY PO BOX 27 CALDWELL, TEXAS 77836	
Subtotal B					INCL
C Unpublished Options					
Code	Description	Cost	Code	Description	Cost
Subtotal C					
D Other Price Adjustments (Installation, Delivery, Etc...)					
Subtotal D					INCL
E Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D)					\$37,410
Quantity Ordered					1
Subtotal E					\$37,410
F Non-Equipment Charges (Trade-In, Warranty, Etc...)					
BUY BOARD					\$400
G. Color of Vehicle: BLACK					
H. Total Purchase Price (E+F)					\$37,810
Estimated Delivery Date:					Q4-2019

QUOTE# 00BB-CAPQ47607

CONTRACT PRICING WORKSHEET

End User: CITY OF MONTGOMERY	Contractor: CALDWELL COUNTRY
Contact Name: ANTHONY SOLOMON	CALDWELL COUNTRY
Email: TPDASOLOMON@HOTMAIL.COM	Prepared By: Averyt Knapp
Phone #: 936-857-3611	Email: aknapp@caldwellcountry.com
Fax #:	Phone #: 979-567-6116
Location City & State: MONTGOMERY	Fax #: 979-567-0853
Date Prepared: MAY 20, 2019	Address: P. O. Box 27, Caldwell, TX 77836
Contract Number: BUY BOARD #521-16	Tax ID # 14-1856872
Product Description: 2019 CHEVROLET TAHOE PPV CC15706	

A Base Price & Options: \$40,820

B Fleet Quote Option:

Code	Description	Cost	Code	Description	Cost
	LH SPOTLIGHT, PPV, 5.3L-V8, 6-SPD AUTOMATIC, DUAL BATTERIES, LOCKING REAR AXLE DIFFERENTIAL, CLOTH BUCKET FRONT/VINYL REAR BENCH, FULL RUBBER FLOOR, AMFM-STEREO W/BLUETOOTH, AIR CONDITION FRONT AND REAR, TILT, CRUISE, POWER SEAT, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, KEYLESS ENTRY, DEEP TINT GLASS, RUNNING BOARDS, TRAILER TOW HITCH PACKAGE, REAR VISION CAMERA, 23" CONSOLE, ARMREST FOR TOP MOUNT CONSOLE LARGE PAD, INTERNAL CUP HOLDERS, 3 LIGHTER PLUG OUTLET W/1-SWITCH CUT OUTS, DUAL USB CHARGE MODULE, SMOKED LENS DUO LEGACY 55 INCH WITH CARBON SYSTEM AND SPEAKER, 2-DUAL AVENGER SUPER-LED RED/BLUE, DOMINATOR 8 SUPER-LED T/A, R/B, 2-VERTEX SUPER-LED LIGHT RED, 2-VERTEX SUPER-LED SPLIT RED/BLUE, ION LIGHT RED, ION LIGHT BLUE, ION LICENSE	INCL		CAPQ29794	

	PLATE BKT HORIZ, SOLID STATE HEALDIGHT FLASHER, PASSENGER ½ SLIDING POLYCARBONATE WINDOW RECESSED PANEL AND LOWER EXTENSION PANEL, 7 GAUGE STEEL WIRE CARGO BARRIER WITH FILLER PANELS, DUYAL T-RAIL MOUNT 2 UNIVERSAL XL, ¾" MOUNT, 25' RG58/U MINI-UHF LOOSE, ANTENNA AND COAX CABLE, CAP FLEET WIRING HARNESS, TOTAL INSTALL				
	GM WARRANTY 5YR/100,000 MILES POWERTRAIN @ N/C	INCL		CALDWELL COUNTRY PO BOX 27 CALDWELL, TEXAS 77836	
Subtotal B					INCL
C Unpublished Options					
Code	Description	Cost	Code	Description	Cost
Subtotal C					
D Other Price Adjustments (Installation, Delivery, Etc...)					
Subtotal D					INCL
E Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D)					\$40,820
Quantity Ordered					1
Subtotal E					\$40,820
F Non-Equipment Charges (Trade-In, Warranty, Etc...)					
BUY BOARD					\$400
G. Color of Vehicle: BLACK					
H. Total Purchase Price (E+F)					\$41,220
Estimated Delivery Date:					120 DAYS APPX

Montgomery City Council
AGENDA REPORT

Meeting Date: June 11, 2019	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibit: Chief's memo,
Date Prepared: June 6, 2019	

Subject

These two vehicles have not been in use for the past several months, and are surplus property of the City and can be sold on public bid process

Description

The Chief's memo explains the actions requested of the Council.

If approved for sale, I ask that there not be a minimum bid because of the maintenance needs of both vehicles.

Recommendation

Motion to approve the two police vehicles as presented to be declared surplus and publicly sold with no minimum amount set for the sale of the vehicles.

Approved By

City Administrator	Jack Yates	Date: June 6, 2019
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Vehicle Surplus

Montgomery Police Department

Date: May 21, 2019
To: Jack Yates/ City Mayor and Council Members
From: Chief Anthony Solomon
Subject: Surplus Vehicles

The Montgomery Police has 2 vehicles that have become no longer a use to the department due to mileage and safety concerns. These vehicles can be sold converted into cash and be taken off cities insurance coverage. Listed below are the vehicles information and their present conditions

Unit # 13-09

2013 DODGE CHARGER

TXLP# 112 5662

VIN# 2C3CDXAG9DH521682

FAIR CONDITION, UNABLE TO START

(Last reported mileage is 46,666 back on 11/2017 / Unable to determine true mileage due to no power)

Unit # 11-06

2011 DODGE CHARGER

TXLP# 112 5455

VIN# 2BC3L1CG1BH551802

FAIR CONDITION UNABLE TO START

(Last reported mileage is 124,711 back on 01/2018 / Unable to determine true mileage due to no power)

Both vehicles were unable to be jump started

Anthony Solomon
Chief of Police
City of Montgomery

Montgomery City Council
AGENDA REPORT

Meeting Date: June 11, 2019	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: HB2439, Draft letter to property owners, Voluntary Inclusion timetable
Date Prepared: June 5, 2019	

Subject

HB 2439 states that the City cannot enforce a prohibition of a building product or material that is otherwise approved by the national building code. For Montgomery this means the dismissal of the Corridor Enhancement District building standards.

However, HB 2439 , Section 3002 (12) d. States that a city may enforce the higher building standard if the municipality has a voluntary consent from the property owner.,within the District.

I propose that the Council ask the property owners in the Corridor Enhancement District if they would voluntarily consent to the higher standards. My guess is that approximately 60-70% would be in favor of keeping the District standards.

As of now Governor Abbott has not signed or vetoed the bill. He was sent the bill on May 29th. The Governor has until 20 days after final adjournment to sign the bill, veto it, or allow it to become law without a signature.

Description

Assuming that the Governor allows the bill to become law...

Attached is a copy of the bill as passed, a draft letter to Corridor Enhancement District Property Owners w/ an expression of interest, and a time frame for possible events to establish a Voluntary Inclusion Corridor Enhancement District.

An enticement to the property owners to volunteer to be included in the District could be, for new buildings, a one-time tax abatement amounting to approximately \$400 to \$1,000 credit in the interest of somewhat reducing the

Montgomery City Council
AGENDA REPORT

increased cost of a required façade. I do not recommend this however, because of the relatively small amount of the credit compared to the total price of a new structure- it does not seem like enough of an enticement to really make a difference in the cost of the building—and other structures have been built in the District without such an enticement.

To my mind the question before the Council is: Do you think the Corridor Enhancement District is worth the approximately \$2,000 cost to the City in legal fees, staff time and mailings to explore the creation of the Voluntary Inclusion Corridor Enhancement District.

Recommendation

Motion to direct the City Administrator to follow the Voluntary Inclusion into the Corridor Enhancement District process as presented.

Approved By

City Administrator

Jack Yates

Date: June 5, 2019

Volunteer
Section on page 4
lines 16-22.

H.B. No. 2439

1 AN ACT
2 relating to certain regulations adopted by governmental entities
3 for the building products, materials, or methods used in the
4 construction or renovation of residential or commercial buildings.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Title 10, Government Code, is amended by adding
7 Subtitle Z to read as follows:

8 SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN

9 GOVERNMENTAL ACTIONS

10 CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND

11 COMMERCIAL CONSTRUCTION

12 Sec. 3000.001. DEFINITIONS. In this chapter:

13 (1) "National model code" has the meaning assigned by
14 Section 214.217, Local Government Code.

15 (2) "Governmental entity" has the meaning assigned by
16 Section 2007.002.

17 Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING
18 PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding
19 any other law and except as provided by Subsection (d), a
20 governmental entity may not adopt or enforce a rule, charter
21 provision, ordinance, order, building code, or other regulation
22 that:

23 (1) prohibits or limits, directly or indirectly, the
24 use or installation of a building product or material in the

1 construction, renovation, maintenance, or other alteration of a
2 residential or commercial building if the building product or
3 material is approved for use by a national model code published
4 within the last three code cycles that applies to the construction,
5 renovation, maintenance, or other alteration of the building; or

6 (2) establishes a standard for a building product,
7 material, or aesthetic method in construction, renovation,
8 maintenance, or other alteration of a residential or commercial
9 building if the standard is more stringent than a standard for the
10 product, material, or aesthetic method under a national model code
11 published within the last three code cycles that applies to the
12 construction, renovation, maintenance, or other alteration of the
13 building.

14 (b) A governmental entity that adopts a building code
15 governing the construction, renovation, maintenance, or other
16 alteration of a residential or commercial building may amend a
17 provision of the building code to conform to local concerns if the
18 amendment does not conflict with Subsection (a).

19 (c) This section does not apply to:

20 (1) a program established by a state agency that
21 requires particular standards, incentives, or financing
22 arrangements in order to comply with requirements of a state or
23 federal funding source or housing program;

24 (2) a requirement for a building necessary to consider
25 the building eligible for windstorm and hail insurance coverage
26 under Chapter 2210, Insurance Code;

27 (3) an ordinance or other regulation that regulates

1 outdoor lighting that is adopted for the purpose of reducing light
2 pollution and that:

3 (A) is adopted by a governmental entity that is
4 certified as a Dark Sky Community by the International Dark-Sky
5 Association as part of the International Dark Sky Places Program;
6 or

7 (B) applies to outdoor lighting within five miles
8 of the boundary of a military base in which an active training
9 program is conducted;

10 (4) an ordinance or order that:

11 (A) regulates outdoor lighting; and

12 (B) is adopted under Subchapter B, Chapter 229,
13 Local Government Code, or Subchapter B, Chapter 240, Local
14 Government Code;

15 (5) a building located in a place or area designated
16 for its historical, cultural, or architectural importance and
17 significance that a municipality may regulate under Section
18 211.003(b), Local Government Code, if the municipality:

19 (A) is a certified local government under the
20 National Historic Preservation Act (54 U.S.C. Section 300101 et
21 seq.); or

22 (B) has an applicable landmark ordinance that
23 meets the requirements under the certified local government program
24 as determined by the Texas Historical Commission;

25 (6) a building located in a place or area designated
26 for its historical, cultural, or architectural importance and
27 significance by a governmental entity, if designated before April

1 1, 2019;

2 (7) a building located in an area designated as a
3 historic district on the National Register of Historic Places;

4 (8) a building designated as a Recorded Texas Historic
5 Landmark;

6 (9) a building designated as a State Archeological
7 Landmark or State Antiquities Landmark;

8 (10) a building listed on the National Register of
9 Historic Places or designated as a landmark by a governmental
10 entity;

11 (11) a building located in a World Heritage Buffer
12 Zone; and

13 (12) a building located in an area designated for
14 development, restoration, or preservation in a main street city
15 under the main street program established under Section 442.014.

16 (d) A municipality that is not a municipality described by
17 Subsection (c)(5)(A) or (B) may adopt or enforce a regulation
18 described by Subsection (a) that applies to a building located in a
19 place or area designated on or after April 1, 2019, by the
20 municipality for its historical, cultural, or architectural
21 importance and significance, if the municipality has the voluntary
22 consent from the building owner.

23 (e) A rule, charter provision, ordinance, order, building
24 code, or other regulation adopted by a governmental entity that
25 conflicts with this section is void.

26 Sec. 3000.003. INJUNCTION. (a) The attorney general or an
27 aggrieved party may file an action in district court to enjoin a

1 violation or threatened violation of Section 3000.002.

2 (b) The court may grant appropriate relief.

3 (c) The attorney general may recover reasonable attorney's
4 fees and costs incurred in bringing an action under this section.

5 (d) Sovereign and governmental immunity to suit is waived
6 and abolished only to the extent necessary to enforce this chapter.

7 Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter
8 does not affect provisions regarding the installation of a fire
9 sprinkler protection system under Section 1301.551(i), Occupations
10 Code, or Section 775.045(a)(1), Health and Safety Code.

11 Sec. 3000.005. SEVERABILITY. If any provision of a rule,
12 charter provision, ordinance, order, building code, or other
13 regulation described by Section 3000.002(a) is held invalid under
14 this chapter, the invalidity does not affect other provisions or
15 applications of the rule, charter provision, ordinance, order,
16 building code, or other regulation that can be given effect without
17 the invalid provision or application, and to this end the
18 provisions of the rule, charter provision, ordinance, order,
19 building code, or other regulation are severable.

20 SECTION 2. This Act takes effect September 1, 2019.

H.B. No. 2439

President of the Senate

Speaker of the House

I certify that H.B. No. 2439 was passed by the House on April 30, 2019, by the following vote: Yeas 124, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2439 on May 23, 2019, by the following vote: Yeas 133, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2439 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

APPROVED: _____

Date

Governor

June 13, 2019

Dear Corridor Enhancement District Property Owner,

Several months ago you were contacted about an enlarging of the Corridor Enhancement District. We only heard from a few of you who were negative to the higher standard for exterior facades in the District area. Most of you saw the reasoning that the higher standard helped maintain a better look for the entirety of the District and that by having the higher standard resulted in a maintenance of property values for yourself and your neighbor for living up to the standard.

The Texas State Legislature just passed HB 2439 that removes the ability of the City to require placing a higher building standard in an area such as the Corridor Enhancement Area, unless voluntary consent from the property owners in the District is granted. HB 2439 is enclosed as signed into law by Governor Abbott. Note on page 4 lines 21 and 22 where the voluntary consent is allowed.

The reason you are receiving this letter is to request your interest of voluntary inclusion to the Corridor Enhancement District. In your consideration of this request we offer the following Pros and Cons.

Pros:

- Just as most land-use regulations, such as zoning, they exist for conformity to a standard that is better for all but not enforceable by anyone person except the city government.
- The nuisance, and cost, of abiding by the higher standard overall is a financial benefit because of the overall quality of development on your property and those around is better- thus keeping up property values. For instance, with a metal shed next to your brick building, your property value would be reduced.
- This gives you an opportunity to let the state legislators know that the locals in Montgomery want to control what happens in Montgomery and not be controlled by Austin legislators who are not familiar with Montgomery.

Cons:

- This is the loss of another land right from the property owner, people should be able to build what they want on their own property.
- The cheaper I can build a building on my property the better, property value increases can be reduced by a less cost of building.

At this point we are not asking for your official answer, but we do ask for your general opinion. Enclosed is a sheet of paper with "I would probably volunteer to include my property in the Corridor Enhancement District of Montgomery" and a "I would probably not volunteer to be in the Corridor Enhancement District of Montgomery", along with a comments section. Please respond on or before June 24th in writing, e-mails or by phoning City Hall with your name and opinion. I can be reached at rtramm@ci.montgomery.tx.us or at 936-597-6434. Your response, will guide the City Council as to any future action.

Sincerely,

**Richard Tramm
City Administrator**

_____ I would probably volunteer to include my property in the
Corridor Enhancement District of Montgomery

_____ I would probably not volunteer to be in the Corridor
Enhancement District of Montgomery

Comments : _____

By: _____ Print Name: _____
Name

(b)

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

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

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

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

VOLUNTARY INCLUSION INTO CORRIDOR ENHANCEMENT DISTRICT
PROCESS

- June 11 Council discussion as to pursuit of a Voluntary Inclusion District
- June 13 Letter requesting interest sent to Corridor Enhancement District property owners
- June 12-19 Legal opinion reached as to validity of a Voluntary Inclusion District and how the Inclusion District would look (meaning would a majority requesting a District keep the same District area or would a checkerboard be created, how would a voluntary inclusion read, how could a property tax abatement be established if desired, what is the timeframe of a voluntary inclusion decision be (until removed, amended by the City Council just as now).
- June 24 Discussion by Planning Commission with a recommendation.
- June 25 Decision reached as to the possibility of a tax abatement, and whether to send out letters/ballots for a Voluntary inclusion into the Corridor Enhancement District of the City of Montgomery.
- June 28 Letters mailed to District property owners with ballots, the law, and the Corridor Enhancement District Code enclosed.
- July 17 Final date for ballots to be received in office of City Secretary (4:00 p.m.) A public opening and counting of the ballots by the City Secretary with two (non-partisan) witnesses happens at 4:15 p.m.
- July 23 Council receives vote count and either drops the issue or directs the City Attorney to prepare an official document (not sure yet if an Ordinance or Resolution or simply a public notice) to place into effect a Voluntary Inclusion Corridor Enhancement District. Also, if desired, to ask the County Treasurer for documents to place a tax abatement amount on new structures complying with the District's building standards.

August 13 Council approves the document establishing the Voluntary Inclusion Corridor Enhancement District and, if desired, approve the necessary tax abatement document(s).

Montgomery City Council
AGENDA REPORT

Meeting Date: June 11, 2019	Budgeted Amount: N/A
Department: Administrative	
Prepared By: Dave McCorquodale	Exhibits: Summary of tree ordinance revisions, site plan examples of ordinance effects, proposed ordinance draft
Date Prepared: June 7, 2019	

Subject

Report regarding proposed tree ordinance revisions.

Description

Staff has worked through revisions for the tree ordinance and provided an updated summary of the ordinance. Staff held a meeting with stakeholders on various topics in late March to discuss various topics. Revisions to the tree ordinance was a primary topic of discussion.

The process used to revise the ordinance included:

- A thorough review and comparison of tree ordinances for regional municipalities.
- Review of the goals and objectives the ordinance should achieve.
- Stakeholder meeting with developers, builders, landowners, and professionals
- Follow up conversations with individual stakeholders to work through specifics
- Consolidate all revisions and ensure document clarity

Recommendation

No action needed, provide comments as you see fit. The intent is to get P&Z recommendation at their June 24th meeting and present the ordinance at the June 25th council meeting for action.

Approved By

Astt. to City Admin.	Dave McCorquodale 	Date: 6/7/19
City Administrator	Jack Yates 	Date: 6/7/19

Montgomery Tree Ordinance Revisions Summary

- **Individual property owners in R1 are exempt from requirements**
- **Requirements are based on amount of canopy coverage** of the property post-development (instead of caliper inches currently existing on the site)
- Protected trees are **select species >18" DBH** in residential buffer zones and between the building setback line and property line on non- single-family residential property
- Tree canopy coverage requirements are based on land use district:
 - **20%** of property in District B-Commercial (excluding ROW & easements)
 - **10%** of property in District ID-Industrial (excluding ROW & easements)
 - **20%** of property in District I-Institutional (excluding sports fields)
 - **20%** of area in open space & reserves in R1-Single Family Residential
 - **20%** of property in R2-Multi Family Residential (excluding ROW & easements)
- Each **one or two family dwelling requires 2 trees** w/ at least one in front yard
 - (1) 2" tree in front yard from "large tree" list
 - (1) 30-gallon minimum size of any classification elsewhere on lot
- Requires a **20-foot wide residential buffer zone** on non-residential property that abuts R1 or R2 residential
- **Requires parking lot trees**—60 sqft of canopy for each parking space (which are 162 sqft); no parking space further than 125' from a tree; these trees do count toward overall site canopy coverage, however, this requirement must be met irrespective of total site canopy coverage amount
- Allows for pre-development & partial clearing within the building envelope
- Provides incentive for preserving trees adjacent to streets
- Requires tree preservation plan with development
- Requires trees to be spread out over property

Commercial Site Example of Tree Ordinance Compliance

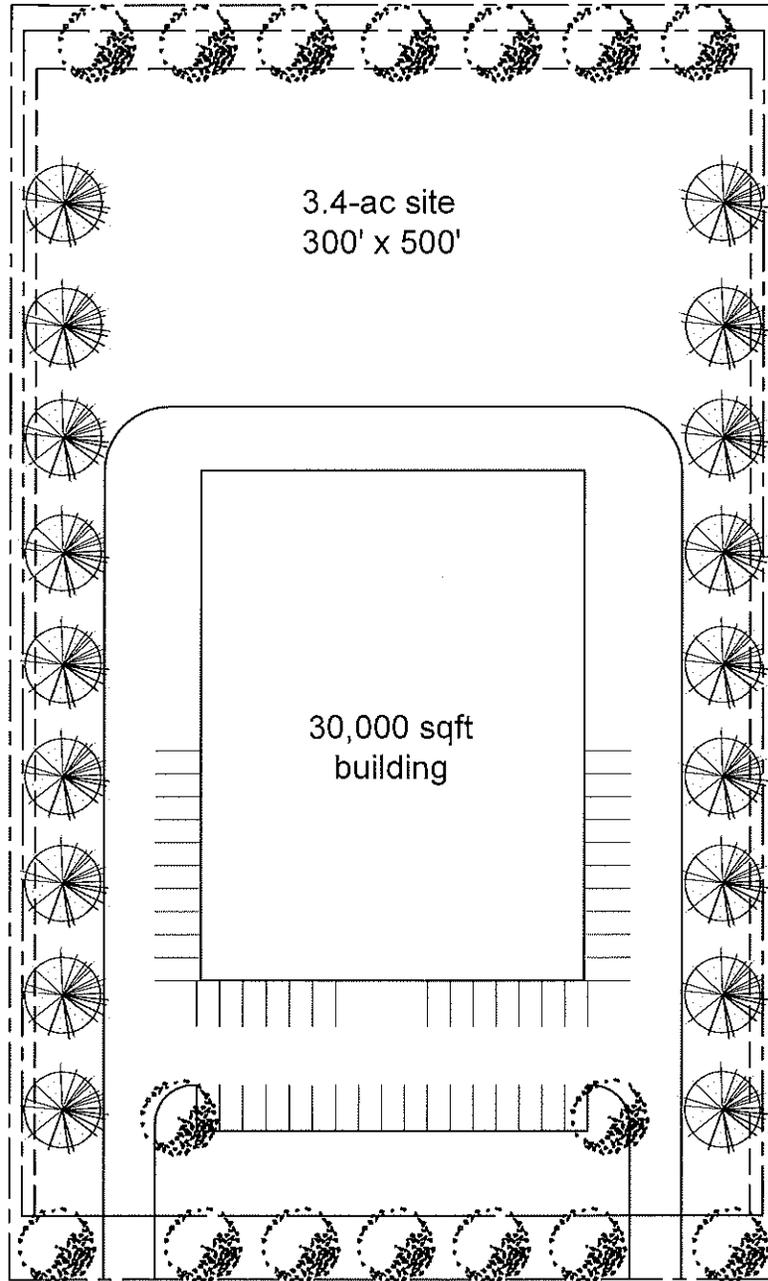
Total Site: 150,000 sqft

Easements area: 15,150 sqft

Net Site Area: 134,850 sqft

20% of Net Site Area = 26,970 sqft

of "large" replacement trees = 34



Commercial Site Example of Tree Ordinance Compliance

Total Site: 45,000 sqft

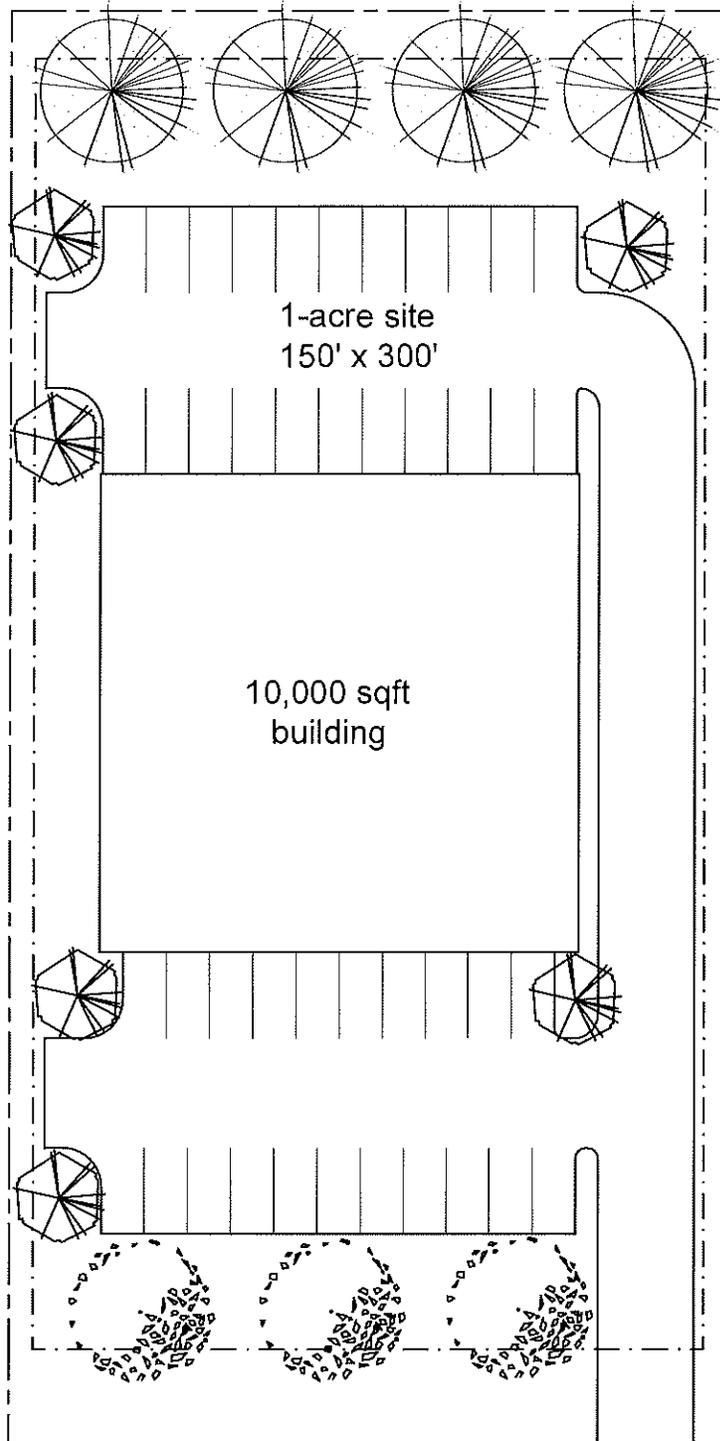
Easements area: 7,200 sqft

Net Site Area: 37,800 sqft

20% of Net Site Area = 7,560 sqft

of "large" replacement trees = 7

of "small" replacement trees = 6



Industrial Site Example of Tree Ordinance Compliance

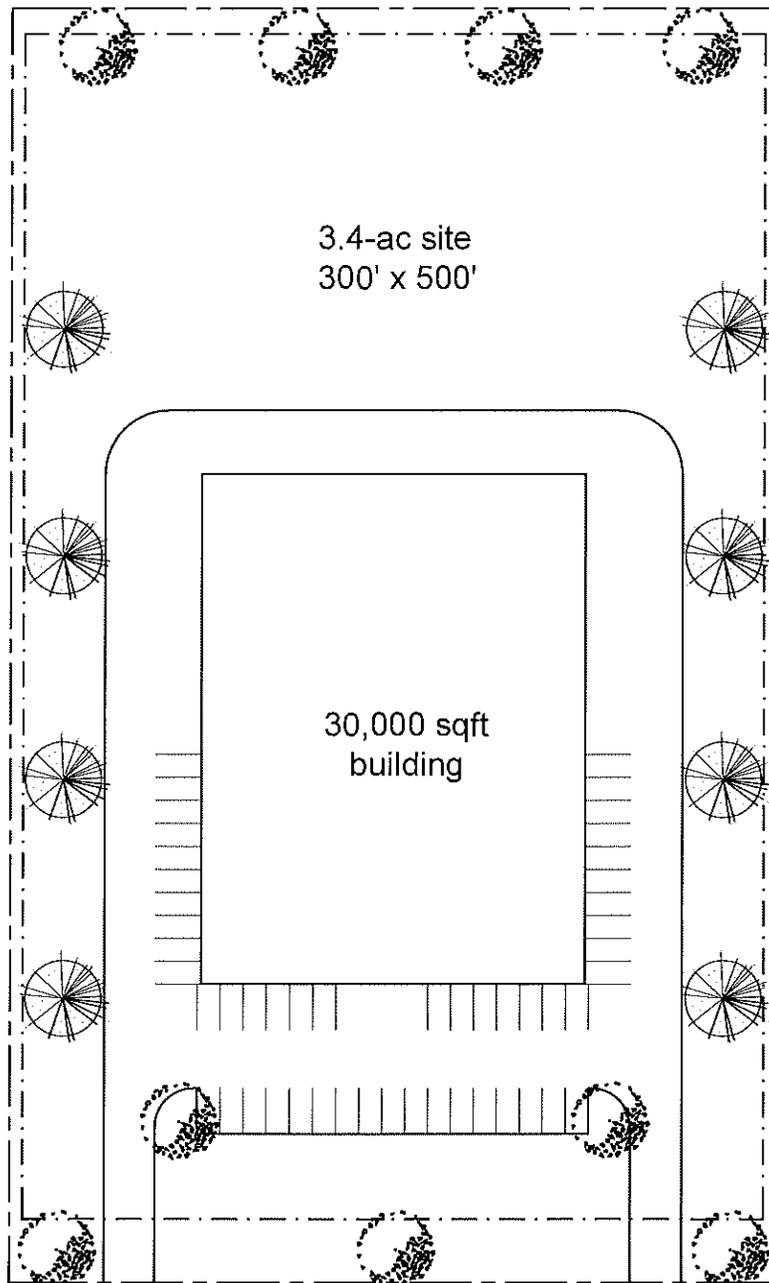
Total Site: 150,000 sqft

Easements area: 15,150 sqft

Net Site Area: 134,850 sqft

10% of Net Site Area = 13,485 sqft

of "large" replacement trees = 17



ARTICLE VII. - TREE PRESERVATION AND REPLACEMENT

Sec. 78-171. Findings and intent.

- (a) The city council finds that trees are an important public resource that contributes to the unique character of the city and its physical, historical, cultural, aesthetic, ecological and economic environment. Trees reduce the effects of pollutants, provide wildlife habitat, shade and cooling, and add value to real property. It is the goal of the city council to secure these benefits by maintaining the tree canopy over a significant area of the city.
- (b) This article is intended to prevent the indiscriminate cutting of trees in advance of development; to preserve existing trees of certain species; to provide for the replacement of trees that are necessarily removed during construction or development; to require the consideration of trees as a component of site design; and to allow for the commercial development of private property subject to minimum standards for the preservation and planting of trees. The provisions of this article shall not be construed or applied to preclude development or prohibit ingress or egress.
- (c) The City recognizes and appreciates the value of private property within its city limits and Extraterritorial Jurisdiction (ETJ) that is devoted principally to agricultural use for the production and support of timber, forest products and livestock. These lands devoted to the production of plant and animal products and agricultural timber farms shall not be subject to this ordinance while being actively managed for such purposes and recognized by the Montgomery County Appraisal District as having agricultural or timber exemptions.

Sec. 78-172. Definitions

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

Caliper means the trunk diameter of nursery stock trees planted to satisfy a requirement of this article. Caliper is measured 6 inches above the root ball for trees that are four inches in diameter or smaller, and twelve inches above the root ball for larger nursery stock.

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

City administrator means the person holding the office of city administrator or his designee acting in behalf of the city, with authority over the tree protection and preservation ordinance.

City engineer means the person or firm designated by the city council or the city administrator as the city engineer.

Critical root zone means the area within a radius extending out from the trunk of the tree one foot per each diameter inch of the trunk measured at breast height.

Diameter at breast height (DBH) means the diameter of trunk measured at 42 inches above natural grade.

Protected tree means any tree between the property line and existing or anticipated building setback lines or residential buffer zones on non-single family residential property with a **caliper of eighteen (18) inches or greater** that is not one of the following species: bois d'arc, thorny honey locust, hackberry, cottonwood, chinaberry, native black willow, native red or white mulberry, or Chinese tallow.

Tree preservation plan means a plan submitted by the owner in a form or manner specified by the city administrator or designee providing the method of protecting trees during construction that shall

include protection details, standards, notes, and construction plans in accordance with generally accepted practices such as those provided in the Urban Forest Technical Manual, on file in the office of the city secretary. Total site area canopy area calculation shall also be included on the plan.

Urban Forest Technical Manual means the standards and specifications based on generally accepted practices developed by the city administrator or designee for sound arboricultural practices, techniques and procedures which shall serve as guidelines for trees regulated by this article, including, but not limited to, tree selection, planting, alteration, treatment, protection, and removal as approved by the city council, maintained by the city secretary and available through the city administrator.

Woodland Tree Stand means an area of contiguous wooded vegetation covering at least two thousand five hundred (2,500) square feet where the branches and leaves of the trees form a canopy over substantially all the area.

Sec. 78-173. Technical standards and specifications.

The city administrator is authorized to prepare technical standards and specifications to ensure the proper implementation of the provisions of this article. These can be found in the Urban Forest Technical Manual. In the event of any conflict between the provisions of this article and the provisions of the Urban Forest Technical Manual, the provisions of this article shall control.

Sec. 78-174. Applicability and exceptions.

- (a) Except as otherwise provided by this section the requirements of this article are applicable throughout the corporate limits of the city and apply to all types of development or development activity by both public and private entities, including but not limited to:
 - (1) The removal of any protected tree;
 - (2) Clearing of all or a portion of property as a part of the development process;
 - (3) Subdivisions of land for any purpose;
 - (4) Additions to non-residential buildings or parking lots that expand the footprint of the structure by thirty percent (30%) or more, or that add at least three thousand (3,000) square feet of area to the existing structure;
 - (5) Construction of new multi-family or non-residential structures for which a building permit is required; and
 - (6) Construction of new one- or two-family residential structures.
- (b) **This article does not apply to:**
 - (1) A tree removed from a residential lot by or at the direction of the homeowner residing on the property

- (2) Harvesting of timber or forest products for commercial or personal purposes on private property.
- (3) Changes in the use or configuration of existing non-residential buildings or parking lots that does not expand the structure beyond the limits provided in (a)(4) of this section;
- (4) Clearing, maintenance or tree trimming within an easement or right-of-way by a railroad or utility company;
- (5) The construction of streets or highways by or on behalf of a state or local government entity; and
- (6) The removal or trimming of trees or other vegetation within or adjacent to street rights-of-way to conform to traffic safety rules requiring unobstructed views.
- (7) Infill construction of single-family residences on lots in residential subdivisions vested in regulations in effect prior to September 27, 2016 are subject to the requirements of Section 78-177 but are otherwise exempt from the requirements of this article.

Sec. 78-175. Minimum tree canopy required for development.

- (a) Property developed for any purpose must meet the minimum tree canopy requirements of this section. Where the canopy of preserved trees is insufficient to meet the required minimum, additional canopy shall be provided by new planting.
- (b) Tree canopy coverage requirements are based on zoning classification. The minimum required tree canopy for development is:
 - (1) 20% of the gross property area in District B-Commercial excluding rights-of-way and easements;
 - (2) 10% of the gross property area in District ID-Industrial excluding rights-of-way and easements;
 - (3) 20% of the gross property area excluding sports fields in District I-Institutional;
 - (4) 20% of the gross property area for reserves and designated open space in District R1-Single Family Residential;
 - (5) 20% of the gross property area excluding rights-of-way and easements in District R2-Multi Family Residential

Sec. 78-176. Canopy measurement.

- (a) The canopy area of a woodland tree stand is the ground area within the smallest perimeter that contains all trees in the tree stand. The tree stand area may be surveyed on the ground or estimated from an aerial photograph depicting existing conditions.
- (b) Individual trees not located within a woodland tree stand are classified by diameter at breast height (DBH) and receive the canopy area credit applicable to their trunk size classification as provided in Table 1. Only healthy trees of a species on the Texas Forest Service list of native and naturalized trees of Texas, excluding those classified as shrubs, shall receive preservation credits.
- (c) The preservation of trees that are visible from the adjoining street is preferred. As a bonus to encourage preservation, any preserved tree or woodland tree stand that is visible from the public street and located within 150 feet of the right of way shall receive a credit equal to 150% of the value in Table 1.

TABLE 1. CANOPY AREA CREDITS FOR INDIVIDUAL TREES

DIAMETER AT BREAST HEIGHT (DBH)	CANOPY CREDIT
At least 3", but less than 8" DBH	1200 square feet
At least 8", but less than 18" DBH	1400 square feet
At least 18", but less than 24" DBH	1700 square feet
Greater than 24" DBH	2000 square feet

Sec. 78-177. Additional requirements for residential development.

Each building permit for a new one- or two-family dwelling shall require the preservation or planting of at least two trees. At least one tree must be located in the front yard of the dwelling, shall have a minimum caliper of two inches, and be classified as a large tree per Table 2 in Section 78-184. The remaining tree may be placed in the front, rear, or side yards, be at least a 30-gallon container size and may be any size classification. No certificate of occupancy shall be issued for any new one- or two-family dwelling until this requirement has been satisfied.

Sec. 78-178. Tree preservation adjoining residential property.

- (a) Where non-residential property is developed adjacent to residential land use districts, a residential buffer zone is required on the non-residential property along the common boundary. The buffer zone shall be a strip not less than twenty (20) feet deep running parallel and adjacent to the common boundary.

- (b) Protected trees located within a residential buffer zone are subject to mandatory preservation and no permit shall be issued to authorize the removal of any healthy protected tree except where removal is necessary for the construction of infrastructure, driveways, or on-premise advertising signs.

Sec. 78-179. Parking lot trees.

In the case of new parking lots, or additions to existing parking that expand the footprint of the parking lot by more than 30%, sixty (60) square feet of tree canopy must be preserved or planted for each additional parking space. Parking lot trees must be located in the interior of the parking lot or in an area immediately adjacent to the parking lot. For parking lots of 250 spaces or more, at least fifty percent (50%) of the tree canopy must be located within the interior of the parking lot. Only trees of the preferred species listed in Table 2 of Section 78-184 may be used to satisfy the planting requirements of this section and all such trees must be at least two and a half-inch (2.5") caliper and a minimum of ten (10) feet in height. Additionally, no parking space shall be further than 125 feet away from the trunk of a tree.

Sec. 78-180. Permit required for removal of protected tree.

A protected tree is any tree between the property line and existing or anticipated building setback lines or residential buffer zones on non-single family residential property with a caliper of eighteen (18) inches or greater that is not one of the following species: bois d'arc, thorny honey locust, hackberry, cottonwood, chinaberry, native black willow, native red or white mulberry, or Chinese tallow. A person shall not cut down or remove any protected tree unless authorized to do so under a permit issued as provided by this article. Only the following permits may be issued to authorize removal of a protected tree:

- (1) A protected tree removal permit;
- (2) A clearing or partial clearing permit issued in conjunction with a subdivision plat, building permit, or other form of development permit that incorporates a tree preservation plan approved under this article.

Sec. 78-181. Protected tree removal permit.

- (a) A protected tree removal permit shall be issued to authorize the removal of:
- (1) Any protected tree that is dying or has become a hazard tree;
 - (2) Any protected tree that obstructs the only practicable means of ingress or egress to or from property; or

- (3) Any other protected tree on previously developed property provided that removal of the protected tree does not reduce the tree canopy below the required minimum tree canopy applicable to the property under Section 78-175.
- (b) A protected tree removed from previously developed property under a permit issued in accordance with this section must be replaced elsewhere upon the property unless the minimum canopy requirements of this article are satisfied without the necessity of replacement.
- (c) A protected tree removal permit may authorize the removal of up to ten (10) specific trees identified in the application and the permit expires thirty (30) days following the date of issuance. The city administrator shall prescribe the form of application for a tree removal permit. An application fee set forth in Appendix B must accompany each application.

Sec. 78-182. Pre-development planning and clearing permits.

- (a) Except as expressly provided by this chapter, no development shall occur unless the site of the proposed work is covered by an approved tree preservation plan. The location of all proposed buildings and improvements shall be oriented by the applicant, at the applicant's sole discretion, taking into consideration the existing tree stock and other relevant site characteristics.
- (b) The applicant shall propose the location of woodland tree stands or individual trees for which preservation credits are requested. A tree located outside a woodland tree stand shall not receive credit unless the tree has a diameter at breast height (DBH) of at least six (6) inches. The applicant shall consider the preservation of trees in areas visible from abutting streets and public spaces. Preservation credits may be denied for trees located in existing or proposed easements or rights-of-way where there is a reasonable possibility that removal of the tree will be required for utility operations. New tree stock shall be planted where the minimum canopy is not met through preservation alone.
- (c) A clearing permit may be issued to authorize the removal of protected trees in conformity with a tree preservation plan that has been approved in conjunction with the approval or issuance of a subdivision plat, building permit or other form of development permit. Compliance with the tree preservation plan is a condition of the clearing permit and no related building permit and no certificate of occupancy may be issued until the city administrator confirms that the development has been completed in conformity with the tree preservation plan.
- (d) A partial clearing permit may be issued prior to the approval of a tree preservation plan submitted in conjunction with a final plat or development permit application in order to allow pre-development clearing of a portion of the land. An application to obtain a partial clearing permit must include a site plan of the of the property on which the applicant delineates proposed building setback lines and residential buffer zones that are applicable to the site. The partial clearing permit does not permit clearing activities in areas that are located within these setback lines or residential buffer zones. Building setback lines on single-family residential lots are not required to be shown on the site plan and are not subject to protected tree preservation requirements.

Sec. 78-183. - Tree preservation and protection.

- (a) A tree preservation plan must be included with all final plat submittals to plat new subdivisions or developments, and again with all requests for permits for non-single family residential construction. If the site of development or construction does not contain any protected trees, a verification letter of no protected trees shall be submitted to the city that attests that protected trees are not on the property and that the person making this determination is qualified to do so. Persons who may prepare the tree preservation plan or verification letter include registered surveyors, professional engineers, architects, landscape architects, arborists, or other qualified licensed professional. The letter must contain a statement affirming the author is qualified to prepare such document and listing his state license number or other certificates of documentation.
- (b) The tree preservation plan shall be a scaled diagram overlaying the site plan and drawn to the same scale. Two copies of the plan shall be provided. The plan must include all details required for the preservation of existing trees during construction and for the installation of any new trees necessary to meet canopy area coverage required by this article. The tree preservation plan must include:
- (1) the proposed location of all easements, setback lines, and applicable residential buffer zones; building setback lines on single-family residential lots are not required to be shown on the tree preservation plan and are not subject to protected tree preservation requirements.
 - (2) the footprint of all proposed buildings, parking lots, and detention ponds;
 - (3) the location, size, and variety of protected trees;
 - (4) the location, size, and variety of each additional tree that will be preserved for credits and the outline of each woodland tree stand to be preserved;
 - (5) the location and variety of each tree to be planted to achieve the required minimum canopy; and
 - (6) any other information required by the city administrator to calculate the required canopy or amount of earned credits.
- (c) Trees may be planted or preserved within storm water detention areas provided that the trees do not interfere with the drainage or substantially impair the storm water detention function.

Sec. 78-184. New and replacement trees.

- (a) Only trees of the preferred species listed in Table 2 of this section are considered acceptable for new and replacement tree planting. Additional tree species may be considered and approved on a case by case basis by the city administrator and such trees will receive a canopy credit applicable to the species class height. At least 20% of new trees must be a minimum of three inches in caliper at planting. The remaining 80% of required new trees must be a minimum of 2" caliper. Replacement trees on residential lots are exempt from size and species requirements in this section and shall follow sizing requirements in accordance with Section 78-177.
- (b) Not less than twenty-five percent (25%) of new trees planted shall be evergreen.

- (c) Trees planted under or near overhead power lines must be chosen from the Small Tree category of Table 2. Large tree species shall not be planted within thirty (30) feet of overhead power lines. Medium tree species shall not be planted within twenty (20) feet of overhead power lines.

TABLE 2. PREFERRED SPECIES LIST

Tree Species & Height at Maturity		Leaf Type	Canopy Credit
Large Over 40' tall	Loblolly Pine	evergreen	800 square feet
	Slash Pine	evergreen	
	Water Oak	deciduous	
	Live Oak	evergreen	
	Shumard Red Oak	deciduous	
	Southern Red Oak	deciduous	
	Chinquapin Oak	deciduous	
	Cedar Elm	deciduous	
	Green Ash	deciduous	
	Sweetgum	deciduous	
	American Elm	deciduous	
	Montezuma Cypress	deciduous	
	Bald Cypress	deciduous	
	Sycamore	deciduous	
Medium 25' to 40' tall	Winged Elm	deciduous	600 square feet
	Chinese Pistache	deciduous	
	Lacebark Elm	deciduous	
	River Birch	deciduous	
	Eastern Red Cedar	evergreen	
Small Less than 25'	Little Gem Magnolia*	evergreen	300 square feet
	Rusty Blackhaw*	deciduous	

	Fringetree*	deciduous	
	Redbud*	deciduous	
	Hophornbeam*	deciduous	
	Japanese Blueberry	evergreen	
	Cherry Laurel	evergreen	

*Denotes only trees suitable for planting under or adjacent to power lines

Sec. 78-185. Accommodations of Development Standards.

- (a) The City Council recognizes that in certain instances the goal of this article must be balanced against potentially conflicting objectives arising from other development regulations. The city administrator may modify or waive the application of development standards as provided in this section when the city administrator determines that modification will facilitate the tree preservation requirements of this article and will not substantially increase the risk of unsafe traffic conditions or congestion, inconvenience to pedestrians, or flooding.
- (b) Up to fifteen percent (15%) of required parking spaces may be waived if compliance with the canopy requirements cannot otherwise be achieved and if the reduction in parking area results in an equivalent increase in the area of preserved canopy.
- (c) Sidewalks may be relocated, reduced in width or otherwise modified, where the application of sidewalk standards would otherwise conflict with tree preservation and canopy objections.
- (d) The city administrator shall consider the effect on site drainage of low impact development strategies incorporating tree preservation and tree planting and, guided by generally accepted engineering standards and practices, may approve offsetting reductions to the size of onsite stormwater detention facilities.

Sec. 78-186. Protection of critical root zone during construction.

- (a) A maximum of 30% of the area within the critical root zone of a protected tree shall be encroached with temporary or permanent improvements and the remaining area shall be kept free of improvements and be protected during construction.
- (b) For individual trees or woodland tree stands within 50 feet of a construction area, the contractor shall construct a protective fence with a minimum height of four (4) feet that encircles the critical root zone area prior to development activities. Protective fencing must be made of orange plastic mesh net with t-posts, including a top rail or other type of support. Protective fencing shall remain in place through the completion of development activities.
- (c) The following activities within the critical root zone are prohibited:

- (1) No cutting, filling, trenching, or other disturbance of the soil is permitted unless otherwise authorized by this article and the zone shall be maintained at natural grade;
- (2) No construction or waste materials shall be placed or stored within the zone;
- (3) No harmful liquids shall be allowed to flow into the zone, including without limitation, vehicle or equipment wash water, paint, oil, solvents, asphalt, concrete, mortar or other materials;
- (4) No vehicle or equipment traffic parking shall be allowed within the zone; and
- (5) No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.
- (6) Irrigation trenching within the critical root zone shall be minimized and placed radially to the tree trunk in a manner that minimizes damage to the roots. All irrigation trenching within the critical root zone shall be hand work with no roots over one-inch diameter being cut.

Sec. 78-187. Post development maintenance and replacement.

- (a) Protected trees, parking lot trees, and replacement or mitigation trees must be maintained in a healthy condition for at least one year following the issue of a certificate of occupancy. The property owner is responsible for irrigating, fertilizing, pruning, and other maintenance of such trees as needed. Preserved or planted trees that die within the maintenance period must be replaced within 90 days with new trees meeting the requirements of Section 78-184. Planted trees that die during the maintenance period must be replaced with new trees having the total canopy value that is not less than the canopy of the tree to be replaced. Replacement trees planted to satisfy the requirements of this section are subject to a one-year maintenance period and must be replaced if they fail to survive the extended maintenance period.
- (b) Trees on residential lots are not subject to the one-year maintenance period established by this section. A homeowner is not required to replace a lot tree that dies or at the direction of the homeowner.
- (c) No person, or company directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree regardless of whether the protected tree is on private property or the abutting public right-of-way with the following exceptions:
 - (1) During a period of emergency, such as a tornado, storm, flood or other act of God, the requirements of this article may be waived as may be deemed necessary by the city's designated emergency management coordinator (EMC) or, if unavailable, by the EMC equivalent from the federal, state or county emergency management agencies.
 - (2) If any protected tree is determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, authorization for removal may be given by the city emergency management coordinator or other designee of the city, and such a protected tree may then be removed without obtaining a written permit as required in this chapter and the fees, restitution, and penalties will not

apply. Canopy coverage requirements will not be waived or altered as a result of this provision, and tree replacement shall be required if applicable.

- (d) Dead trees may be removed at any time, and shall be considered in the tree preservation plan. This shall not require city approval under this article.
- (e) Any tree may be reasonably pruned for aesthetic, maintenance, disease control, or safety reasons. This shall not require city approval.
- (f) No protected tree shall be pruned in a manner that significantly disfigures the tree or in a manner that would reasonably lead to the death of the tree.
- (g) Trees which are to be removed for disease or safety reasons shall be approved by the city prior to cutting. Factors to be considered include, but are not limited to, the overall health of the tree, the potential for adverse impacts of both leaving and removing the tree, and aesthetic value.

Sec. 78-188. Variance procedure.

- (a) The city administrator may grant a variance to the requirements of this article where literal enforcement will result in unnecessary hardship. A variance shall not be granted unless:
 - (1) The variance is not contrary to public interest;
 - (2) The variance will be in harmony with the spirit and purpose of this article;
 - (3) The variance will not substantially weaken the general purposes of the regulations herein established for the protection of trees and the promotion of tree canopy; and
 - (4) The variance granted is limited in scope to that relief which is necessary to relieve the hardship condition.
- (b) All variance requests must be made in writing to the city administrator and must include the subject of the requested variance and the justification for granting the variance, including a description of the hardship condition that will result if the requested relief is not granted. The applicant has the burden of demonstrating that sufficient evidence exists for granting the variance. The city administrator may deny or grant the variance as requested, or may allow an alternate form of relief. The city administrator shall issue a decision in writing not later than ten (10) business days following the date the variance request is received.
- (c) An applicant who disputes the decision of the city administrator may appeal the variance decision to the municipal planning and zoning commission. Any appeal must be made in writing and must be filed with the city administrator within ten (10) days following the date of the initial written decision. The city administrator shall refer the appeal to the planning commission and the decision of the planning commission shall be final.

Sec. 78-189. Mitigation payments in lieu of preservation or planting.

- (a) An applicant may seek a variance as to all or a portion of the tree preservation or planting requirements upon the condition that the applicant pay mitigation fees in lieu of preservation or planting. An applicant for a variance bears the burden of demonstrating that application of the preservation or planting requirement will result in unnecessary hardship.
- (b) Mitigation fees authorized by this section shall be payable at the rate of \$1.50 per square foot of additional canopy necessary to achieve the coverage applicable to the property after allowance for all other credits.

Sec. 78-190. Tree mitigation fund.

- (a) The city administrator shall establish a dedicated account to be known as the Tree Mitigation Fund. Mitigation fees paid as provided by section 78-189 of this article shall be recorded for the benefit of the fund and accounted for in a manner that distinguishes such funds from other general funds of the city. The balance of such fund remaining at the each of each fiscal year shall be appropriated as the beginning balance of the fund for the following fiscal year. The assets of the fund may be used as provided by this section and for no other purpose.
- (b) The assets of the fund shall be expended under the direction of the city administrator and may be used to purchase and plant new trees in public parks, parkways, medians and rights-of-way of public streets and upon the grounds of other public property of the city. Planting costs payable from the fund include the installation of related irrigation equipment and other measures necessary to the protection and subsequent maintenance of new trees for a period of up to three years following planting. An amount not to exceed 20% of the fund balance at the beginning of each fiscal year may be expended to promote public awareness of the objectives of this article, including Earth Day or Arbor Day programs for the distribution of sapling trees to the general public.

Sec. 78-191. Penalties for violation.

- (a) Any person, firm or corporation that violates a provision of this article shall be guilty of a misdemeanor and upon conviction thereof may be fined in any amount not exceeding five hundred dollars (\$500). In cases of offenses involving the illegal removal of trees, the removal of each tree constitutes a separate offense. In cases of continuing violation, each separate day that a violation continues constitutes a separate offense.
- (b) Any person, firm or corporation that removes a protected tree without having secured a permit to authorize such removal shall be subject to a civil penalty in the amount of two hundred dollars (\$200) times the total diameter inches of all unlawfully removed protected trees. The civil penalty authorized by this paragraph may be imposed by the city administrator in addition to the misdemeanor penalty in paragraph (a) of this section. The imposition of a civil penalty may be

appealed to the municipal planning commission. Any appeal must be made in writing and must be filed with the city administrator within ten (10) days following the date of the initial written decision. The city administrator shall refer the appeal to the planning commission and the decision of the planning commission shall be final.

- (c) Where illegal tree removal has occurred and the physical evidence has been removed from the site the civil penalty may be assessed based on the estimated diameter of removed trees. For purposes of such estimation the aggregate diameter of trees per acre is assumed to be 200 diameter inches per acre.
- (d) The imposition of a civil penalty under this section suspends all permits or permit applications issued to or for the benefit of the party responsible for payment of the civil penalty and all work under any such permits shall cease until the civil penalty is fully paid.

Sec. 78-192. Fees.

Appendix A contains a list of fees relating to tree preservation plans as currently established or as hereafter adopted by resolution of the city council from time to time and is available for review in the office of the city secretary.

Sec. 78-193. - Reserved.

APPENDIX “A”

FEE SCHEDULE

New Development	Tree Preservation Plan Submittal
New Development	Tree Preservation Plan Review
Non-residential Building Permit	Tree Preservation Plan Review
Letter of No Affected Trees	Review and Field Verification
Protected Tree Removal Permit	Permit and Field Verification
Clearing /Partial Clearing Permit	Permit and Field Verification

To Be Reviewed