

**NOTICE OF PUBLIC HEARING MEETING and REGULAR MEETING**

**March 10, 2020**

**MONTGOMERY CITY COUNCIL**

**STATE OF TEXAS**

**AGENDA**

**COUNTY OF MONTGOMERY**

**CITY OF MONTGOMERY**

**NOTICE IS HEREBY GIVEN** that a Public Hearing and Regular Meeting of the Montgomery City Council will be held on Tuesday, March 10, 2020 at 6:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO FLAGS**

**PUBLIC HEARING(S):**

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

1. **Convene into Public Hearing** – By the City Council, acting as the Zoning Board of Adjustment, regarding a 25-foot front building line variance request instead of the required 35-feet for the proposed Heritage III development along SH 105 west of the Louisa Street intersection (21227 and 21265 Eva Street, Montgomery), as submitted by Cheatham Management.

**Adjourn Public Hearing.**

2. **Receive Final Report** from the Planning and Zoning Commission resulting from their two (2) Public Hearings held on February 24, 2020, and March 3, 2020, regarding rezoning the following property from R-1-Single-Family to B-Commercial: for Lot 16, Area D, Montgomery Townsite Section Four, as submitted by Cheatham Management. (A 0.576-acre tract of land adjacent to 21123 Eva Street, Montgomery, Texas.)
3. **Convene into Public Hearing** – Rezoning the following property from R-1-Single-Family to B-Commercial: for Lot 16, Area D, Montgomery Townsite Section Four, as submitted by Cheatham Management. (A 0.576-acre tract of land adjacent to 21123 Eva Street, Montgomery, Texas.)

**Adjourn Public Hearing.**

**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:**

4. Matters related to the approval of minutes of the Regular Meeting held on February 25, 2020.
5. Consideration and possible action regarding street closures for the annual Freedom Festival.
6. Consideration and possible action regarding street closures for the annual Wine and Music Festival.
7. Consideration and possible action regarding completion of a one-year warranty period for the Buffalo Springs Drive Waterline Bridge Crossing Project.
8. Consideration and possible action regarding approval of an Escrow Agreement by and between the City of Montgomery and Tony Cook for the proposed Montgomery Townhomes Development (Dev. No. 2001).
9. Consideration and possible action regarding the annual renewal of the Mobile Home Park Application for Cedar Crest Mobile Home Park.
10. Consideration and possible action regarding the correct spelling of McCown Street.

## **CONSIDERATION AND POSSIBLE ACTION:**

11. Consideration and possible action, by City Council Acting as the Zoning Board of Adjustment, regarding a 25-foot front building line variance request instead of the required 35-feet for the proposed Heritage III development along SH 105 west of the Louisa Street intersection (21227 and 21265 Eva Street, Montgomery), as submitted by Cheatham Management.
12. Consideration and possible action regarding a proposed 11-foot vegetative buffer instead of the required 25-foot buffer for the proposed Heritage III development.
13. Update on the Montgomery Music & Mudbugs Festival to be held on March 21, 2020.
14. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR LOT 16, AREA D, MONTGOMERY TOWNSITE SECTION FOUR FROM "R-1" SINGLE-FAMILY AND "B" COMMERCIAL ZONING DISTRICTS, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.
15. Consideration and possible action regarding award of the following contract(s):
  - a) Grounds Maintenance; and
  - b) Right-of-Way Mowing and Lift Stations Weed Control.

**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.

- 16. 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:

- Section 551.071 (consultation with attorney); and
- Section 551.072 (deliberation regarding real property).

Reconvene in Open Session.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

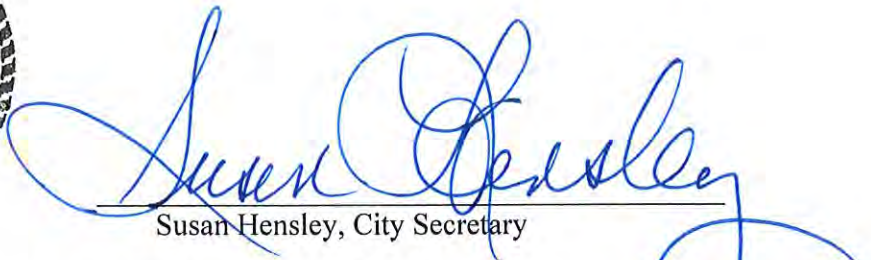
- 17. Consideration and possible action(s), if necessary, on matter(s) deliberated in Closed Executive Session.

**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 6<sup>th</sup> day of March 2020 at 2:50 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

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Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Developer request letter, preliminary site plan &amp; project details</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Convene into Public Hearing – By the City Council, acting as the Board of Adjustment, regarding a 25-foot front building line variance request instead of the required 35-feet for the proposed Heritage III development along SH 105 west of the Louisa Street intersection (21227 and 21265 Eva Street, Montgomery) as submitted by Cheatham Management.

**Description**

Section 98-181 of the Zoning Ordinance requires a 35-foot building setback along major streets. The developer is requesting a 10-foot variance to allow the front façade of the buildings to be set back 25-feet from the street. Since this request is a departure from the Zoning Ordinance, the City Council acting as the Zoning Board of Adjustment renders a decision on the request.

These properties are on the south frontage of SH 105 immediately west of Louisa Street (where the two houses were recently demolished). In lieu of typical developments that place the parking lot near the street, the developer is requesting to move the buildings toward the street and locate the parking behind the building.

Legal notice of this Public Hearing was posted on the City’s website and published in The Courier on 02/03/2020 & 02/10/2020. Ten certified letters were sent to surrounding property owners with a copy of the legal notice and a map of the subject properties. Nine of the letters were delivered, one is awaiting pickup at the post office (and is the developer’s letter).

**Recommendation**

Receive public comments for consideration on a separate agenda item later in the meeting.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 3/5/20
City Administrator	Richard Tramm <i>RT</i>	Date: 3/5/20

January 13, 2020

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

RE: Variance request for Heritage Place III regarding requirement for 35' building line and 25' vegetative setback

According to Section 98-180 of the City of Montgomery Code of Ordinances, the general provisions of Chapter 98 will apply for any development within the City limits and requires a 35' front building line along major streets. This development will consist of three commercial buildings and parking for tenants, similar to developments at 21300 and 21123 Eva Street. We are proposing a 25' building line along Highway 105. We feel the variance request is warranted for the following reasons:

- This development, similar to other Heritage Place developments, attempts to screen parking by having the parking lot located behind the building. This attempts to keep the historic feel of downtown Montgomery and create a new "historic downtown" corridor along Highway 105.
- In typical commercial developments, the parking lot would be located in front of the building, with the parking lot encroaching the building line. A typical commercial lot depth ranges from 200'-250'. This property has lot depth ranging from 115'-130', so adhering to the 35' building line requirement severely limits the usable property with the limited lot depth.
- To meet the City's parking requirements, a two-story parking area is required with the buildings located at 25' off the front property line. If the buildings were adjusted to meet the 35' requirement, the parking requirement would be unattainable.
- According to Section 98-1 and 98-181, the front yard for corner lots is considered parallel to the street upon which the lot has the least dimensions. With this information, it appears that the front yard setback requirement should apply to Houston Street and Louisa Lane, instead of Highway 105. If Highway 105 is considered the side yard, the setback only has a requirement of 15'. If this interpretation is correct, the variance would not be needed as the proposed site plan would adhere to the Ordinance.

According to Section 78-162 of the City of Montgomery Code of Ordinances, there is a minimum 25' vegetative setback and visual barrier where commercial properties abut any single-family residential property. The proposed development has an 11' setback along the majority of the rear property line, where it is adjacent to single-family residential properties. We feel the variance request is warranted for the following reasons:

- To adhere to the parking requirements for the City, this will not allow the parking lot to decrease in size to accommodate the 25' requirement along the entire rear property line. As mentioned above, the existing lot depth restricts commercial development on a zoned commercial parcel. This requirement can be met along the western portion of this property. In the areas this cannot be achieved, we propose a visual barrier for the adjoining properties with an 8' solid wood picket fence with brick veneer columns or a "living wall" system. See enclosure for examples.

It is for the above-mentioned reasons that we feel the variance requests should be considered and approved. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,

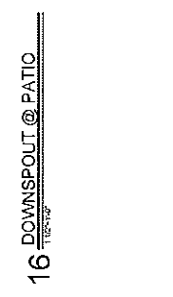
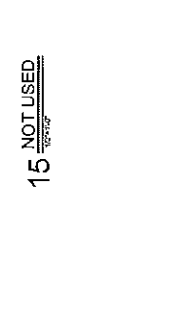
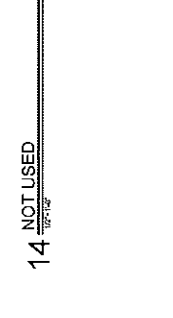
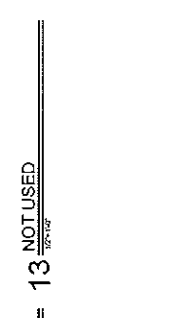
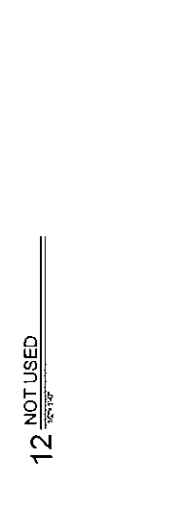
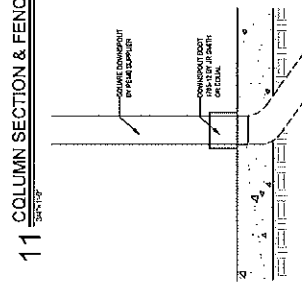
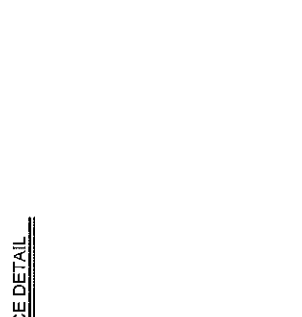
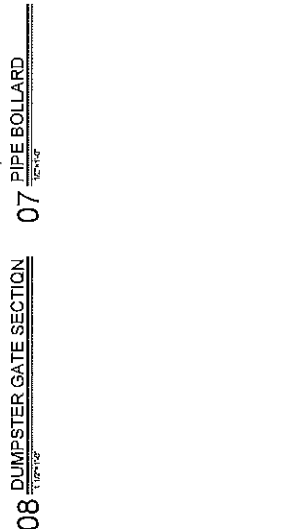
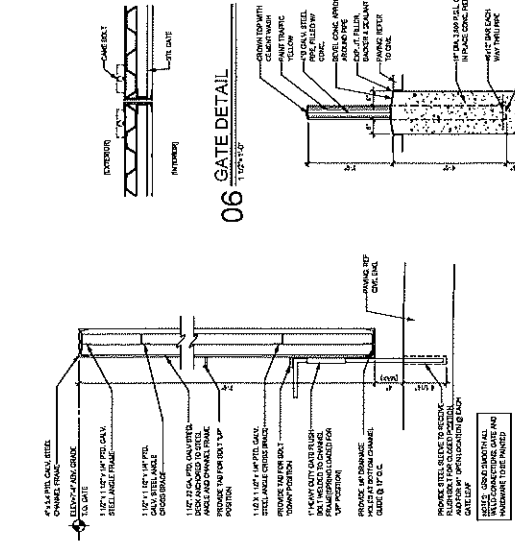
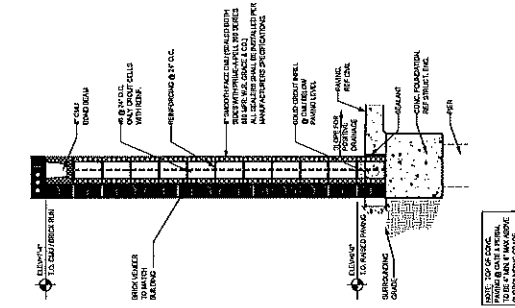
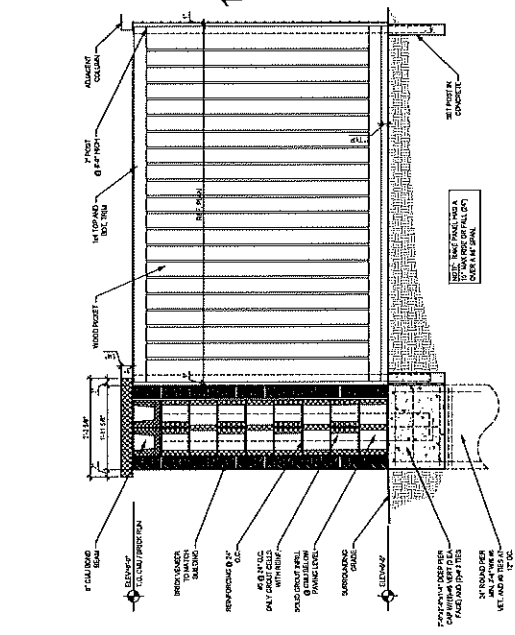
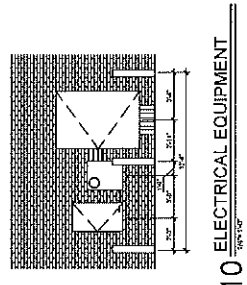
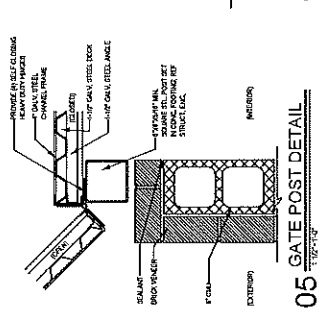
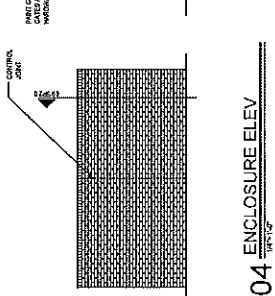
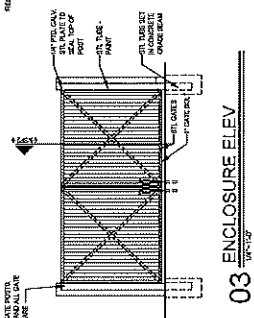
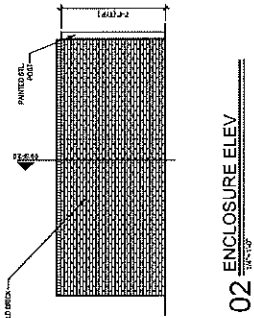
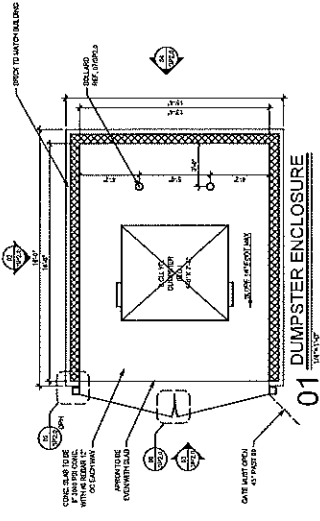


Jonathan White, PE

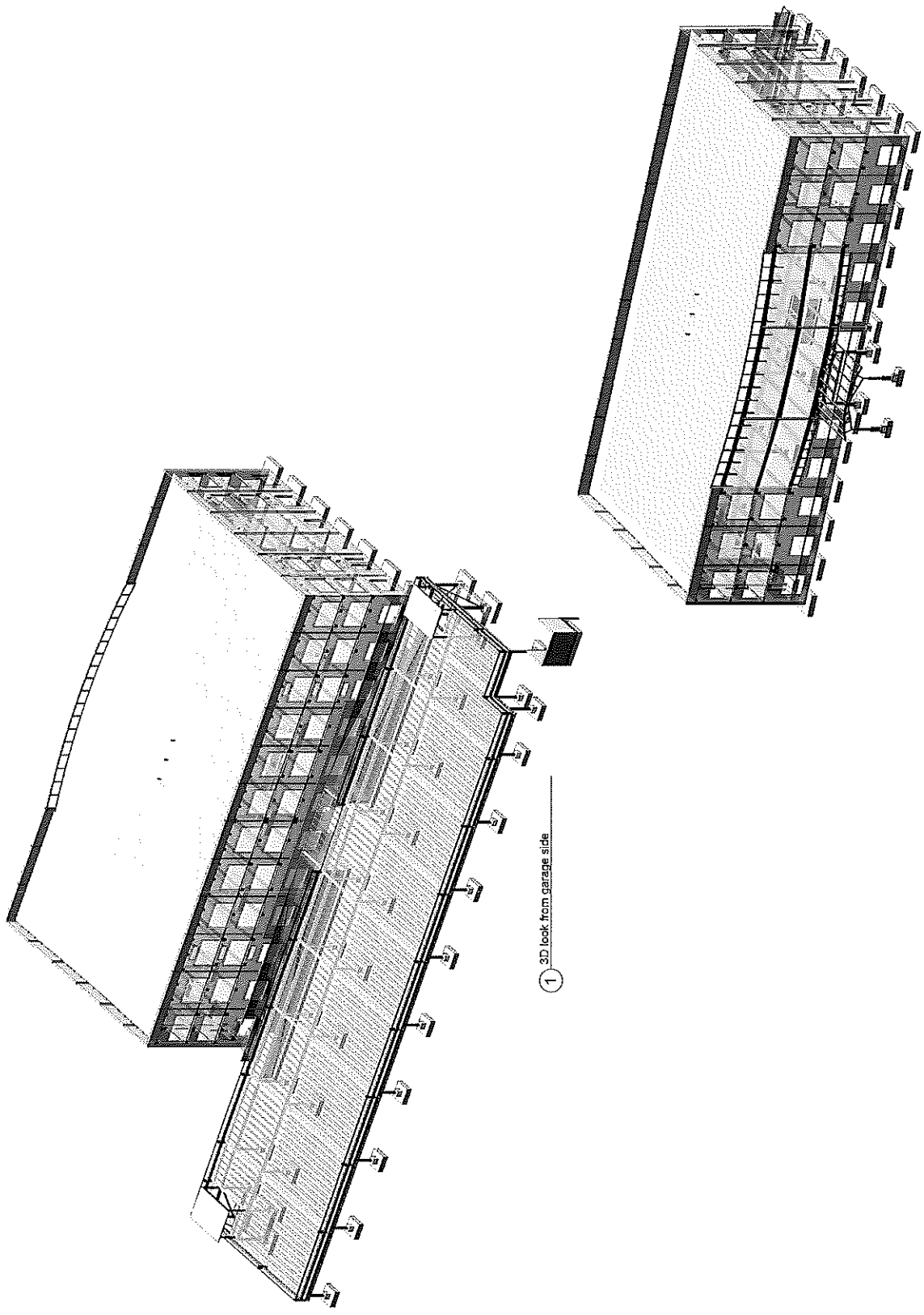
Enclosure: Preliminary Site Plan; Example Fence Detail; Example of Parking Lot Structure











1 3D look from garage side

2 3D Look From the Building Side

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: P&amp;Z Final Report</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Receive the Final Report from the Planning and Zoning Commission resulting from their two (2) Public Hearings held on February 24, 2020 and March 3, 2020, regarding rezoning the following property from a mix of R1–Single-Family Residential and B–Commercial to entirely B–Commercial: Lot 16, Area D, Montgomery Townsite Section Four and amending the Official Zoning Map, as submitted by Cheatham Management. (A 0.576-acre tract of land adjacent to 21123 Eva Street, Montgomery, Texas).



**Description**

The Planning & Zoning Commission held two Public Hearings to receive comments on the rezoning request for the vacant lot behind Heritage Place. Attached is their Final Report of Findings and Recommendation.

**Recommendation**

Receive the Final Report for consideration on a separate agenda item later in the meeting.

**Approved By**

Director of Planning & Development	Dave McCorquodale 	Date: 3/5/20
City Administrator	Richard Tramm 	Date: 3/5/20

# PLANNING & ZONING COMMISSION FINAL REPORT OF FINDINGS AND RECOMMENDATION

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: RICHARD TRAMM, CITY ADMINISTRATOR  
DAVE MCCORQUODALE, DIRECTOR OF PLANNING & DEVELOPMENT

SUBJECT: FINAL REPORT CONCERNING A PROPOSED RECLASSIFICATION OF LOT 16, AREA D, MONTGOMERY TOWNSITE SECTION FOUR, A 0.576-ACRE PARCEL OF LAND IN MONTGOMERY, TEXAS FROM R1-SNGLE FAMILY RESIDENTIAL AND B-COMMERCIAL TO SOLELY B-COMMERCIAL AS REQUESTED BY CHRISTIAN C AND MARY CHEATHAM.

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 February 24, 2020 and again on March 3, 2020 to consider a request from Cheatham Management to reclassify the entire property B-Commercial. A map of the property with the current zoning overlay is attached here as Exhibit “A.”

After a second duly-noticed public hearing with an opportunity for public comments concerning the requested rezoning classification, the Commission at its January 7th meeting thereby found:

- The property currently split has two zoning classifications: B-Commercial and R1-Single-Family Residential.
- The rezoning request for the entire parcel to be B-Commercial is consistent with other developments in the vicinity.
- The commission found it is not contrary to the interest of the community to reclassify the land use zoning designation of the said tract to entirely B-Commercial.

- By a vote of 5-0 the members present (Britnee Ghutzman, Bill Simpson, Nelson Cox, Jeffrey Waddell, and Carol Langley) and following the public hearing, 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 the said property on the Official Zoning Map of Montgomery Texas to B-Commercial, thereby subject to all the requirements of Chapter 98 of the Zoning Code and Map, City of Montgomery Code of Ordinances for that designation.

I, Nelson Cox, Chairman of the Montgomery Planning and Zoning Commission, on this 6th day of March 2020, certify the above Final Report to be true and correct to the best of my knowledge.

Signed: Nelson Cox  
NELSON COX, Chair

Attest: Susan Hensley  
SUSAN HENSLEY, City Secretary



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Map of current zoning surrounding property</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Convene into Public Hearing – Rezoning the following property from a mix of R1–Single-Family Residential and B–Commercial to B–Commercial: Lot 16, Area D, Montgomery Townsite Section Four, as submitted by Cheatham Management. (A 0.576-acre tract of land adjacent to 21123 Eva Street, Montgomery, Texas).

**Description**

The request is for the vacant lot with Pond Street frontage behind the Heritage Place building nearest to the Valero fueling station. The property currently lies equally in two zoning districts: B—Commercial on the eastern half and R1—Single-Family Residential on the western half. The owner has applied to rezone the entire property to B—Commercial and construct an additional surface parking lot to serve the Heritage Place development.

Nine property owners within 200-feet of the affected property were notified by certified letter mailed on February 12<sup>th</sup>, and the Legal Notice was published on February 14<sup>th</sup> & 21<sup>st</sup>.

As of this writing, 6 of the 9 letter receipts have been returned and staff has spoken with 2 additional property owners who had no objections to the rezoning and did not feel that it would have an impact on their property.

**Recommendation**

Receive public comments for consideration on a separate agenda item later in the meeting.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 3/5/20
City Administrator	Richard Tramm <i>RT</i>	Date: 3/5/20



**VICINITY MAP**  
1 INCH = 5 MILES

**LEGEND**

Property being Rezoned

MCAD Parcels

200-ft Notification Boundary

**Zoning Classification**

Commercial (B)

Industrial (D)

Institutional (I)

Multi-Family R2

Planned Development (PD)

Residential (R1)

**HERITAGE PLACE  
PARKING REZONING**

**CITY OF MONTGOMERY**  
MONTGOMERY COUNTY, TEXAS



Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or other features to said boundary. No express or implied warranty is made by the provider concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.



**JONES CARTER**  
Texas Board of Professional Engineers Registration No. F-439



## MINUTES OF REGULAR MEETING

February 25, 2020

### MONTGOMERY CITY COUNCIL

#### CALL TO ORDER

Mayor Sara Countryman declared a quorum was present and called the meeting to order at 6:00 p.m.

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

Absent: John Champagne, Jr. City Council Place # 2  
Vacant City Council Place #1

Also Present: Richard Tramm City Administrator  
Susan Hensley City Secretary  
Larry Foerster City Attorney

#### INVOCATION

T.J. Wilkerson gave the Invocation.

#### PLEDGE OF ALLEGIANCE TO FLAGS

Mr. Christopher Ward, with Boy Scout Troop 161 of Willis, led the Pledge of Allegiance to the 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. City 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. Ward advised he was participating in the meeting as part of earning his community badge and becoming an Eagle Scout. Mr. Ward said he had lived in Willis and moved to Montgomery about a year ago, though

he decided to stay with his Troop in Willis and continue with earning his badge. Mayor Countryman asked if this was his first City Council Meeting. Mr. Ward said it was his first Council Meeting in Montgomery. Mayor Countryman welcomed Mr. Ward to the meeting.

### **CONSENT AGENDA:**

1. Matters related to the approval of minutes of the Regular Meeting held on February 11, 2020.
2. Consideration and possible action regarding Certificate of Acceptance for the FEMA Atkins Creek Water, Sanitary Sewer, and Storm Sewer Repairs Project.

Tom Cronin moved to accept the Consent Agenda as presented. Rebecca Huss seconded the motion.

Discussion: Rebecca Huss thanked the City Secretary for the thoroughness of the minutes, stating she thought it captured particularly the discussion on the MUD issue, which they will probably circle back to at some point so it will be nice to have that so well represented.

The motion carried unanimously. (3-0)

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

3. Consideration and possible action on Department Reports.
  - A. Administrator's Report – Mr. Tramm presented his report to City Council, stating that due to the amount of work on the agenda, he has asked all the Department Heads to keep their reports brief, but if City Council has questions they are available to answer them. Mr. Tramm advised they will have the active shooter training for City staff at 9 a.m. tomorrow, stating that City Council is more than welcome to attend. Mr. Tramm also noted the annual audit is nearing completion, but it was not done in time for this meeting. Mr. Tramm said he is expecting to present the audit at the next meeting. Mr. Tramm said Saturday, March 21, 2020, the City is asking residents and businesses to display the Texas Flag because the City is trying to challenge the Spirit of Texas Bank for the second year. Mayor Countryman said the flags are being sold at City Hall. Mr. Tramm said they have several boxes of flags and they are selling them for \$5.00 each.

Rebecca Huss asked about the audit, and whether they were still adhering to the schedule that was set out because the City's bond rating is very important to us. Rebecca Huss said



providing a timely unqualified audit, with no issues, is an important component of keeping the City's bond rating. Mr. Tramm said it is his understanding that they are on schedule at this point but said he would be having that conversation with the auditor. Mr. Tramm said there were no significant items that have been brought to his attention. Rebecca Huss said there are no items because there are no issues, but the overall market relies on the audit and the timeliness of the audit is very important. Mr. Tramm said he understood.

- B. Public Works Report – Mr. Mike Muckleroy presented his report to City Council, with no additional comments.
  
- C. Police Department Report – Police Chief Solomon presented his report to City Council. Mayor Countryman said she had received a text today from a citizen curious about patrol on SH 105 in the 35 miles per hour zone, and said they feel it is not being adhered to. Mayor Countryman said she sees officers at that location often but said if they can, put a little bit more attention there. Mayor Countryman said she also received a telephone call from a citizen about Lone Star Bend and it seems we are having high school students speeding. Chief Solomon said it is interesting that Mayor Countryman mentioned both of those areas because he had a citizen call today about a citation that they received in the SH 105 area going 58-60 miles an hour in the 35 miles per hour zone. Chief Solomon said Sergeant Hernandez's job is to do traffic initiatives, and those are the areas that he is working on. Mayor Countryman said the officers are doing an excellent job. Mayor Countryman said she did want to speak to Mr. Muckleroy about doing speed humps or something around Lone Star Bend if the Chief thinks that would be something they could consider. Chief Solomon said he did not think speed humps were the answer and asked the Mayor to give them a chance to be out there and work the area to see if it works.
  
- D. Court Department Report – Mrs. Kimberly Duckett, Court Administrator, presented her report to City Council. Mrs. Duckett advised they had 184 cases with \$23,063.40 in collections.

John Champagne arrived at the meeting at 6:09 p.m.

- E. Utility/Development Report – Mr. Tramm presented the Utility/Development Report to City Council. Mr. Tramm said they have done some minor category changes to the report to provide a better explanation, so they have less miscellaneous items. Mr. Tramm said

one of the larger items that had been previously included in the miscellaneous category was escrow agreement funds. Mr. Tramm said when the escrow payments come in, they can be \$5,000 or more dollars, so that made the miscellaneous figure look unusually high. Mr. Tramm said for this month there were no escrow account payments.

Rebecca Huss asked what reimbursements included. Mr. Tramm said reimbursements are when an employee had to provide payment back to the City, such as an employee that was out for workers comp who had to pay child support and possibly health insurance coverage.

Mr. Tramm said under the arrear's category, the number of accounts in the 60-day range is growing because they have discovered, with the new utility clerk, there were some issues with those accounts. Mr. Tramm said while the number of accounts grew, the dollar amount associated with them did not and they are getting those items cleared up. Mr. Tramm said he thought both numbers will go down. Mr. Tramm said there were some accounts that had been allowed to collect fees even though there was no service being provided, so those are in the process of getting cleared up. Mr. Tramm said under the 120+Days category, he has received guidance from the auditor and when they finish the audit, they will be finishing this, which will show up in the March Report.

Rebecca Huss asked if Mr. Tramm would discuss the 200+ late notices sent out even though we knew that we were not getting mail. Mr. Tramm said the primary issue they had was the Post Office getting all the City's mail forwarded. Mr. Tramm said they have requested that the utility billing go out and reflect the new mailing address for the City. Mr. Tramm said before they forwarded the mail from the Post Office Box to City Hall, we were assured by the Post Office that this would be a seamless process. Mr. Tramm said after they had the mail switched to the new address, it has worked out to be far less seamless than it should have been. Mr. Tramm said they have been telling people as we have talked to them, if they mailed their payment and it just has not gotten to the City through no fault of their own, the City will be waiving the late charges. Rebecca Huss said it seems like 200 late notices are such a large number of late notices compared to our outstanding collections normally, and why did those notices even go out, why did we waste the stamps. Mayor Countryman asked if they were automatic, or how does the City not know they are doing 200 late notices. Mr. Tramm said that it is an automated process and they also have a new clerk, so it might have been they just did not have the education curve on that. Mr. Tramm said he would take the hit on that.

Tom Cronin asked about the Community Building and if Mr. Tramm had noticed a decline in free rentals since the City started charging everyone for use of the facility. Mr. Tramm said they have had some requests for discounting the use fee, which they have declined and said he felt they have had less actual requests, while they still have some groups they are still working with that have been there in the past and they understand there is a new policy. Mr. Tramm said now that they have taken on Cedar Brake Park, they are seeing those rentals.

Mayor Countryman commented that she has received compliments on the new person at the Utility window.

F. Water Report – Mr. Michael Williams, with Gulf Utility Service, Inc., presented his report to City Council. Mr. Williams said the water accountability was still at 96% and all the plants were in compliance. Rebecca Huss said she thought that was from 2019 year-to-date, and we are in 2020. Mr. Williams said that was correct, the permit was for the calendar year of 2019 and 2020 starts a new permit. Mr. Williams said that was requested by City Council to see how we did on the permit over the course of the year and then they can use that information for 2020. Rebecca Huss said they could have looked at it in December and found that information, but they will just have it here as a marker. Mr. Williams said that was correct.

G. Financial Report and Sales Tax Report – Mr. Tramm advised that Mrs. Cathy Branco, Financial Consultant with Municipal Accounts would be presenting the Financial Report. Mr. Tramm said Mrs. Branco has been working on the City's financial items for roughly 15-years and she is retiring from Municipal Accounts, so she wanted the opportunity to address City Council.

Mrs. Branco said she had a couple of items to bring to City Council's attention. Mrs. Branco said a CD came due on February 1, 2020, and that CD was reinvested at Third Coast Bank at 1.8% and will come due on July 30, 2020. Mrs. Branco said the debt service is due on March 1, 2020, and those payments that are due will be transferred to the checking account tomorrow and those payments will go out no later than Friday morning, which she will have signed and ready to go.

Mrs. Branco said she wanted to tell City Council that she has enjoyed working with all of them and it has been a fun trip, adding that she wished she did not have to leave, but it is that time. Mrs. Branco said she has a bucket list and she is trying to find something that both she and her husband can do because her husband is a disabled veteran so she wants to make sure it is something that he will be comfortable and not have to walk too much. Mrs. Branco said she is thinking about doing a train trip.

Mayor Countryman thanked Mrs. Branco for her service. Rebecca Huss thanked Mrs. Branco and said she had taken the City through some tough times when the finances were not always so rosy and said she has been a steady rock through some really tough times. Rebecca Huss said she appreciated Mrs. Branco's professionalism and dedication to the City, not just as a third party, but as a member of our community. Mrs. Branco thanked everyone and said Montgomery has been a wonderful family that has taken good care of her.

John Champagne asked about the year-to-date budget on sales tax and actual, on page 10 of the report, page 69 of the agenda pack. John Champagne said he wanted a brief explanation on a disparity. Mr. Tramm said he could not specifically give an answer without looking at the information. John Champagne said he was not causing any alarm; it is just there is a reason. Rebecca Huss said January is not a quarterly reporting period for the grocery stores, which are big, and the \$733,000 is the total amount of the quarter percent of sales tax in lieu of ad valorem tax, so for whatever reason, they are not including that part and has not been allocated in there. John Champagne said ad valorem was accounted for above that figure. Rebecca Huss said correct, but that was the extra ¼ percent of the sales tax, and she does not know why that is not in there. John Champagne said what he was hearing is we have a disparity of \$733,000 because of grocery stores. Rebecca Huss said no, what she was saying is they should have 1/4 percent of the sales tax that is either included in line item 14600 or it is just not included at all, so they either have a discrepancy of \$640,221.22 or just the \$92,788.78 that could be a quarterly reporting problem. John Champagne asked Mr. Tramm to provide an email later in the week with the explanation. Mr. Tramm said he would get with the Financial Consultant and get a better answer for City Council.

Mr. Tramm said with Mrs. Branco leaving, the City's contractor Municipal Accounts is working with us to provide another person to transition over. Mr. Tramm advised they are

also bringing on as of March 16, 2020, a financial professional on staff to take over the bulk of the work, and they will start transitioning to have less done by Municipal Accounts. Mr. Tramm said he was not sure exactly where that would end, but Municipal Accounts is aware that is going to happen.

Mr. Tramm said the Sales Tax Report was not available when the agenda packs went out, but they received the report yesterday, so it has been provided.

- H. Engineer's Report – Mr. Chris Roznovsky, City Engineer, presented his report to City Council. Mr. Roznovsky advised the two Baja Projects are finally complete as far as what was in the grant. Mr. Roznovsky said he has gotten the initial pricing for where Baja and MLK meet to fill in the corner, so it will be flat versus having the steep drop off there at the corner. Mr. Roznovsky said they did receive the pricing for closing out the timeline on the grant part of it, and then getting back out there. Mayor Countryman asked if the berm down Baja was going to happen as well. Mr. Roznovsky said it is the same as the other one. Mayor Countryman said she wanted to make sure that it did not get left off. Mr. Roznovsky said the bulk of the work is done, with those items still outstanding so they are working on the final closeout documents for the grant.

Mr. Roznovsky said the Downtown Waterline Replacement Project is currently bidding and they held a pre-bid meeting this morning. Mr. Roznovsky said the bids will be received on March 16<sup>th</sup>, so they will be presented at the second meeting in March.

Mr. Roznovsky said they have received the comments from the Water Development Board regarding the Water Plant Improvements. Mr. Roznovsky said the TORC has reviewed the information and they will be meeting next week to go through the comments.

Mr. Roznovsky said the Sanitary Sewer Lift Station Replacement Project is approximately 78% complete by time and 34% complete by value as of January 27, 2020, and they have a contract end date of March 7, 2020, so they will be late and they don't expect to be substantially complete until May 2020. Mr. Roznovsky said the whole City is currently on bypass, which it has been since this started, and is designed to handle everything in the City, so this does not affect the ability to develop.

Mr. Roznovsky said they have one new development, which is Starbucks, who is coming into The Shoppes Center, where they will have CVS, Chick-Fil-A, a retail center and Starbucks.

Mr. Roznovsky said Emma's Way had their one-year warranty inspection this past month and they are going to get their punch list items addressed. Mr. Roznovsky said the Hills of Town Creek, Section 3 and Emma's Way are two separate projects, so this project covers from Emma's Way where it ended to the new ending and a sewer line that wraps all the way around. Mr. Roznovsky said they also had the bridge waterline one-year warranty inspection, where no punch list items were found.

Mr. Roznovsky said the turn lane on SH 105, TxDOT has stated they received the appraisal and they are reviewing the appraisal and preparing the legal documents. John Champagne asked who they received the appraisal from. Mr. Roznovsky said TxDOT hired an appraiser to provide an appraisal for TxDOT of that corner piece that the City wants to donate.

Rebecca Huss said, as a note, regarding the financials, the MEDC Budget that is only sales tax, is running \$40,000 over budget and the sales tax assumptions for MEDC are driven completely by the City's sales tax assumptions. Rebecca Huss said MEDC is over budget on a simple one-line item, then the City sales tax number should not be under budget by a large number. Rebecca Huss said there is something missing in the City sales tax number. John Champagne asked when Rebecca Huss says over budget, does that mean they have a surplus. Rebecca Huss said that is correct, instead of the budget being \$194,500, which is what the original assumption was, MEDC is at \$234,867. John Champagne asked if they were over budget in revenue. Rebecca Huss said that was correct. Rebecca Huss said MEDC's revenue is the exact same sales tax that is calculated for the City. Mr. Tramm said he will go over with Mrs. Branco regarding that information because it certainly seems like something is missing.

Rebecca Huss moved to approve the Departmental Reports as presented. Tom Cronin seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding the award of the Contract for IT Provider Services for the City of Montgomery and authorize the City Administrator to execute the contract.

Mr. Tramm advised the City sent out RFP's for IT Services, which four responses were received, while they did have one company that came out to tour the property chose not to submit a proposal. Mr. Tramm advised a staff committee consisting of the City Administrator, Assistant City Administrator, and City Secretary reviewed the submissions. Mr. Tramm said the review included their base service, response times, staff sizing, ability to properly handle the City's software and hardware needs and rates for included services and hourly services. Mr. Tramm said in looking at the billing done by the outgoing IT Provider, it was their determination, as a collective group, that Optimum Computer Solutions, Inc. was the best match for the City's needs for IT Services.

John Champagne asked about the group that came out and assessed visually and chose not to submit a bid and asked if they said why. Mr. Tramm said they stated they did not feel they had the experience with the criminal justice software, which was the reason they choose not to bid. Mr. Tramm said there are separate servers for City and Police. Mr. Tramm said he did respect them for choosing not to submit a bid. Rebecca Huss asked if there are any services being provided that the City did not previously have. Mr. Tramm said Optimum pulls all their services into their base rate, which we were paying hourly. Mr. Tramm said with GTIN they could pay up to \$500 for a new computer set up. Mayor Countryman asked if anyone has had any experience with Optimum or if they talked to any other municipalities that had worked with them. Mr. Tramm said the City Secretary has had some direct experience with Optimum. Mayor Countryman said she was assuming that feedback was positive. Mr. Tramm said yes.

John Champagne moved to authorize the City Administrator to execute an IT Service Agreement with Optimum Computer Services LLC. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action regarding requesting an opinion from the Planning and Zoning Commission and City Engineer for the following variance requests to the Subdivision Ordinance for the proposed West Lakes residential development along Old Dobbin-Plantersville Road, in the City's ETJ, as submitted by Promocon USA, LLC:
  - a. a lot width variance request of 50-feet instead of the required 75-feet; and
  - b. a minimum lot size of 6,000 square feet instead of the required 9,000 square feet.

Mr. Tramm said there are two separate items there, one is the lot width variance and lot size. Mr. Tramm said with variance requests to the Subdivision Ordinance there is no public hearing required. Mr. Tramm said he could review the lengthy description if City Council so chooses.

Rebecca Huss said what they did not include was the fact that we have discussed this in the past, and the City Engineer provided information on this and we discussed at length the issues involved with not being the providers of water to residents of the City that we were responsible for in all other respects and morally. Rebecca Huss said she has serious qualms about the issue and she is not comfortable, and with all of these variances aside, to her, the most important issue is she is not going to be comfortable with this subdivision under any circumstances unless they come to the City with the CCN where the City is the water provider. Rebecca Huss said she did not see the logistical issues being something that she would want to deal with and the safety issues of having citizens that we are not the provider of their water quality. Rebecca Huss said we are not providers of their safety in terms of water pressure in the case of an emergency or the water quality that people would like in terms of turning the water for their showers and the pressure that they prefer. Rebecca Huss said they would have no ability, as the City has, for customer service to do anything about it. Rebecca Huss said if someone called City Hall and says they are a resident and want the City to do something about it, we would have to say we are sorry and tell them to call the provider.

Mayor Countryman said she too has a concern, if there is a fire, because there have been fires out there, and there is no way to get water or they have low water pressure, these houses are so dense, Mayor Countryman said this is a serious question and a serious issue.

Mr. Tramm said what he could say from his personal experience in the past, he has experience with utilities overlapping. Mr. Tramm said it does lead to confusion on the part of the bill payer because the customer feels that they are contacting the City about their bill or complaint with regards to the water, and in this particular development, they would not provide water service, which can leave a customer feeling the City was not caring about their concerns, as opposed to trying to point them to another entity because we would not provide that service. Mr. Tramm said where he worked previously some of the customers that received water through another provider, they were always arguing about who was providing what service, and the customer ended up feeling like they were caught in the middle and they are the ones paying the bill.



Rebecca Huss said there is the other issue of what if the City does not get accurate information about water consumption, should they go through with this idea and then they can't build the homes, the City would be providing service for free because we can't send out a bill. Rebecca Huss said what if the City billed them a flat rate where everyone gets a bill for \$150, that does not seem very fair because if somebody does not have a very high usage they would still pay the highest rate that is on average of what we think it will cost to provide service. Rebecca Huss said what if we are wrong, then the rest of our residents pay for the shortfall, which is something that we have tried to have our prices set to the point of having customer bills reflect the cost of providing service, so if we are making an average assumption, some will be paying too much and some will not be paying enough. Rebecca Huss said this is something the developer does not care about because they will be putting houses in place, then the City will have to sort out the problems and the developer will be gone, and our residents will not be happy. Rebecca Huss said she is not willing to go forward until they have the CCN and we are all on the same page where the City provides the water and sewer, and accountable for their safety and health, which is what we do for all of our residents.

Mr. Tramm said this is being presented and if City Council desires to move forward with the process and wants to give him that kind of direction, he will be happy to go back to the developer. Mayor Countryman said that would be all services or nothing direction.

John Champagne asked if in the ETJ Dobbin Plantersville will provide the water service. Mayor Countryman said yes. Mr. Tramm said this area is in the ETJ, while there are certain requirements for the City, they fall outside of the City's water service area. Mr. Tramm stated they are in the Dobbin Plantersville Water Company service area. John Champagne asked to confirm that Dobbin Plantersville wants to provide water services. Mr. Tramm said he has not discussed that with Dobbin Plantersville. Rebecca Huss said the developer wants to be annexed into the City. John Champagne asked what the value to them was to be annexed into the City if we are not providing water services. John Champagne said he would assume that we are not going to provide the sewer services. Rebecca Huss said the City will have to provide the sewer service. John Champagne asked to confirm the biggest concern was, besides the morality of it, the variances. Rebecca Huss said no, to her the practicality and morality are her biggest issues, the variances come later. Rebecca Huss said there is no point in discussing variances until you know whether you can put together something that even lets you take that first step.

John Champagne asked what the problem would be in letting the Planning and Zoning Commission look at this development. Rebecca Huss said it would be a waste of everyone's time and money

because the developer must go through the process, and we are spending staff time. John Champagne asked why we would not be able to charge them for the sewer they are using. Rebecca Huss said it would not be our meter, there would be no meter unless Dobbin Plantersville gives it to the City, and they are using meters that are compatible with the City's system. Rebecca Huss said the City has Badger meters, so they do not have to do manual meter reads. John Champagne asked if Rebecca Huss did not believe the cost and benefit would be worth it. Rebecca Huss said no she did not see the point of it until they come to the City with a CCN, then morality won't be an issue and most of her practical issues will go away, then it will be an issue of whether it fits with Planning and Zoning Commission map for the City where they have higher density housing.

Mr. Foerster said apparently, they have not gone back to the Dobbin Plantersville Water Company to try and negotiate this issue. Rebecca Huss said it was not the City's job to do that it is the developer's job because it is their development. Mr. Foerster said he understood that, but maybe we need to be telling them what they need to do. Rebecca Huss said that is what they are telling Mr. Tramm to do. Mr. Tramm said whatever City Council decides, that will be what he is taking from this discussion as his direction. Mayor Countryman said they need to get the CCN.

Rebecca Huss asked if that directive would take care of Agenda Items 5 and 6. Mr. Tramm said he believed it would. Mayor Countryman said they would strike Item 6.

6. Consideration and possible action regarding calling a Public Hearing of the City Council, acting as the Board of Adjustment, for the following variance requests to the Zoning Ordinance for the proposed West Lakes residential development along Old Dobbin-Plantersville Road, in the City's ETJ, as submitted by Promocon USA, LLC:
  - a. a minimum side yard setback of 5-feet instead of the required 10-feet; and
  - b. a side yard setback of 10-feet for corner lots instead of the required 15-feet.

No action was taken on this item.

#### **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 Ste of Texas.

7. 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); and
  - b) Section 551.072 (deliberation regarding real property); and
  - c) Section 551.074 (personnel matters) Interview City Attorney Candidates.

Mayor Countryman adjourned the meeting to go into Executive Session at 6:43 p.m.

Reconvene into Open Session.

Mayor Countryman reconvened the meeting at 8:57 p.m.

#### **POSSIBLE ACTION FROM EXECUTIVE SESSION:**

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

Rebecca Huss moved to direct the City Administrator to retain the legal services of the law firm of Johnson Petrov and request an Engagement Letter to be submitted to said City Administrator. Tom Cronin seconded the motion, the motion carried unanimously. (4-0)

#### **COUNCIL INQUIRY:**

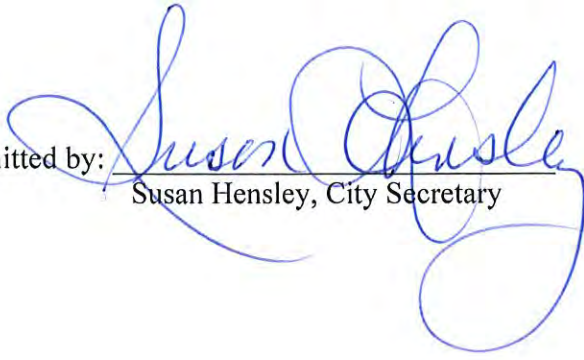
Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or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

Mayor Countryman and City Council thanked the attorneys for being present.

#### **ADJOURNMENT**

John Champagne moved to adjourn the meeting at 9:00 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Submitted by:



Susan Hensley, City Secretary

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

\_\_\_\_\_  
Mayor Sara Countryman

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Richard Tramm</b>	<b>Exhibits: Freedom Fest Letter, Events Overview and Map (3 items)</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Consideration and possible action regarding street closures for annual Freedom Fest event on July 4, 2020.

**Description**

This year's route will remove the parade route from Buffalo Springs, as it has been previously but will otherwise be very similar to the previous parade route. Street closures will include Clepper Street, Prairie Street, Maiden Street, College Street, McCown Street, Caroline Street, John A. Butler Street, Highway 105 (one westbound lane) and FM 149 in the downtown area. The roads will reopen following the completion of the parade. The Chamber of Commerce is providing a trash crew for clean up to follow the parade.

**Recommendation**

Recommend approval of the street closures for annual Freedom Fest event on July 4, 2020.

**Approved By**

City Administrator	Richard Tramm <i>RT</i>	Date: 03/05/2020

# Freedom Fest



July 4, 2020

Dear City Council,

Saturday, July 4, 2020 marks our 7th annual Freedom Fest including parade, children's area, baking contest, and crafter's market vendors. This year we have made some exciting improvements to the event that will create a better experience for our guests and local merchants alike!

We have met with Montgomery PD and received approval to move the parade up to 9am and to maintain the route as it has been for many years, launching from the back of the MISD District Educational Service Center and winding through every street of the Historic District.

To shorten the route and eliminate the drive through Buffalo Springs altogether, parade volunteers will be stationed at Liberty Street and Clepper to direct small kids, bikes, carts and any entries needing to meet back at the starting point to turn directly onto Clepper Street. All other vehicles, jeeps, etc. will be done with the parade at the corner of Clepper and Liberty and will exit the downtown area by heading north on Liberty.

The use of the school facility parking will be ample for us to create the staging area of the parade, thus eliminating the burden on Clepper and CB Stewart in the morning. Once the parade runs through downtown, no street closures will be needed, as all the follow up activities will be contained to the Community Center grounds entirely. This will allow for ample parking access all around town and ease of traffic flow for the entire day.

We will continue with our Keep Montgomery Beautiful trash pickup campaign and follow suit with the candy rules to mimic the Christmas Parade. By keeping those elements the same, we hope to reinforce visitor behavior in our downtown. As always, we will have a designated trash crew to follow the parade for clean-up.

Thanks so much for your support!

Respectfully yours,

***Shannan Reid***

Montgomery Area Chamber of Commerce

# Freedom Fest

July 4, 2020



## Overview of Events

**8am – 2pm**

*Hosted by Montgomery Area Chamber of Commerce  
Partnered with City of Montgomery  
National Charity League  
Masonic Lodge #25  
Bears, Etc.  
Troop 491 Boy Scouts of Montgomery  
Montgomery Homecoming Committee  
Montgomery Lions Club*

## FREEDOM PARADE

ABT Parade = “Anything but a Trailer” IE golf carts, walking, bikes, cars, tractor  
8am Line Up at Prairie St and Clepper St  
9am Start Time  
Theme: A Family Tradition

## CRAFTERS MARKET

Open 8am – 2pm  
Lone Star 1st Saturday Vendors and more!  
Old Community Center Lot

## BAKING CONTEST

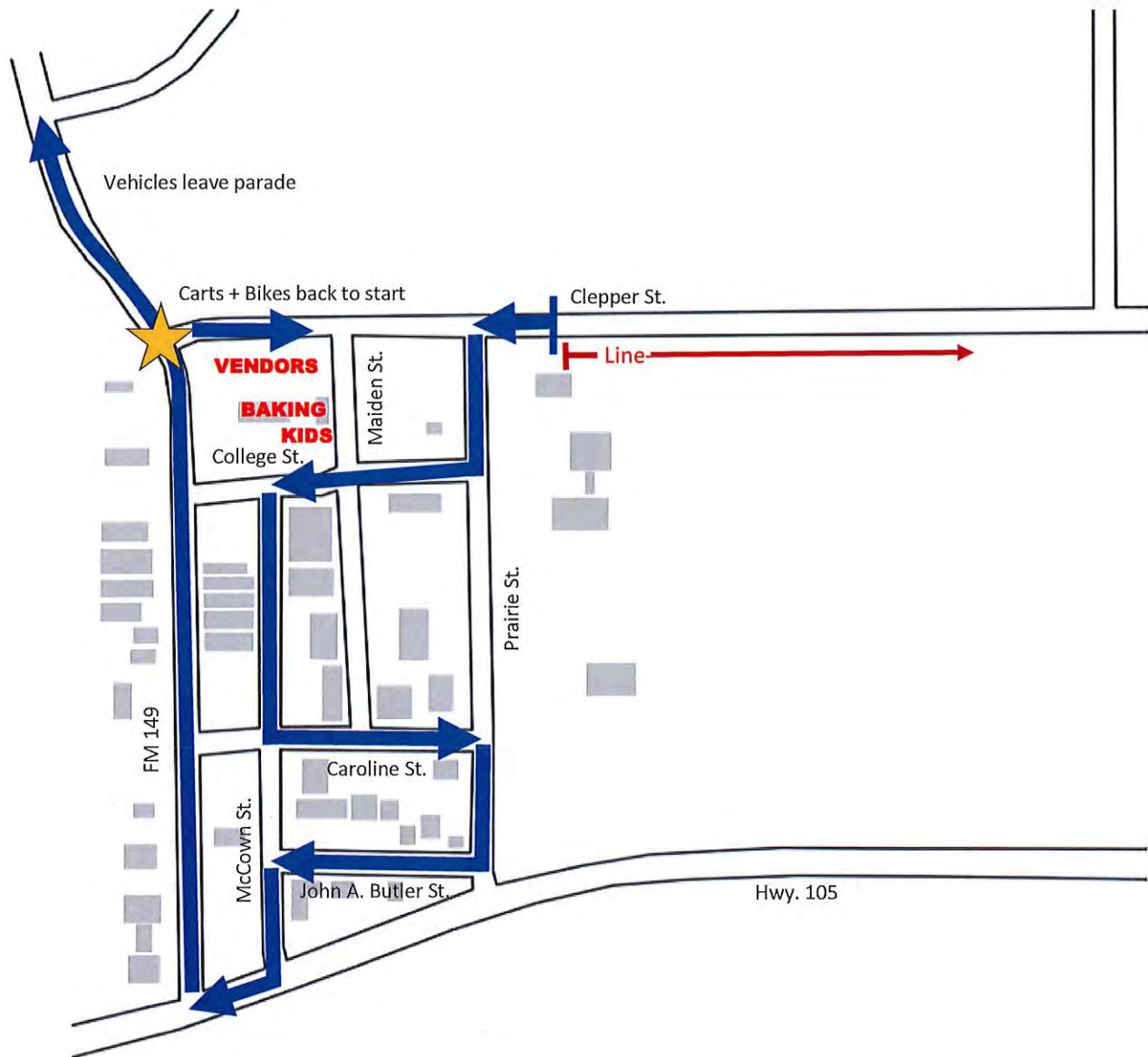
Inside Community Center  
Entries submitted starting at 8am  
Open to public for tastings 10:30am  
Judging: Cakes, Pies, Red, White & Blue, Open  
Announcements inside Community Center by 12:00pm

## KIDZONE

Open 8am-2pm  
Family fun activities  
Inflatables, Pet Adoptions

# Freedom Fest

## PARADE ROUTE





Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Richard Tramm</b>	<b>Exhibits: Wine &amp; Music Fest Letter and Map (2 items)</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**  
 Consideration and possible action regarding street closures for annual Wine & Music Fest event on September 19, 2020.

**Description**  
 This year's Wine & Music Fest requests street closures from 10:00 pm Friday, September 18, 2020 through the completion of the festival on Saturday, September 19, 2020. Street closures will include Clepper Street, Prairie Street, Maiden Street, Mason Street, College Street, McCown Street, Caroline Street, and John A. Butler Street. The timeline proposed by the Chamber of Commerce for this request is the same timeline they successfully used last year for this event. In keeping with the recently approved supplemental lease agreement concerning the use of the northern portion of the parking lot located near 14340 Liberty Street, the City has received written confirmation from the property owner consenting to the use of that area for this event.

**Recommendation**  
 Recommend approval of the street closures for the annual Wine & Music Fest event starting at 10:00 pm September 18 through September 19, 2020.

**Approved By**

City Administrator	Richard Tramm <i>R7</i>	Date: 03/05/2020



February 24, 2020

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

Re: Historic Montgomery Wine & Music Fest, September 19, 2020

Dear Richard:

This letter is to request street closures for the Historic Montgomery Wine & Music Fest, **Beginning Friday, September 18, 2020 at 10pm and running through the entire festival day Saturday, September 19, 2020.**

The streets affected by this request include:

College St.  
McCown St.  
Mason St.  
Maiden St.  
Caroline St.  
John A. Butler St.

Preliminary set up of tents for the festival will begin Friday as the tents arrive in no-traffic areas like the Community Center Parking. We will wait until the close of businesses to set up in the city streets and parking lots. The anticipated time is approximately 10pm. We will need the roads closed at that time. This is the same timeline used last year for the festival and it worked great.

We have met as a planning team, as well as with Montgomery PD and submitted our festival map and general information to the downtown businesses to make them aware of the scope of the festival months in advance. We continue to plan proactively to offer a great guest experience while keeping everyone safe and generating economic value for our local merchants!

If you have any questions, please do not hesitate to contact us.

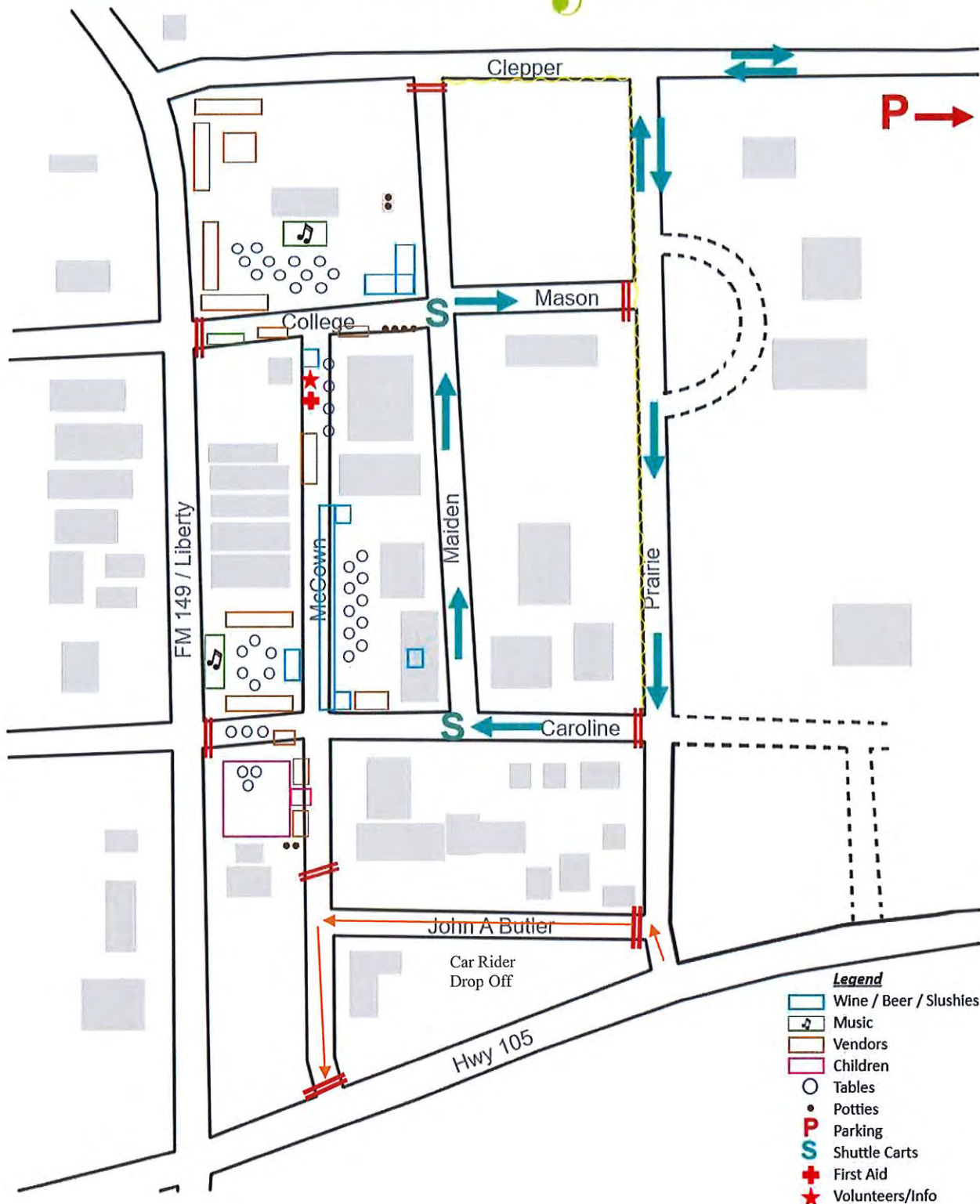
There's A LOT to love about Montgomery!

*Shannan Reid*

Montgomery Area Chamber of Commerce

Web | [www.MontgomeryWineFest.com](http://www.MontgomeryWineFest.com)  
Email | [experiencemontgomery@gmail.com](mailto:experiencemontgomery@gmail.com)  
Office | [\(936\) 597-5004](tel:(936)597-5004)

# MONTGOMERY Wine & Music FEST



- Legend**
- Wine / Beer / Slushies
  - ♪ Music
  - Vendors
  - Children
  - Tables
  - Potties
  - P Parking
  - S Shuttle Carts
  - + First Aid
  - ★ Volunteers/Info

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: City Engineer's memo</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Consideration and possible action regarding the completion of a one-year warranty period for the Buffalo Springs Drive Waterline Bridge Crossing Project.

**Description**

The City Engineer's memo is attached along with the inspector's memo.

**Recommendation**

Consider the City Engineer's recommendation to end the one-year warranty period and act as you see fit.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 3/5/20
City Administrator	Richard Tramm <i>RT</i>	Date: 3/5/20



1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380-3795  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

March 3, 2020

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

Re: Construction of Buffalo Springs Drive Bridge Waterline Bridge Crossing  
City of Montgomery  
TIN No. 74-263592

Dear Mayor and Council:

Jones | Carter held the one-year warranty inspection on February 18, 2020 at 9:30 AM. Attendees were Mr. Michael Carpenter – Jones | Carter, Mr. Jim Gregg – Jones | Carter, Mr. Eric Standifer – City of Montgomery, Mr. Cole Mulder – Spartan Direct Solutions, LLC, and Mr. Ethan Lott – Spartan Direct Solutions, LLC.

No punch list items were identified at the one-year warranty inspection. We recommend the City officially end the warranty for the project.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE  
Engineer for the City

K:\W5841\W5841-0021-00 Town Creek Bridge Waterline\3 Construction Phase\Meetings\Warranty Inspection\W5841-0021-00 Additional One-Year Warranty Letter.docx

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Alan Petrov - Johnson Petrov, LLP - City Attorney  
Mr. Mike Muckleroy – City of Montgomery, Director of Public Works



1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380-3795  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

February 26, 2020

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

Re: Construction of Buffalo Springs Drive Bridge Waterline Bridge Crossing  
City of Montgomery  
TIN No. 74-263592

Dear Mayor and Council:

Jones|Carter held a one-year warranty walk-through for the reference project on February 18, 2020 at 9:30 am. There were no punch list items identified at the inspection.

The following individuals were in attendance during the one-year warranty walk-through:

Mr. Michael Carpenter – Jones|Carter  
Mr. Jim Gregg – Jones|Carter  
Mr. Eric Standifer – City of Montgomery  
Mr. Cole Mulder – Spartan Direct Solutions, LLC  
Mr. Ethan Lott – Spartan Direct Solutions, LLC

Should you have any questions, please feel free to contact us.

Sincerely,  


Michael D. Carpenter  
Construction Manager

MDC/jmr

K:\W5841\W5841-0021-00 Town Creek Bridge Waterline\3 Construction Phase\Meetings\Warranty Inspection\Final Inspection - only letter.doc

cc (via email): Spartan Direct Solutions, LLC

Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Mike Muckleroy – City of Montgomery, Director of Public Works  
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney  
Mr. Chris Roznovsky, PE – Jones|Carter, City Engineer

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Escrow agreement</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Consideration and possible action regarding approval of an Escrow Agreement by and between the City of Montgomery and Tony Cook for the proposed Montgomery Townhomes Development (Dev. No. 2001).

**Description**

This agreement is for a proposed 48-unit townhome project within the area of the Lefevre Planned Development District along Plez Morgan Drive.

**Recommendation**

Approve the escrow agreement.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 3/5/20
City Administrator	Richard Tramm <i>RT</i>	Date: 3/5/20

**ESCROW AGREEMENT**

**BY AND BETWEEN**

**THE CITY OF MONTGOMERY, TEXAS,**

**AND**

**Tony Cook**

**Dev. No. 2001**

THE STATE OF TEXAS            ⊃

COUNTY OF MONTGOMERY       ⊃

This Escrow Agreement, is made and entered into as of the 7<sup>th</sup> day February, 2020 by and between the CITY OF MONTGOMERY, TEXAS, a body politic, and a municipal corporation created and operating under the general laws of the State of Texas (hereinafter called the "City"), and Tony Cook, (hereinafter called the "Developer").

**RECITALS**

WHEREAS, the Developer desires to acquire and develop all or part of a 2.3851-acre tract, being a portion of the John Corner Survey, Abstract 8, sometimes referred to as the Montgomery Townhomes Tract, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

WHEREAS, the City policy requires the Developer to establish an Escrow Fund with the City to reimburse the City for engineering costs, legal fees, consulting fees and administrative expenses incurred for plan reviews, developer coordination, construction management, inspection services to be provided for during the construction phase, and one-year warranty services.



**AGREEMENT**

ARTICLE I

**SERVICES REQUIRED**

Section 1.01 The development of the Montgomery Townhomes Tract will require the City to utilize its own personnel, its professionals and consultants; and the Escrow Fund will be used to reimburse the City its costs associated with these services.

Section 1.02 In the event other contract services are required related to the development from third parties, payment for such services will be made by the City and reimbursed by the Developer or paid directly by the Developer as the parties may agree.

ARTICLE II

**FINANCING AND SERVICES**

Section 2.01 All estimated costs and professional fees needed by City shall be financed by Developer. Developer agrees to advance funds to City for the purpose of funding such costs as herein set out:

Administrative	\$1,000
City Engineer	\$4,000
Legal	\$1,000
<hr/>	
TOTAL	\$6,000

Section 2.02 Developer agrees to submit payment of the Escrow Fund no later than ten (10) days after the execution of this Escrow Agreement. No work will begin by or on behalf of the City until funds have been received.

Section 2.03 The total amount shown above for the Escrow Fund is intended to be a "Not to Exceed" amount unless extenuating, unexpected fees are needed. Examples of extenuating

circumstances created by the developer that may cause additional fees include, but are not limited to, greater than three plan reviews or drainage analysis reviews; revisions to approved plans; extraordinary number of comments on plans; additional meetings at the request of the developer; variance requests; encroachment agreement requests; construction delays and/or issues; failure to coordinate construction with City; failed testing during construction; failing to address punch list items; and/or excessive warranty repair items. If extenuating circumstances arise, the Developer will be informed, in writing by the City, of the additional deposit amount and explanation of extenuating circumstance. The Developer agrees to tender additional sums within 10 days of receipt of request to cover such costs and expenses. If additional funds are not deposited within 10 days all work by or on behalf of the City will stop until funds are deposited. Any funds which may remain after the completion of the development described in this Escrow Agreement will be refunded to Developer.

### ARTICLE III,

#### MISCELLANEOUS

Section 3.01 City reserves the right to enter into additional contracts with other persons, corporations, or political subdivisions of the State of Texas; provided, however, that City covenants and agrees that it will not so contract with others to an extent as to impair City's ability to perform fully and punctually its obligations under this Escrow Agreement.

Section 3.02 If either party is rendered unable, wholly or in part, by *force majeure* to carry out any of its obligations under this Escrow Agreement, then the obligations of such party, to the extent affected by such *force majeure* and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of

any inability so caused to the extent provided but for no longer period. As soon as reasonably possible after the occurrence of the *force majeure* relied upon, the party whose contractual obligations are affected thereby shall give notice and full particulars of such *force majeure* relied upon to the other party. Such cause, as far as possible, shall be remedied with all reasonable diligence. The term "*force majeure*," as used herein, shall include without limitation of the generality thereof, acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage, or accidents to machinery, which are not within the control of the party claiming such inability, which such party could not have avoided by the exercise of due diligence and care.

Section 3.03 This Escrow Agreement is subject to all rules, regulations and laws which may be applicable by the United States, the State of Texas or any regulatory agency having jurisdiction.

Section 3.04 No waiver or waivers of any breach or default (or any breaches or defaults) by either party hereto of any term, covenant, condition, or liability hereunder, or of performance by the other party of any duty or obligation hereunder, shall be deemed or construed to be a waiver of subsequent breaches or defaults of any kind, under any circumstance.

Section 3.05 Any notice, communication, request, reply or advice (hereafter referred to as "notice") herein provided or permitted to be given, made, or accepted by either party to the other (except bills) must be in writing and may be given or be served by depositing the same in the

United States mail postpaid and registered or certified and addressed to the party to be notified, with return receipt requested, or by delivering the same to an officer of such party. Notice deposited in the mail in the manner herein above described shall be conclusively deemed to be effective, unless otherwise stated in this Escrow Agreement, from and after the expiration of seven (7) days after it is so deposited. Notice given in any other manner shall be effective only when received by the party to be notified. For the purpose of notice, the addresses of the parties shall, until changed as hereinafter provided, be as follows:

If to City, to:                      City Administrator  
   City of Montgomery  
   101 Old Plantersville Rd.  
   Montgomery, Texas 77356

If to Developer, to:                Tony Cook  
   PO Box 7633  
   The Woodlands, Texas 77387

The parties shall have the right from time to time and at any time to change their respective addresses, and each shall have the right to specify as its address any other address by at least fifteen (15) days written notice to the other party.

Section 3.06 This Escrow Agreement shall be subject to change or modification only in writing and with the mutual consent of the governing body of City and the management of Developer.

Section 3.07 This Escrow Agreement shall bind and benefit City and its legal successors and Developer and its legal successors but shall not otherwise be assignable, in whole or in part, by either party except as specifically provided herein between the parties or by supplemental agreement.

Section 3.08 This Escrow Agreement shall be for the sole and exclusive benefit of City and Developer and is not for the benefit of any third party. Nothing herein shall be construed to confer standing to sue upon any party who did not otherwise have such standing.

Section 3.09 The provisions of this Escrow Agreement are severable, and if any provision or part of this Escrow Agreement or the application thereof to any person or circumstances shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Escrow Agreement and the application of such provision or part of this Escrow Agreement to other person circumstances shall not be affected thereby.

Section 3.10 This Escrow Agreement and any amendments thereto, constitute all the agreements between the parties relative to the subject matter thereof, and may be executed in multiple counterparts, each of which when so executed shall be deemed to be an original.

Section 3.11 This Agreement shall be governed by, construed and enforced in accordance with, and subject to, the laws of the State of Texas without regard to the principles of conflict of laws. This Agreement is performable in Montgomery County, Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement in three (3) copies, each of which shall be deemed to be an original, as of the date and year first written in this Escrow Agreement.

CITY OF MONTGOMERY, TEXAS

By: \_\_\_\_\_  
Sara Countryman, Mayor

ATTEST:

By: \_\_\_\_\_  
Susan Hensley, City Secretary

~~Tony Cook~~ Anthony Cook  
Developer

By: Anthony Cook  
Signature

Title: Managing Partner

STATE OF TEXAS {

COUNTY OF MONTGOMERY {

BEFORE ME, the undersigned authority, on this day personally appeared Sara Countryman, Mayor of the City of Montgomery, Texas, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

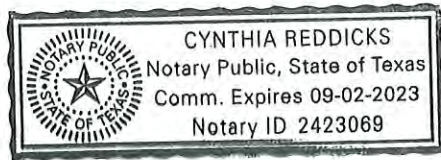
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS {

COUNTY OF Montgomery {

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Anthony Cook, 30<sup>th</sup> of JANUARY, a 1000 FOSTER DR LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated and as the act and deed of said organization.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 30<sup>th</sup> day of JAN, 2020.



Cynthia Reddicks  
Notary Public, State of Texas

## Prohibition on Boycotting Israel Verification

This Verification is hereby incorporated into the terms of the contract by and between City of Montgomery and Anthony Cook entered into this the 7th day of February, 2020.

1. Anthony Cook, in conjunction with the execution of the above referenced contract and in accordance with Chapter 2270 of the Texas Government Code, effective September 1, 2017, does hereby agree, confirm, and verify that it:
  - A. Does not Boycott Israel; and
  - B. Will not Boycott Israel during the term of the contract.

"Boycott Israel" has the meaning given to it in Chapter 808 of Subtitle A, Title 8 of the Texas Government Code. As of the effective date of the statute, the term means "refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes."

2. Contractor hereby acknowledges and agrees that this verification is a material term of the contract and Owner is expressly relying on this verification in agreeing to enter into the contract with Contractor.
3. **TO THE MAXIMUM EXTENT PERMITTED BY LAW, CONTRACTOR AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS OWNER FROM ALL CLAIMS, CAUSES OF ACTION, LEGAL PROCEEDINGS, DAMAGES, COSTS, FEES AND EXPENSES ARISING OUT OF OR RELATED TO AN ACTUAL OR ALLEGED MISREPRESENTATION BY CONTRACTOR PROVIDED HEREUNDER.**

[Signatures on Following Page]



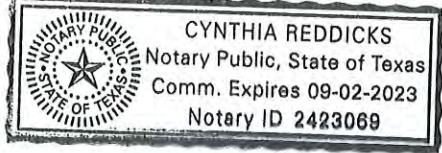
Prohibition on Boycotting Israel Verification[Continued]

*Anthony Cook*  
Contractor

State of Texas  
County of Montgomery

Before me, a notary public, on this day personally appeared Anthony Cook, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained in Paragraph 1A and B are true and correct.

(Personalized Seal)



*Cynthia Reddicks*  
Notary Public's Signature

Receipt and incorporation into the above referenced contract hereby agreed to and acknowledged by:

*QW1CT*

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2020-582733

Date Filed:  
01/30/2020

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

1000 Foster Drive LLC  
The Woodlands, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Montgomery

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

2020-GM  
Escrow agreement for development number 2001.

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

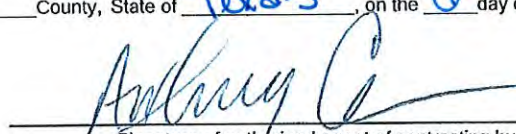
### 6 UNSWORN DECLARATION

My name is Anthony Cook, and my date of birth is 04/22/1964.

My address is 273 Blue Heron Dr., Montgomery, Tx, 77316.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Montgomery County, State of Texas, on the 6<sup>th</sup> day of February, 2020.  
(month) (year)

  
Signature of authorized agent of contracting business entity  
(Declarant)

**VENDOR CONTRACTS APPROVED BY CITY COUNCIL  
AND/OR IN EXCESS OF ONE MILLION DOLLARS**

**Effective January 1, 2016** there is now a requirement for Certificates of Interested Persons (Form 1295) to be filed with the city secretaries and they in turn electronically file notice with the Texas Ethics Commission (TEC).

The TEC website is <https://www.ethics.state.tx.us/tec/1295-Info.htm>

***Summary of new law:***

1. All contracts that must be approved by the city council must be given a contract tracking number.
2. Vendors or business entities (but not other governmental entities) must be given the Form 1295 and directed to fill it out.
3. The Form 1295 must be signed by an authorized person from the business entity.
4. The Form 1295 must be submitted to the city secretary.
5. The city secretary must in turn electronically file the notice of the Form 1295 to the Texas Ethics Commission at its website:  
  
[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)
6. The city secretary must electronically file all such forms within 30 days of the contract approval.
7. Form 1295 will be executed by the Vendor and filed with the City Secretary prior to the Contract being executed.

# Vendor Training and Registration

## Form 1295:

### Step One - Set up Account

For a video detailing how you register your company for the first time with the Texas Ethics Commission go to:

<https://www.ethics.state.tx.us/filinginfo/videos/Form1295/FirstLogin-Business/Form1295Login-Business.html>

### Step Two - Create Certificate Form 1295

For a video detailing how to create a Form 1295, following registration go to:

<https://www.ethics.state.tx.us/filinginfo/videos/Form1295/CreateCertificate/CreateCertificate.html>

To complete your Form 1295 you will need to obtain a Contract Tracking Number from the City of Montgomery City Secretary at (936) 597-3288 or via email at [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us).

You will print out your completed Certificate – Form 1295 and have it signed. The Form 1295 will then be submitted to the City of Montgomery City Secretary for acknowledgment of the Certificate.

GF No. ATCH-16-ATCH18084352TC

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

---

**GENERAL WARRANTY DEED**

---

**Date:** January 8, 2019  
**Grantor:** Neal McCraw, his sole and separate property  
**Grantee:** David H. Holle, Trustee of the Holle Trust dated August 1, 2008

**Grantee's Mailing Address:**

PO Box 244  
Stuyland NC 28176

**Consideration:**

Ten and No/100 Dollars (\$10.00), good and other valuable consideration, the receipt of which is hereby acknowledged

**Property (including any improvements):**

Being 2.3851 acres (103,895 square feet) of land, situated in the John Corner Survey, Abstract Number 8 in Montgomery County, Texas and being out of the residual acreage of that certain called 734.721 acre tract as conveyed to Philip Lefevre and wife, Holly Lefevre, recorded under Clerk's File Number 99058838 Real Property Records of Montgomery County, Texas; said 2.3851 acres being more particularly described by metes and bounds as follows with all bearings referenced to the South line of the RTL Management Group LLC, Tract 3, a called 4.17 acre tract recorded under Clerk's File Number 2015036164 Real Property Records, as found monumented on the ground:

BEGINNING at an iron rod with a survey cap marked "Moon", found for the Northwest corner of the herein described tract and the Southwest corner of the called 4.17 acre tract, and being in the East line of Plez Morgan, a variable width right-of-way as recorded under Clerk's File Number 20100030945 Real Property Records;

THENCE North 87°28'36" East, a distance of 593.94 feet along the South line of the called 4.17 acre tract, to a 5/8 inch iron rod with a survey cap marked "Glezman, RPLS 4627", set for the Northeast corner of the herein described tract and being further located South 87°28'36" West, a distance of 160.02 feet from an iron rod with a cap marked "Moon", found for the Southeast corner of called 4.17 acre tract;

THENCE in a Southwesterly direction along the center line of a 16 foot wide Sanitary Sewer Easement, severing the residual acreage of the called 734.721 acre tract as follows:

18084352

South 49°49'29" West, a distance of 168.68 feet to a sewer manhole, found at an angle point;

South 59°58'03" West, a distance of 331.53 feet to a sewer manhole, found at an angle point;

North 73°34'39" West, a distance of 252.04 feet to a 5/8 inch iron rod with survey cap, set for the Southwest corner of the herein described tract and being in a curve to the left in the East line of Plez Morgan;

THENCE along the East line of Plez Morgan along a curve to the left, having as its elements: a central angle of 15°59'31", a radius of 678.03 feet, an arc length of 189.25 feet and a chord bearing North 19°55'33" East, 188.63 feet back to the Point of Beginning and containing 2.3851 acres of land, based on the survey and plat prepared by Glezman Surveying, Inc., dated July 21, 2016.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:** Subject to all easements, right-of-ways, mineral reservations and other matters of record:

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

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT THE EXPRESS WARRANTY OF TITLE STATED ABOVE. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

When the context requires, singular nouns and pronouns include the plural.

  
\_\_\_\_\_  
Neal McCraw

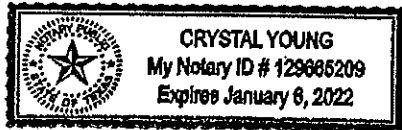
Date: January 8, 2019

STATE OF TEXAS

COUNTY OF Harris

§  
§  
§

The foregoing instrument was acknowledged before me, the undersigned notary, on the 8 day of January, 2019 by Neal McCraw.



Crystal Young  
Notary Public, State of Texas

Printed Name of Notary

My Commission Expires

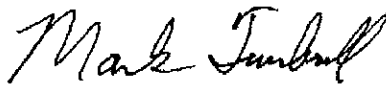
AFTER RECORDING RETURN TO:

David H. Holle, Trustee of the Holle Trust dated August 1, 2008

PO Box 244  
Skylark NC 28776

**E-FILED FOR RECORD**

01/09/2019 11:26AM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

**01/09/2019**



County Clerk  
Montgomery County, Texas



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2019</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Richard Tramm</b>	<b>Exhibits: Application Form Inspection Report</b>
<b>Date Prepared: March 4, 2019</b>	

**Subject**

Annual renewal of Mobile Home Park Application for Cedar Crest Mobile Home Park.

**Description**

The City Council granted 90-day approval for this item on December 10, 2019 to allow the City and Ms. Bennett time to discuss the implementation of the new Master Meter Agreement. The City and Ms. Bennett had a satisfactory meeting on this agreement on February 19, 2020. A copy of their original application paperwork and city inspection report are attached for your review. Payment for the application fee has been received by the City.

**Recommendation**

I recommend approval of the Mobile Home Park renewal for the remainder of the annual term, to expire December 31, 2020.

**Approved By**

City Administrator	Richard Tramm <i>RT</i>	Date: 03/04/2020



**CITY OF MONTGOMERY**

P.O. BOX 708 MONTGOMERY, TEXAS 77356

Telephone: (409) 597-6434 / 597-6436 / 597-6866

**HUD-CODE MANUFACTURED HOMES PARK**

**RENEWAL/TRANSFER APPLICATION**

This application is for any person desiring to renew or transfer license of a HUD-Code Manufactured Homes Park within the city boundaries of the City of Montgomery on or after April 20, 1999 in accordance with Ordinance No. 1999-4.

Type of Request:        X     **Annual Renewal (Period: Year of 2020)**  
              **Transfer of License**

1. Name of Applicant:

**Marcy Bennett & Pat McCarty**  
**PO Box 9692**  
**Spring, TX 77387**

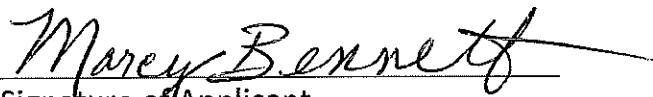
2. Street Address of the Park:

**Old Plantersville Rd**

3. Legal Description of the Park (as it appears in the Deed Records):

**BEING 5.6735 ACRES, MORE OR LESS, SITUATED**  
**IN THE ZACHARIAH LANDRUM LEAGUE A-22, A PART**  
**OF AND OUT OF THE JOHN M. POWELL TRACT,**  
**RECORDED IN VOLUME 272, PAGE 159 OF THE**  
**DEED RECORDS OF MONTGOMERY COUNTY, TX.**

4. A current, accurate copy of the HUD-Code Manufactured Home Park Register, as required by Section 4(D) and as described in Section 8(O) of Montgomery City Ordinance 1999-4 shall be attached to this application form.
5. A permit fee in the amount of Fifty Dollars (\$50.00) shall accompany submission of this application to the City of Montgomery.
6. Renewal of License applications must be completed and submitted to the City of Montgomery on or before December 1<sup>st</sup> of the year preceding the calendar year for which license renewal is being requested.
7. A transfer of License application must be submitted to the City of Montgomery within fifteen (15) days of the said Park having transferred ownership to the new owner. Approved applications are valid only for the remainder of the calendar year.
8. This application shall be considered by the City Council of the City of Montgomery at its next eligible meeting.
9. If this application is on behalf of a corporation or limited liability company the application must be signed by an authorized partner or officer. In the case of a corporation, a copy of the corporate board authorization and a copy of a "Certificate in Good Standing" from the Secretary of State (or its equivalent) of the state in which the corporation is registered must be attached to this application.

  
\_\_\_\_\_  
Signature of Applicant

10-30-19  
Date of Application

**Marcy Bennett**  
\_\_\_\_\_  
Printed Name of Applicant



CITY OF MONTGOMERY

P.O. BOX 708 MONTGOMERY, TEXAS 77356

Telephone: (409) 597-6434 / 597-6866

Affidavit of Application

I do hereby affirm and certify that the information contained in the attached HUD-Code Manufactured Homes Park Application, dated 10-30-19, is accurate and truthful to the best of my knowledge.

Marcy Bennett
Signature

10-30-19
Date

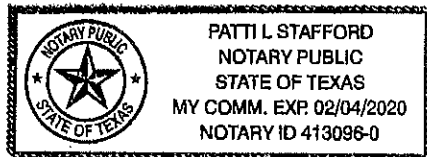
Marcy Bennett
Printed Name

State of Texas
County of Montgomery

This instrument was acknowledged before me on Oct. 30th 2019 by Marcella Bennett

Notary Seal:

Patti L Stafford
Notary Public Signature



## Cedar Crest Mobile Home Park Renewal Inspection

Date of Inspection: December 4, 2019

Inspected By: Mike Muckleroy

Entrance Signs and Street Signs: The entry area and street signs appeared neat and in good condition.

Appearance/Condition of Streets and Driveways Inside Park: The streets have been repaved since last year and are in a much-improved condition.

Appearance of Yards and Open Areas Inside Park: The area appeared generally well maintained and was free of loose trash and debris.

Appearance of Individual Homes Inside Park: The individual homes appear generally good from the outside view. Units# 10, 25 and 28 have minor skirting issues.

Code Violations/Issues Inside the Park: None were observed.

Police Calls/Issues Inside the Park: The Police Department calls to this area are generally in line with the calls throughout most of the City.

Inspection Determination: Recommendation is to approve renewal with owner addressing the skirting issues to Units# 10, 25 and 28 in the next 90 days.

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: None</b>
<b>Department: Public Works</b>	
<b>Prepared By: Mike Muckleroy</b>	<b>Exhibits: None</b>
<b>Date Prepared: March 3, 2020</b>	

**Subject**  
 Consideration and possible action regarding the correct spelling of "McCown Street".

**Description**  
 We received an inquiry regarding the correct spelling of McCown St. We have seen it spelled in two different ways. One version is "McCown" and the other is McCowan". We contacted Montgomery County 911 and their records indicate the spelling of "McCowan" with no suffix of street or drive designation. This does not necessarily mean it is the name we had originally given, just the name they have in their records. We believe the street in question was named after James McCown who purchased the town of Montgomery from W.W Shepperd in 1839. Montgomery County 911 will adopt whatever spelling of a street that City Council agrees upon. The official process for this is to simply send over the minutes from the meeting after they are approved.

**Recommendation**  
 Approve the naming of "McCown Street" to reflect what we believe it has been all along.

<b>Approved By</b>		
Director of Public Works	Mike Muckleroy <i>MM</i>	Date: 03/03/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 03/03/2020

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Developer request letter, preliminary site plan &amp; project details</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Consideration and possible action of the City Council, acting as the Zoning Board of Adjustment, regarding a 25-foot front building line variance request instead of the required 35-feet for the proposed Heritage III development along SH 105 west of the Louisa Street intersection (21227 and 21265 Eva Street, Montgomery), as submitted by Cheatham Management.

**Description**

Section 98-181 of the Zoning Ordinance requires a 35-foot building setback along major streets. The developer is requesting a 10-foot variance to allow the front façade of the buildings to be set back 25-feet from the street.



In lieu of typical developments that place the parking lot near the street, the developer is requesting to move the buildings toward the street and locate the parking behind the building.

City Council is acting as the Zoning Board of Adjustment in considering the request.

**Recommendation**

Consider the request, along with any public comments received, and act as you see fit.

**Approved By**

Director of Planning & Development	Dave McCorquodale 	Date: 3/5/20
City Administrator	Richard Tramm 	Date: 3/5/20

January 13, 2020

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

RE: Variance request for Heritage Place III regarding requirement for 35' building line and 25' vegetative setback

According to Section 98-180 of the City of Montgomery Code of Ordinances, the general provisions of Chapter 98 will apply for any development within the City limits and requires a 35' front building line along major streets. This development will consist of three commercial buildings and parking for tenants, similar to developments at 21300 and 21123 Eva Street. We are proposing a 25' building line along Highway 105. We feel the variance request is warranted for the following reasons:

- This development, similar to other Heritage Place developments, attempts to screen parking by having the parking lot located behind the building. This attempts to keep the historic feel of downtown Montgomery and create a new "historic downtown" corridor along Highway 105.
- In typical commercial developments, the parking lot would be located in front of the building, with the parking lot encroaching the building line. A typical commercial lot depth ranges from 200'-250'. This property has lot depth ranging from 115'-130', so adhering to the 35' building line requirement severely limits the usable property with the limited lot depth.
- To meet the City's parking requirements, a two-story parking area is required with the buildings located at 25' off the front property line. If the buildings were adjusted to meet the 35' requirement, the parking requirement would be unattainable.
- According to Section 98-1 and 98-181, the front yard for corner lots is considered parallel to the street upon which the lot has the least dimensions. With this information, it appears that the front yard setback requirement should apply to Houston Street and Louisa Lane, instead of Highway 105. If Highway 105 is considered the side yard, the setback only has a requirement of 15'. If this interpretation is correct, the variance would not be needed as the proposed site plan would adhere to the Ordinance.

According to Section 78-162 of the City of Montgomery Code of Ordinances, there is a minimum 25' vegetative setback and visual barrier where commercial properties abut any single-family residential property. The proposed development has an 11' setback along the majority of the rear property line, where it is adjacent to single-family residential properties. We feel the variance request is warranted for the following reasons:

- To adhere to the parking requirements for the City, this will not allow the parking lot to decrease in size to accommodate the 25' requirement along the entire rear property line. As mentioned above, the existing lot depth restricts commercial development on a zoned commercial parcel. This requirement can be met along the western portion of this property. In the areas this cannot be achieved, we propose a visual barrier for the adjoining properties with an 8' solid wood picket fence with brick veneer columns or a "living wall" system. See enclosure for examples.



It is for the above-mentioned reasons that we feel the variance requests should be considered and approved. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,



Jonathan White, PE

Enclosure: Preliminary Site Plan; Example Fence Detail; Example of Parking Lot Structure

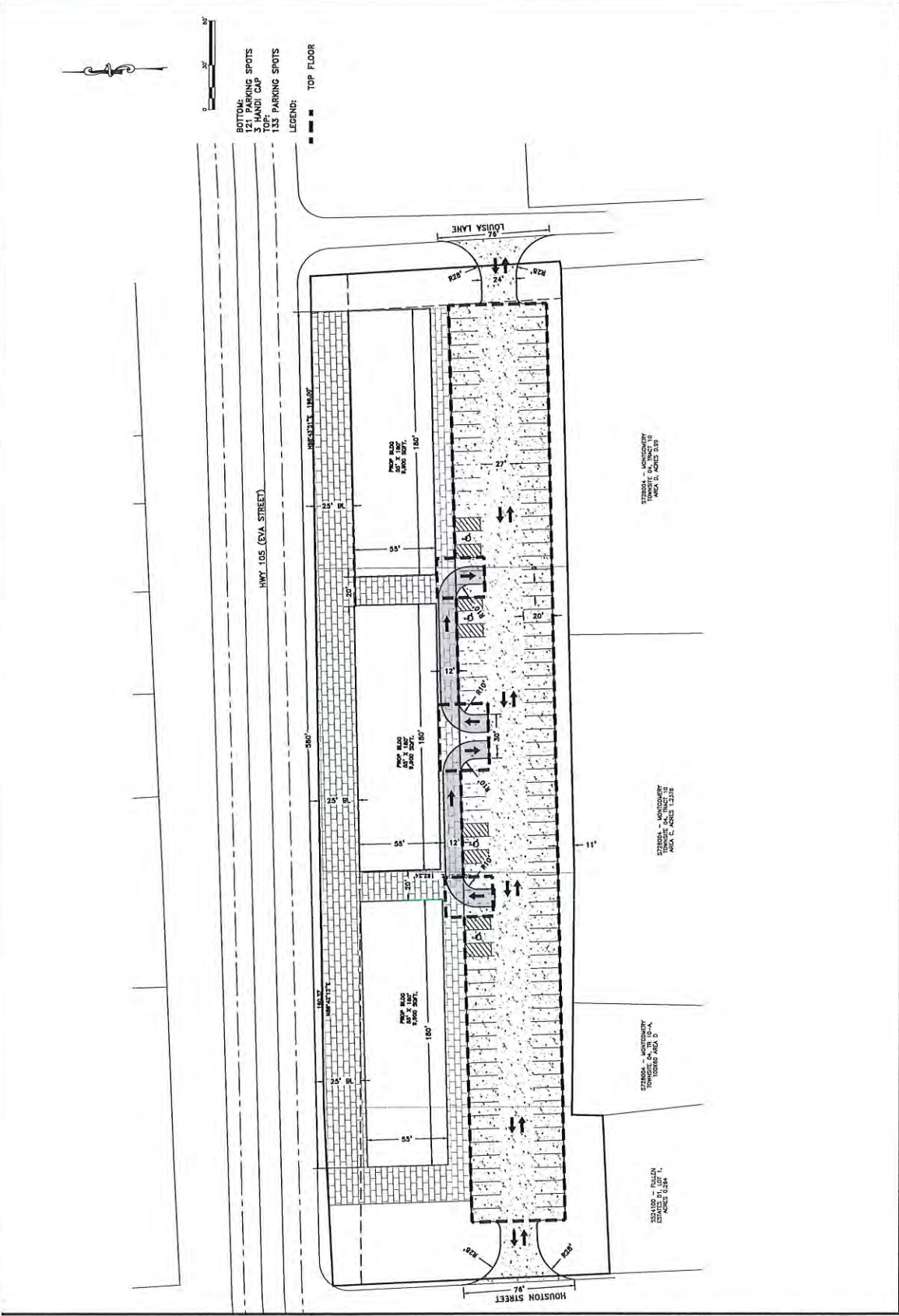


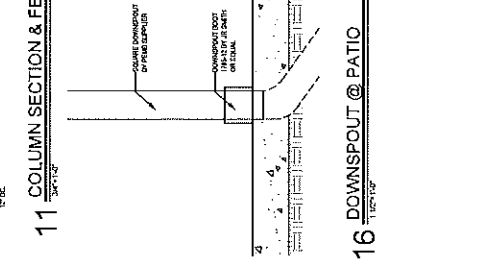
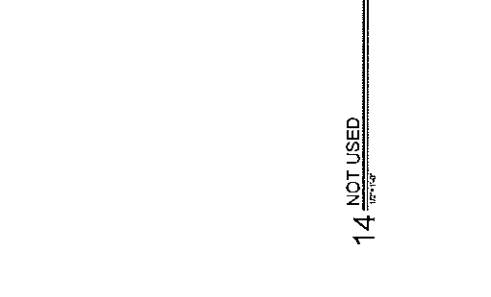
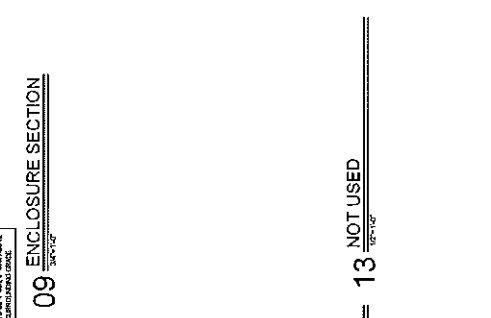
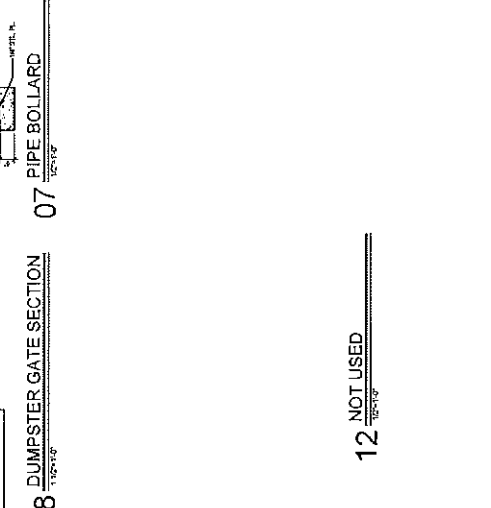
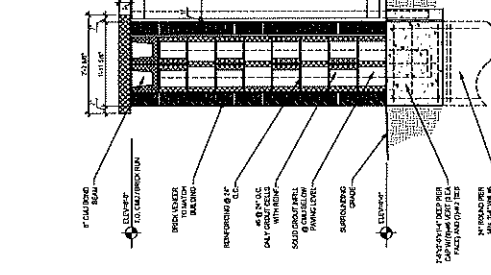
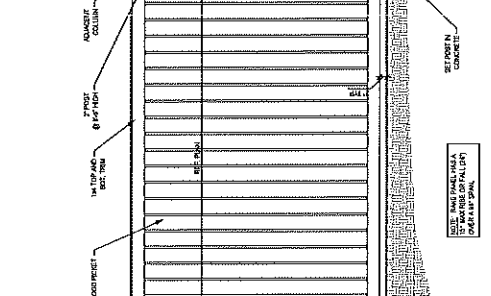
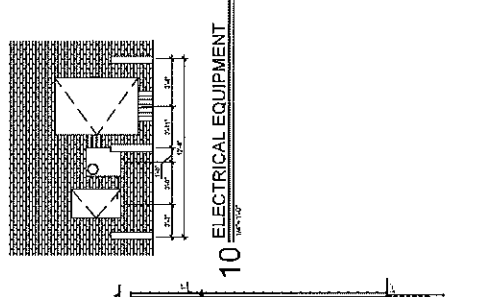
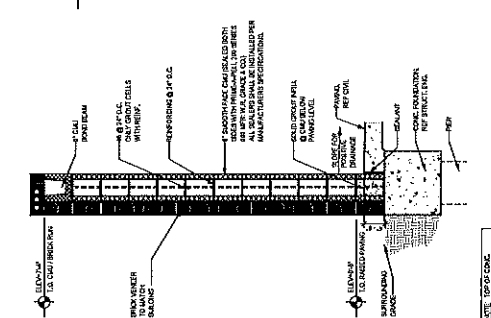
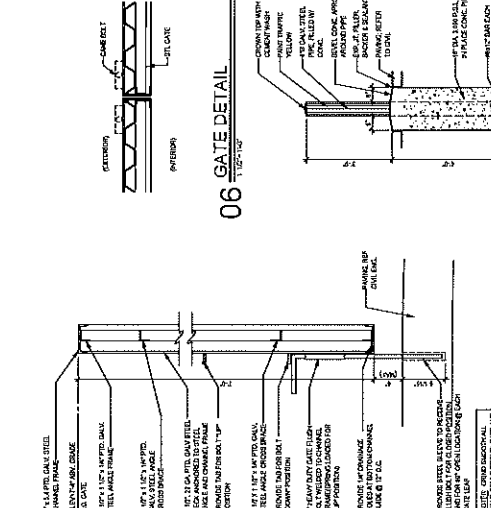
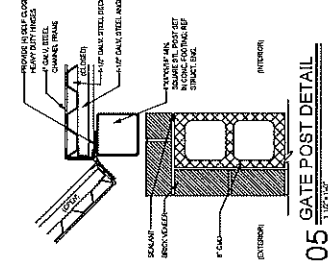
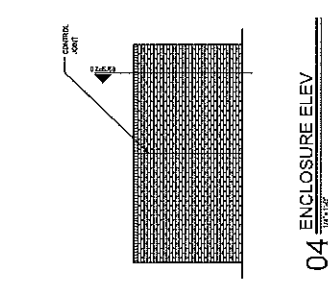
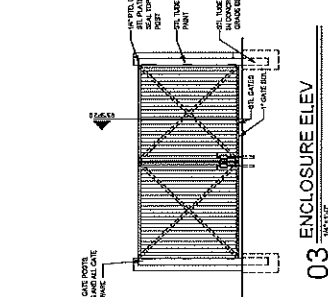
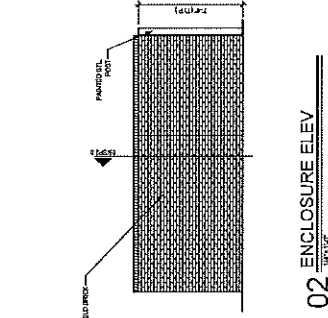
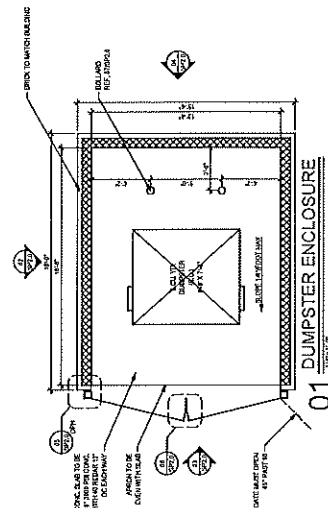


# HERITAGE PLACE III SITE PLAN

DRAWING INFORMATION	
PROJECT	20201 FOX
DATE	08/19/20
DESIGNER	JTW
CHECKER	
SCALE	1" = 30' (24x36)
SHEET	01
	1" = 60' (18x17)

THIS DRAWING IS THE PROPERTY OF L.SQUARED ENGINEERING, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF L.SQUARED ENGINEERING, INC. THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT FOR CONSTRUCTION.





01 DUMPSTER ENCLOSURE  
10'-0" x 10'-0"

02 ENCLOSURE ELEV  
10'-0" x 10'-0"

03 ENCLOSURE ELEV  
10'-0" x 10'-0"

04 ENCLOSURE ELEV  
10'-0" x 10'-0"

05 GATE POST DETAIL  
10'-0" x 10'-0"

06 GATE DETAIL  
10'-0" x 10'-0"

07 PIPE BOLLARD  
10'-0" x 10'-0"

08 DUMPSTER GATE SECTION  
10'-0" x 10'-0"

09 ENCLOSURE SECTION  
10'-0" x 10'-0"

10 ELECTRICAL EQUIPMENT  
10'-0" x 10'-0"

11 COLUMN SECTION & FENCE DETAIL  
10'-0" x 10'-0"

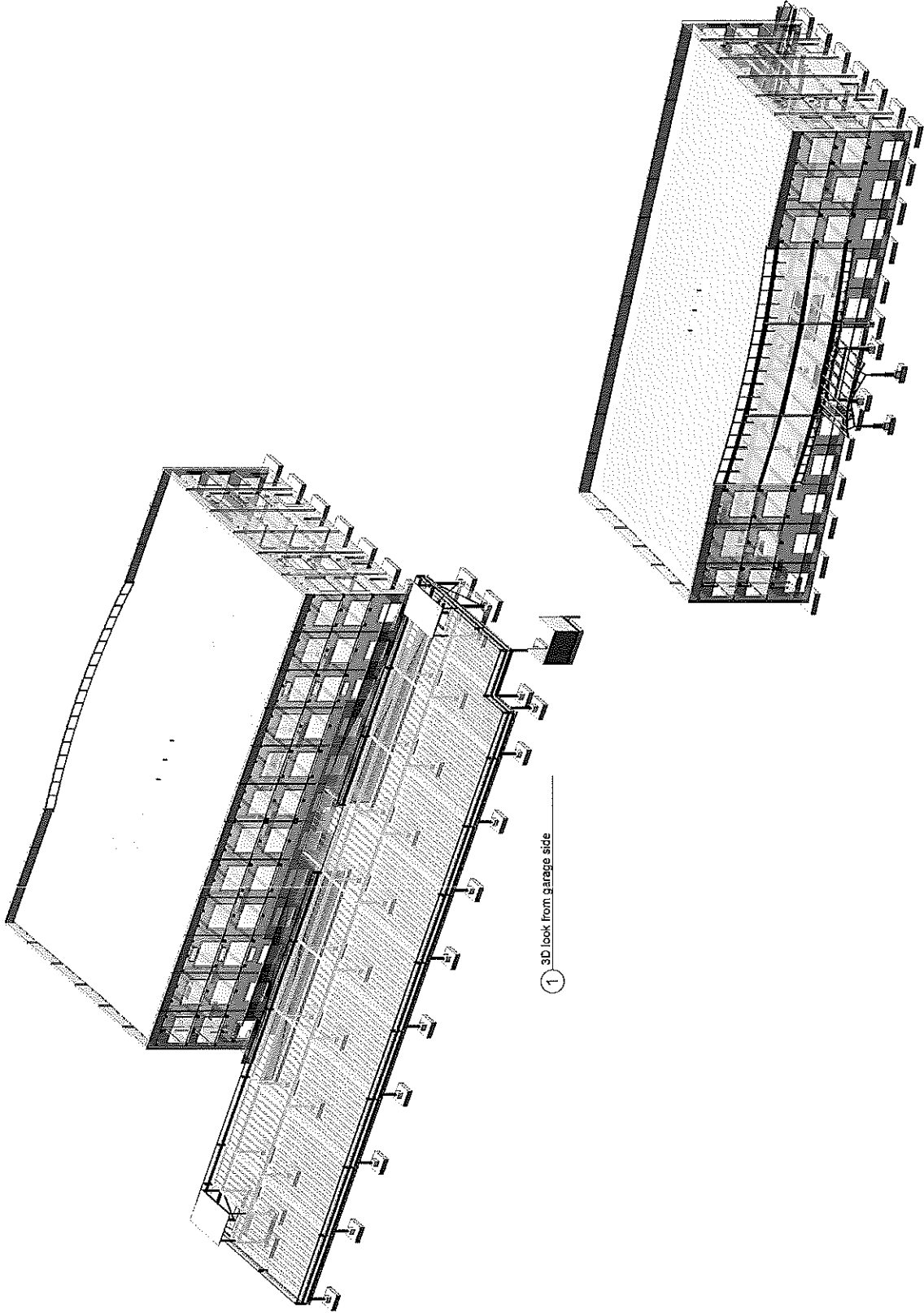
12 DOWNSPOUT @ PATIO  
10'-0" x 10'-0"

13 NOT USED  
10'-0" x 10'-0"

14 NOT USED  
10'-0" x 10'-0"

15 NOT USED  
10'-0" x 10'-0"

16 NOT USED  
10'-0" x 10'-0"



1 3D look from garage side

2 3D Look From the Building Side

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Aerial map with zoning overlay, City Engineer's memo; (P&amp;Z memo delivered at meeting)</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Consideration and possible action regarding a variance request for an 11-foot vegetative buffer instead of the required 25-foot buffer for the proposed Heritage III development.

**Description**

Section 78-162 of the Subdivision Ordinance requires a vegetative setback of at least 25-feet on Commercial property when it abuts Single-Family Residential property. The developer is requesting a variance from this requirement. Per the ordinance, the City Council itself authorizes variances to the Subdivision Ordinance after referring the item to the Planning & Zoning Commission and the City Engineer for their opinions of the request.

**Recommendation**

Consider the request and take action as appropriate on the item.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 3/5/20
City Administrator	Richard Tramm <i>RT</i>	Date: 3/5/20



1000079

# HERITAGE PLACE III SITE PLAN

GENERAL INFORMATION	
PROJECT	1000079
DATE	01
SCALE	1" = 30' (PLAN)
DATE	11/17/17

THE DOCUMENT IS RELEASED ON THE AUTHORITY OF THE ARCHITECT AND ENGINEER'S SIGNATURE AND SEAL.

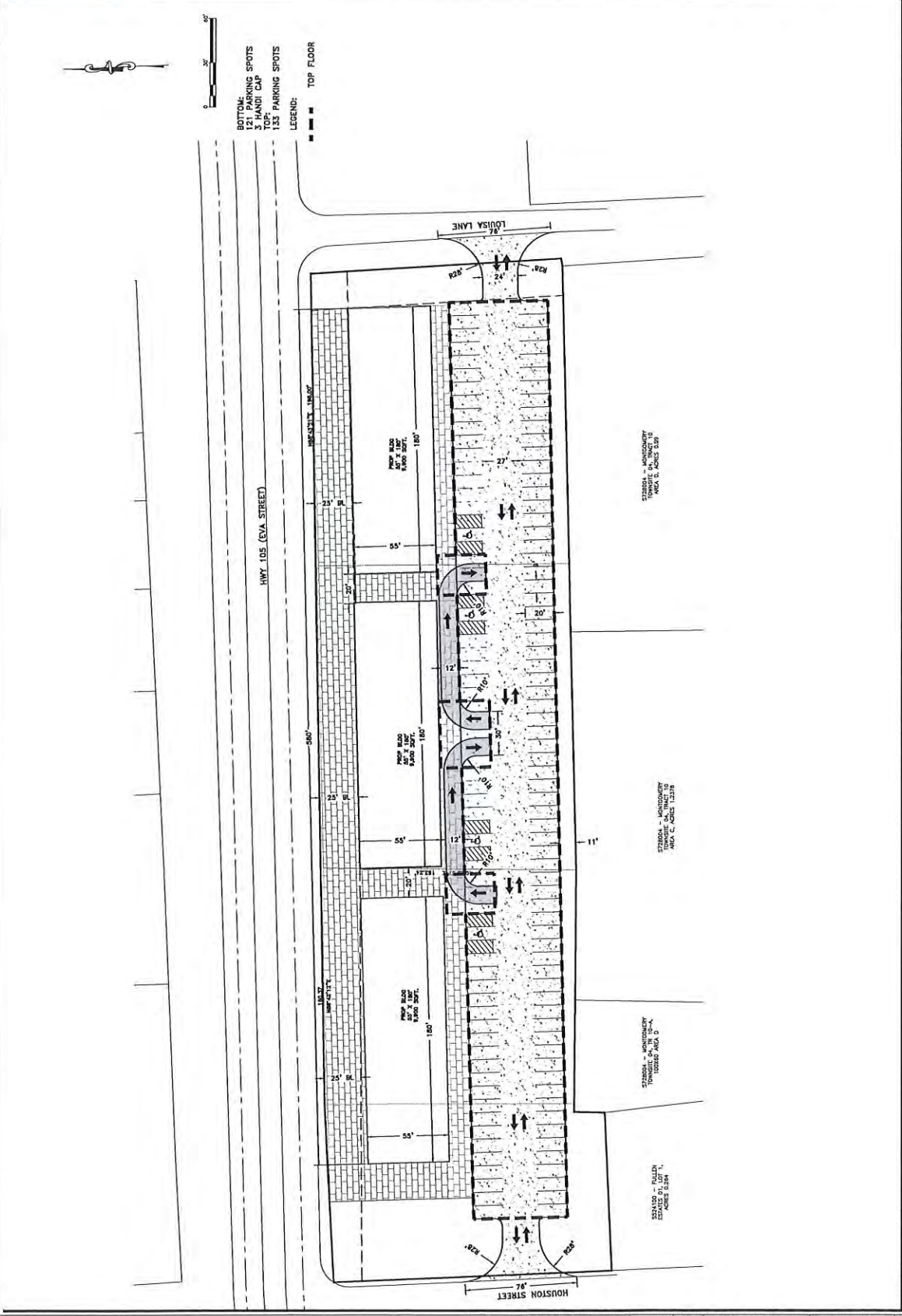
DATE: 11/17/17

PROJECT: 1000079

DATE: 01

SCALE: 1" = 30' (PLAN)

DATE: 11/17/17





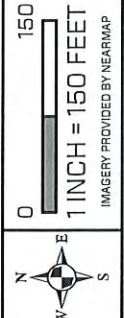
VICINITY MAP  
1 INCH = 5 MILES

LEGEND

- Property being Rezoned
  - MCAD Parcels
  - 200-ft Notification Boundan
- Zoning Classification**
- Commercial (B)
  - Industrial (D)
  - Institutional (I)
  - Multi-Family (R2)
  - Planned Development (PD)
  - Residential (R1)

HERITAGE III  
REZONING

CITY OF MONTGOMERY  
MONTGOMERY COUNTY, TEXAS



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JONES CARTER  
Texas Board of Professional Engineers Registration No. F-439





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The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

March 5, 2020

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

Re: Variance Request  
Heritage Place III (Dev. No. 2002)  
City of Montgomery

Dear Mayor and Council:

Heritage Place, Ltd ("the Developer") plans to proceed with construction of a new commercial development along SH-105. The Developer is requesting the following variances from the City's Code of Ordinances:

- Section 78-162 (a): The Code of Ordinances requires commercial developments to have a minimum 25' vegetative setback where they abut any single-family residential property. The Developer is requesting a variance to allow an 11' vegetative setback.
- Section 98-181 (a) (3): The Code of Ordinances requires commercial developments with a rear yard abutting an R-1 district to have a rear yard with a minimum depth of 25'. The Developer is requesting a variance to allow a 11' rear yard.
- Section 98-181 (a) (1): The Code of Ordinances requires commercial developments on major thoroughfares to have a front yard with a minimum depth of 35'. The Developer is requesting a variance to allow a 25' front yard.

Enclosed you will find a request for variance as submitted by the engineer for the development and a preliminary site plan. We offer no objection to the requested variances, contingent upon the following conditions:

- The Developer dedicate a 15' utility easement adjacent to the southern right-of-way of SH-105.
- The Developer dedicate a 10' strip of land for public right-of-way adjacent to the existing western right-of-way of Louisa Lane.
- The Developer provide a finish and screening on the rear of the parking garage where it abuts single-family property that is aesthetically pleasing. Proposed finish and screening must be reviewed and approved by the City of Montgomery Planning and Zoning Commission.
- The Developer provide access control to the upper level of the proposed parking garage to allow tenants only to have access after normal business hours (7:00 am to 6:00 pm, Monday-Friday).
- The Developer offer in writing to the neighboring single family property owners to plant a vegetative screen on their property within the 14' of the property line to offset the reduction in setback distance. Single family owners can decline in writing to relieve the Developer of this responsibility.





Approval of the requested variance does not constitute plan approval and only allows the Developer to further refine the proposed plat, site plans, which will require the full review and approval of the City. Additionally, the development still needs to go through the Utility and Economic Feasibility study process to determine if any improvements to existing infrastructure need to be considered.

If you have any questions or comments, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE  
Engineer for the City

CVR/ab

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2020\MEMO to P&Z RE Heritage Phase III Variance Requests.doc

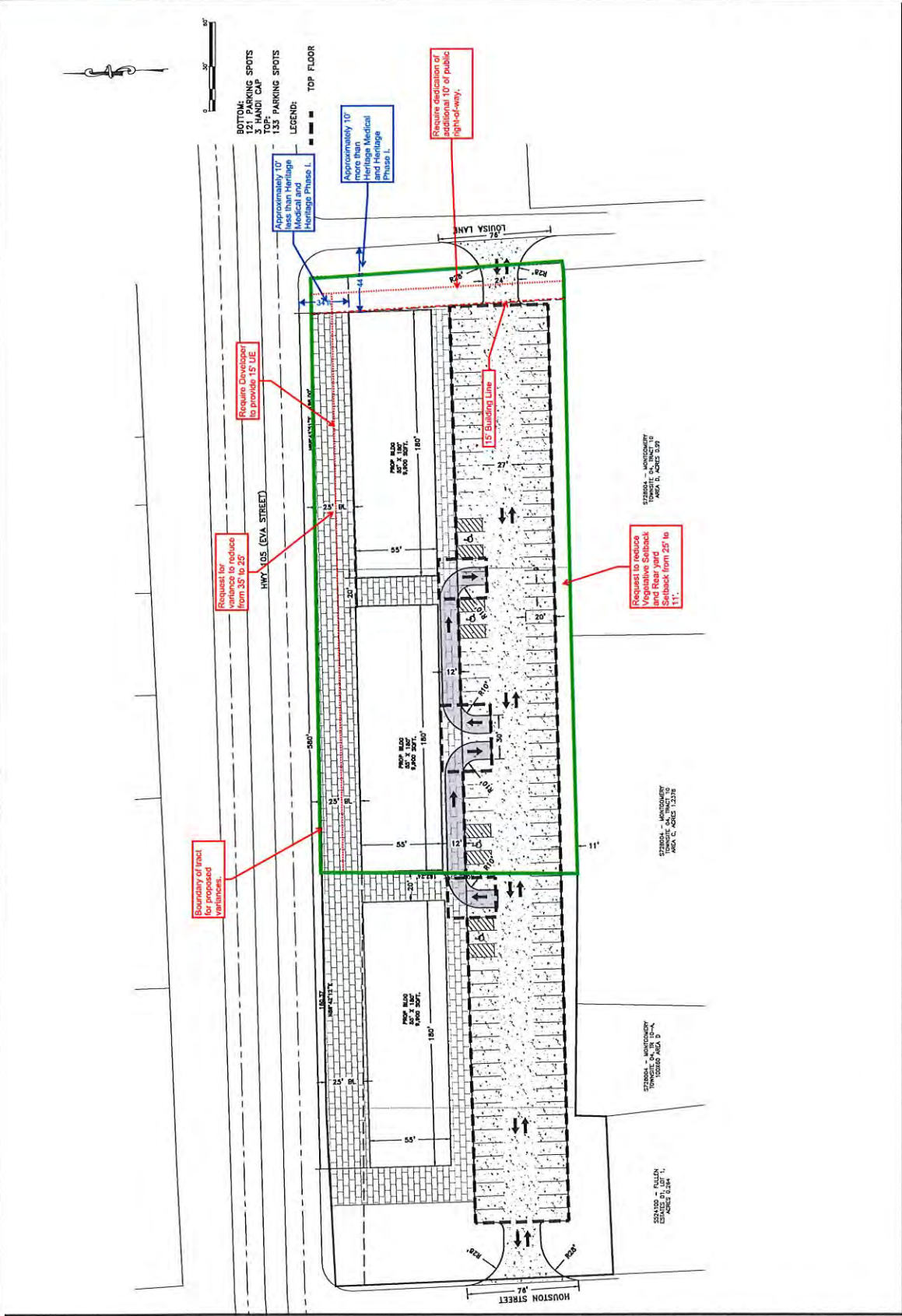
Enclosures: Variance and Recommendations Exhibit  
Heritage Place III – Variance Request

cc: The Honorable Mayor and City Council, City of Montgomery  
Mr. Richard Tramm – City of Montgomery, City Administrator  
Mr. Dave McCorquodale – City of Montgomery, Assistant City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney

# HERITAGE PLACE III SITE PLAN

DATE	10/06/19
PROJECT	HERITAGE PLACE III
OWNER	HERITAGE PLACE III
SCALE	1" = 30' (PLAN) 1" = 60' (ELEV)
SHEET	01

THIS DOCUMENT IS VALID ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. FOR REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION.



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Richard Tramm</b>	<b>Exhibits:</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Update on the Montgomery Music & Mudbugs Festival to be held on March 21, 2020.

**Description**

The Montgomery Music & Mudbugs Festival will be held on March 21, 2020 from 2:00 pm until 10:00 pm at Ransom's Steakhouse near the intersection of CB Stewart Drive and Clepper Street. The main entrance to the event will be on CB Stewart Drive and parking will be across the street from Ransom's Steakhouse. City police officers will provide security and traffic control as needed.

**Recommendation**

This item is presented as an update with no action recommended at this time.

**Approved By**

City Administrator	Richard Tramm <i>RT</i>	Date: 03/05/2020

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Proposed ordinance with exhibit</b>
<b>Date Prepared: March 5, 2020</b>	

**Subject**

Consideration and possible action regarding adoption of the following Ordinance:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR LOT 16, AREA D, MONTGOMERY TOWNSITE SECTION FOUR FROM "R-1" SINGLE-FAMILY AND "B" COMMERCIAL ZONING DISTRICTS, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

**Description**

The request is for the vacant lot with Pond Street frontage behind the Heritage Place building nearest to the Valero fueling station. The property currently lies equally in two zoning districts: B-Commercial on the eastern half and R1-Single-Family Residential on the western half. The owner has applied to rezone the entire property to B-Commercial and construct an additional surface parking lot to serve the Heritage Place development.

Adoption of the attached ordinance would change the zoning classification as described.

**Recommendation**

Consider the request and take action as appropriate on the item.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 3/5/20
City Administrator	Richard Tramm <i>RT</i>	Date: 3/5/20

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

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR LOT 16, AREA D, MONTGOMERY TOWNSITE SECTION FOUR FROM "R-1" SINGLE-FAMILY AND "B" COMMERCIAL ZONING DISTRICTS, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.**

**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 portion of the Property described in attached Exhibit "A," (the "Property") is currently zoned "R-1" (Single-Family) and "B" (Commercial) on the City's Official Zoning Map; and

**WHEREAS**, the Owners, Christian C and Mary Cheatham, have requested that the City Council rezone the Property as solely "B" Commercial as authorized by Section 98-30 of the CODE; and

**WHEREAS**, the Planning and Zoning Commission conducted two public hearings on the proposed zoning reclassification of the Property on February 24th, 2020; and March 3rd, 2020

**WHEREAS**, pursuant to Section 98-30(c) of the CODE, the City Planning and Zoning Commission has submitted a Final Report to the City Council in which it has voted to approve and recommend that the Property be reclassified as entirely "B" Commercial consistent with its proposed use; and

**WHEREAS**, a public hearing was also conducted on March 10, 2020 before the City Council, as authorized by Section 98-30(d) of the CODE, in order to consider the Final Report and the proposed amendment of the zoning classification of the Property to; 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 is not contrary to the interests of the citizens of the City that the Property should be entirely reclassified as "B" Commercial Zoning.

**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 entirety of the Property located behind the Heritage Place development as described in the attached Exhibit "A", is reclassified as B-Commercial.

**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 and publication.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020

---

Sara Countryman, Mayor

ATTEST:

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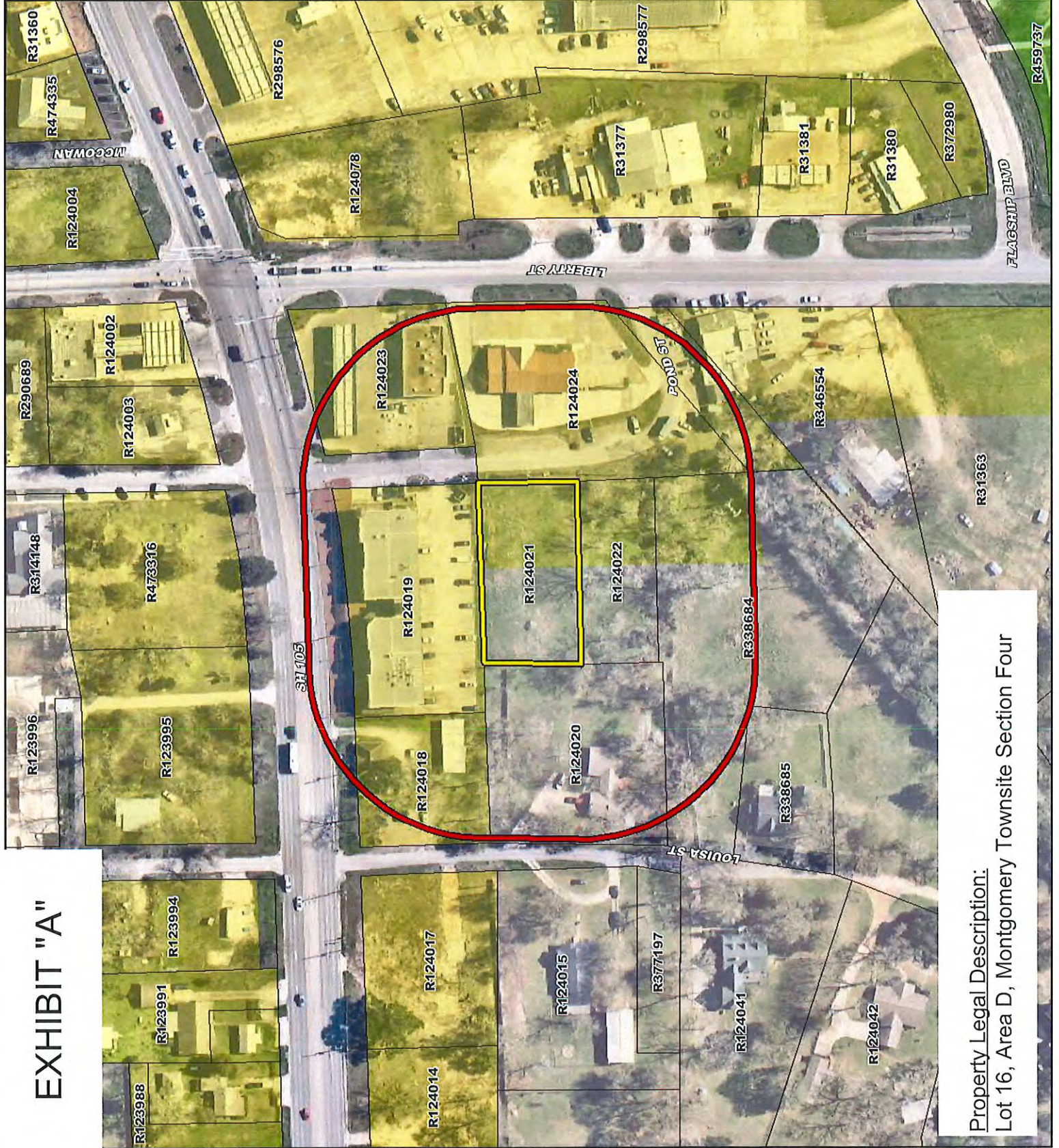
Susan Hensley, City Secretary

APPROVED AS TO FORM:

---

Alan P. Petrov, City Attorney

# EXHIBIT "A"



**Property Legal Description:**  
 Lot 16, Area D, Montgomery Townsite Section Four



**VICINITY MAP**  
 1 INCH = 5 MILES

### LEGEND

- Property being Rezoned
  - MCAD Parcels
  - 200-ft Notification Boundary
- Zoning Classification**
- Commercial (B)
  - Industrial (D)
  - Institutional (I)
  - Multi-Family R2
  - Planned Development (PD)
  - Residential (R1)

## HERITAGE PLACE PARKING REZONING

CITY OF MONTGOMERY  
 MONTGOMERY COUNTY, TEXAS



IMAGERY PROVIDED BY NEARMAP  
 Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones & Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.





Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: March 10, 2020</b>	<b>Budgeted Amount: \$112,000.00 (Mowing – General Fund)</b>
<b>Department: Public Works</b>	
<b>Prepared By: Mike Muckleroy</b>	<b>Exhibits: Bid tabulation summary</b>
<b>Date Prepared: March 3, 2020</b>	

<b>Subject</b>
<p>Consideration and possible action regarding the award of the contracts listed below and authorize the City Administrator to execute the contracts.</p> <ol style="list-style-type: none"> <li>1. Grounds Maintenance Mowing</li> <li>2. ROW Mowing and Lift Station Weed Control</li> </ol>

<b>Description</b>
<p>The City RFPs for “Grounds Maintenance” and “ROW Mowing and Lift Station Weed Control” were due on Friday, February 28, 2020. The Director of Public Works and Public Works Foreman reviewed the bids submitted. They also called to verify references and had a face to face meeting with Mr. Cody Skyvarna who owns Cody’s Lawn Service LLC. We received very good comments on the reference checks and Mr. Skyvarna is confident in his ability to complete a high-quality service for the City. He was the lowest out of six submittals on the “Grounds Maintenance” items and second out of three submittals on the “ROW Mowing and Lift Station Weed Control”. We have determined that Cody’s Lawn Service LLC is the best match for the City’s needs for mowing services. The total combined yearly price for the two contracts is \$109,140.00 which is below the yearly budgeted amount.</p>

<b>Recommendation</b>
<p>Authorize the City Administrator to execute the contract for “Grounds Maintenance” and the contract for “ROW Mowing and Lift Station Weed Control” to Cody’s Lawn Service LLC.</p>

<b>Approved By</b>		
Director of Public Works	Mike Muckleroy <i>MM</i>	Date: 03/03/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 03/03/2020

### Grounds Maintenance

<b>Company Name</b>	<b>Yearly Total Price</b>
Green Grows Express LLC	\$38,000.00
3 <sup>rd</sup> Day Creations	\$42,540.00
Cody's Lawn Service LLC	\$32,850.00
One Great Lawn LLC	\$119,900.00
Hauser Land Services	\$49,696.00
PVW Services	\$39,496.00

### ROW Mowing and Lift Station Weed Control

<b>Company Name</b>	<b>Yearly Total Price</b>
3 <sup>rd</sup> Day Creations	\$53,280.00
Cody's Lawn Service LLC	\$76,290.00
Hauser Land Services	\$79,500.06