

**NOTICE OF PUBLIC HEARING and REGULAR TELEPHONE/VIDEO  
CONFERENCE MEETING**

**February 9, 2021**

**MONTGOMERY CITY COUNCIL**

**STATE OF TEXAS**

**AGENDA**

**COUNTY OF MONTGOMERY**

**CITY OF MONTGOMERY**

**NOTICE TO THE PUBLIC IS HEREBY GIVEN** in accordance with the order of the Office of the Governor issued March 16, 2020, the Montgomery City Council will conduct a Public Hearing and Regular Meeting scheduled for **6:00 p.m. on Tuesday, February 9, 2021**, at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas via Zoom Teleconferencing.

This meeting will be closed to in-person attendance by the public. A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Telephonic and videoconferencing capabilities will be utilized to allow individuals to address the City Council. *Members of the public who wish to submit their written comments on a listed agenda item must submit their comments by email to [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us) by 3:00 p.m. on February 9, 2021.*

Members of the public are entitled to participate remotely via Zoom Teleconferencing. Citizens may join the Zoom Meeting by logging on at <https://us02web.zoom.us/j/89013928690> and using **Meeting ID: 890 1392 8690**. They may also join by calling (346) 248-7799 and entering the **Meeting ID: 890 1392 8690**. The Meeting Agenda Pack will be posted online at [www.montgomerytexas.gov](http://www.montgomerytexas.gov). The meeting will be recorded and uploaded to the City's website.

*Notice - any person(s) using profane, abusive or threatening language may result in them being removed from the Teleconference Meeting.*

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. 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.

**PUBLIC HEARING(S):**

**Convene into Public Hearing:**

1. **Public Hearing** - for the purpose of reviewing the need to continue City of Montgomery, Juvenile Curfew Ordinance 2018-03, Codified in Division 2 of Chapter 62 of the Code of Ordinances of the City of Montgomery, Texas in accordance with Section 370.002 of the Texas Local Government Code, and to determine whether the City shall abolish, continue or modify the ordinance.

2. **Adjourn Public Hearing**

**Convene into Regular Meeting**

**CONSENT AGENDA:**

3. Matters related to the approval of minutes of the January 26, Regular Meeting.

**CONSIDERATION AND POSSIBLE ACTION:**

4. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, RENEWING THE JUVENILE CURFEW ORDINANCE CODIFIED IN DIVISION 2 OF CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, IN ACCORDANCE WITH SECTION 370.002, OF THE TEXAS LOCAL GOVERNMENT CODE, AFTER A PUBLIC HEARING ON THE NEED TO CONTINUE THE ORDINANCE; CONTINUING THE JUVENILE CURFEW ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; DECLARING COMPLIANCE WITH TEXAS OPEN MEETINGS ACTS; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.
5. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY OF MONTGOMERY CODE OF ORDINANCES EXPANDING THE AREA AND TIME FOR ALLOWING THE PUBLIC TO WALK WITH ALCOHOLIC BEVERAGES IN A DEFINED AREA IN DOWNTOWN MONTGOMERY.
6. Consideration and possible action regarding approval of construction plans for Town Creek Crossing Section One.
7. Consideration and possible action on calling a Public Hearing for March 9, 2021, at 6:00 p.m. regarding a Special Use Permit Application by Cornerstone Community Church to request an "I"-Institutional land use in suites "K" and "L" of the Montgomery Trace Shopping Center, a "B"-Commercial Zoning District.
8. Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, DENYING THE PROPOSED RATES OF LDC, LLC FOR NATURAL GAS; DIRECTING THE CITY SECRETARY TO SEND A COPY OF THE RESOLUTION TO LDC; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.
9. Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SIGNORS ON CITY COUNCIL FOR ALL CITY OF MONTGOMERY BANKING ACCOUNTS.

**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.

**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 the 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**



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

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 5<sup>th</sup> day of February 2021 at 4:25 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: February 9, 2021</b>	<b>Budgeted Amount: N/A</b>
<b>Prepared By: Richard Tramm</b>	<b>Exhibits: N/A</b>

**Subject**

Conduct a Public Hearing for the purpose of reviewing and continuing City of Montgomery Juvenile Curfew Ordinance.

**Description**

The City is required to hold a hearing and review the Juvenile Curfew Ordinance every three (3) years. This hearing was called at the City Council Meeting of January 12, 2021 and notice was published in the Conroe Courier. This ordinance was last reviewed in 2018 and is due for review this year. Police Chief Anthony Solomon has reviewed the ordinance and is satisfied that it should be renewed in its current form.

**Recommendation**

Conduct the Public Hearing.

**Approved By**

City Administrator	Richard Tramm 	Date: 02/04/2021
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**MINUTES OF REGULAR TELEPHONE CONFERENCE/VIDEO MEETING**

**January 26, 2021**

**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

Mayor Sara Countryman declared a quorum was present and called the meeting to order at 6:01 p.m.

Present: Sara Countryman Mayor  
Carol Langley City Council Place # 1  
Kevin Lacy City Council Place # 2  
T.J. Wilkerson City Council Place # 3  
Julie Davis City Council Place # 4

Absent: Tom Cronin City Council Place # 5

Also Present: Richard Tramm City Administrator  
Dave McCorquodale Assistant City Administrator  
Susan Hensley City Secretary  
Alan Petrov City Attorney

**INVOCATION**

T.J. Wilkerson gave the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

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**CONSENT AGENDA:**

1. Matters related to the approval of minutes of the December 22, 2020, Special Meeting and January 12, 2021, Regular Meeting.

Julie Davis moved to approve the Consent Agenda as presented. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

**CONSIDERATION AND POSSIBLE ACTION:**

2. Consideration and possible action on Department Reports.

A. City Administrator's Report - Mr. Tramm presented his report to City Council. Mr. Tramm said since March of 2020 emergency changes resulting from the COVID-19 pandemic were implemented in the City and the emergency continues to this day. Mr. Tramm said he is very proud of how the entire staff of the City responded to these changes and continued to provide necessary services during this period. Mr. Tramm said he believes in some of the changes they have found ways to be more effective and will make those changes permanent even after the emergency period ends. Mr. Tramm said despite these difficulties, the City ended the year with a strong economy and an increase in both residential and commercial activity and is forging ahead in growth in many ways and laying a foundation for a strong and successful future. Mr. Tramm said in 2020 the City issued 11 new business certificates of occupancy representing approximately 20,000 square feet of new commercial space. Mr. Tramm said 75 certificates of occupancy were issued for new residential sites representing approximately 198,000 square feet of new living space, estimated 150,000 square feet were new single-family housing with the remainder being a combination of multi-family/mobile home housing. Mr. Tramm said as a result of the continuing development, 54 new utility accounts were added to the City of Montgomery's utility system.

Mr. Tramm said all City offices remain open for regularly scheduled hours and have remained that way through the bulk of the pandemic. Mr. Tramm said many of their planning meetings that previously took place with engineers and developers in person now take place via Zoom, Microsoft Teams, or other technology. Mr. Tramm said in a way he believes this to be much more effective and efficient in not being required to travel to and from those locations.

Mr. Tramm said in 2020 several long-term priorities were concluded. Mr. Tramm said the Home Grant was brought to a successful conclusion with four new homes built for qualifying

City residents. Mr. Tramm said the City's first Modern Comprehensive Plan was approved, a study was conducted to improve drainage on the northern 149-corridor, which will be followed up with improvements funded by the General Land Office, construction work for wastewater improvements was completed which allowed the Shoppes of Montgomery Development, including Chick-Fil-A, two additional construction projects were awarded in late 2020 and will work primarily towards increasing production and distribution capacity within the City's water system which is a very important component of preparing for future growth and development. Mr. Tramm said MEDC awarded a contract to move the City's downtown development and streetscape planning to the next level following the conceptual designs of the Texas A&M Landscape Architecture Students under the Texas Sea Grant program.

Mr. Tramm said he has finalized the names for the City's Parks Advisory Committee which will meet and work with the Public Works Director in a capacity similar to how the Technical Operations Review Committee works with the City Administrator. Mr. Tramm said he was pleased to say they had more people interested than spots available, so in addition to the five named members he has a couple of alternate names available should any of the original committee members drop off the committee or possibly other things will come forward later where they could use alternates in another capacity. Mr. Tramm said the initial appointees are Cheryl Fox, Shirley Nicholas, Amy Brown, Mike Neuman, and Don Carter.

Mr. Tramm said he is planning some vacation time in late March and April, as well as October, and will update City Council when his plans are in place. Mr. Tramm said he is also planning to attend city management training in March through Texas Municipal League and would encourage the new City Council members to coordinate with the City Secretary on elected officials training.

Mr. Tramm said a staff committee has completed interviews of engineering firms that came from the review of the Statements of Qualifications on the City Engineer Request for Qualifications posting. Mr. Tramm said they received submittals from seven firms and interviewed five firms. Mr. Tramm said there was a high level of competition between those firms and ultimately after a staff review committee and a large amount of internal discussion, his recommendation is they continue to retain the services of Jones & Carter. Mr. Tramm said he knows he has stated to City Council that he believes there have been some issues about the relationship between Jones & Carter, City Council, and staff. Mr. Tramm said after meeting with both staff and Jones & Carter, he believes they forged a few pathways to improve those

relationships and have a path forward to have both a better relationship and operations from the engineer more along the lines of modernizing the way that will work with City Hall. Mr. Tramm said City Hall has changed in recent years which has led to a decrease in some of the engineering expenses as staff has picked some of those items up, primarily with the Public Works Director and the Director of Development. Mr. Tramm said they will continue to look for ways to optimize their value with the engineer as well as be able to perform additional tasks that are in-house.

Julie Davis asked if they rebid engineer firms every year or two. Mr. Tramm said there is not a firm City policy and that is one thing that he noted some time after he started working for the City. Mr. Tramm said one of his directions from City Council was to advertise and review all the City services. Mr. Tramm said his recommendation would be to consider doing that every three years.

Julie Davis asked if Mr. Tramm felt with the City issues that are known if he feels comfortable enough to still say let us recommend them for another three years. Mr. Tramm said he does feel comfortable making that recommendation and if he feels they do not live up to it, he will then feel comfortable coming back to City Council and explaining what he thought was his best recommendation at the time. Julie Davis said she was curious if they had to come back to this a year from now could they start with their second runner up versus having to do the whole process again. Mayor Countryman said they are in the middle of a lot of big projects and if they were to swap in a year, hopefully, they can work through some of the issues, but to start over when the learning curve for a new engineering firm is not like they would know everything within a month, it takes more like 12-16 months. Mayor Countryman said great communication, strong partnership, and transparency is what the City is asking for. Mayor Countryman said she has full confidence in what Mr. Tramm stated the City is needing moving forward and she is on board with his recommendation. Mr. Tramm said one of the items they will be changing is to conduct quarterly meetings that will include two people from the elected body, the Mayor and Council and may rotate that around from period to period to be in on some of the performance meetings with them so they can have some additional participation from Council and thinks that will help strengthen the relationship. Mr. Tramm said his goal would be to rotate Council through the course of the year and understands Council has individual schedules and some of you may participate more than others and if that happens he would be happy to communicate with the Council member and take his/her questions into those meetings.



Mr. Tramm said if they had to go back on the recommendation, he would work with the City Attorney as to what the proper procedure would be. Mr. Tramm said he does not anticipate that would be a problem, but if there has been a problem in the past, they will be cognizant of the need to be sure they do not have a problem in the future. Mr. Tramm said if it is not better in the short-term, he is not going to let it go to the long-term.

- B. Public Works Report – Mr. Tramm presented the Public Works Report to City Council. Mr. Tramm said the flower bed on Eva Street was rebuilt at the welcome sign and seven “Birthplace of the Texas Flag” signs were mounted throughout the downtown area on the back of stop signs.

Mr. Tramm said Public Works participated in Light Up the Park and parade events. Mr. Tramm said they are one of those groups that because they primarily work in the background they do not necessarily get the high-profile notice, but we could not adequately conduct these events without Public Works.

- C. Police Department Report – Mr. Tramm presented the Police Department Report to City Council. Mr. Tramm said both monthly and annual information is provided within the report. Mr. Tramm said the report covers safety and education programs, the flood and high-water rescue planning the department has in place and the high-water rescue vehicles procured and available here at City Hall should an emergency occur. Mr. Tramm said the report also includes planning activities and annual reporting statistics.

- D. Court Department Report – Mr. Tramm presented the Court Report to City Council. Mr. Tramm said collections have increased in recent months. Mr. Tramm said after the longest delays of resuming full activities in City Hall, the Court is back working as close to a full schedule as possible. Mr. Tramm said they have one of the more difficult positions in terms of dealing with COVID-19 because of the number of people they bring in within a short period of time.

Mr. Tramm said as he complimented earlier all of his department heads and the full City staff, he has seen Mrs. Kimberly Duckett put her mind to task trying to make this work.

- E. Utility/Development Report – Mr. Tramm presented the Utility/Development Report to City Council. Mr. Tramm said he wanted to point out the escrow amount is for the Kammerer

Feasibility Study. Mr. Tramm said the number of arrears has significantly declined and is something they are monitoring month-to-month.

- F. Water Report – Mr. Michael Williams, Vice President of H2O Innovation presented his report to City Council. Mr. Williams said the majority of the district alerts were due to power failures except for a leak found near City Hall, which was due to an improperly used fire hydrant meter. Mr. Williams said there was a pump failure on December 2, 2020.

Mr. Williams mentioned the chlorine issue they had toward the end of last month. Mr. Williams said they found a bad solenoid valve at the water plant which feeds the chlorine gas into the water and in the time the well had turned off and the regulator had not shut off, the time they found it the following day it had fed 140 pounds of chlorine which produced an uncomfortable taste and smell. Mr. Williams said they were able to isolate areas of the City and flush that water out. Mr. Williams said there are no outstanding issues with the plant, but that piece of equipment has been replaced.

Mr. Williams said flow for December regarding the wastewater plant flow detail was 5,234,000 gallons, daily peak flow on November 29, 2020, was 427,000 gallons, and the daily average flow was 174,000 gallons which were 44% of permitted capacity. Mr. Williams said for December 2020 all samples complied with the discharge limitations and effluent report and 9.75 inches of rainfall was recorded for the month.

Mr. Williams said they pumped a total of 8,858,000 gallons of water, flushed 304,000 gallons, and sold a total of 7,991,000 gallons bringing the total to 94% accountability. Mr. Williams said the total number of connections was 995.

Mr. Williams said the groundwater production chart shows a 13-month history as well as the water accountability chart.

Julie Davis asked Mr. Tramm if there is some type of City call out if something like the chlorine issue were to happen again or other issues to notify the end-user, so we do not have as many issues. Mr. Tramm said at the moment the best way to do something like that would be to post an announcement through Facebook. Mr. Tramm said in this particular case something like that would have been problematic because it affected different parts of the City in different ways so the appropriate action for one part of the City was not necessarily the same

thing for a different part of the City. Mr. Tramm said how to be able to make that notification better is something they have been discussing and they are looking into some options to be more responsive in the future. Mr. Tramm said this was a very unusual item that occurred and has seen it a couple of times before in his 30-year career, but it does not mean they may not have something else in the future that might also need some notification. Julie Davis said she heard some complaints from restaurant owners because the City water feeds their soda machines and it caused significant issues in their business. Mr. Tramm said he can appreciate that, and he talked to a couple of them about it as well. Mr. Tramm said in those particular situations he did not believe it was the chlorine that was the issue but the City's response to the chlorine was to flush out the lines and because of the high volume of flushing he believes it scoured off the mineral sediment that adheres to the interior walls of the water lines and that created a discoloration issue, but sediment flowed through and he thinks that is what caused those issues. Mr. Tramm said regardless, it was an issue and there were end-user issues as well which they need to be responsive to.

- G. Financial Report – Mr. Anthony Lasky, Senior Accounting Clerk, presented his report to City Council. Mr. Lasky said there is a total of seven and a half months reserve in the General Fund, a little under 20 months reserve in the MEDC fund primarily due to the loan, which was taken care of in December, and under a year's reserve in the Utility Fund.

Mr. Lasky said for the cash flows he combined November and December lumped in for each fund and the only thing he did separate in the report was the budget, which he did separate for November and December.

Mr. Lasky said for November sales tax there was \$416,557.44 collected and December was \$229,773.80. Mr. Lasky said two other larger items were the offset of the \$301,000 that was paid back in October for the home grants and that money came in along with the \$29,805 which is the 10 percent retainage for three of the four home grants. Mr. Lasky said the City received \$146,697.65 in tax revenue and \$285,312.69 for December and this being one of the bigger months they will receive ad valorem tax along with next month that number will increase and by February that number will begin to lower again. Mr. Lasky said the only expenditure would be the \$29,805, which was the ten percent retainage for the Home Grant RM Quality Construction.

Mr. Lasky said some of the budgets on the General Fund are a little over in December, such as the personnel budget because there were three pay periods in December instead of the normal two pay periods.

Mr. Lasky said there were a couple of items in the Utility Fund at the end of the report, yearly permits, and licenses with TCEQ and Lonestar Groundwater Conservation District which is the reason why it is higher on account #26326. Mr. Lasky said account #26901 is mostly the quarterly generator preventative maintenance, which was around \$5,500, and lift station pumps were added to lift station #14 for around \$15,000.

Kevin Lacy asked if Council members need to sign anything regarding the checking account. Mr. Lasky said when the bank cards come in Ms. Hensley will contact Council members to come in and sign.

Mayor Countryman asked if \$416,557 in taxes collected in November was the largest tax collection month-to-date. Mr. Lasky said that is the largest he had ever seen collected. Mr. Tramm said it helps that it was a quarterly month, but it was a large collection for the City.

H. Engineer's Report – Mr. Chris Roznovsky, City Engineer, presented his report to City Council.

Mr. Roznovsky said he wanted to thank the City and looks forward to continuing to work with and grow the relationship and get things accomplished for the City.

Mr. Roznovsky said they are still working on the Baja Road Water and Drainage Improvements Project with the State and have a call scheduled with GrantWorks for next week to discuss getting the final payout on those two projects.

Mr. Roznovsky said the Downtown Waterline Replacement Project is underway and will begin installing the pipe today in front of Cedar Brake Park. Mr. Roznovsky said that project goes all the way from Cedar Brake Park, down SH 105, up Pond Street, and in front of Jim's Hardware which is replacing the existing six and eight-inch waterlines with a 12-inch waterline that will drastically improve pressures and flows, especially to the west side of the City.

Mr. Roznovsky said Water Plant No. 3 Improvements contracts are still underway and with it being the Texas Water Development Board (TWDB) things take a bit longer, however, the contractor is also working on his submittals while that is going on.

Mr. Roznovsky said with the GLO Projects they have GrantWorks to go through and minimal clearances this coming week so that can continue to progress for those three projects included in the GLO.

Mr. Roznovsky said they had a meeting with the contractor regarding Lift Station No. 1 earlier this month with staff to talk about the damages discussed previously and will be scheduling a follow-up meeting with them to close out the project.

Mr. Roznovsky said there are a couple of updates in plan reviews since this report went out. Mr. Roznovsky said they returned comments to Town Creek Crossing last week and received them back earlier this afternoon. Mr. Roznovsky said their goal is to get those reviews complete and present them to Planning and Zoning next week and follow up with Council the week after so they will have approvals to begin construction of their project.

Mr. Roznovsky said they approved the minor plat today for Moon Over Montgomery, so it was signed and is in the process of being recorded and expects they will be ready for approval soon.

Mr. Roznovsky said regarding the ongoing construction of Hills of Town Creek Section 4, the majority of the underground utilities have been completed and have begun to work on paving.

Mr. Roznovsky said they did have the one-year warranty inspection for the Atkins Creek Water and Sewer Line Project today and there are some small items the contractor is going to address, but overall, it is in good shape. Mr. Roznovsky said the other outstanding warranty inspections are Hills of Town Creek and Emma's Way and are items to do with street paving. Mr. Roznovsky said the contractor working on Hills of Town Creek Section 4 is going to be addressing those items as he gets to the paving part of the project and hopefully within the next month Hills of Town Creek Section 4, Section 3, and Emma's Way will be completed.

Mr. Roznovsky said TxDOT installed the rip-rap in the bottom of the creek at FM 149 today. Mr. Roznovsky said they sent him a follow-up to take a look and see if he had anything to

change and he will be going to view it this week and get back to them if any final adjustments are needed.

Mr. Roznovsky said they had a recent flurry of activity on the TxDOT/Atkins Creek Repair Project. Mr. Roznovsky said a couple of months ago they reported that according to TxDOT there was no funding until 2026. Mr. Roznovsky advised TxDOT recently started reaching back out and wanting to move forward sooner. Mr. Roznovsky said there has been a renewed interest on TxDOT's front. Mayor Countryman asked if that was because they are widening FM 1097. Mr. Roznovsky said he does not know if that is it or the repair that they made has started to fail a little bit, it is still holding up, but it is not the way it was, and thinks it is a combination of the two. Mr. Roznovsky said he exchanged emails with TxDOT earlier today trying to get clarification and he expects to have a call from them within the next week.

Mayor Countryman asked about the FM 149 and SH 105 right turn lane and if the project is scheduled to be let in in 2021. Mr. Roznovsky said their bid schedule was July/August for the project and then move forward with construction after that. Mr. Roznovsky said he thinks it would probably be middle or late fall by the time they get through the contracts and everything on their side and then get the project constructed.

Kevin Lacy moved to accept the Departmental Reports as presented. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

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

AN ORDINANCE OF THE CITY COUNCIL OF MONTGOMERY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2021; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

Mr. Tramm said the adoption of this ordinance is required for the Lawton Law Firm to represent the City of Montgomery and other participating cities before the PUC. Mr.

Tramm said participation with this coalition of cities does not directly cost the City money, attorney fees are ultimately paid by Entergy. Mr. Tramm said Lawton Law Firm has represented the City several years in the past in this annual matter along with approximately 40 other city clients in this coalition.

Mr. Tramm said the City Attorney can answer questions on this and he would like to point out that Ms. Brittany Chandler with Entergy is also here and can speak to this matter.

Ms. Chandler said this is a program they are working on and right now they only have one pilot out there and it is for a natural gas generator. Ms. Chandler said Mr. Brian Garcia from Entergy was also attending the meeting tonight. Ms. Chandler said any customer that has natural gas nearby that is a non-residential customer could come to them and they could do a study if this goes through and look at getting them backup generation. Ms. Chandler said what that would look like is upfront, Entergy would share the cost of what that total cost of installing that natural gas generator would be and the benefit to the customer will be that they will not pay the full cost of the generator upfront and it will be spread out over up to 20 years. Ms. Chandler said they will also have the backup generator when needed and when they are not using that generator the benefit to Entergy and the consumers as well are that they can flip a switch and turn it on and bring generation back onto the system. Ms. Chandler said they are asking for approval to deny tonight so they can send it up to the Commission and get it reviewed. Mr. Petrov, City Attorney said they asked for denial because every city has original jurisdiction and so instead of having to get decisions through the administrative process through multiple cities they ask it all to be denied and it goes to the PUC where they can make their case at one location.

Mayor Countryman asked how the pilot is going and how many people are participating. Ms. Chandler said everything is going good so far and they have one customer that is an HEB store so for them that is a great example in that if they did have a major event or storm they could flip the switch and turn them on with the generator and then on another day that is a lot of usage and is a large generator that they can feed it back into the system. Ms. Chandler said they have had a lot of interest in the program and this is something they have been looking for ways to partner with their customers and bring them new products

and services. Mr. Garcia said he was part of the team that launched the pilot and there have been multiple instances where the generator has been deployed and has been put into the system and every time it does that it is a benefit for all customers, residential, commercial, or otherwise. Mr. Garcia said there was a storm a while back and when there were some issues with providing power, HEB was on and did not go off because of that generator. Mr. Garcia said it has a seven-second switch over, so they did not lose any of the perishables. Mr. Garcia said it is something that has worked out well, the mechanics of it and the actual technical specs of it have gone very well and HEB is very happy with it so they are excited to present it to more customers. Ms. Chandler said the proposal is they can put up to 75 megawatts back onto the grid and one megawatt is about 200 homes and just thinking about what kind of load that could potentially be for their customers in times of need, it could be really good for everyone.

Julie Davis moved to adopt the Ordinance as presented. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding acceptance of a Utility and Economic Feasibility Study for Devpoint, LLC on the 389-ac Kammerer Tract (Dev. No 2006).

Mr. Tramm said City Council authorized this study on December 8, 2020. Mr. Tramm said it is important to note that acceptance of the study does not bind the City to any future actions, nor does it indicate the desire of City Council to support the project. Mr. Tramm said acceptance of the study means that City Council believes the information is accurate in the report and the engineers performed the task City Council authorized them to do.

Mr. Justin Hood, Partner with Grace Point Homes was present and addressed City Council giving a brief description of their development. Mr. Hood stated Grace Point has been building in Montgomery County since 2007 and has developed several neighborhoods within Montgomery County. Mr. Hood said their largest development is Stillwater which is located near Jones State Forest at FM 1488 Road and I-45. Mr. Hood said they are actively building in Magnolia Reserve which is located on FM 149 north of FM 1488



where models are open in both communities. Mr. Hood said his partner Mr. Tom Cox Jr. is a native to Montgomery County, and he has lived in the area for 26 years.

Mr. Hood said they are looking for land they can develop to play on what they have seen to be successful and attractive to homeowners in Stillwater which is having water features as amenities and offering larger home sizes that continued into Magnolia Reserve which have half-acre lots. Mr. Hood said with the Kammerer development, their goal is to keep the country feel of the community and offering the larger lots where some will be over a half-acre and most will be either 85' x 170' or 110' x 200'. Mr. Hood said typically what they have seen in other markets the lot size is a lot smaller. Mr. Hood said they want to be able to offer the larger lot but also the convenience of having utilities, central water, and sewer without having to rely on an aerobic system. Mr. Hood said they have also discussed creating a MUD in the City to service those and also maintain the ponds and the detention and maintain the appearances. Mr. Hood said they are trying to focus on the amenities being natural and hopefully they will be able to maintain and improve the lakes in the community with fishing and build docks as the main features.

Mayor Countryman said looking at the price point of these homes and then the proximity of the railroad, does Mr. Hood find that to be a concern. Mr. Hood said it has not slowed down sales. Mr. Hood said it seems like everyone wants off their postage stamp lot and want to be out in the country and even further out. Mr. Hood said the demand is amazing.

Mr. Roznovsky presented highlights from the Utility and Economic Study to City Council. Mr. Roznovsky said this development from a size and location perspective is different from what the City has seen. Mr. Roznovsky said the land plan is still in the beginning stages but will be somewhere between 485-515 homes on third or half-acre homesites. Mr. Roznovsky said the build-out period is approximately six years with an average home price of \$500,000.

Mr. Roznovsky said water is one of the biggest issues because of the location of the tract in comparison to the rest of the City facilities and water plants, etc. Mr. Roznovsky said it is currently located in the Dobbin-Plantersville Water Supply Company CCN service

area. Mr. Roznovsky said the developer intends to obtain water service from the City and will need to obtain approval from the Public Utility Commission to decertify the tract from the CCN boundaries to receive water service from the City.

Mr. Roznovsky said with the current projects going on, the City drastically increased the number of connections allowed up from 875 to 2,500 based on TCEQ rules. Mr. Roznovsky said they plugged their development into everything else going on and the City has enough connection count to provide them what they need. Mr. Roznovsky said the other part is the capacity of what can be pumped out. Mr. Roznovsky said when you just look at average daily flows using the TCEQ rules you still have until the 2023-2024 timeline. Mr. Roznovsky said around that time they are also going to be getting close to making connection count and will need to plan water facility upgrades.

Mr. Roznovsky said 355,000 gallons is the City's average daily flow for the past 12 months and is steadily increasing over time. Mr. Roznovsky said if you take everything you have committed today, all of the developments that are already ongoing, you are at 700,000 gallons a day at full build-out.

Mr. Roznovsky said the tract's water capacity is approximately 155,000 gallons a day and by adding this on, you are around 150% of the 568,000 capacity but the only difference here is they are talking booster pumps. Mr. Roznovsky said adding pump and capacity or some type of water plant or improved water plants closer to this tract is what is going to give them the most benefit to serve this area of town. Mr. Roznovsky said when the main water plant is on FM 1097 by Plez Morgan, that water is mostly being produced out of there and has to go all the way across town to get to the development and that is the biggest hurdle regarding this property. Mr. Roznovsky said they plugged this into the water model, and they updated the water model that was built a few years ago to show conditions today and plugged in this development and also the fully developed condition of all the other existing developments to see how it is going to react and what kind of problems the model would predict. Mr. Roznovsky said what they found is some improvements are needed to be able to meet the maximum peak day flows for this property. Mr. Roznovsky said average daily flows can be covered, fire flows can be covered but there is a series of

improvements that need to be done to provide that two and a half times the normal flow peak.

Mr. Roznovsky said there is an existing water line off of Old Plantersville Road and looping back down Old Plantersville Road and Old Dobbin-Plantersville to SH 105 is recommended for the first phase of their development and in talking with the developer they have switched the location of their first phase so there are some ways to work around it.

Mr. Roznovsky said regarding the 2025 flow there is a handful of improvements that are needed, and they came up with 17 different options of projects to put together and each one of those you can take all 17 and do one with two or one with four as there are infinite ways to look at it. Mr. Roznovsky said the shortlist they came down to of things that are either underway or relatively low hanging fruit were these three items that could be done to make sure they can meet the 2025 demand as it is. Mr. Roznovsky said those are the East Lone Star Parkway Waterline Loop which is being constructed as part of the Town Creek Crossing development as the first phase is going in and the next phase will take it further which is already underway, a short Waterline Loop on Plez Morgan at Lone Star Parkway that is something potentially Public Works can do in-house, and another short Waterline Extension coming out of the back of Water Plant No. 3 to Plez Morgan. Mr. Roznovsky said their whole goal is to try to get larger lines with a shorter distance to this development. Mr. Roznovsky said they did do a very brief model of plugging in a water well and an elevated storage tank at the future site and when they did that the system worked, there were no pressure or flow issues that they saw with the rest of it and that was with the water plant without the rest of the utility extensions. Mr. Roznovsky said the City has options. Mr. Roznovsky said this development does not necessarily change the plan, it just changes the timeline and implementation of that plan.

Mr. Roznovsky said from the sanitary perspective they are going to provide lift stations on their site and those lift stations will then pump off their site into the existing collection system of the City. Mr. Roznovsky said they evaluated two alternatives as one was going up Old Dobbins-Plantersville by the high school and discharging and then the other one

was going down Old Plantersville and discharging near Rankin Road. Mr. Roznovsky said their recommendation is the Rankin Road option because where it would discharge at Old Dobbins-Plantersville it would go into Lift Station No. 5 which would put it over its capacity and there would be requirements to upgrade that lift station, as well as multiple pumpings to get it to the plant that going the other route would save.

Mr. Roznovsky said regarding capacity, it is the same story they have been discussing for the past few years, and right now they are still well below 50 percent of their capacity and this month is at 44 percent of the capacity at the plants being used, but just like the water side is that as everything continues to build out you start using up that capacity. Mr. Roznovsky said based on everything that is going on today, the City is at around 434,000 gallons a day and with this development, it is around 538,000 gallons a day. Mr. Roznovsky said they need to pick up those previous water and sewer plans, review them and get them back up to date and start moving forward.

Mr. Roznovsky said the timeline has changed a little bit as this development is a significant driver. Mr. Roznovsky said they expect to hit the 75 percent rule around 2023 and the 90 percent rule in 2024.

Mr. Roznovsky said regarding the lift stations they would put on their site, one of the requirements of the City would be that they work with the developer to locate but as far as the depth and final sizing of those utilities that they are set up to allow the City to extend in the future to be able to provide service both to Womack Cemetery and Old Plantersville as well as on the north side of Old Dobbins-Plantersville Road. Mr. Roznovsky said the final design and sizing of those will all be dependent on where their land plan will be able to locate those lift stations and that will be worked out through the design process. Mr. Roznovsky said the goal is to be able to minimize the number of lift stations the City has so they are not continuously pumping.

Mr. Roznovsky said one really good thing is this development is in the Lake Creek Watershed versus Town Creek or Stewart Creek so existing problems the City has with drainage on the north side and through the middle of town, this development does not

affect it as it all flows south into Lake Creek. Mr. Roznovsky said they would still have to go through the same process, conduct a drainage study, come up with engineering plans and approvals to meet the requirements.

Mr. Roznovsky said traffic and transportation is the second biggest item. Mr. Roznovsky said this is a large development and they are looking at around 4,700 trips per day when they plugged it into their trip generation model based on statistics. Mr. Roznovsky said the traffic would all come out on three entrances and exits they currently have planned, two on Old Plantersville and one onto Spring Branch Road. Mr. Roznovsky said Spring Branch Road would be an additional phase in the development. Mr. Roznovsky said that is a lot of traffic and they all know the condition on Old Plantersville Road today. Mr. Roznovsky said that is a County road so one of the next steps they discussed with the developer is getting a meeting set up with the County Commissioner to start discussing some of these items and concepts as well as the improvements of these roads that are currently County roads, as well as the changes to the Thoroughfare Plan.

Mr. Roznovsky said the existing Thoroughfare Plan was put together when the City did the joint venture with Precinct 1 and Precinct 2, which was based on the County's plan and edited to better fit the City. Mr. Roznovsky said the southern loop of Lone Star Parkway cuts right through the middle of the property and then there is a second road that heads north and connects with this loop at the same time. Mr. Roznovsky said there is one major road and one minor road that goes through the middle of the property that was not ideal from a single-family development standpoint. Mr. Roznovsky said the thoroughfares are to give a general location, it could be a quarter-mile each way easily and what they tried to do is find a way to still get the road network in to meet the needs of the City and project the future needs of the City and the area, as well as working with and through the development to reach that goal.

Mr. Roznovsky said what they are proposing is the south loop of Lone Star Parkway continues south past this property, which would essentially replace the red north/south road and that would continue down south and back over to FM 149. Mr. Roznovsky said the east/west part of the loop would be split as they would take one and move it to the

north side of the property along the existing Old Plantersville Road and the second one there was an existing road south of this property and moving that north to compensate for space in between them for additional connection between Spring Branch Road and FM 149.

Mr. Roznovsky said realignment of the intersection by the MISD property will improve mobility. Mr. Roznovsky said this will then allow easier traffic flow from east to west which is what the south loop of the Parkway was doing in this location and additionally since this started the developer has relooked at his land plan and there is a potential they would relocate their entrance to line up with this Old Dobbin-Plantersville Road and that would be the main in and out road for the development which would be a straight shot back to SH 105 or to Spring Branch or back into the City. Mr. Roznovsky said the developer would be required to dedicate right-of-way along here to be able to construct roads in the future and then meeting with the County to determine, since it is not a City road as of today, what type of improvements are going to be needed and how will those roads be completed. Mr. Roznovsky said is it a joint effort with the County and the developer, and who will ultimately take over the ownership of those roads if they are turned over to the City. Mr. Roznovsky said Montgomery County is currently going through their Thoroughfare Plan update and trying to wrap up for approval this summer though it is taking this plan and any other changes the City has and meeting with them to make sure the City's wants, needs, and projections are included in their plan as well because they do co-align.

Mr. Roznovsky said one more road to mention is Womack Cemetery Road, running from SH 105 continuing south, potentially halfway between Spring Branch Road and FM 149. Mr. Roznovsky said that is a proposed thoroughfare and is a 100-foot-wide right-of-way that would ultimately be a four-lane divided highway and that is on the County's Thoroughfare Plan as well. Mr. Roznovsky said this is well into the future and there is the potential in the future with the railroad tracks that could be an elevated crossing depending on railroad rules of the time, safety of the intersection, as there is a lot of things that could happen between now and the time this road gets constructed. Mr. Roznovsky said there is a possibility of this because the railroad does not prefer to have multiple at-grade crossings

of the railroad track, especially in a short distance. Mr. Roznovsky said there are a lot of changes that still achieve the City's goals but are different from the kind of plan they have thought about especially from a conceptual level.

Kevin Lacy asked at what point are things going to get started with plans getting finalized. Mr. Roznovsky said the timeline for the first lots would be the first part of 2022 if everything moves very quickly and there are a lot of steps between now and then of things aligning. Mr. Hood said it would probably be mid to late 2022. Kevin Lacy asked if it would then continue for six years after that. Mr. Hood said with the development you could include that in the timeline. Mr. Roznovsky said as far as the roads go a lot of the roads today are about the right-of-way acquisition, the things that would likely get constructed sooner rather than later, and the realignment of the Old Dobbin-Plantersville, Old Plantersville Road intersection as well as any immediate improvements to Old Plantersville Road as it heads adjacent to this property as everyone is aware of the condition and previous issues with that road. Mr. Roznovsky said talking through those issues and looking at the impact of this development on these roads and additional stop signs to help with the traffic that is along there and just improving and widening so accidents are not as prone to happen and it is a safer road to travel on. Mr. Roznovsky said there is a lot to be worked out and with it being a County road currently there is a lot of coordination that has to be done or to get to that final solution of what that looks like. Kevin Lacy said it is an exciting thing for our area for sure. Mr. Roznovsky agreed.

Julie Davis asked if the developer will be required to have a right-of-way for both Womack Cemetery Road as well as Old Plantersville Road or just one or the other and what is the right-of-way requirements for all four sides. Mr. Roznovsky said on Old Plantersville Road there is already an existing right-of-way there so they will be required to give the small amount to get it to a total of 70 feet which is needed, and the documentation is not very good on the right-of-way but it is probably 50 or 60 feet as it is today so it would be 10 to 20 feet of a strip along Old Plantersville Road that they would need to give and the same thing for Womack Cemetery. Mr. Roznovsky said they need an ultimate of 100 feet and if it is 50 feet today, then they will get an additional 20-25 feet on their side of the property. Mr. Roznovsky said future development will drive an additional right-of-way as

they are not going to require that one property would take the whole burden especially if they are going on the alignment of an existing road. Mr. Roznovsky said it is the same thing for the west of the property and the south of the property as they are looking for half of it so future development can get the other half again. Mr. Roznovsky said they are not trying to put 100 percent of the burden on one developer or property owner. Julie Davis said this property is fully adjacent to her personal property so she is watching it closely but is excited about the growth and believes once this property takes off a subsequent thousand plus acres behind this along Spring Branch will also begin to take off and will be huge growth for the City and this will set the path for the rest.

Mayor Countryman said part of this property is in the City's ETJ and asked to confirm that if they annex their 400 acres in the ETJ, then the City will get 400 acres pushed out past the annexation boundaries. Mr. Roznovsky said that was correct and it will be a half-mile from that point. Mr. Roznovsky advised on this side of the City there is not a competing ETJ.

Mr. Roznovsky said they would be subject to impact fees. Mr. Roznovsky said water and sewer impact fees total almost \$1.8 million, and the escrow account is just a place holder because with this many lots over multiple phases will have to be worked out over time for plan reviews, inspections, etc. Mr. Roznovsky said the waterline loop and offsite force main costs are shown and that is for them to complete the whole loop and some of their preliminary plans they plan to include the loop within their development so they will be able to dual-use that line to both serve their customers and close the loop, which will help with the overall cost. Mr. Roznovsky said the offsite force main is running it from their development up Old Plantersville Road crossing the railroad track which is costly to get the railroad approval and crossing and then up to Rankin Road. Mr. Roznovsky said one of the questions Julie Davis and he discussed was the impact of this at Rankin Road, which would be an underground connection so once construction is complete, it would not be visible.

Mr. Roznovsky said this development would generate value. Mr. Roznovsky said the developer provided an average sales price of \$500,000 a home and so they are looking at



a \$259 million development at full build-out and with the current tax rate, it would be almost \$1 million a year tax revenue to the City based on this feasibility and is a huge tax base for the City.

Mr. Roznovsky said the concept of a utility district or similar entity in this development is traditional especially with a development with this size to have a 400 plus acre utility district is much more normal than some of the smaller ones they currently have in the City but that is still to be worked out and approved. Mr. Roznovsky said the function of that would not only be from a financing mechanism but also from operations and maintenance of the recreation facilities and ponds to maintain those as it would not be something the City would ultimately take over.

Julie Davis asked if inside on the "J" hook of the Mobility Plan would that half-mile extension of the ETJ fully encompass the Spring Branch Mobility Plan and would it put all of that inside the ETJ. Mr. Roznovsky said for comparison sake if you look at the boundary map for the development from their western boundary closest to Spring Branch to Spring Branch Road that is about a quarter-mile so double that distance from that line for your ETJ and the same thing on the south. Mr. Roznovsky said it would not do the full "J" of the "J" hook of the City, but it would significantly eat into that section. Mr. Roznovsky said what does not change is the Dobbins-Plantersville CCN for any of those other areas. Mr. Roznovsky said on page 191 the hatched area with the crosshatch on it is what is in the Dobbins-Plantersville CCN. Mr. Roznovsky said if they are successful and decertifying the tract from their boundary it would only affect their boundary and not anything around it.

Julie Davis asked Mr. Hood what the timeline for Mid-South was to be able to provide electricity because this is not on the Entergy grid and are they able and ready to handle that amount of load. Mr. Ryan Wade said he has not talked with them directly about serving this area as it usually comes a bit later in the project, but he has other projects with them, and he has not seen them back down from a new project so that will be forthcoming. Julie Davis said she knows that area is in the very next stage of fiber so she is very excited

that fiber will be there before the homes come because they have waited for high speed on this side of the railroad tracks for as long as she can remember.

Mr. Roznovsky said the goal tonight was to introduce Grace Point and talk through the development, review the issues and potential solutions, and things to consider as it goes forward. Mr. Roznovsky said there is still a lot of work to be done regarding decisions and development agreements to have this go forward.

Mayor Countryman said she did some homework regarding Grace Point and they have a great reputation, are well received, and highly recommended.

Julie Davis moved to accept the Utility and Economic Feasibility Study for Devpoint, LLC on the 389-acre Kammerer Tract as presented by the City Engineer. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

**EXECUTIVE SESSION:**

The City Council reserves the right to discuss any of the items listed specifically under this heading or 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.

There was no Executive Session held.

**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 the 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 advised that Council Member Tom Cronin had not attended the meeting and asked the City Secretary to show him as absent from the meeting.

Julie Davis advised she had asked Mr. Tramm to look into this matter for discussion at the next meeting. Julie Davis stated that one of the advantages to bringing Judge Mack on board, which they are not, was for Juvenile Court. Julie Davis said Judge Rosenquist told her the only thing they would need for the City would be a juvenile court clerk and said she did not know if that would be worth looking into cost-wise and said they have two high schools now. Julie Davis said she does not know what the tickets are but if they are talking about lost revenue from Juvenile Court that may be a way to recapture it by having a juvenile court clerk and they could handle all the Montgomery High School tickets. Mr. Tramm said that is something he does plan to speak to the Court Administrator about. Mr. Tramm said Julie Davis did bring it to his attention earlier and they will follow through in looking into it. Police Chief Solomon stated that at this particular time all juvenile tickets go through Judge Mack's Court. Mayor Countryman asked if it does not matter if they are written in the City limits. Chief Solomon said absolutely. Julie Davis said from what she understands, the only reason the tickets are going there is that the City of Montgomery does not have a juvenile court clerk, and if the City had a juvenile court clerk and it was written inside the City limits, it could come to the City. Chief Solomon said they could but there was an arrangement made between the school and Judge Mack years before he came to the City. Chief Solomon said yes they would have to change that to where they would send those tickets to the City of Montgomery's Court and that is a conversation he had with Judge Mack when he first came to the City.

Julie Davis asked if there was a way to consider putting up a stop sign at Old Plantersville and Womack Cemetery Road. Julie Davis said they have been running police detail out there for multiple years and put in road humps and have done everything to slow down traffic except install a stop sign. Mr. Tramm said that is something he will need to look into with Chief Solomon and what the requirements are and whether that would be more or less beneficial. Chief Solomon said they have been presently working that area both morning and evening and it seems like every year they start speeding in that area and they have already issued six or seven citations there. Julie Davis said she thought it would be a cheaper and better use of the City's funds to have an arbitrary stop sign there which would immediately slow down the traffic compared to having our paid officers constantly patrolling it. Julie Davis said there has been a huge presence of police and they significantly see it and appreciate it. Mr. Tramm said that area is a concern to them, and they have been discussing it especially with the potential development of increasing traffic there.

ADJOURNMENT

Carol Langley moved to adjourn at 7:33 p.m. Kevin Lacy seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: \_\_\_\_\_

Susan Hensley, City Secretary

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Mayor Sara Countryman

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: February 9, 2021</b>	<b>Budgeted Amount: N/A</b>
<b>Prepared By: Richard Tramm</b>	<b>Exhibits: Ordinance</b>

**Subject**

Consideration and possible action to approve the City of Montgomery Juvenile Curfew Ordinance.

**Description**

The City is required to review and readopt, if desired, the Juvenile Curfew Ordinance every three (3) years. The public hearing was called at the City Council Meeting of January 12, 2021 and notice was published in the Conroe Courier. The Public Hearing was conducted at 6:00 pm, February 9, 2021, prior to this meeting. This ordinance was last reviewed in 2018 and is due for review and readoption this year.


Police Chief Anthony Solomon has reviewed the ordinance and is satisfied that it should be renewed in its current form. City administrative staff have reviewed the ordinance and are satisfied that it should be renewed in its current form.

The City Attorney will attend the meeting and be available for any legal comments or questions.

**Recommendation**

Consider approval of City of Montgomery Juvenile Ordinance, as presented.

**Approved By**

City Administrator	Richard Tramm 	Date: 02/04/2021
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**ORDINANCE NO. 2021-**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, RENEWING THE JUVENILE CURFEW ORDINANCE CODIFIED IN DIVISION 2 OF CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, IN ACCORDANCE WITH SECTION 370.002, OF THE TEXAS LOCAL GOVERNMENT CODE, AFTER A PUBLIC HEARING ON THE NEED TO CONTINUE THE ORDINANCE; CONTINUING THE JUVENILE CURFEW ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; DECLARING COMPLIANCE WITH TEXAS OPEN MEETINGS ACTS; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.**

**WHEREAS**, the City Council of the City of Montgomery, Texas established a curfew for persons under the age of seventeen (17) years by City Ordinance 2006-03, dated March 14, 2006, and codified in Division 2 of Chapter 62 of the Code of Ordinances of the City of Montgomery, Texas, continued by Ordinance 2015-03, dated April 28, 2015, and continued by Ordinance 2018-05, dated February 27, 2018, and codified in Division 2 of Chapter 62 of the Code of Ordinances of the City of Montgomery, Texas; and

**WHEREAS**, in accordance with Section 370.002 of the Texas Local Government Code, the City Council has conducted a public hearing on February 9, 2021, on the need to continue the Ordinance; and

**WHEREAS**, the City Council believes that it is in the best interest of the citizens and minors in Montgomery that the Ordinance be continued and ratified;

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

**SECTION 1. Findings.** The forgoing recitals are incorporated into this Ordinance as findings of fact.

**SECTION 2. Continuation of Juvenile Curfew.** City Ordinance No. 2006-03, dated March 14, 2006, and codified in Division 2 of Chapter 62 of the Code of Ordinances of the City of Montgomery, Texas and continued by the City Council by City Ordinance No. 2015-03, dated April 28, 2015, City Ordinance No. 2018-05, dated February 27, 2018, and codified in Division 2 of Chapter 62 of the Code of Ordinances of the City of Montgomery, Texas.

**SECTION 3. Repealing All Ordinances in Conflict.** All other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict

are hereby repealed.

**SECTION 4. Savings Clause.** This City Council of the City of Montgomery, Texas does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

**SECTION 5. Compliance with Open Meetings Act.** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 6. Effective Date.** This Ordinance shall become effective upon its passage by the City Council and ten days after the publication of the caption of said ordinance, as the law provides.

**PASSED AND APPROVED** this 9<sup>th</sup> day of February 2021.

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Sara Countryman, Mayor

ATTEST:

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Susan Hensley, City Secretary

APPROVED AS TO FORM:

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Alan P. Petrov, City Attorney

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: February 9, 2021</b>	<b>Budgeted Amount: N/A</b>
<b>Prepared By: Richard Tramm</b>	<b>Exhibits: Current City Ordinance; Proposed Map for Revised Ordinance</b>

**Subject**

Discussion and consideration on amending Chapter 6 of the City Code of Ordinances pertaining to alcoholic beverages.

**Description**

This item was discussed at the City Council Meeting of January 12, 2021 and is coming back for City Council discussion and consideration.

The amendments to be considered are:

1. Removal of the wording "at special events" within the fourth WHEREAS clause on page 1.
2. Replacing Section 6-57. (b) 1) with a written description of the area contained in the attached Proposed Boundary Map.
3. Replacement of the **Existing Area Map** with the **Proposed Boundary Map**.

Staff has considered some of the changes in the area map covered by this ordinance and made some updates to the proposed area map to provide greater clarity and uniformity in the designated boundary. We have discussed the proposed expansion of dates from special events to applying throughout the year, while still being limited by the same time of day as it has been. We have discussed these changes with both the City's Attorney and Police Chief with neither having objections to these modifications.

Staff expects this could be a boost to several local businesses that sell alcohol in the Historic Downtown area, as well as help other local shops in the area benefit from additional customers

While reviewing this item since January 12th, City staff discussed this item with the City of Navasota Police Chief and Assistant City Administrator, who reported no specific negative public issues related to Navasota's similar ordinance.

**Recommendation**

Discuss and consider approval of the listed ordinance amendments to Chapter 6 of the City Code of Ordinances pertaining to alcoholic beverages.

**Approved By**

City Administrator	Richard Tramm	Date: 02/05/2021
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**ORDINANCE NO. 2017-16**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CITY ORDINANCE NO. 1989-2, DATED FEBRUARY 14, 1989, BY AMENDING SECTION 57 OF CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CITY CODE OF ORDINANCES, TO PROVIDE AN AREA AND TIME EXCEPTION TO THE PROHIBITION OF CONSUMPTION OF BEER AND WINE ON PUBLIC STREETS SIDEWALKS AND ALLEYS AT SPECIAL EVENTS BY PERMIT SUBJECT TO CERTAIN REQUIREMENTS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.**

**WHEREAS**, the City Council of the City of Montgomery, Texas, by Ordinance No. 1989-2, dated February 14, 1989, adopted a policy to prohibit the consumption of alcoholic beverages on a public street, sidewalk or alley within the city limits of the City of Montgomery; and

**WHEREAS**, the ordinance is codified in Chapter 6, entitled "Alcoholic Beverages," Article III, "Regulations," at Section 57 of the City of Montgomery Code of Ordinances; and

**WHEREAS**, the Texas Alcoholic Beverage Codes provides for certain exceptions to the consumption of beer and wine for certain qualified temporary events; and

**WHEREAS**, upon the recommendation of the City staff, the City Council desires to amend Section 6-57 of the Code of Ordinances, entitled "Consumption on the street, sidewalk or alley," by permitting an exception for the consumption of beer and wine **at special events** by persons afoot in a certain area(s) and in certain time periods, subject to approval by the Texas Alcoholic Beverage Commission and by the property owner;

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

**SECTION I.**

**RECITALS ADOPTED:** The City Council adopts the findings and recitals above as true and correct.

**SECTION II.**

**AMENDMENT TO ALCOHOLIC BEVERAGES ORDINANCE.** Section 6-57 of the City Code of Ordinances, entitled "Consumption on the street, sidewalk and alley," is hereby

amended, such that it reads as follows:

**Section 6-57. Consumption on the street, sidewalk or alley**

(a) *Drinking alcoholic beverages on a public street, sidewalk or alley of the city, whether afoot, or as a passenger in or an operator of any vehicle, is unlawful and is prohibited.*

(b) *Exception: Subject to the rules and regulations of the Texas Alcoholic Beverages Code, persons afoot on a public street, sidewalk or alley of the City are permitted to drink beer and wine in a limited public area defined as:*

1) *The north right-of-way line of Eva Street (State Highway 105) extending north to the south right-of-way line of Clepper Street and bounded on the east by Prairie Street north to 150 feet south of Mason Street, and on the west by 125 feet west of Liberty Street (FM 149), extending north to the south right-of-way line of College Street to also include the east of the eastern right-of-way line of Liberty Street between College Street to the south right-of-way line of Clepper Street and an area extending west from the west right-of-way line of Pond Street 200 feet west and bounded on the north by the south right-of-way line of Eva Street and on the south by the north curb line of the existing parking area, as further described by the map incorporated into this Ordinance as Exhibit "A."*

2) *This exception is authorized only from 7:00 AM to 12:00 Midnight, Monday through Saturday; 12:00 Midnight to 1:00 AM on Sundays; and 12:00 Noon to 12:00 Midnight on Sundays.*

3) *This permission by the City is further conditioned upon documentation submitted to the City Administrator that shall include the applicable Texas Alcoholic Beverage Commission Permit and letters of authorization from the owners of property within the designated area.*

(c) *The throwing of any opened container of any type general used for beverages from or out of any vehicle shall be prima facie evidence that the occupant thereof was then and there drinking alcoholic beverages in violation of this section.*

**SECTION III.**

**REPEALING CLAUSE.** This amendment to Ordinance No. 1989-2, dated February 14, 1989, as codified in Section 6-57 of the Code of Ordinances of the City of Montgomery, Montgomery County, Texas, shall prevail and all other Ordinances in conflict are hereby repealed to the extent of any conflict.

**SECTION IV.**

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

**SECTION V.**

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

**SECTION VI.**

**EFFECTIVE DATE.** This Ordinance shall take effect and be in force after its publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the 11<sup>th</sup> day of July 2017.

**THE CITY OF MONTGOMERY, TEXAS**

*Kirk Jones*

Kirk Jones, Mayor

ATTEST:

*Susan Hensley*  
Susan Hensley, City Secretary

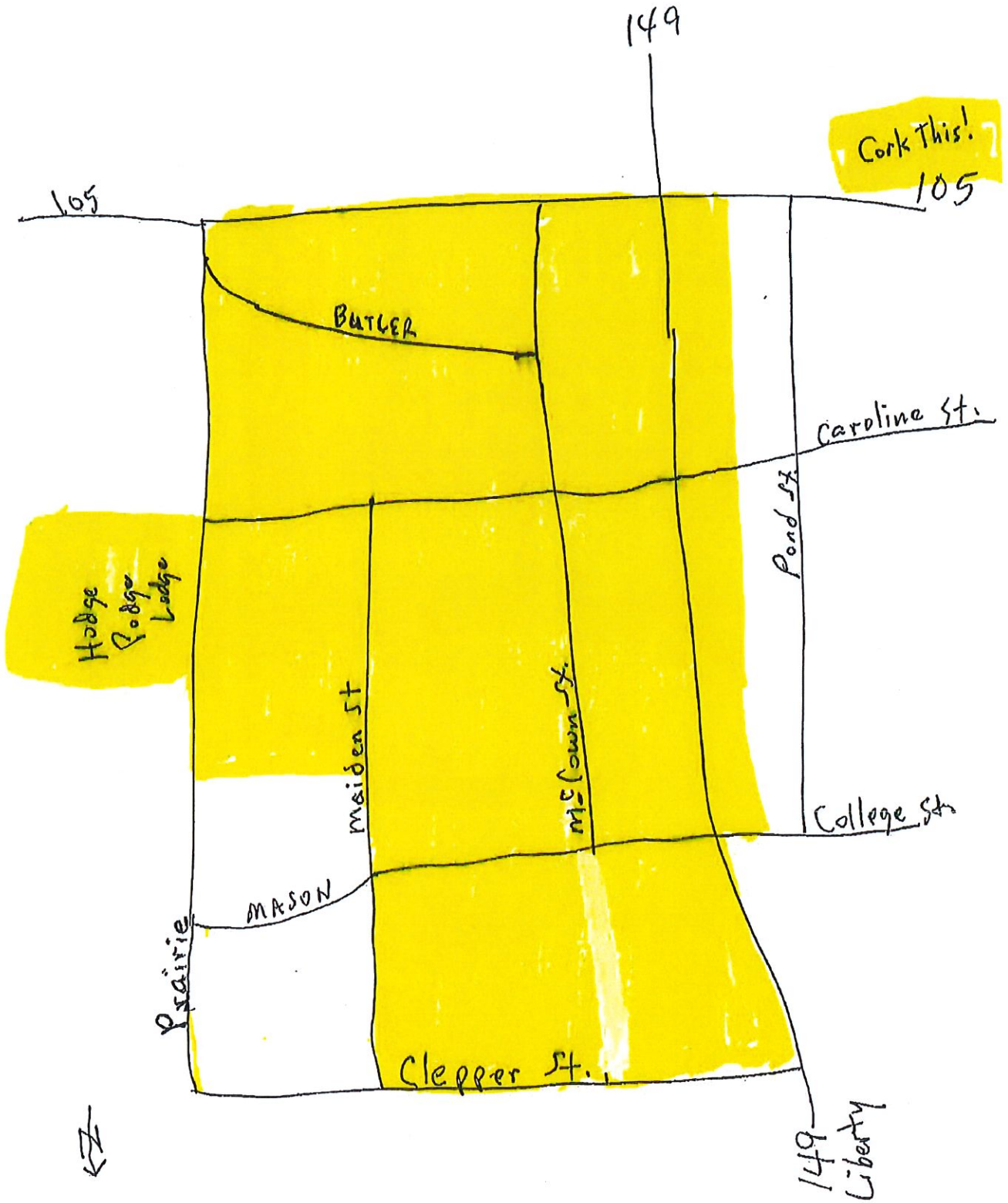


APPROVED AS TO FORM:

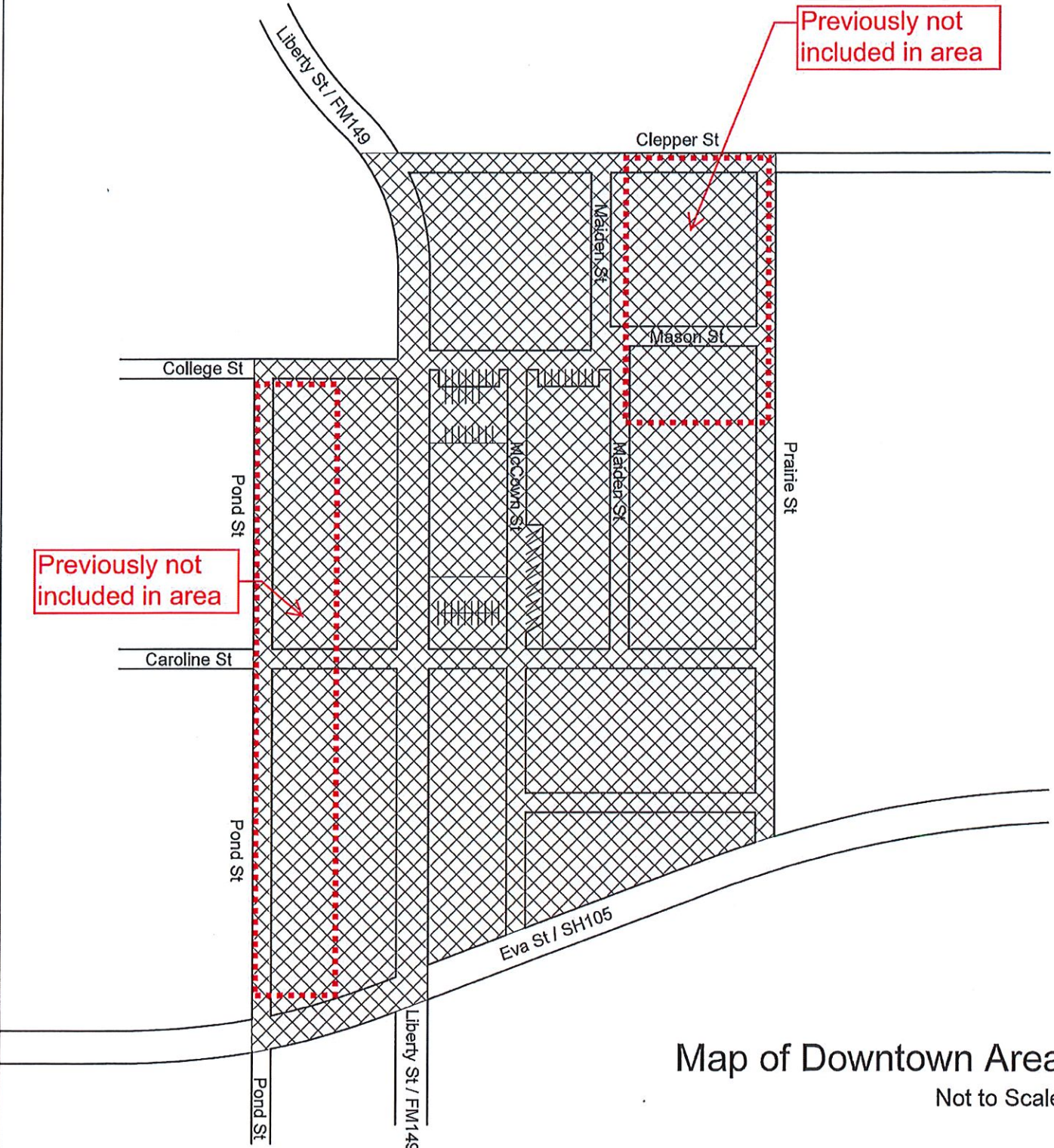
*Larry L. Foerster*  
Larry L. Foerster, City Attorney



# EXISTING MAP AREA



# Proposed Boundary Map



Previously not included in area

Previously not included in area

Map of Downtown Area  
Not to Scale

\* Hatched area denotes where open alcoholic beverages are allowed



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: February 9, 2021</b>	<b>Budgeted Amount: N/A</b>
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Engineer's memo; see email for download link for construction plans</b>

**Subject**

Consideration and possible action regarding approval of construction plans for Town Creek Crossing Section One.

**Description**



The City Engineer's memo is included, and Chris Roznovsky will be available at the meeting to review the item and answer any questions. The construction plans are available for download at the link provided to City Council by email.

Staff has no objection to the engineer's recommendation of approving the plans.

**Recommendation**

Consider approving the construction plans per the City Engineer's recommendation.

**Approved By**

Asst. City Administrator	Dave McCorquodale 	Date: 02/04/2021
City Administrator	Richard Tramm 	Date: 02/04/2021



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

February 4, 2021

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

Re: Approval of Construction Drawings  
Town Creek Crossing Sec. 1 (Dev. No. 2008)  
City of Montgomery


Dear Mayor and Council:

We reviewed plans and the drainage impact analysis for the proposed Town Creek Crossing Sec. 1 development on behalf of The City of Montgomery (the "City"). We offer no objections to the plans as submitted to us. There are minor comments to be addressed on the accompanying drainage analysis however the changes will impact improvements to Town Creek and its tributaries and not necessarily improvements within this section. Additionally, a FEMA Conditional Letter of Map Revision ("CLOMR") and subsequent Letter of Map Revision ("LOMR") are required to document changes to the floodplain.

We recommend the City approve the construction plans as presented with the exception of any work within the flood plain until the CLOMR is submitted for review and the City signs the Overview and Concurrence Form.

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

Sincerely,

  
Chris Roznovsky, PE  
Engineer for the City

CVR/ab

K:\W5841\W5841-2008-00 Town Creek Crossing Sec. 1\Project Management\Letters\MEMO to Council RE Town Creek Crossing Sec. 1 Approval 02042021.docx

Enclosure: Construction Plans – Town Creek Crossing Sec. 1  
Preliminary Amenity Plan

Cc (via email): 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. Dave McCorquodale – City of Montgomery, Director of Planning & Development

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: February 9, 2021</b>	<b>Budgeted Amount: N/A</b>
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: None</b>

**Subject**

Consideration and possible action on calling a Public Hearing for March 9, 2021, at 6:00 p.m. regarding a Special Use Permit Application by Cornerstone Community Church to request an "I"-Institutional land use in suites "K" and "L" of the Montgomery Trace Shopping Center, a "B"-Commercial Zoning District.

**Description**

Before City Council can discuss or decide the request, a Public Hearing must be called and held in accordance with Section 98-27 of the City Code of Ordinances:

**Special Use Permits.**

- a) The City Council, by an affirmative four-fifths vote, may by Ordinance grant a Special Permit for special uses in any District, for those uses listed under "CC" in the Table of Permitted Uses in Section 98-88, or which are otherwise not expressly permitted by this chapter, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect property and property values in the neighborhood. A Special Use Permit may be revoked or canceled by the City Council upon violation of any permit granted. Before authorization of any of such special uses, the request therefor shall be referred to the Planning and Zoning Commission for study and report concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood. A public hearing shall be held in relation thereto before the City Council and notice and publication of the time and place for which shall conform to the procedure prescribed in subsection (b) of this section.
  
- b) A Public Hearing shall be held by the City Council before adopting any proposed Special Use Permit. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the City stating the time and place of hearing, which time shall not be earlier than 15 days from the date of publication.  
( Ord. No. 2014-03 , § 1, 5-20-2014)



Montgomery City Council  
**AGENDA REPORT**

Request summary:

- Cornerstone Community Church wants to lease space in the Montgomery Trace Shopping Center [between the Post Office and Subway restaurant].
- City Zoning Ordinance does not allow an Institutional land use (i.e., a church) in a Commercial Zoning District.
- The Ordinance is set up to allow City Council to decide where churches, schools, parks, and other civic uses are located on a case-by-case basis.
- If the use is long-term (e.g., a cemetery), then rezoning the property is the best zoning tool.
- If the use is short-term (e.g., a young church leasing space in a shopping center), then a Special Use Permit (SUP) is the best zoning tool.



**PLEASE NOTE:** The only action before the City Council is to call a Public Hearing. Discussion of the item and a decision can only come after the City Council receives the Planning & Zoning Commission's Report and holds the Public Hearing.

Staff has no objection to calling the Public Hearing and recommends March 9, 2021 at 6:00 p.m. to align with an upcoming regular meeting date and allow the publication timeline to be met.

**Recommendation**

Call a Public Hearing for March 9, 2021 at 6:00 p.m. to receive comments on the request.

**Approved By**

Asst. City Administrator	Dave McCorquodale 	Date: 02/04/2021
City Administrator	Richard Tramm 	Date: 02/04/2021

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: February 9, 2021</b>	<b>Budgeted Amount: N/A</b>
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Cover letter and Statement of Intent to Raise Rates from LDC, LLC; Resolution Denying Rate Increase</b>

**Subject**

Consideration and possible action regarding adoption of a Resolution denying the proposed LDC, LLC natural gas rate increase.

**Description**

As with the Entergy item at the last City Council meeting, this Resolution to deny the proposed rate increase allows a streamlined process for LDC to negotiate their rates for natural gas with the Texas Railroad Commission.

This Resolution does not obligate the City to any future action. The City Attorney will be present at the meeting to discuss the item with City Council as needed.

**Recommendation**

Adopt the Resolution denying the proposed rates of LDC, LLC for natural gas.

**Approved By**

Asst. City Administrator	Dave McCorquodale <i>DL</i>	Date: 02/04/2021
City Administrator	Richard Tramm <i>RT</i>	Date: 02/04/2021

Rec'd 12/31/2020  
Amen Office

# LDC, llc

A Local Distribution Company

19926 Keenan Cut Off Rd  
Montgomery, TX 77316

936-539-3500  
Fax 936-597-6345

[www.Ldcgas.com](http://www.Ldcgas.com)

December 31, 2020

Mayor Sara Countryman  
City of Montgomery  
101 Old Plantersville Road  
Montgomery, TX 77316

Re: *Statement of Intent filed by LDC, LLC to Change Rates in the Incorporated Areas of Montgomery, Texas*

Dear Mayor Countryman:

Enclosed for filing is a copy of LDC, LLC's Statement of Intent to increase its system-wide natural gas rates.

LDC, LLC ("LDC") serves approximately 1,315 residential and commercial customers in Montgomery County, Texas. 1,008 of these customers are located in environs areas (outside municipal jurisdiction) and therefore subject to the jurisdiction of the Texas Railroad Commission ("Commission"), while 281 residential and 26 commercial customers are located within the city limits of Montgomery. LDC is filing a statement of intent to change rates for its environs customers with the Commission today as well.

LDC is making this filing with the City in accordance with § 103.001 of the Texas Utilities Code ("TUC"), which grants the City exclusive original jurisdiction over the rates, operations, and services of a gas utility within the municipality. The City may desire to suspend the effective date of the rates and, after review of the filing, set final rates for these customers. However, LDC requests that the City deny its proposed rate increase at the earliest possible opportunity. LDC then intends to appeal the City's decision to the Commission (under TUC § 103.051 and § 103.054) and ask that the rate change request at the City be consolidated with the LDC rate proceeding already underway at the Commission. This way, the rates will be reviewed by Commission staff and the approved rates can be the same within each customer class for all customers served by LDC. A model resolution denying the proposed rates is attached for your convenience.

LDC proposes to meet its customer notice requirements through bill inserts or other direct mailing as allowed under TUC § 104.103(b).

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael T. Swaim". The signature is written in a cursive style with a prominent initial "M".

Mr. Michael T. Swaim  
Operations Administrator

**STATEMENT OF INTENT TO INCREASE RATES**  
**IN THE CITY OF MONTGOMERY, TEXAS**

COMES NOW LDC, LLC (“LDC” or “Company”), a gas utility under Texas Utilities Code § 101.003(7), and files this Statement of Intent to Increase Rates in the City of Montgomery, Texas and in support thereof would respectfully show the Commission as follows:

**I.**

**PROPOSED EFFECTIVE DATE**

LDC proposes to make all rate changes pursuant to this Statement of Intent effective February 3, 2021.

**II.**

**CURRENT RATES**

LDC’s current rate schedules for all customers within the City of Montgomery, Texas are shown in the Railroad Commission of Texas Final Order in Gas Utilities Docket No. 10622, attached hereto as **Exhibit A**.

**III.**

**SUMMARY OF RELIEF REQUESTED**

LDC requests that the City adopt the rate schedules attached to this petition as **Exhibit B** in order to: (1) afford the Company the opportunity to recover its reasonable and necessary costs to provide gas utility services in its service area; and (2) provide the Company with a fair and reasonable return upon its invested capital used and useful in providing natural gas service. The rates set forth in the **Exhibit B** rate schedules are supported by the cost of service information and direct testimony that the Company is providing as part of the Rate Filing Package accompanying the Petition. The accompanying Rate Filing Package is incorporated herein by reference.

#### IV.

#### MUNICIPAL JURISDICTION

LDC is a gas utility under § 101.003(7) of the Texas Utilities Code, and the City has exclusive original jurisdiction over the rates, operations, and services of a gas utility within the municipality under § 103.001 of the Texas Utilities Code, unless the municipality surrenders jurisdiction to the Railroad Commission under § 103.003. Consistent with such jurisdiction, the proposed rates are applicable to the Company's natural gas sales and service within the municipal service territory.

#### V.

#### DETAILS OF PROPOSED CHANGES

##### A. Test Year

The Company's proposed cost of service is based on the twelve-month period ending September 30, 2020, updated for known changes and conditions that are measurable with reasonable accuracy.

##### B. Class and Number of Customers Affected

The following classes and numbers of customers will be affected by the proposed changes in base rates:

Table I

<u>Customer Class</u>	<u>Number of Customers</u>	<u>Revenue Change</u>
Residential	1,282	\$194,183
Commercial	33	<u>\$47,107</u>
		\$241,290

##### C. Proposed Rates for General Sales Customers:

The new base rates will consist of a customer charge and a volumetric charge designed to recover LDC's cost of service and provide a reasonable return on its investment. The proposed rate changes are set forth on the following table.

Table II

<u>Customer Class</u>	<u>Present Rates</u>		<u>Proposed Rates</u>	
	Customer Charge <u>\$/Month</u>	Commodity Charge <u>\$/MCF</u>	Customer Charge <u>\$/Month</u>	Commodity Charge <u>\$/MCF</u>
Residential	\$19.45	\$8.25	\$31.50	\$8.39
Commercial	\$19.45	\$6.25	\$45.00	\$7.30

LDC also proposes to increase its miscellaneous service charges as outlined in its filing.

## VI.

### EFFECT OF PROPOSED CHANGE ON COMPANY REVENUES

The proposed changes to LDC's rate schedules and tariffs will affect all general service customers. For the twelve (12) month period ending September 3, 2020, adjusted for known and measurable changes, the total operating revenues were approximately \$1,946,670. The proposed change in rates is expected to increase such annual revenues by approximately \$257,035. If approved by the Commission, the proposed rates would increase LDC's aggregate revenues by 12.72 percent. Therefore, the increase constitutes a "major change" as defined in Texas Utilities Code §104.101.

## VII.

### RATE CASE EXPENSE SURCHARGE

Pursuant to Railroad Commission Rule 16 TAC §7.5530, LDC requests recovery of its reasonable rate case expenses through a rate case expense surcharge.

## VIII.

### PUBLIC NOTICE

Notice of this proceeding will be made pursuant to provisions of Texas Utilities Code § 104.103, including the notice, in a conspicuous form, in the bill of each directly affected customer. *See* Tex. Util. Code § 104.103 (b). A copy of the proposed form of notice for this proceeding is attached to this Statement of Intent as **Exhibit C**.

**IX.**

**SUPPORTING WITNESS TESTIMONY**

Attached to the Statement of Intent as **Exhibit D** is the pre-filed direct testimony of Karl J. Nalepa, President of ReSolved Energy Consulting, LLC. The purpose of Mr. Nalepa's testimony is to present and support the gas sales weather adjustment, class cost of service study, and proposed rate design for LDC.

**X.**

**REQUESTED PROTECTIVE ORDER**

LDC requests that the City issue a protective order in the form provided as Exhibit D to this Petition to govern review and use of confidential, proprietary, and market-sensitive information. The proposed protective order is substantially the same as the protective order used in Commission Gas Utilities Docket No. 10622. Pending approval of the protective order, the Company will offer access to confidential and highly sensitive information to eligible requesting parties who execute the protective order certification provided in **Exhibit E**.

**XI.**

**AUTHORIZED REPRESENTATIVES**

LDC's business address and telephone numbers are:

LDC, LLC  
19926 Keenan Cut Off Road  
Montgomery, TX 77316  
936-539-3500 (phone)  
936-539-3501 (fax)

LDC's authorized representatives are:

Mr. Larry D. Corley  
President

Mr. Karl J. Nalepa  
President



LDC, LLC  
19926 Keenan Cut Off Road  
Montgomery, TX 77316  
936-539-3500 (phone)  
936-539-3501 (fax)

ReSolved Energy Consulting, LLC  
11044 Research Blvd., Suite A-420  
Austin, TX 78759  
512-331-4949 (phone)  
512-331-5743 (fax)

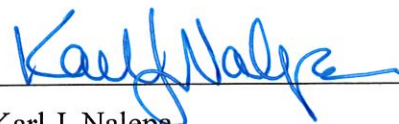
Please serve all pleadings, motions, orders and other documents filed in this proceeding upon LDC's authorized representatives at the above-stated addresses.

**XII.**  
**CONCLUSION**

WHEREFORE, PREMISES CONSIDERED, LDC, LLC requests that the City adopt the schedule of rates for Residential and Commercial customers consistent with the rate schedules set forth in **Exhibit B**; and for such further legal, equitable and necessary relief to which the Company may be entitled.

Respectfully Submitted

By: \_\_\_\_\_



Mr. Karl J. Nalepa  
President  
ReSolved Energy Consulting, LLC  
11044 Research Blvd., Suite A-420  
Austin, TX 78759  
512-331-4949 (phone)  
512-331-5743 (fax)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, DENYING THE PROPOSED RATES OF LDC, LLC FOR NATURAL GAS; DIRECTING THE CITY SECRETARY TO SEND A COPY OF THE RESOLUTION TO LDC; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on or about December 30, 2020, LDC, LLC (hereafter "LDC") filed a Statement of Intent with the City Secretary in order to change rates and increase revenues;

WHEREAS, the governing body of a municipality has exclusive original jurisdiction over the rates, operations and services of a gas utility within the municipality according to Texas Utilities Code section 103.001;

WHEREAS, LDC has 281 residential and 26 commercial customers located within the city limits of Montgomery;

WHEREAS, LDC, on or about December 30, 2020, filed with the Texas Railroad Commission a statement of intent to change rates for its environs (i.e., outside municipal jurisdiction) customers in Montgomery County, affecting approximately 1,008 residential and commercial customers;

WHEREAS, LDC requests the City deny its rate change request so that it may appeal the decision to the Texas Railroad Commission as allowed by the Utilities Code and consolidate the change request for City customers with the rate proceeding already underway at the Commission; and

WHEREAS, notice to affected customers within the city limits of Montgomery of LDC's requested rate change can be adequately provided through bill inserts or other direct mailing as allowed under Texas Utilities Code section 104.103(b), NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:

Section 1. The findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. Customer notice requirements of LDC's requested change in rates may be provided by LDC in a manner allowed by Texas Utilities Code section 104.103(b).

Section 3. The rate increase requested by LDC in its Statement of Intent filed with the City is denied.

Section 4. Any relief requested by LDC of the City of Montgomery in its December 31, 2020 filing which is not granted herein is denied.

Section 5. Upon adoption, the City Secretary is directed to send a copy of this resolution to LDC's authorized representative: Mr. Karl J. Nalepa, President, ReSolved Energy Consulting, LLC, 11044 Research Blvd., Suite A-420, Austin, TX 78759, fax 512-331-5743, email [knalepa@resolvedenergy.com](mailto:knalepa@resolvedenergy.com).

Section 6. The meeting at which this resolution was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code chapter 551.

Section 7. This resolution shall be effective on and after its date of passage.

PASSED AND APPROVED THIS \_\_\_\_ OF \_\_\_\_\_ 2020.

THE CITY OF MONTGOMERY

\_\_\_\_\_  
, Mayor

ATTEST:

\_\_\_\_\_  
, City Secretary

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: February 9, 2021</b>	<b>Budgeted Amount: N/A</b>
<b>Prepared By: Richard Tramm</b>	<b>Exhibits: Resolution</b>

**Subject**

Consideration and possible action regarding adoption of the following Resolution:  
A RESOLUTION OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SIGNORS ON CITY COUNCIL FOR ALL CITY OF MONTGOMERY BANKING ACCOUNTS.

**Description**

The City Council previously authorized the signors for City banking accounts to include the six elected officials (Mayor and City Council) and the City Administrator. Approval of this resolution will allow City Officials and staff to execute the banking resolution on this item.

**Recommendation**

Consider approval of a resolution to authorize the Mayor, City Council members and City Administrator as signors of City banking accounts and to execute the necessary paperwork to complete this action.

**Approved By**

City Administrator	Richard Tramm <i>RT</i>	Date: 02/04/2021
--------------------	-------------------------	------------------

**RESOLUTION NO. 2021-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS  
AUTHORIZING THE SIGNORS FOR ALL CITY OF MONTGOMERY BANKING  
ACCOUNTS WITH FIRST FINANCIAL BANK; AND PROVIDING AN EFFECTIVE  
DATE.**

WHEREAS, the City Council of the City of Montgomery, Texas (the "City") has the following banking accounts with First Financial Bank:

- Court Security Fund
- Debt Service Fund
- Home Grant
- Grant
- Home Grant General Fund
- Police Asset Forfeitures
- Capital Projects Fund
- Court Technical Fund
- Police Drug and Misc Fund
- Hotel Motel Fund
- Utility Fund
- General Fund

WHEREAS, City Council has determined that the following members of the governing body and the City Administrator are authorized signors on the aforementioned accounts:

Sara Countryman	Mayor
T.J. Wilkerson	Mayor Pro-Tem / Council Member
Julie Davis	Council Member
Kevin Lacy	Council Member
Carol Langley	Council Member
Tom Cronin	Council Member
Richard Tramm	City Administrator

WHEREAS, First Financial Bank issues a Banking Resolution for each account with the identified signors and related information, which is attached as Exhibit "A."

WHEREAS, the City Council of the City now wishes to authorize the governing body, which includes the Mayor and members of City Council, and the City Administrator as signors on all City of Montgomery banking accounts.

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

Section 1. The City Council and City Administrator are authorized and approved to execute any and all necessary documents on behalf of the City to conduct City business with First Financial Bank regarding all City banking accounts.

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

**PASSED, APPROVED AND ADOPTED** this the 9<sup>th</sup> day of February, 2021.

**CITY OF MONTGOMERY, TEXAS**

**Attest:** \_\_\_\_\_  
Susan Hensley, City Secretary

**Signed:** \_\_\_\_\_  
Sara Countryman, Mayor

**Approved:** \_\_\_\_\_  
Alan P. Petrov, City Attorney