

**Notice of City Council Meeting  
AGENDA**

**July 12, 2022 at 6:00 PM**

**NOTICE IS HEREBY GIVEN** that a Meeting of the Montgomery City Council will be held on **Tuesday, July 12, 2022, at 6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City's website [www.montgomerytexas.gov](http://www.montgomerytexas.gov) under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. 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.

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO FLAGS**

1. Mayor Byron Sanford will administer the Oath of Office to Patricia Easley, duly appointed official, to the City Council Place 5 of the City of Montgomery, Texas.

**VISITOR/CITIZENS FORUM:**

Citizens are invited to speak for three (3) minutes on matters relating to City Government that relate to agenda or non-agenda items. Prior to speaking, each speaker must be recognized by the Presiding Officer. All speakers should approach the podium to address Council and give their name and address before sharing their comments. City Council may not discuss or take any action on an item, but may place the issue on a future agenda.

**CONSENT AGENDA (Items 2 - 4)**

**Any item tagged will be discussed and considered at the conclusion of this item or at the next regular City Council Meeting; any item approved will include payment of expenses.**

2. Approval of the minutes of the City Council Meeting - June 28, 2022.
3. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Azzip Enterprises, Inc. for a proposed parking lot expansion on Reserve "A" of the Pizza Shack of Montgomery plat. (Dev. No. 2209).
4. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 206 AND 259 IF CHAPTER 86 "TRAFFIC AND VEHICLES" OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**CONSIDERATION AND POSSIBLE ACTION:**

5. Presentation of a proposed 80-acre single-family residential development by Pulte Homes.
6. Discussion and possible action authorizing city staff and consultants to coordinate with Nantucket Housing, LLC / HCR Ventures regarding Development and Annexation Agreements for a proposed 33-acre multi-family residential development (Dev. No. 2204).

- [7.](#) Consideration and possible action on authorizing the city engineer to begin work on the McCown & Caroline Street Waterline Replacement Project.
- [8.](#) Consideration and possible action on authorizing the city engineer to begin work on the Downtown Sanitary Sewer Rehabilitation Project.
- [9.](#) Consideration and possible action on authorizing the city engineer to begin work on the Water Plant Nos. 2 & 3 Bleach Conversion Project.
- [10.](#) Consideration and possible action on Change Order #1 for GLO Project #19-076-017-B366 related to sanitary sewer and drainage repairs along Martin Luther King, Jr. Drive.
- [11.](#) Consideration and possible action regarding calling a Public Hearing on a request to place a HUD-code manufactured home at 15329 Liberty Street, Montgomery, Texas.
- [12.](#) Consideration and possible action regarding the following Ordinance: ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE AUGUST 5, 2022, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED “APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES”, FILED ON JULY 1, 2022; AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS, INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF EXPERTS; AUTHORIZING THE CITY’S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE.
- [13.](#) Consideration and possible action on the following Resolution: 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.

#### **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.

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

#### **COUNCIL INQUIRY:**

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

Nici Browe, 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 July 8, 2022 at 5:00 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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**Notice of City Council  
MINUTES  
June 28, 2022, at 6:00 PM**

**CALL TO ORDER**

Mayor Byron Sanford called the meeting to order at 6:00 p.m.

|          |                |                       |
|----------|----------------|-----------------------|
| Present: | Byron Sanford  | Mayor                 |
|          | Carol Langley  | City Council Place #1 |
|          | Casey Olson    | City Council Place #2 |
|          | T.J. Wilkerson | ABSENT                |
|          | Cheryl Fox     | City Council Place #4 |
|          | <i>Vacant</i>  | City Council Place #5 |

|               |                   |  |
|---------------|-------------------|--|
| Also Present: | Dave McCorquodale | Assistant City Administrator& Planning Development   |
|               | Nici Browe        | City Secretary & Director of Administrative Services |
|               | Alan Petrov       | City Attorney  |

**CALL TO ORDER**

Mayor Byron Sanford called the meeting to order at 6:00 P.M.

**INVOCATION**

Mayor Byron Sanford provided the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Citizens are invited to speak for three (3) minutes on matters relating to City Government that relate to agenda or non-agenda items. Prior to speaking, each speaker must be recognized by the Presiding Officer. All speakers should approach the podium to address Council and give their name and address before sharing their comments. City Council may not discuss or take any action on an item but may place the issue on a future agenda.

**Sarah Countryman, Berkley Drive** provided an address to City Council and the citizens of Montgomery, outlining her dismay at the length of time two records requests she had submitted has taken thus far, and asked what the city is trying to hide.

She went on to discuss issues with properties in the Historic District and those recent actions taken by the Interim City Administrator in her opinion show a zero accountability for his actions. She urged the city to update all ordinances before more issues arise out of the food trucks and other mobile vendors that are taking business away from long standing businesses, such as the Old Montgomery Steak House. These proprietors are feeling unappreciated and are thinking of leaving the City.



**Bea – Montgomery Historical Society.** Spoke regarding the vacant lot “Davis Cottage” and how they had been trying to locate the two babies that were buried there in 1851 and 1854. She informed council how they used Cadaver dogs to locate the graves and asked that they not be disturbed and should be preserved.

**Mike Ciacco – Buffalo Springs** spoke to Council about the young entrepreneur Jacob who runs pop pop dandy dog. He urged council to not tolerate those who wish to crush the young man as a businessman. He further added that the rumors around town about his past, is wholly untrue and urged the community as a whole to bring those who further the rumors to justice.

**Julie Davis – 201 Womack** spoke about the contract with SGR and is upset that council acted unethically by writing a blank check to the company for a search for a new administrator. She reminded council they are the stewards of the public monies and should of place a cap when stating the motion. She also added concern about PD selling their junk for a \$1.00. That is taxpayers’ money they are wasting, the next topic she addressed was the judge’s contract. It was open ended, no fees, no expectations but is just pure nepotism in her book. She concluded with the dismay she feels at WGA the city’s engineer for the pipeline for the Historic Downtown Improvements, its was not sent out for bid, and the way this project is structured we would be double paying WGA and that is gross.

### **CONSENT AGENDA:**

Councilmember Casey Olson moved to take the consent agenda items individually. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

1. a. Minutes of regular City Council Meeting 05-24-2022.
- b. Minutes of regular City Council Meeting 06-14-2022

Councilmember Casey Olson moved to approve the minutes for both the May 24, 2022, and June 14, 2022, as presented. Councilmember Carol Langley seconded the motion. Motion is passed (3-0).

2. AN ORDINANCE AMENDING THE RECORDS MANAGEMENT ORDINANCE FOR THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A RECORDS MANAGEMENT POLICY FOR THE CITY OF MONTGOMERY, TEXAS; DESIGNATING THE CITY SECRETARY AS RECORDS MANAGEMENT OFFICER; ESTABLISHING A RECORDS RETENTION SCHEDULE AND PROVIDING FOR DESTRUCTION OF MUNICIPAL RECORDS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

Councilmember Casey Olson moved to approve the ordinance as presented, Councilmember Cheryl Fox seconded the motion. Motion is passed (3-0).

3. AN ORDINANCE OF THE CITY OF MONTGOMERY TEXAS, CREATING REGULATIONS RELATING TO RECORDS MANAGEMENT, INCLUDING THE DISASTER PREVENTION AND RECOVERY PLAN FOR CITY RECORDS, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Casey Olson moved to approve the ordinance as presented, Councilmember Cheryl Fox seconded the motion. Motion is passed (3-0).

4. Consideration and possible action authorizing the Police Department to sell unused generator to Panorama Village for \$1,500.00.

Police Chief, Anthony Solomon addressed Council regarding item 4 and 5. He explained that the generator was obtained through a government program. The city has only expended money for the transportation to collect the generator. After two years the City owns the generator and is free to sell it or trade it as they see fit. The radios in item 5 are no longer compatible with Montgomery County’s service. A police department is seeking radios, and these will fit their needs.

Councilmember Casey Olson moved to approve the Chief to sell the Generator to Panorama Village in the amount of \$1500.00. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

5. Consideration and possible action authorizing the Police Department to sell unused equipment to Tioga PD for \$1.00.

Councilmember Casey Olson moved to approve the Chief to sell the unused equipment to Tioga PD in the amount of \$1.00. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

**CONSIDERATION AND POSSIBLE ACTION:**

6. Consideration and possible action to appoint a Municipal Court Judge.

Ms. Kim Duckett, Court Administrator informed City Council that the current presiding judge has submitted resignation and moving on to bigger opportunities. There were various suggestions and Judge Rosenquist nominated Mr. Chad Peace. Mr. Peace comes highly recommended from various circuit courts, independent judges etc.

Council discussed the timing of the transition and asked Judge Rosenquist to address City Council with these thoughts and suggestions.

Council addressed Mr. Chad Peace and Kim Duckett the Court Administrator, confirming the rate of compensation.

Council also addressed Legal Counsel for their input.

Councilmember Carol Langley moved to appoint Mr. Chad Peace as the new City of Montgomery presiding Judge at a compensation of \$12,000 per year. Councilmember Cheryl Fox seconded the motion. Motion passed (2-1). Councilmember Casey Olson voted "Nay."

7. Consideration and possible action on the following:

Dave McCorquodale, Interim City Administrator spoke to Council regarding the following item, explaining the process and how the Planning and Zoning Commission should provide a Final Report to which Council receive and can then move into opening of a Public Hearing.

a. Receive the Recommendation and Final Report from the Planning & Zoning Commission on a rezoning request for 504 Caroline Street, Montgomery Texas from R1-Single Family Residential to B-Commercial.

Councilmember Carol Langley moved to accept the Final Report from the P&Z Commission on 504 Caroline Street proposed rezoning request. Councilmember Casey Olson seconded the motion. Motion passed (3-0).

b. Convene into a Public Hearing to hear public comments on the request.

**Mayor Byron Sanford called to OPEN the Public Hearing at 6:38 P.M.**

No member of the public addressed City Council on this item.

**Mayor Byron Sanford called to CLOSE the Public Hearing at 6:39 P.M.**

c. AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.5-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, MONTGOMERY COUNTY, TEXAS, COMMONLY REFERRED TO AS 504 CAROLINE

STREET, MONTGOMERY, TEXAS FROM “R-1” SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY’S OFFICIAL ZONING MAP TO “B” COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

Councilmember Casey Olson moved to approve the ordinance as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

8. Consideration and possible action on ending the one-year warranty period and releasing the maintenance bond for the public infrastructure in Hills of Town Creek Section Four.

Ms. Katherine Vu of WGA provided City Council with an update on the Hills of Town Creek Section Four and declared staff are now happy to release the maintenance bond for the public infrastructure.

Councilmember Casey Olson move to approve the release of the maintenance bond as presented. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

9. Consideration and possible action on awarding a construction bid for the Clepper Street sidewalk project.

Ms. Katherine Vu of WGA provided City Council with the details of the construction bid information that was published, and the bids received. She stated that WGA recommends awarding the bid to Environment Allies.

Councilmember Casey Olson moved to award the construction contract to Environmental Allies, as recommended by the City Engineers. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

10. Consideration and possible action regarding a proposal for a Downtown District Master Drainage Plan study from WGA Consulting Engineers.

Ms. Katherine Vu of WGA provided a comprehensive discussion of the Downtown Drainage Plan Study. She provided steps that would be taken, the purposes of each step and a timeline for the study completion.

Council discussed their questions with her and concluded that the study would be done inhouse by WGA and that the results should be available July.

Councilmember Casey Olson moved to award the Drainage Study to WGA as presented. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

11. Consideration and possible action to approve the Montgomery Economic Development Corporation’s expenditure of \$286,457.50 for engineering and design services for the McCown Street Improvements Project.

Ms. Lori Sanguedolce of Gunda Corporation and Ms. Katherine Vu presented Council with a detailed, explanation of the improvements and connectivity, timing and cooperation between WGA and Gunda for this project.

*Councilmember Cheryl Fox exited the meeting at 6:53 P.M.*

Council addressed their concerns over both projects overlapping and causing delay issues between Gunda and WGA.

*Councilmember Cheryl Fox entered the meeting at 6:57 P.M.*

Ms. Katherine Vu stated that the idea is to have the underground work done at one time, so WGA would go in and do their portion, move out and allow Gunda in.

Councilmember Casey Olson moved to approve the MEDC's expenditure of \$286,457.50 for McGown Street Improvements by Gunda Corporation. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

12. Consideration and possible action to approve the Montgomery Economic Development Corporation's expenditure for the purchase of real property located at 21050 Eva Street, Montgomery, TX 77356 in the amount of \$600,000.00.

Mr. McCorquodale, Interim City Administrator introduced this item, and provided City Council with information regarding the intended purposes of purchasing the property.

Councilmember Carol Langley stated that she would like it noted that the property is not officially called the "Adams Park" as one document in the packet states.

Mayor Byron Sanford echoed Mr. McCorquodale's comment and went on to provide the vision by the MEDC for the property.

Councilmember Casey Olson moved to approve the purchase of 21050 Eva Street in the amount of \$600,000.00. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

13. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 57 OF CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Police Chief Anthony Solomon introduced this item and provided Council with an explanation as to the reason for the amendment to the ordinance. He answered questions from City Council.

Councilmember Carol Langley moved to approve the Ordinance amending Section 57 of Chapter 6. Councilmember Casey Olson seconded the motion. Motion passed (3-0).

14. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 206 AND 258 OF CHAPTER 86 "TRAFFIC AND VEHICLES" OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Police Chief Anthony Solomon introduced this item and provided Council with a detailed explanation for the amendment. He answered questions from City Council.

Councilmember Carol Langley stated that she was seeing a discrepancy from the Ordinance body and the headed caption. The section reference is different.

City Council led a discussion with staff and the legal counsel.

Councilmember Carol Langley moved to table this item until the next City Council meeting July 12, for staff to make necessary changes. Councilmember Casey Olson seconded the motion. Motion passed (3-0).

15. 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.

Mr. McCorquodale presented the Council with an introduction to this item, as routine and an update with change of governing body.

Councilmember Carol Langley moved to bring this back to the July 12<sup>th</sup> meeting to allow for the vacant council position to be filled. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

16. Consideration and possible action to approve a TexPool Resolution Amending Authorized Representatives.

Mr. McCorquodale presented the Council with an introduction to this item, stating that much like the previous item there have been some changes that updates were required. As some of the information on the form is confidential the form is not attached to the agenda packet.

Councilmember Casey Olson move to authorize the Mayor and the Interim City Administrator as authorized signors for the TexPool. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

17. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS GRANTING TO ENTERGY TEXAS, INC. THE RIGHT, PRIVILEGE AND FRANCHISE TO CONDUCT WITHIN THE CITY AN ELECTRICAL LIGHTING AND POWER BUSINESS, PROVIDING AN EFFECTIVE DATE UPON ACCEPTANCE IN WRITING BY ENTERGY TEXAS, INC.

Mr. McCorquodale presented the Council with an introduction to this item, stating that this item was tabled at a previous meeting as council wanted some information for the downstream user in terms of any cost increases. He explained that he had confirmed that there would be NO change in the cost to the end user.

Councilmember Casey Olson moved to approve the ordinance as presented. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

18. Consideration and possible action regarding a nomination for the Montgomery County Emergency Communication District (MCECD) Board of Managers.

Mr. McCorquodale presented the Council with an introduction to this item and explained that the communications district is seeking to appoint someone in Shenandoah or City of Conroe. Mr. Tramm was on the board and intends to serve his term out. He went on to note that the Council need not take any action if it chose.

Councilmember Carol Langley moved to take NO ACTION on this item. Councilmember Casey Olson seconded the motion. Motion passed (3-0).

#### **DEPARTMENTAL REPORTS:**

- 19. City Administrator's Report
- 20. Finance Report & Quarterly Investment Report
- 21. Sales Tax Report
- 22. Police Department Report

- 23. Municipal Court Report
- 24. Utility Report
- 25. Public Works Report
- 26. Utility Operations Report
- 27. Engineers Report

Each Department Head and Agencies provided their monthly update report in detail for City Council.

Councilmember Casey Olson move to approve the Department Head reports. Councilmember Cheryl Fox seconded the motion. Motion passed (3-0).

#### **EXECUTIVE SESSION:**

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

## **Council went into Executive Session at 8:04 PM**

## **CITY COUNCIL RECONVENED AT 9:11 PM**

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

- 28. Sections 551.071 (consultation with attorney)

551.074 (personnel matters)

551.087 (deliberation regarding economic development negotiations)

No motion was made for the item 28 on this agenda.

- 29. Consideration and possible action on an appointment to fill the unexpired term for City Council Place 5 ending in May 2023.

Mayor Byron Sanford invited Ms. Patricia Easley and Mr. Stan Donaldson to present to the City Council their desires to occupy the vacant elected official seat for position 5, providing some background on themselves.

City Council hear their presentations.

Councilmember Cheryl Fox moved to nominate Patricia Easley to the position 5 of City Council to serve the remaining term up to May of 2023. Councilmember Casey Olson seconded the motion. Motion passed (3-0).

#### **COUNCIL INQUIRY:**

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to 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 Bryon Sanford** spoke about the meeting he had with the MISD School Superintendent, and they shared goals with each other as well as a vision for the City as a whole. He went on to note that there are businesses within Montgomery that needs chefs, or cosmetologists. Dr. Morris has stated that he will be sharing this information and websites to the teens and work on having internships locally.

### **ADJOURNMENT**

Councilmember Olson moved to adjourn the meeting. Councilmember Carol Langley seconded the motion. Motion passed (3-0).

ADJOURNMENT 9:22 PM

Submitted by: \_\_\_\_\_

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

Nici Browe, City Secretary

\_\_\_\_\_  
Byron Sanford, Mayor

Montgomery City Council  
**AGENDA REPORT**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

**Subject**

Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Azzip Enterprises, Inc. for a proposed parking lot expansion on Reserve "A" of the Pizza Shack of Montgomery plat. (Dev. No. 2209).

**Recommendation**

Motion to approve the Agreement as presented.

**Discussion**

The owner of Pizza Shack is proposing to expand their parking lot to the northwest of the restaurant (in the back left corner of the property). The project will require engineering review for drainage and other applicable city regulations. This agreement ensures the development review costs are borne by the property owner.

**Approved By**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Interim City Administrator | Dave McCorquodale | Date: 07/06/2022 |
|----------------------------|-------------------|------------------|



**ESCROW AGREEMENT**  
**BY AND BETWEEN**  
**THE CITY OF MONTGOMERY, TEXAS,**  
**AND**  
**Azzip Enterprises Inc.**  
**Dev. No. 2209**

THE STATE OF TEXAS                    3

COUNTY OF MONTGOMERY           3

This Escrow Agreement is made and entered into as of the 30<sup>th</sup> day June, 2022 by and between the CITY OF MONTGOMERY, TEXAS, a body politic, and a municipal corporation created and operating under the general laws of the State of Texas (hereinafter called the "City"), and Azzip Enterprises Inc., a Corporation, (hereinafter called the "Developer").

**RECITALS**

WHEREAS, the Developer desires to acquire and develop all or part of a Block 1 Restricted Reserve "A" of the Pizza Shack of Montgomery plat sometimes referred to as the Pizza Shack Tract, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

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

**ESCROW AGREEMENT**  
**BY AND BETWEEN**  
**THE CITY OF MONTGOMERY, TEXAS,**  
**AND**  
**Azzip Enterprises Inc.**  
**Dev. No. 2209**

THE STATE OF TEXAS                    ⤵

COUNTY OF MONTGOMERY            ⤵

This Escrow Agreement is made and entered into as of the 30<sup>th</sup> day June, 2022 by and between the CITY OF MONTGOMERY, TEXAS, a body politic, and a municipal corporation created and operating under the general laws of the State of Texas (hereinafter called the "City"), and Azzip Enterprises Inc., a Corporation, (hereinafter called the "Developer").

**RECITALS**

WHEREAS, the Developer desires to acquire and develop all or part of a Block 1 Restricted Reserve "A" of the Pizza Shack of Montgomery plat sometimes referred to as the Pizza Shack Tract, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

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

**AGREEMENT**

**ARTICLE I**

**SERVICES REQUIRED**

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

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

**ARTICLE II**

**FINANCING AND SERVICES**

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

|                |         |
|----------------|---------|
| Administrative | \$500   |
| City Engineer  | \$2,000 |
| Legal          | \$500   |
| <hr/>          |         |
| TOTAL          | \$3,000 |

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

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

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

### ARTICLE III,

#### MISCELLANEOUS

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

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

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

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

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

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

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

|                 |  |
|-----------------|--|
| If to City, to: | City Administrator<br>City of Montgomery<br>101 Old Plantersville Rd.<br>Montgomery, Texas 77356 |
|-----------------|--|

|                      |   |
|----------------------|---|
| If to Developer, to: | Michael Simmons<br>Azzip Enterprises Inc.<br>19132 Stewart Creek Rd.<br>Montgomery, Texas 77356 |
|----------------------|---|

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

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

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

agreement.

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

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

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

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

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


CITY OF MONTGOMERY, TEXAS

By: \_\_\_\_\_  
Byron Sanford, Mayor

ATTEST:

By: \_\_\_\_\_  
Nici Browe, City Secretary

Michael Simmons  
Developer

By:   
Signature

Title: Owner



STATE OF TEXAS {

COUNTY OF MONTGOMERY {

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

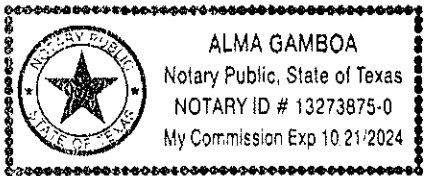
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS {

COUNTY OF \_\_\_\_\_ {

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Michael Simmons, Owner of Azzip Enterprises Inc. a Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated and as the act and deed of said organization.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 30<sup>th</sup> day of June, 2022.



Alma Gamboa  
Notary Public, State of Texas

**PIZZA SHACK MONTGOMERY**

BEING A SUBDIVISION OF 3.248 ACRES, AND BEING SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NO. 8, SAID 3.248 ACRE TRACT BEING COMPRISED OF TWO TRACTS A CALLED 2.009 ACRE TRACT AS RECORDED UNDER CLERK S FILE NO. 2019-042470 AND A CALLED 1.209 ACRE TRACT AS DESCRIBED UNDER CLERK S FILE NO. 2015-042473 OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS.

1 RESERVE, 1 BLOCK  
MARCH 2016

| Case | Age | Sex | Height | Weight | Temp | Pulse | Respirations | Blood Pressure | Heart  | Lungs | Abdomen | Neurological | Other | Diagnosis | Treatment  | Outcome   |
|------|-----|-----|--------|--------|------|-------|--------------|----------------|--------|-------|---------|--------------|-------|-----------|------------|-----------|
| 1    | 10  | M   | 140    | 45     | 38.5 | 100   | 20           | 120/80         | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 2    | 12  | F   | 150    | 50     | 38.0 | 95    | 18           | 110/70         | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 3    | 15  | M   | 160    | 60     | 38.2 | 105   | 22           | 125/85         | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 4    | 18  | F   | 170    | 65     | 38.1 | 100   | 20           | 120/80         | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 5    | 20  | M   | 180    | 75     | 38.3 | 110   | 24           | 130/90         | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 6    | 22  | F   | 160    | 60     | 38.4 | 115   | 26           | 135/95         | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 7    | 25  | M   | 190    | 80     | 38.5 | 120   | 28           | 140/100        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 8    | 28  | F   | 170    | 70     | 38.6 | 125   | 30           | 145/105        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 9    | 30  | M   | 180    | 75     | 38.7 | 130   | 32           | 150/110        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 10   | 32  | F   | 160    | 65     | 38.8 | 135   | 34           | 155/115        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 11   | 35  | M   | 170    | 70     | 38.9 | 140   | 36           | 160/120        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 12   | 38  | F   | 150    | 60     | 39.0 | 145   | 38           | 165/125        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 13   | 40  | M   | 160    | 65     | 39.1 | 150   | 40           | 170/130        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 14   | 42  | F   | 140    | 55     | 39.2 | 155   | 42           | 175/135        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 15   | 45  | M   | 150    | 60     | 39.3 | 160   | 44           | 180/140        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 16   | 48  | F   | 130    | 50     | 39.4 | 165   | 46           | 185/145        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 17   | 50  | M   | 140    | 55     | 39.5 | 170   | 48           | 190/150        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 18   | 52  | F   | 120    | 45     | 39.6 | 175   | 50           | 195/155        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 19   | 55  | M   | 130    | 50     | 39.7 | 180   | 52           | 200/160        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 20   | 58  | F   | 110    | 40     | 39.8 | 185   | 54           | 205/165        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 21   | 60  | M   | 120    | 45     | 39.9 | 190   | 56           | 210/170        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 22   | 62  | F   | 100    | 35     | 40.0 | 195   | 58           | 215/175        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 23   | 65  | M   | 110    | 40     | 40.1 | 200   | 60           | 220/180        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 24   | 68  | F   | 90     | 30     | 40.2 | 205   | 62           | 225/185        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 25   | 70  | M   | 100    | 35     | 40.3 | 210   | 64           | 230/190        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 26   | 72  | F   | 80     | 25     | 40.4 | 215   | 66           | 235/195        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 27   | 75  | M   | 90     | 30     | 40.5 | 220   | 68           | 240/200        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 28   | 78  | F   | 70     | 20     | 40.6 | 225   | 70           | 245/205        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 29   | 80  | M   | 80     | 25     | 40.7 | 230   | 72           | 250/210        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 30   | 82  | F   | 60     | 15     | 40.8 | 235   | 74           | 255/215        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 31   | 85  | M   | 70     | 20     | 40.9 | 240   | 76           | 260/220        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 32   | 88  | F   | 50     | 10     | 41.0 | 245   | 78           | 265/225        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 33   | 90  | M   | 60     | 15     | 41.1 | 250   | 80           | 270/230        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 34   | 92  | F   | 40     | 5      | 41.2 | 255   | 82           | 275/235        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 35   | 95  | M   | 50     | 10     | 41.3 | 260   | 84           | 280/240        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 36   | 98  | F   | 30     | 0      | 41.4 | 265   | 86           | 285/245        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 37   | 100 | M   | 40     | 5      | 41.5 | 270   | 88           | 290/250        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 38   | 102 | F   | 20     | 0      | 41.6 | 275   | 90           | 295/255        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 39   | 105 | M   | 30     | 0      | 41.7 | 280   | 92           | 300/260        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 40   | 108 | F   | 10     | 0      | 41.8 | 285   | 94           | 305/265        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 41   | 110 | M   | 20     | 0      | 41.9 | 290   | 96           | 310/270        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 42   | 112 | F   | 10     | 0      | 42.0 | 295   | 98           | 315/275        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 43   | 115 | M   | 0      | 0      | 42.1 | 300   | 100          | 320/280        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 44   | 118 | F   | 0      | 0      | 42.2 | 305   | 102          | 325/285        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 45   | 120 | M   | 0      | 0      | 42.3 | 310   | 104          | 330/290        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 46   | 122 | F   | 0      | 0      | 42.4 | 315   | 106          | 335/295        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 47   | 125 | M   | 0      | 0      | 42.5 | 320   | 108          | 340/300        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 48   | 128 | F   | 0      | 0      | 42.6 | 325   | 110          | 345/305        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 49   | 130 | M   | 0      | 0      | 42.7 | 330   | 112          | 350/310        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 50   | 132 | F   | 0      | 0      | 42.8 | 335   | 114          | 355/315        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 51   | 135 | M   | 0      | 0      | 42.9 | 340   | 116          | 360/320        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 52   | 138 | F   | 0      | 0      | 43.0 | 345   | 118          | 365/325        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 53   | 140 | M   | 0      | 0      | 43.1 | 350   | 120          | 370/330        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 54   | 142 | F   | 0      | 0      | 43.2 | 355   | 122          | 375/335        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 55   | 145 | M   | 0      | 0      | 43.3 | 360   | 124          | 380/340        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 56   | 148 | F   | 0      | 0      | 43.4 | 365   | 126          | 385/345        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 57   | 150 | M   | 0      | 0      | 43.5 | 370   | 128          | 390/350        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 58   | 152 | F   | 0      | 0      | 43.6 | 375   | 130          | 395/355        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 59   | 155 | M   | 0      | 0      | 43.7 | 380   | 132          | 400/360        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 60   | 158 | F   | 0      | 0      | 43.8 | 385   | 134          | 405/365        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 61   | 160 | M   | 0      | 0      | 43.9 | 390   | 136          | 410/370        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 62   | 162 | F   | 0      | 0      | 44.0 | 395   | 138          | 415/375        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 63   | 165 | M   | 0      | 0      | 44.1 | 400   | 140          | 420/380        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 64   | 168 | F   | 0      | 0      | 44.2 | 405   | 142          | 425/385        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 65   | 170 | M   | 0      | 0      | 44.3 | 410   | 144          | 430/390        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 66   | 172 | F   | 0      | 0      | 44.4 | 415   | 146          | 435/395        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 67   | 175 | M   | 0      | 0      | 44.5 | 420   | 148          | 440/400        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 68   | 178 | F   | 0      | 0      | 44.6 | 425   | 150          | 445/405        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 69   | 180 | M   | 0      | 0      | 44.7 | 430   | 152          | 450/410        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 70   | 182 | F   | 0      | 0      | 44.8 | 435   | 154          | 455/415        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 71   | 185 | M   | 0      | 0      | 44.9 | 440   | 156          | 460/420        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 72   | 188 | F   | 0      | 0      | 45.0 | 445   | 158          | 465/425        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 73   | 190 | M   | 0      | 0      | 45.1 | 450   | 160          | 470/430        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 74   | 192 | F   | 0      | 0      | 45.2 | 455   | 162          | 475/435        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 75   | 195 | M   | 0      | 0      | 45.3 | 460   | 164          | 480/440        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 76   | 198 | F   | 0      | 0      | 45.4 | 465   | 166          | 485/445        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 77   | 200 | M   | 0      | 0      | 45.5 | 470   | 168          | 490/450        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 78   | 202 | F   | 0      | 0      | 45.6 | 475   | 170          | 495/455        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 79   | 205 | M   | 0      | 0      | 45.7 | 480   | 172          | 500/460        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 80   | 208 | F   | 0      | 0      | 45.8 | 485   | 174          | 505/465        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 81   | 210 | M   | 0      | 0      | 45.9 | 490   | 176          | 510/470        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 82   | 212 | F   | 0      | 0      | 46.0 | 495   | 178          | 515/475        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 83   | 215 | M   | 0      | 0      | 46.1 | 500   | 180          | 520/480        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 84   | 218 | F   | 0      | 0      | 46.2 | 505   | 182          | 525/485        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 85   | 220 | M   | 0      | 0      | 46.3 | 510   | 184          | 530/490        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 86   | 222 | F   | 0      | 0      | 46.4 | 515   | 186          | 535/495        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 87   | 225 | M   | 0      | 0      | 46.5 | 520   | 188          | 540/500        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 88   | 228 | F   | 0      | 0      | 46.6 | 525   | 190          | 545/505        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 89   | 230 | M   | 0      | 0      | 46.7 | 530   | 192          | 550/510        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 90   | 232 | F   | 0      | 0      | 46.8 | 535   | 194          | 555/515        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 91   | 235 | M   | 0      | 0      | 46.9 | 540   | 196          | 560/520        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 92   | 238 | F   | 0      | 0      | 47.0 | 545   | 198          | 565/525        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 93   | 240 | M   | 0      | 0      | 47.1 | 550   | 200          | 570/530        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 94   | 242 | F   | 0      | 0      | 47.2 | 555   | 202          | 575/535        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 95   | 245 | M   | 0      | 0      | 47.3 | 560   | 204          | 580/540        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 96   | 248 | F   | 0      | 0      | 47.4 | 565   | 206          | 585/545        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 97   | 250 | M   | 0      | 0      | 47.5 | 570   | 208          | 590/550        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 98   | 252 | F   | 0      | 0      | 47.6 | 575   | 210          | 595/555        | Normal | Clear | Normal  | Normal       | None  | Measles   | Supportive | Recovered |
| 99   | 255 | M   | 0      | 0      | 47.7 | 580   | 212          | 600/560        | Normal | Clear | Normal  | Normal       | None  | Measles   |            |           |

[illegible]

STATE OF TEXAS  
COUNTY OF MONTGOMERY

Their legal Enterprises, Inc., herein acting individually or through its authorized agents, hereby certifies that it has acquired all of the shares therein described real property as the Plaza Street Temporary Subdivision, and does hereby make subdivision of said property according to the lines, street, alleys, ports and easements thereon shown, and dedicate to the public forever all areas shown on this plan as street, alleys, ports and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by the subdivision of private property for streets and ways hereafter, or for the establishment of easements, rights-of-way, or other interests, and agrees to confirm such grades and does hereby bind Owner and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

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

WITNESS my hand in Montgomery County, Texas,  
this 3 day of March, 2016

John Simmons  
*John Simmons*  
President  
Azzop Enterprises, Inc.

Claudia Simmons  
Vice President  
Azzip Enterprises, Inc.

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

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

BEFORE ME, the undersigned authority, on this 3 day of March, 2016.

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

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

3 day of March 2016.

Notary Public in and for  
Montgomery County, Texas

ALLISON MARIE ANDERS  
MY COMMISSION EXPIRES  
February 22, 2017

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

Dated This 23 Day of ~~February~~ February, 2016.

Dated This 23 Day of February, 2016.

USE: **Mid-Infrared**

By: Kirk Jones  
Special Agent  
*[Signature]*  
Attest: *[Signature]*  
Special Agent  
Secretary

Seal of the Department of Justice, Federal Bureau of Investigation

By: *[Signature]*  
Assistant Attorney General  
Legal Counsel  
Planning and  
Zoning Commission



THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

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

BEFORE ME, the undersigned authority, on this 3 day of March, 2016.

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

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

3 3 day of March 2016.

Notary Public in and for  
Montgomery County, Texas

ALLISON MARIE ANDERS  
MY COMMISSION EXPIRES  
February 22, 2017

That I, Zachariah R. Savary, do hereby certify that I prepared this plat for an actual and accurate survey of the land and that the corner monuments shown thereof were properly placed and or located under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas.

*Richard D. Savory*  
Zachariah R. Savory, R.P.S.  
Texas Registration No. 4416



DOC # 2016063197  
Cabinet 002 Shelf 4068

**OWNER**  
AZZIP ENTERPRISES, INC.  
2025 PEEL ROAD  
MONTGOMERY, TEXAS 77136

**SURVEYOR**  
TEXAS PROFESSIONAL SURVEYING  
FIRM REGISTRATION NO. 100834-00  
3032 NORTH FRAZIER  
CONROE, TEXAS 77303

C2B-04\_P1A7  
SHEET 1 OF 2

22



Montgomery City Council  
**AGENDA REPORT**

|                                   |                             |
|-----------------------------------|-----------------------------|
| <b>Meeting Date:</b> 07-12-2022   | <b>Budgeted Amount:</b>     |
| <b>Department:</b> Administration | <b>Prepared By:</b> N.Browe |

**Subject**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 206 AND 259 OF CHAPTER 86 "TRAFFIC AND VEHICLES" OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Recommendation**

**Motion to adopt the amendments to Sections 206 and 259 of Chapter 86 "Traffic and Vehicles", as presented.**

**Discussion**

City Council moved to table this item at the City Council meeting of June 28, 2022. City Administration has corrected the Ordinance caption and included the full passage of the ordinances to show the amendments being made.

**Approved By**

|                    |            |                  |
|--------------------|------------|------------------|
| City Secretary     | Nici Browe | Date: 07-06-2022 |
| City Administrator |            | Date:            |

**ORDINANCE NO. 2022 - \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 206 AND 259 OF CHAPTER 86 "TRAFFIC AND VEHICLES" OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Montgomery, Texas (the "City Council") desires to safeguard the health, safety and general welfare of the City of Montgomery, Texas (the "City") and its citizens;

**WHEREAS**, Texas Transportation Code Section 551.405 provides for restrictions relating to the operation of a golf cart and crossing certain intersections;

**WHEREAS**, City Council desires to improve safety for drivers and pedestrians alike during parades through requiring a certified peace officer escort; and

**WHEREAS**, pursuant to the Texas Local Government Code Chapter 51, the City Council may adopt, publish, amend or repeal an ordinance, rule, or police regulation that is for the good government, peace, and order of the City.

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

SECTION 1. The City Council adopts the findings and recitals above as true and correct.

SECTION 2. **Section 86-206(2)** is hereby amended and restated in its entirety to read as follows:

*"Notwithstanding subsection (1) of this section, a person is directly crossing an intersection, including a road or street that has a posted speed limit of more than 35 miles per hour, in accordance with applicable state law. Intersection means the common area at the junction of two highways, streets, or roads from curb to curb."*

**Sec. 86-206. Golf carts permitted and restricted.**

A person may operate a golf cart on a public street if:

(1) The maximum speed limit on the public street is 35 miles per hour or less.

~~(2) Notwithstanding subsection (1) of this section, a person is directly crossing an intersection, including a road or street that has a posted speed limit of more than 35 miles per hour, in accordance with applicable state law;~~

(3) The person has a valid driver's license.

- (4) The person maintains current financial responsibility for the golf cart, as required of other passenger vehicles in the V.T.C.A, Transportation Code § 601.051.
  - (5) The person complies with all applicable federal, state, and local laws and ordinances.
  - (6) The golf cart has the following equipment:
    - a. Headlamps;
    - b. Tail-lamps
    - c. Reflectors.
    - d. A parking brake.
    - e. Mirrors; and
    - f. A slow-moving vehicle emblem.
  - (7) While the golf cart is in motion, the driver and every passenger in a golf cart is seated in a seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passengers of a golf cart while it is moving; and
  - (8) The person completes and signs a city-supplied registration permit application form, accompanied by a fee as currently established or as hereafter adopted by resolution of the city council from time to time, along with proof of financial responsibility as required herein, which shall contain the following:
    - a. Name, address, email address and telephone number of the owner.
    - b. Location where the golf cart is regularly stored overnight.
    - c. Model, make, name and golf cart identification number.
    - d. Current driver's license number of the owner.
    - e. Statement that the registration permit holder and any user shall indemnify and hold harmless the city for all civil liability associated with said registration and waives any and all rights to sue or allow subrogation by an insurance company.
- (Ord. No. 2011-03, § 2, 1-11-2011; Ord. No. 2012-04, § 2, 4-10-2012)

**Section 86-259** is hereby amended and restated in its entirety to read as follows:

*"Sec. 86-259. Escort - Certified Peace Officer.*

*Applicants for a parade permit shall be required to provide an escort for a parade at the expense of the applicant. Any escort must be a certified peace officer designated by the chief of police."*

**Sec. 86-259. Restrictions on route; escort.**

~~(a) Except for necessary crossings along an otherwise permitted route, no parade route shall contain any portion of the following streets, roads or highways that would exceed a period longer than 15 minutes:~~

~~(1) State Highway 105.~~

~~(2) FM 149.~~

~~(3) Lone Star Parkway.~~

~~(4) FM 1097.~~

(b) Applicants for a parade permit shall be required to provide an escort for a parade at the expense of the applicant. Any escort must be a certified peace officer designated by the chief of police.

(Code 2002, § 74-33; Ord. No. 1998-2, § 3, 7-21-1998)

**SECTION 2.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect any of the remaining provisions of this Ordinance.

**SECTION 3.** All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance on all ordinances or sections of the City Code not specifically amended or repealed shall remain in full force and effect.

**SECTION 4.** 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 5.** This Ordinance shall take effect immediately upon its passage and adoption.

**PASSED AND APPROVED** by the City Council of the City of Montgomery, Texas on the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Byron Sanford, Mayor

ATTEST:

\_\_\_\_\_

Nicola Browe, City Secretary

APPROVED AS TO FORM:

---

Alan P. Petrov, City Attorney



Montgomery City Council  
**AGENDA REPORT**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

**Subject**

Presentation of a proposed 80-acre single-family residential development by Pulte Homes.

**Recommendation**

Listen to the presentation; provide feedback and direction to the developer and staff. No motion or formal action is required.

**Discussion**

The developer will provide an overview of the proposed project with examples and details of what the finished neighborhood will include. A key point of the discussion will be the developer's request for 45-foot wide lots instead the City minimum 75-foot wide lots. The City Council should review the request, discuss with one another, staff, and city consultants at the meeting, and provide direction on lot width and other thoughts on the proposed project to the developer.

As you know, the City has approved lots in the 50' - 60' wide lots in recent years and some early discussions have been had about allowing a smaller lot size for some areas of the single-family residential zoning district.

**Approved By**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Interim City Administrator | Dave McCorquodale | Date: 07/07/2022 |
|----------------------------|-------------------|------------------|

# Montgomery City Council

## AGENDA REPORT

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

### Subject

Discussion and possible action authorizing city staff and consultants to coordinate with Nantucket Housing, LLC / HCR Ventures regarding Development and Annexation Agreements for a proposed 33-acre multi-family residential development (Dev. No. 2204).

### Recommendation

Motion to authorize staff and consultants to coordinate with the developer as necessary.

### Discussion

You will recall the Feasibility Study presentation from last month on this proposed project behind Pizza Shack along Stewart Creek Road. The city engineers presented the study and the developer was in attendance to answer questions. Key details of the engineer's study include:

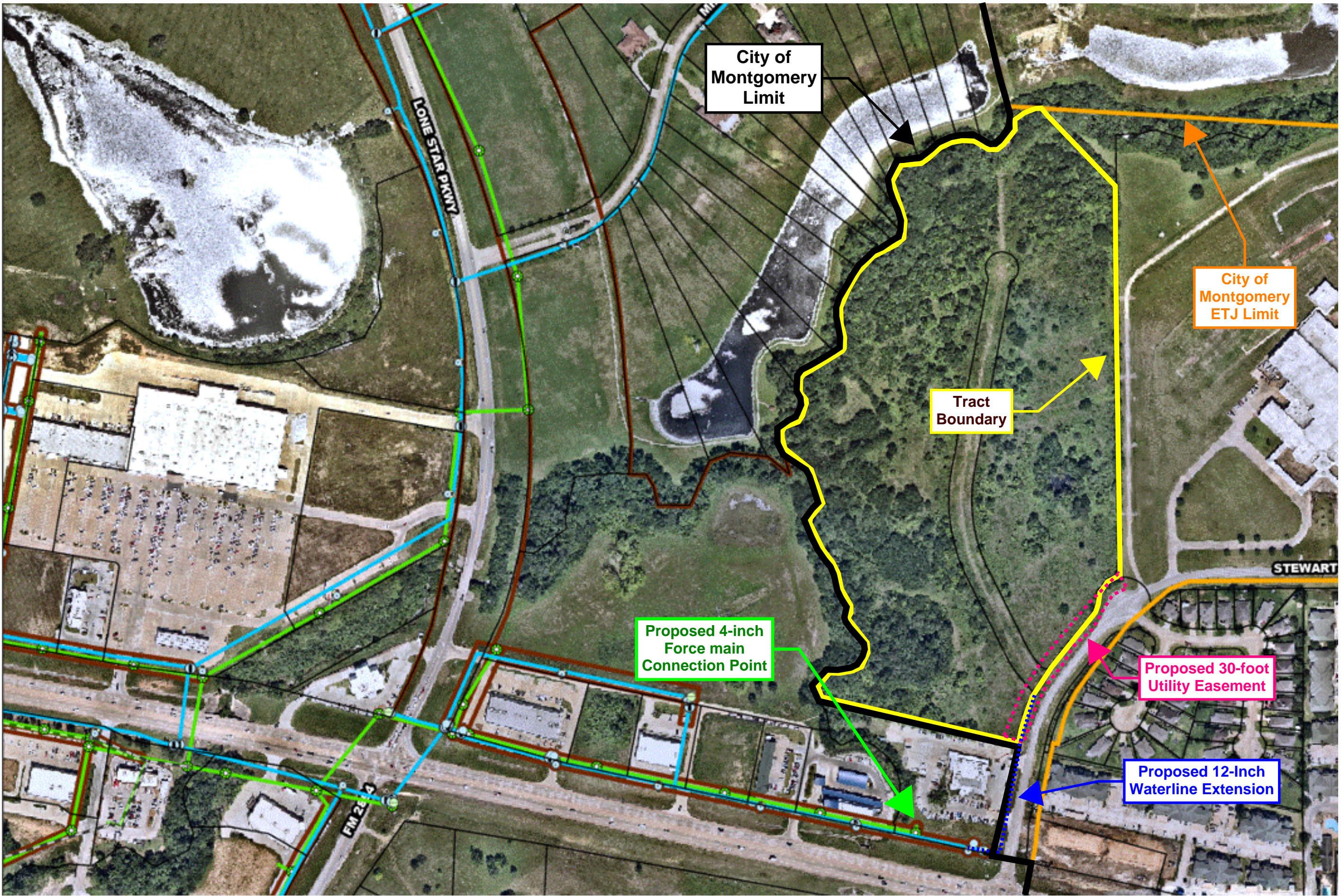
- 33-acre site with close proximity to SH 105
- Surrounded by school, single and multi-family housing, commercial development
- 385 proposed units (220 multi-family, 165 senior living)
- +/- 50,000 gallons per day of water / sewer use at full buildout
- \$32 million estimated assessed valuation at full buildout
- \$85,000 paid in Impact Fees for water & sewer service
- \$128,000 estimated annual tax revenue

The Feasibility Study was also presented to P&Z on July 5th and was generally well-received by the Commission. If City Council wishes to allow the project to proceed, the next step is for staff and consultants to work with the developer on preparing Development and Annexation agreements since the project is located outside the city limits and requires developer-funded utility extensions. A location map and proposed site plan are attached.

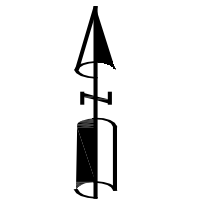
### Approved By

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Interim City Administrator | Dave McCorquodale | Date: 07/06/2022 |
|----------------------------|-------------------|------------------|





Nantucket Housing Tract Boundary  
City of Montgomery



0 0.5 1  
SCALE: 1" = 285'



PROJECT SUMMARY:

Senior Living Phase:

| Type | Description               | Qty. | Area     |
|------|---------------------------|------|----------|
| A1   | One Bedroom, 1 Bath       | 28   | 700 s.f. |
| A2   | One Bedroom, 1 Bath       | 34   | 777 s.f. |
| A3   | One Bedroom, 1 Bath       | 8    | 790 s.f. |
| A4   | One Bedroom / Den, 1 Bath | 27   | 948 s.f. |
| A5   | One Bedroom / Den, 1 Bath | 6    | 995 s.f. |

|                         |                           |           |            |
|-------------------------|---------------------------|-----------|------------|
| Total One Bedroom Units |                           | 103 Units |            |
| B1                      | Two Bedroom, 2 Bath       | 19        | 943 s.f.   |
| B2                      | Two Bedroom, 2 Bath       | 9         | 1,014 s.f. |
| B3                      | Two Bedroom, 2 Bath       | 12        | 1,082 s.f. |
| B4                      | Two Bedroom, 2 Bath       | 4         | 1,120 s.f. |
| B5                      | Two Bedroom / Den, 2 Bath | 18        | 1,120 s.f. |

|                         |  |           |              |
|-------------------------|--|-----------|--------------|
| Total Two Bedroom Units |  | 62 Units  |              |
| Project Total           |  | 165 Units | 149,093 s.f. |

Multi - Family Phase:

| Type | Description         | Qty. | Area     |
|------|---------------------|------|----------|
| A1   | One Bedroom, 1 Bath | 58   | 689 s.f. |
| A2   | One Bedroom, 1 Bath | 60   | 776 s.f. |

|                         |                     |           |            |
|-------------------------|---------------------|-----------|------------|
| Total One Bedroom Units |                     | 118 Units |            |
| B1                      | Two Bedroom, 2 Bath | 54        | 968 s.f.   |
| B2                      | Two Bedroom, 2 Bath | 30        | 1,004 s.f. |

|                           |                       |           |              |
|---------------------------|-----------------------|-----------|--------------|
| Total Two Bedroom Units   |                       | 84 Units  |              |
| C1                        | Three Bedroom, 2 Bath | 18        | 1,175 s.f.   |
| Total Three Bedroom Units |                       | 18 Units  |              |
| Project Total             |                       | 220 Units | 190,064 s.f. |



STEWART CREEK MASTER PLAN

Mucasey & Associates, Architects

March 28, 2022



Montgomery City Council  
**AGENDA REPORT**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

**Subject**

Consideration and possible action on authorizing the city engineer to begin work on the McCown & Caroline Street Waterline Replacement Project.

**Recommendation**

Motion to authorize the city engineer to begin work on the McCown & Caroline Street Waterline Replacement Project.

**Discussion**

As the downtown redevelopment project progresses and the MEDC funds design work for the surface improvements of the streetscape, city staff and consultants are working toward infrastructure improvements in the downtown. Previous work done on infrastructure in the area is a new 12" waterline along Pond Street that serves as a critical connection between the east and west sides of the City. Also wrapping up is a cleaning and televising of the sanitary sewer lines in the downtown and surrounding areas. Data from that project is now available and the engineers have recommendations for repairs to be made along the McCown Street corridor (the sewer repairs are included in a separate agenda item). At the last meeting, City Council approved a master drainage study for downtown to assess storm drainage needs and develop solutions.

There is currently a 4-inch aging waterline along McCown Street. Analysis by the engineers suggests the line should be replaced and upsized to an 8-inch line. The attached proposal was provided at the request of staff.

The design of the project will be paid from the engineering line item in the Water & Sewer Fund. Subsequent construction costs will occur next fiscal year and will be budgeted for.

**Approved By**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Interim City Administrator | Dave McCorquodale | Date: 07/08/2022 |
|----------------------------|-------------------|------------------|

## McCown St. and Caroline St. Waterline Replacement City of Montgomery

This proposal is submitted pursuant to and in accordance with that certain Professional Services Agreement dated May 25, 2021, by and between Ward, Getz & Associates, PLLC and the City of Montgomery (the "City").

WGA understands the City plans to replace existing waterlines located on McCown Street and Caroline Street in the downtown area, and upsize undersized waterlines to 8". The waterline replacement and upsizing totals approximately 1,700 LF.

### SCOPE OF WORK

- *Preliminary & Design Phase Services*
  - *WGA will create a preliminary layout and coordinate with the City for approval. This phase will include internal/ external project kickoff meetings and the establishment of the design and schedule.*
  - *WGA will develop drawings and specifications for the successful construction of the waterline replacement along McCowan Street and Caroline Street in the downtown area.*
  - *Design changes initiated by the Client after the design is complete may result in a request for additional authorization.*
- *Construction Administration*
  - *Coordinate advertising for bids, hold a pre-bid conference, answer questions from bidders, hold bid opening, prepare bid tabulation, and prepare recommendation of award.*
  - *Prepare construction contracts and coordinate execution of the same.*
  - *Issue notice to proceed and hold pre-construction meeting.*
  - *Review of construction submittals and RFIs.*
  - *Preparation of pay estimates, change orders, and other associated construction documents.*
  - *General oversight and coordination of construction contract.*
- *Field Project Representation*
  - *Onsite inspection by a Field Project Representative for approximately 10 hours per week (including travel time) for the duration of the projected contract period of performance (90 days).*
  - *Onsite inspection by the project team throughout the duration of the project to attend periodic site visits, final walkthrough inspections, etc.*



- *Additional Services and Reimbursable Expenses*
  - *Includes construction staking, construction materials testing, advertising expenses, and other reimbursable expenses.*
  - *Construction services over 20% of original contract period of performance.*

#### **ENGINEERING COST**

The cost to perform the scope of services described above is as follows:

|   |          |                      |
|---|----------|----------------------|
| Preliminary & Design Phase -                  | \$18,000 | (Time and Materials) |
| Construction Administration -                 | \$14,500 | (Time and Materials) |
| Field Project Representation -                | \$15,000 | (Time and Materials) |
| Additional Services & Reimbursable Expenses - | \$5,500  | (Time and Materials) |

**WGA requests City Council's authorization to proceed with the preparation of the design plans for the McCowan St. and Caroline St. Waterline Replacement on a time and materials basis, as described above.**

#### **SCHEDULE**

|                          |            |                      |
|--------------------------|------------|----------------------|
| Authorization to Proceed | 1          | calendar days*       |
| Survey                   | 45         | calendar days        |
| Design                   | 75         | calendar days        |
| Bidding                  | 30         | calendar days        |
| Contracts                | 30         | calendar days        |
| Construction             | 90         | calendar days        |
| <b>TOTAL DURATION</b>    | <b>271</b> | <b>calendar days</b> |

\*If approved, the effective start date is the following business day from the date of acceptance.



**Preliminary Cost Estimate**  
**FOR**  
**McCown St and Caroline St Waterline Replacement**  
**City of Montgomery**  
 July 8, 2022

| <u>ITEM</u>                    | <u>Description</u>                                 | <u>QUANTITY</u> | <u>UNIT</u> | <u>UNIT COST</u> | <u>ITEM TOTAL</u> |
|--------------------------------|--|-----------------|-------------|------------------|-------------------|
| 1                              | Move-In and Start-Up                               | 1               | LS          | \$ 15,000        | \$ 15,000         |
| 2                              | 8-Inch Waterline Replacement by Direct Replacement | 1706            | LF          | 60               | 102,000           |
| 3                              | 8-Inch Gate Valve                                  | 8               | EA          | 3,000            | 24,000            |
| 4                              | 8-Inch Wet Connect                                 | 4               | EA          | 3,500            | 14,000            |
| 5                              | Reconnect Water Meters                             | 17              | EA          | 1,000            | 17,000            |
| 6                              | Flushing Valves                                    | 4               | EA          | 6,000            | 24,000            |
| 7                              | Temporary Waterline                                | 500             | LF          | 50               | 25,000            |
| 8                              | Abandon Existing Waterline                         | 1706            | LF          | 2                | 3,000             |
| 9                              | Site Restoration and Hydro-mulch Seeding           | 1               | LS          | 10,000           | 10,000            |
| 10                             | Traffic Control                                    | 1               | LS          | 10,000           | 10,000            |
| 11                             | Construction Staking                               | 1               | LS          | 4,500            | 5,000             |
| 12                             | Pollution Prevention                               | 1               | LS          | \$ 10,000        | \$ 10,000         |
| Subtotal                       |  |                 |             |                  | 259,000           |
| Contingencies (20%)            |  |                 |             |                  | 52,000            |
| Engineering                    |  |                 |             |                  | 47,500            |
| Reimbursable Expenses          |  |                 |             |                  | 5,000             |
| <b>Total Construction Cost</b> |  |                 |             |                  | <b>\$ 364,000</b> |

**Notes:**

(1) All values rounded up to the nearest thousand.

(2) This estimate is based on my best judgement as a design professional familiar with the construction industry. We cannot and do not guarantee that bids will not vary from this cost estimate.

(3) This includes construction materials testing, advertising fees, and other miscellaneous reimbursable costs.



Montgomery City Council  
**AGENDA REPORT**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

**Subject**

Consideration and possible action on authorizing the city engineer to begin work on the Downtown Sanitary Sewer Rehabilitation Project.

**Recommendation**

Motion to authorize the city engineer to begin work on the Downtown Sanitary Sewer Rehabilitation Project.

**Discussion**

The City recently cleaned and televised approximately 6.5 miles of the oldest parts of the sanitary sewer system to determine repairs and maintenance needs. The downtown area was part of this and in connection with the McCown Street improvements, staff is proposing repairs to be made to the sewer lines that will be in the project area. The engineers have provided a proposal at the request of staff for the project.

The design of the project will be paid from the engineering line item in the Water & Sewer Fund. Subsequent construction costs will occur next fiscal year and will be budgeted for.

**Approved By**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Interim City Administrator | Dave McCorquodale | Date: 07/08/2022 |
|----------------------------|-------------------|------------------|

## Downtown Sanitary Sewer Rehabilitation City of Montgomery

This proposal is submitted pursuant to and in accordance with that certain Professional Services Agreement dated May 25, 2021, by and between Ward, Getz & Associates, PLLC and the City of Montgomery (the "City").

WGA understands the City plans to rehabilitate existing sewer lines located on Prairie Street, McCown Street, John A Butler Street and Caroline Street in the downtown area. The Sanitary Sewer Rehabilitation includes point repairs, cured-in-place pipe (CIPP) lining, and other miscellaneous repairs.

### SCOPE OF WORK

- *Preliminary & Design Phase Services*
  - *WGA will complete the conceptual design including boots on the ground review of the existing conditions.*
  - *WGA will prepare exhibits, repair tables, and specifications, and will prepare final opinions of probable cost for the work and advertise for bids for construction.*
  - *Design changes initiated by the Client after the design is complete may result in a request for additional authorization.*
- *Construction Administration*
  - *Coordinate advertising for bids, hold a pre-bid conference, answer questions from bidders, hold bid opening, prepare bid tabulation, and prepare recommendation of award.*
  - *Prepare construction contracts and coordinate execution of the same.*
  - *Issue notice to proceed and hold pre-construction meeting.*
  - *Review of construction submittals and RFIs.*
  - *Preparation of pay estimates, change orders, and other associated construction documents.*
  - *General oversight and coordination of construction contract.*
  -
- *Field Project Representation*
  - *Onsite inspection by a Field Project Representative for approximately 12 hours per week (including travel time) for the duration of the projected contract period of performance (90 days).*
  - *Onsite inspection by the project team throughout the duration of the project to attend periodic site visits, final walkthrough inspections, etc.*



- *Additional Services*
  - o *WGA will coordinate with the client, residents, property owners and/or contractor any services deemed necessary to complete the project that was not a part of the original scope of work.*
  - o *WGA will coordinate with the contractor to ensure that the City Council and Community is aware of the construction status and impact.*
  - o *Construction services over 20% of original contract period of performance.*
- *Video Review*
  - o *WGA will review all post rehabilitation videos, photos, and testing results to ensure the repairs were completed per the specifications.*
- *Reimbursable Expenses.*
  - o *Any material expenses incurred as a part of this project including shipping, printing services, construction materials testing, and advertising fees.*

#### **ENGINEERING COST**

The cost to perform the scope of services described above is as follows:

|  |          |                      |
|--|----------|----------------------|
| Preliminary & Design Phase -           | \$5,000  | (Time and Materials) |
| Construction Administration -          | \$12,000 | (Time and Materials) |
| Field Project Representation -         | \$9,000  | (Time and Materials) |
| Video Review & Reimbursable Expenses - | \$3,000  | (Time and Materials) |

**WGA requests City Council's authorization to proceed with the preparation of the design plans for the Downtown Sanitary Sewer Rehabilitation on a time and materials basis, as described above.**

#### **SCHEDULE**

|                          |            |                      |
|--------------------------|------------|----------------------|
| Authorization to Proceed | 1          | calendar days*       |
| Design                   | 60         | calendar days        |
| Bidding                  | 30         | calendar days        |
| Contracts                | 30         | calendar days        |
| Construction             | 90         | calendar days        |
| <b>TOTAL DURATION</b>    | <b>211</b> | <b>calendar days</b> |

\*If approved, the effective start date is the following business day from the date of acceptance.



**Preliminary Cost Estimate**  
**FOR**  
**Downtown Sanitary Sewer Rehabilitation**  
**City of Montgomery**  
 July 8, 2022

| <u>ITEM</u>                    | <u>Description</u>                                | <u>QUANTITY</u> | <u>UNIT</u> | <u>UNIT COST</u> | <u>ITEM TOTAL</u> |
|--------------------------------|---|-----------------|-------------|------------------|-------------------|
| 1                              | Move-In and Start-Up                              | 1               | LS          | \$ 10,000        | \$ 10,000         |
| 2                              | Removal of Roots/Fixed Obstructions               | 1               | EA          | 660              | 1,000             |
| 3                              | 8-inch Point Repairs (Standard 8 ft)              | 2               | EA          | 6,000            | 12,000            |
| 4                              | Additional Linear Footage for 8-Inch Point Repair | 2               | LF          | 240              | 500               |
| 5                              | 6- inch CIPP                                      | 755             | LF          | 55               | 42,000            |
| 6                              | 8- inch CIPP                                      | 841             | LF          | 55               | 46,000            |
| 7                              | Heavy Cleaning for 6-inch                         | 25              | LF          | 50               | 1,000             |
| 8                              | Replace Manhole Ring and Lid                      | 1               | EA          | 1,300            | 1,000             |
| 9                              | Reseal Manhole Lid and Throat                     | 3               | EA          | 1,300            | 4,000             |
| 10                             | Insert Infiltration Dish                          | 2               | EA          | 500              | 1,000             |
| 11                             | Heavy Clean Manhole                               | 1               | EA          | 1,000            | 1,000             |
| 12                             | Service Lead Reconnection                         | 6               | EA          | 75               | 500               |
| 13                             | Traffic Control                                   | 1               | LS          | 7,500            | 8,000             |
| 14                             | Pollution Prevention                              | 1               | LS          | \$ 5,000         | \$ 5,000          |
| Subtotal                       |   |                 |             |                  | \$ 133,000        |
| Contingencies (15%)            |   |                 |             |                  | 20,000            |
| Engineering                    |   |                 |             |                  | 28,000            |
| Reimbursable Expenses          |   |                 |             |                  | 1,000             |
| <b>Total Construction Cost</b> |   |                 |             |                  | <b>\$ 182,000</b> |

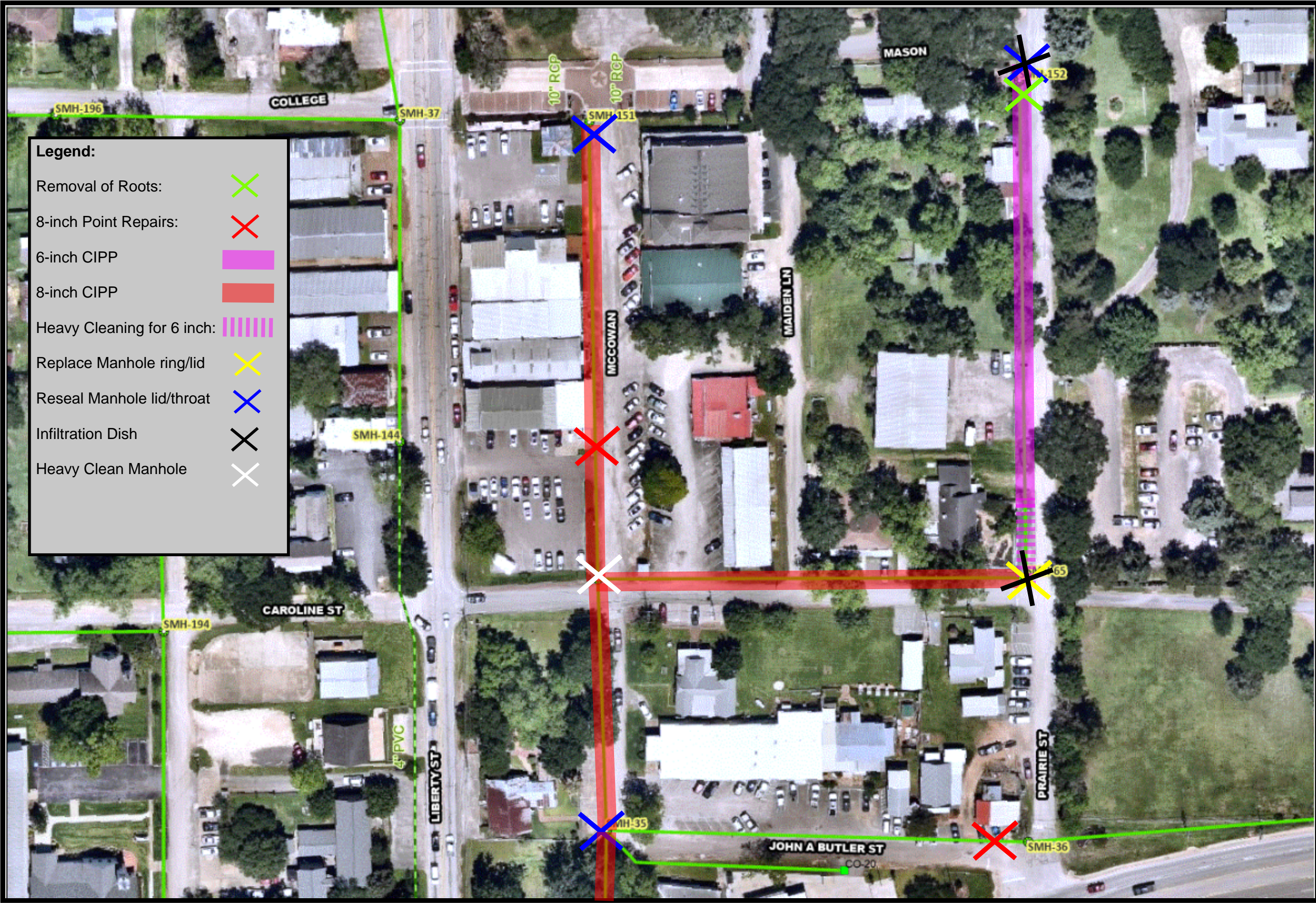
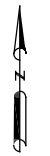
Notes:

(1) All values rounded up to the nearest thousand.

(2) This estimate is based on my best judgement as a design professional familiar with the construction industry. We cannot and do not guarantee that bids will not vary from this cost estimate.

(3) This includes advertising fees and other miscellaneous reimbursable costs.







Montgomery City Council  
**AGENDA REPORT**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

**Subject**

Consideration and possible action on authorizing the city engineer to begin work on the Water Plant Nos. 2 & 3 Bleach Conversion Project.

**Recommendation**

Motion to authorize the city engineer to begin work on the Water Plant Nos. 2 & 3 Bleach Conversion Project.

**Discussion**

This project has been planned for several years and has been previously recommended by both the city engineer and TORC (Technical Operations Review Committee, a technically-minded advisory group of city residents established by council action around 2018). City staff has asked the engineer to prepare a proposal for the project for City Council's review and approval.

The project design and construction were funded in the current budget, though we will not use the construction funds until fiscal next year.

**Approved By**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Interim City Administrator | Dave McCorquodale | Date: 07/08/2022 |
|----------------------------|-------------------|------------------|



## Water Plant Nos. 2 & 3 Bleach Conversion

### City of Montgomery

**Request:** Council Authorization on July 12, 2022

This proposal is submitted pursuant to and in accordance with that certain Professional Services Agreement dated May 25, 2021, by and between Ward, Getz & Associates, PLLC and the City of Montgomery (the "City").

WGA understands the City wants to replace the existing gaseous chlorine disinfection system at Water Plants Nos. 2 and 3 with a liquid bleach disinfection system.

#### SCOPE OF WORK

- *Preliminary & Design Phase Services*
  - *WGA will create a preliminary site layout and coordinate with the City and the City's operator H2O Innovations ("H2O"). A design agenda will be established for the proposed improvements and will be coordinated with the City and H2O. This phase will include internal/ external project kickoff meetings and the establishment of the design basis and schedule.*
  - *Update scope and engineer's opinion of probable construction cost as needed.*
  - *WGA will develop drawings and specifications for the successful construction of the Water Plant Nos. 2 & 3 Bleach Conversion. Design changes initiated by the Client after the design is complete may result in a request for additional authorization. Also, additional authorization may be requested for any additional treatment systems that are mandated by TCEQ after submission.*
  - *This scope includes replacement of the existing gaseous chlorine disinfection system with a liquid bleach disinfection system, and construction of an enclosure surrounding the new system.*
- *Construction Administration*
  - *Coordinate advertising for bids, hold a pre-bid conference, answer questions from bidders, hold bid opening, prepare bid tabulation, and prepare recommendation of award.*
  - *Prepare construction contracts and coordinate execution of the same.*
  - *Issue notice to proceed and hold pre-construction meeting.*
  - *Review of construction submittals and RFIs.*
  - *Preparation of pay estimates, change orders, and other associated construction documents.*
  - *General oversight and coordination of construction contract.*



- *Field Project Representation*
  - *Onsite inspection by a Field Project Representative for approximately 12 hours per week (including travel time) during active construction for the duration of the projected contract period of performance (90 calendar days).*
  - *Onsite inspection by the project team throughout the duration of the project to attend periodic site visits, final walkthrough inspections, etc.*
- *Additional Services and Reimbursable Expenses*
  - *Includes system testing, advertising expenses, and other reimbursable expenses.*
  - *Includes electrical, geotechnical, and structural engineering services to be performed by a subconsultant, as needed.*

#### ENGINEERING COST

The estimated cost to perform the scope of services described above is as follows:

|   |                              |
|---|------------------------------|
| Preliminary Phase/Design -                    | \$22,000 (Time and Material) |
| Construction Administration -                 | \$12,500 (Time and Material) |
| Field Project Representation -                | \$15,000 (Time and Material) |
| Additional Services & Reimbursable Expenses - | \$20,500 (Time and Material) |

**WGA requests the City Council's authorization to proceed with the preparation of the proposed Water Plant Nos. 2 & 3 Bleach Conversion on a time and material basis, as described above, for a total estimated cost of \$70,000.**

#### SCHEDULE

|                          |            |                      |
|--------------------------|------------|----------------------|
| Authorization to Proceed | 1          | calendar day*        |
| Design                   | 60         | calendar days        |
| Approval                 | 30         | calendar days        |
| Bidding                  | 30         | calendar days        |
| Contracts                | 30         | calendar days        |
| Construction             | 90         | calendar days        |
| <b>TOTAL DURATION</b>    | <b>241</b> | <b>calendar days</b> |

\* If approved, the effective start date is the day after authorization is received.





**Preliminary Cost Estimate  
FOR  
Water Plant Nos. 2 & 3 Bleach Conversion  
City of Montgomery  
July 8, 2022**

| <u>ITEM</u>                                       | <u>Description</u>                          | <u>QUANTITY</u> | <u>UNIT</u> | <u>UNIT COST</u> | <u>ITEM TOTAL</u> |
|---|---|-----------------|-------------|------------------|-------------------|
| 1   | Contractor Mobilization, Bonds, & Insurance | 1               | LS          | \$ 15,000        | \$ 15,000         |
| 2   | Demo Existing Gas System                    | 1               | LS          | 15,000           | 15,000            |
| <b><u>Water Plant No. 2 Bleach Conversion</u></b> |   |                 |             |                  |                   |
| 3   | Bleach Storage Tank and Interior Piping     | 1               | LS          | 41,000           | 41,000            |
| 4   | Yard Piping                                 | 1               | LS          | 9,500            | 9,500             |
| 5   | Electrical Work                             | 1               | LS          | 46,000           | 46,000            |
| 6   | Eye Wash System                             | 1               | LS          | 4,500            | 4,500             |
| 7   | Concrete Slab for Building                  | 1               | LS          | 11,500           | 11,500            |
| 8   | Sidewalk                                    | 1               | LS          | 5,000            | 5,000             |
| 9   | Stormwater Pollution Prevention Plan        | 1               | LS          | 5,000            | 5,000             |
| <b><u>Water Plant No. 2 Canopy Building</u></b>   |   |                 |             |                  |                   |
| 10  | Canopy Roof and Siding                      | 1               | LS          | 22,000           | 22,000            |
| <b><u>Water Plant No. 3 Bleach Conversion</u></b> |   |                 |             |                  |                   |
| 11  | Bleach Storage Tank and Interior Piping     | 1               | LS          | 51,000           | 51,000            |
| 12  | Yard Piping                                 | 1               | LS          | 9,500            | 9,500             |
| 13  | Electrical Work                             | 1               | LS          | 46,000           | 46,000            |
| 14  | Eye Wash System                             | 1               | LS          | 4,500            | 4,500             |
| 15  | Concrete Slab for Building                  | 1               | LS          | 18,500           | 18,500            |
| 16  | Stormwater Pollution Prevention Plan        | 1               | LS          | 3,000            | 3,000             |
| <b><u>Water Plant No. 3 Canopy Building</u></b>   |   |                 |             |                  |                   |
| 17  | Canopy Roof and Siding                      | 1               | LS          | \$ 26,500        | \$ 26,500         |
| Subtotal  |   |                 |             |                  | 333,500           |
| Engineering                                       |   |                 |             |                  | 70,000            |
| Contingencies(10%)                                |   |                 |             |                  | 34,000            |
| <b>Total Construction Cost</b>                    |   |                 |             |                  | <b>\$ 437,500</b> |

**Notes:**

- 1 All values rounded up to the nearest thousand.
- 2 This estimate is based on my best judgement as a design professional familiar with the construction industry. We cannot and do not guarantee that bids will not vary from this cost estimate.
- 3 The cost is to install a 330 gallon bleach storage and all associated pumps, piping, meters and other equipment inside the liquid bleach distribution system building.
- 4 Includes all piping to connect the bleach feed to Water Plant No. 2 as well as potable water piping to the eyewash station.
- 5 All associated electrical work required for operation of a liquid bleach system.
- 6 Furnishing and installing an eyewash station inside the liquid bleach system building.
- 7 Installation of a 8' x 10' concrete foundation for the liquid bleach system building.
- 8 Installation of a concrete sidewalk to connect the liquid bleach system building to the driveway.
- 9 Construction of an 8' x 10' canopy and exterior fencing around the liquid bleach system.
- 10 The cost is to install a 1,000-gallon bleach storage and all associated pumps, piping, meters and other equipment inside the liquid bleach distribution system building.
- 11 Includes all piping to connect the bleach feed to Water Plant No. 3 as well as potable water piping to the eyewash station.
- 12 All associated electrical work required for operation of a liquid bleach system.
- 13 Furnishing and installing an eyewash station inside the liquid bleach system building.
- 14 Installation of a 10' x 14' concrete foundation for the liquid bleach system building.
- 15 Construction of an 10' x 14' canopy and exterior fencing around the liquid bleach system.

Montgomery City Council  
**AGENDA REPORT**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

**Subject**

Consideration and possible action on Change Order #1 for GLO Project #19-076-017-B366 related to sanitary sewer and drainage repairs along Martin Luther King, Jr. Drive.

**Recommendation**

Motion to approve Change Order #1 as presented.

**Discussion**

Change Order #1 reconciles early project estimates with actual work needed after obtaining video footage of the sewer line in the project area. In addition to refining the work needed to the sewer line, other minor project changes like removal of a tree and additional work on a manhole are included. All of the items in this change order are normal for this type of project. The Project Engineer (Quiddity, formerly Jones|Carter), GrantWorks, city engineer and staff have reviewed the change order and recommend approval.

The result of the change order is a **decrease of \$2,949** in the overall project budget of \$518,310.

**Approved By**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Interim City Administrator | Dave McCorquodale | Date: 07/08/2022 |
|----------------------------|-------------------|------------------|



July 8, 2022

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

Re: GLO Sanitary Sewer and Drainage Improvements  
Change Order No. 1  
City of Montgomery

Dear Mayor and Council:

We received and concur with Quiddity's recommendation of approval of Change Order No. 1 to the Sanitary Sewer and Drainage Improvements contract. This change order includes various quantity changes and the addition of locating a manhole and tree removal. There is no change to the contract period of performance with Change Order No. 1.

The contractor has requested an additional \$7,525.00 to cover the costs associated with improvements and inspection of a newly uncovered manhole and removing a tree within the project area. However, with the various quantity changes made to the original bid, the contract total amount will decrease. We have reviewed the supporting documentation showing the quantity and project scope changes and offer no objection.

Approval of the change order will result in a \$2,949.00 decrease to the contract amount, from \$518,319.00 to \$515,370.00. This is a decrease of 0.57%. Approval will not change the contract period of performance from 180 calendar days and will not revise the substantial completion date from October 21, 2022.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chris Roznovsky, PE  
Engineer for the City

GLO Sanitary Sewer and Drainage Improvements  
Honorable Mayor and City Council  
City of Montgomery  
Page 2 of 2  
July 8, 2021

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CVR:akg

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2022.07.08 MEMO to Council RE GLO SS and Drainage Improvements Change Order No. 1.docx

Enclosures: Change Order No. 1 – GLO Sanitary Sewer and Drainage Improvements

Cc (via email): Mr. Dave McCorquodale – City of Montgomery, Interim City Administrator  
Ms. Nicola Browe – City of Montgomery, City Secretary  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

**NOTE: Texas Local Government Code Sec. 262.031 "CHANGES IN PLANS AND SPECIFICATIONS" regulations apply. Generally, a cumulative increase in the contract price in excess of 25% or a cumulative decrease in excess of 18% are disallowed.**

|   |  |  |
|---|--|--|
| Subrecipient: <b>City of Montgomery</b>   | GLO Contract Number: <b>19-076-017-B366</b>  | Date: <b>6/28/2022</b>   |
| Engineer Name Address & Phone   | Subrecipient Name, Address, & Phone Number:  | Contractor Name, Address & Phone Number:   |
| <b>Quiddity Engineering, LLC</b><br>1575 Sawdust Rd, Suite 400<br>The Woodlands, TX 77380<br>281-363-4039 | <b>City of Montgomery</b><br>101 Old Plantersville Road<br>Montgomery, Texas 77356 | <b>PM Construction &amp; Rehab, LLC</b><br>131 North Richey Street<br>Pasadena, TX 77056<br>346-455-3372 |
| Project #: <b>W5841-0042-01</b>   | Bid Package #: <b>Sewer Facilities</b>   | Change Order #: <b>1</b>   |
| Contract Origination Date: <b>4/14/2022</b>   | Project Description: <b>Sanitary Sewer and Drainage Improvements</b>               |  |

**You are hereby requested to comply with the following changes from the contract plans and specifications.**

| Item No. | Description of Changes: Quantities, Units, Unit Prices, Change in Completion Schedule etc.            | Decrease in Contract Price | Increase in Contract Price |
|----------|---|----------------------------|----------------------------|
| 37       | Add pay item for removal of tree paid by each occurrence (1 EA)                                       |                            | \$ 4,025.00                |
| 38       | Add lump sum bid item for uncovering manhole, raising to grade, and remobilize for inspection ( 1 LS) |                            | \$ 3,500.00                |
| 3        | Increase quantity to 4,655 linear feet  |                            | \$ 1,323.00                |
| 5        | Increase quantity to 4,495 linear feet  |                            | \$ 7,587.00                |
| 6        | Decrease quantity to 46 each  | \$ (4.00)                  |                            |
| 11       | Increase quantity to 219 linear feet  |                            | \$ 2,730.00                |
| 13       | Decrease quantity to 64 linear feet   | \$ (3,255.00)              |                            |
| 24       | Increase quantity to 2 each   |                            | \$ 450.00                  |
| 26       | Decrease quantity to 0 linear feet  | \$ (400.00)                |                            |
| 28       | Decrease quantity to 40 linear feet   | \$ (1,080.00)              |                            |
| 29       | Increase quantity to 3 each   |                            | \$ 1,000.00                |
| 30       | Decrease quantity to 0 each   | \$ (2,500.00)              |                            |

*See sheet 2 to add additional entries*

**Change in Construction Contract Price**

|   |               |
|---|---------------|
| Original Contract Price:                    | \$ 518,319.00 |
| Cumulative Previous Change Order(s) Total:  | \$ -          |
| Contract Price Prior to this Change Order:  | \$ 518,319.00 |
| Net Increase/Decrease of this Change Order: | \$ (2,949.00) |

**Change in Contract Time (Calendar Days)**

|   |     |
|---|-----|
| Original Contract Time in Days:                     | 180 |
| Net Change from Previous Change Order(s) in Days:   | 0   |
| Contract Time Prior to this Change Order in Days:   | 180 |
| Net Increase/Decrease of this Change Order in Days: | 0   |

[illegible]



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
**Construction Change Order Request**

|   |               |  |            |
|---|---------------|--|------------|
| Contract Price with All Approved Change Orders:   | \$ 515,370.00 | Contract Time with All Approved Change Orders in Days: | 180        |
| Cumulative Percent Change in Contract Price (+/-) | -0.57%        | Subrecipient Contract End Date:                        | 12/31/2022 |
| Construction Contract Start Date:                 | 4/24/2022     | Construction Contract End Date:                        | 10/21/2022 |

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

**\*This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements**

|   |   |                                     |
|---|---|-------------------------------------|
|   |   |                                     |
| Subrecipient Signature                  | Engineer Signature                        | Contractor Signature                |
| Dave McCorquodale<br>City Administrator | Nathaniel B. White, PE<br>Project Manager | Vayley Mauro<br>Project Manager     |
| Subrecipient Name and Title (Printed)   | Engineer Name and Title (Printed)         | Contractor Name and Title (Printed) |
| <br>                                    | <br>                                      | <br>                                |
| Subrecipient Signature                  | Engineer Signature                        | Contractor Signature                |

**Justification for Change Order**

1. Will this change order increase or decrease the number of beneficiaries? ☐ Increase ☐ Decrease ☒ No Change

If there is a change, how many beneficiaries will be affected?

Total  LMI

2. Effect of this change on the scope of work: ☐ Increase ☐ Decrease ☒ No Change

3. Effect on operation and maintenance costs: ☐ Increase ☐ Decrease ☒ No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid? ☐ Yes ☒ No

If "no", explain:

There are two additional bid items that are being added, one for tree removal and another for the uncovering of an additional manhole that was not originally identified during bid and bring it to grade.

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction? ☐ Yes ☒ No

If "yes", is an environmental assessment required?

N/A



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

- |  |                                     |     |                          |    |     |
|--|-------------------------------------|-----|--------------------------|----|-----|
| 6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)? | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |     |
| 7. Is the CCN permit still valid? (sewer projects only)  | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |     |
| 8. Are the disability access requirements/approval still valid (if applicable)?                | <input type="checkbox"/>            | Yes | <input type="checkbox"/> | No | N/A |
| 9. Are other Disaster Recovery contractual special condition clearances still valid?           | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |     |

If "no", explain:

N/A

**Disclaimer:** The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.





## CONTRACT CHANGE ORDER

|  |   |                |           |
|--|---|----------------|-----------|
| Date:  | 6/24/2022   | CHANGE ORDER # | 1         |
| Project:   | Montgomery GLO - Sanitary Sewer & Drainage Improvements |                |           |
| IPR Project No.  | 22070100  |                |           |
| Subcontractor:   | C&A Construction, CDC Unlimited                         |                |           |
| P.O. Number  |   |                |           |
| <b>DESCRIPTION OF CHANGES:</b>   |   |                |           |
| An extra manhole was found between MH201 and MH341.<br>The costs associated with this change are due to uncovering the manhole and raising to grade, as well as remobilizing to do 1 manhole inspection. |   |                |           |
| ORIGINAL CONTRACT PRICE:   |   | \$474,469.00   |           |
| CHANGES FROM PREVIOUS CHANGE ORDERS:   |   | \$0.00         |           |
| CHANGES FROM CHANGE ORDER 001:   |   | \$3,500.00     |           |
| PROPOSED REVISED CONTRACT PRICE:   |   | \$477,969.00   |           |
| THIS CHANGE IS ACCEPTABLE TO: PM Construction (SUBCONTRACTOR)  |   |                |           |
| SIGNED   | <i>Vayley Mauro</i>                                     | Date           | 6/24/2022 |
| TITLE  | Project Manager   |                |           |
| APPROVAL BY: The City of Montgomery (PRIME CONTRACTOR)   |   |                |           |
| SIGNED   |   | Date           | 6/24/2022 |

|                        |   |
|------------------------|---|
| <b>Date:</b>           | 6/24/2022   |
| <b>Project:</b>        | Montgomery GLO - Sanitary Sewer & Drainage Improvements |
| <b>IPR Project No.</b> | 22070100  |
| <b>Subcontractor:</b>  | C&A Construction, CDC Unlimited                         |
| <b>P.O. Number</b>     |   |

| Additional Work                 |                        |     |      |             |                    |
|---------------------------------|------------------------|-----|------|-------------|--------------------|
| Item #                          | Description            | Qty | Unit | Unit Price  | Total Price        |
| -                               | Manhole Inspection     | 1   | EA   | \$ 750.00   | \$ 750.00          |
| -                               | Locate/ Expose Manhole | 1   | EA   | \$ 1,300.00 | \$ 1,300.00        |
| -                               | Raise MH to grade      | 1   | EA   | \$ 750.00   | \$ 750.00          |
|                                 |                        |     |      |             | \$ -               |
|                                 |                        |     |      |             | \$ -               |
|                                 |                        |     |      |             | \$ -               |
|                                 |                        |     |      |             | \$ -               |
| <b>Change Order Total</b>       |                        |     |      |             | \$ 2,800.00        |
| <b>Mark up + Overhead Costs</b> |                        |     |      |             | \$ 700.00          |
| <b>Total</b>                    |                        |     |      |             | <b>\$ 3,500.00</b> |



# QUOTATION

11811 North Freeway S  
Houston, TX 77060  
Office: 832-243-5807

Item 10.

DATE: 6/13/2022  
QUOTATION #: 06132022-001

## CUSTOMER

CUSTOMER NAME

IPR SOUTH CENTRAL

ADDRESS

131 N RICHEY PASADENA TX

CONTACT PERSON

Vayley Mauro

EMAIL ADDRESS

[VMauro@teamipr.com](mailto:VMauro@teamipr.com)

CONTACT NUMBER

346-455-3372

## PROJECT INFORMATION

JOB NAME

City of Montgomery MLK Drive

JOB NUMBER

.

.

MONTGOMERY

PREPARED BY

Jorge Avilez

## SCOPE OF WORK

SANITARY SEWER REPAIRS

## MATERIALS AND SERVICES NOT INCLUDED

- C&A Construction and/or its subcontractors must be able to set up over each manhole.
- Erosion or site control including plans, permits, implementation, inspection, etc.
- Any permits or fees, including fees for water source for pipe cleaning or replacement.
- Pre and Post CCTV
- Bypass pumping or plugging of lines
- Manhole Rehabilitation
- Pricing based on completing all listed quantities in one mobilization.
- Any work not specifically detailed in this proposal.

## AGREEMENT TERMS

All invoices for services covered by the estimate are payable within thirty (30) days after invoice date.

| ITEM # | DESCRIPTION  | UNIT | QUANTITY | UNIT PRICE  | TOTAL       |
|--------|--|------|----------|-------------|-------------|
| 1      | Locate/Expose MH   | EA   | 1.00     | \$ 1,300.00 | \$ 1,300.00 |
| 2      | Raising MH to grade include the grade ring (Ring&Cover not included) | EA   | 1.00     | \$ 750.00   | \$ 750.00   |

This is an estimate, not a contract. This estimate is for completing the job as described above.  
It is based on our evaluation and does not include additional expenses which may be required  
should unforeseen problems arise after the work has started.

TOTAL \$ 2,050.00

THANK YOU FOR YOUR BUSINESS!

Signature/Stamp:

*Sergio Santos*



Hunter Soape <[hsoape@cdcltd.com](mailto:hsoape@cdcltd.com)>

To  Vayley Mauro



(201A) Covered Manhole.pdf  
3 MB

Cost to remobilize and inspect manhole that was covered by road is \$750

Hunter Soape  
281-782-2751

---

**From:** Vayley Mauro

**Sent:** Wednesday, June 1, 2022 12:36 PM

**To:** Hunter Soape <[hsoape@cdcltd.com](mailto:hsoape@cdcltd.com)>

**Subject:** Montgomery GLO

Can you give me a quote to remobilize and do a manhole inspection of 1 manhole?

There was a manhole covered by the road and they want it inspected.

Thanks so much,

**Vayley Mauro**

Project Manager

Inland Pipe Rehabilitation | South Central

m: [346-455-3372](tel:346-455-3372)

w: [teamipr.com](http://teamipr.com)



## CONTRACT CHANGE ORDER

|   |   |                       |                     |
|---|---|-----------------------|---------------------|
| <b>Date:</b>  | 6/28/2022   | <b>CHANGE ORDER #</b> | 2                   |
| <b>Project:</b>   | Montgomery GLO - Sanitary Sewer & Drainage Improvements |                       |                     |
| <b>IPR Project No.</b>  | 22070100  |                       |                     |
| <b>Subcontractor:</b>   | C&A Construction, CDC Unlimited                         |                       |                     |
| <b>P.O. Number</b>  |   |                       |                     |
| <b>DESCRIPTION OF CHANGES:</b>  |   |                       |                     |
| <p>An extra manhole was found between MH201 and MH341.<br/>         The costs associated with this change are due to uncovering the manhole and raising to grade, as well as remobilizing to do 1 manhole inspection.</p> |   |                       |                     |
| <b>ORIGINAL CONTRACT PRICE:</b>   |   |                       | <u>\$513,945.00</u> |
| <b>CHANGES FROM PREVIOUS CHANGE ORDERS:</b>   |   |                       | <u>\$3,500.00</u>   |
| <b>CHANGES FROM CHANGE ORDER 002:</b>   |   |                       | <u>\$4,025.00</u>   |
| <b>PROPOSED REVISED CONTRACT PRICE:</b>   |   |                       | <u>\$521,470.00</u> |
| <p>THIS CHANGE IS ACCEPTABLE TO: _____ PM Construction _____ (SUBCONTRACTOR)</p> <p>SIGNED <u>Vayley Mauro</u> Date <u>6/28/2022</u></p> <p>TITLE _____ Project Manager _____</p>   |   |                       |                     |
| <p>APPROVAL BY: _____ The City of Montgomery _____ (PRIME CONTRACTOR)</p> <p>SIGNED _____ Date <u>6/28/2022</u></p>   |   |                       |                     |

|                        |   |
|------------------------|---|
| <b>Date:</b>           | 6/24/2022   |
| <b>Project:</b>        | Montgomery GLO - Sanitary Sewer & Drainage Improvements |
| <b>IPR Project No.</b> | 22070100  |
| <b>Subcontractor:</b>  | C&A Construction, CDC Unlimited                         |
| <b>P.O. Number</b>     |   |

| Additional Work                 |              |     |      |             |             |
|---------------------------------|--------------|-----|------|-------------|-------------|
| Item #                          | Description  | Qty | Unit | Unit Price  | Total Price |
| -                               | Tree Removal | 1   | EA   | \$ 3,500.00 | \$ 3,500.00 |
|                                 |              |     |      |             |             |
|                                 |              |     |      |             | \$ -        |
|                                 |              |     |      |             | \$ -        |
|                                 |              |     |      |             | \$ -        |
|                                 |              |     |      |             | \$ -        |
| <b>Change Order Total</b>       |              |     |      |             | \$ 3,500.00 |
| <b>Mark up + Overhead Costs</b> |              |     |      |             | \$ 525.00   |
| <b>Total</b>                    |              |     |      |             | \$ 4,025.00 |

Montgomery City Council  
**AGENDA REPORT**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

**Subject**

Consideration and possible action regarding calling a Public Hearing on a request to place a HUD-code manufactured home at 15329 Liberty Street, Montgomery, Texas.

**Recommendation**

Motion to call a Public Hearing for the request on August 9, 2022 at 6:00 p.m. at Montgomery City Hall.

**Discussion**

HUD-code manufactured homes (often referred trailer houses or mobile homes) are prohibited outside of a City-permitted HUD-code manufactured home park without specific approval from City Council. Per Chapter 54 of the City Code of Ordinances, the City Council must hold a Public Hearing prior to discussing and acting on the request.

City Council called this Public Hearing previously for July 12th, though the legal notice was not published due to timing and administrative delay. Staff has spoken with the applicants and the delay does not affect their timing since their home is still being constructed at the factory.

**Approved By**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Interim City Administrator | Dave McCorquodale | Date: 07/08/2022 |
|----------------------------|-------------------|------------------|

Montgomery City Council  
**AGENDA REPORT**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

**Subject**

Consideration and possible action regarding the following Ordinance: ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE AUGUST 5, 2022, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED “APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES”, FILED ON JULY 1, 2022; AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS, INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF EXPERTS; AUTHORIZING THE CITY’S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE.

**Recommendation**

Motion to approve the Ordinance as presented.

**Discussion**

You may recall that the City is part of a coalition of cities working with The Lawton Law Firm, P.C. to challenge Entergy’s rates with the Public Utility Commission. This ordinance is related to that effort and each city in the coalition is being asked to adopt this ordinance authorizing a suspension of the effective date of Entergy’s new rate for 90 days. The Lawton Law Firm’s guidance is that this ordinance must be adopted by the cities before August 5, 2022 (Entergy’s effective date for new rates).

**Approved By**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
| Interim City Administrator | Dave McCorquodale | Date: 07/07/2022 |
|----------------------------|-------------------|------------------|



# THE LAWTON LAW FIRM, P.C.

12600 Hill Country Blvd., Suite R-275 • Austin, Texas 78738 • 512/322-0019 • 512/329-2604

July 6, 2022

*Via E-Mail*

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City Attorney – City of Anahuac  
P.O. Box 10066  
Liberty, Texas 77575

Ms. Sharae Reed  
City Attorney – City of Beaumont  
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Beaumont, Texas 77704

Mr. Chris Boone  
Interim City Manager – City of Beaumont  
P.O. Box 3827  
Beaumont, Texas 77704

Mr. Paul Fukuda  
City Attorney – Bridge City  
City Attorney – Pine Forest  
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Post Office Box 846  
Bridge City, Texas 77611

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Cleveland, Texas 77327

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Houston, Texas 77019

Ms. Jennifer Jeude  
Interim City Secretary – City of Cleveland  
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Cleveland, Texas 77327

Mr. Gary Scott  
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Conroe, Texas 77305

Mayor Nyla Akin Dalhaus  
City of Cut and Shoot  
P.O. Box 7364  
Cut and Shoot, Texas 77306

Amy L. Wade  
City Secretary – City of Cut and Shoot  
P.O. Box 7364  
Cut and Shoot, Texas 77306

Mr. Jeff Lambright  
Mayor – City of Dayton  
117 Cook Street  
Dayton, Texas 77535

Mr. Steve Floyd  
City Manager – City of Dayton  
117 Cook Street  
Dayton, Texas 77535

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City Manager – City of Groves  
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Port Arthur, Texas 77643

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City of Houston Administration & Regulatory  
Affairs Department (ARA)  
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Houston, Texas 77002

Ms. Yushan Chang  
City of Houston Legal Department  
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City Hall Annex, 4th Floor  
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Houston, Texas 77002

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City Attorney – City of Splendora  
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Kingwood, TX 77339

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City Manager – City of Huntsville  
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Huntsville, Texas 77340

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City Attorney – City of Liberty  
City Attorney – City of Dayton  
1517 Trinity  
Liberty, Texas 77575

Mr. Tom Warner  
City Manager – City of Liberty  
1829 Sam Houston  
Liberty, Texas 77575

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Houston, Texas 77019

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City Administrator – City of Montgomery  
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Round Rock, Texas 78664

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City Manager – City of Navasota  
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Navasota, Texas 77868

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Nederland, Texas 77627

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City Secretary – City of Oak Ridge North  
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Oak Ridge North, Texas 77385

Ms. Heather Neeley  
City Manager – City of Oak Ridge North  
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Oak Ridge North, Texas 77385

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GERMER PLLC  
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Beaumont, Texas 77701

Mr. Mike Kunst  
City Manager – City of Orange  
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Mr. Rodney Price  
City Attorney – City of Rose City  
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Vidor, Texas 77670

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City Administrator – City of Pinehurst  
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Orange, Texas 77630

Mr. Tommy Gunn  
City Attorney – City of Pinehurst  
202 S. Border  
Orange, Texas 77630

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City Attorney – City of Port Arthur  
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City Manager – City of Port Arthur  
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Port Arthur, Texas 77641

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City Manager – City of Port Neches  
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Mr. Larry L. Foerster  
City Attorney – City of Roman Forest  
Darden, Fowler and Creighton, LLP  
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Conroe, Texas 77301

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City Administrator – City of Shenandoah  
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Mr. Solomon Freimuth  
City Attorney – City of Silsbee  
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Ms. DeeAnn Zimmerman  
City Manager – City of Silsbee  
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Silsbee, Texas 77656

Mr. Alex Stelly  
City Attorney – City of Sour Lake  
2615 Calder Ave., Ste. 1070  
Beaumont, Texas 77702

Mr. Jack Provost  
City Manager – City of Sour Lake  
625 Hwy 105 W  
Sour Lake, Texas 77959

Mayor Dorothy Welch  
City Attorney Leonard Schneider  
City of Splendora  
P.O. Box 1087  
Splendora, Texas 77372

Mr. Robbie Hood  
City Manager - City of Vidor  
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Vidor, Texas 77662-3726

Mr. Chris Leavins  
City Attorney – City of Vidor  
City Attorney – City of West Orange  
P.O. Box 4915  
Beaumont, Texas 77704-4915

Mayor Randy Branch  
Mayor – City of West Orange  
2700 Western Avenue  
West Orange, TX 77630

Mr. Michael S. Stelly  
City of West Orange, Texas  
2700 Austin Avenue  
West Orange, TX 77630

Ms. Marissa Quintanilla  
City Secretary – City of Willis  
200 N. Bell  
Willis, Texas 77378

Re: **Entergy Texas, Inc.'s 2022 Statement of Intent to Increase Base Rates to be Filed with Cities**

Dear Cities:

On July 1, 2022, Entergy Texas, Inc. (“Entergy” or “Company”) filed with each city a statement of intent requesting a system-wide base rate increase of approximately \$131.4 million annually, which would be an 11.2% increase over current rates (excluding fuel). If approved, Entergy’s base rate increase request would result in an average monthly increase of approximately \$13.50 for a residential customer using 1000 kWh per month.

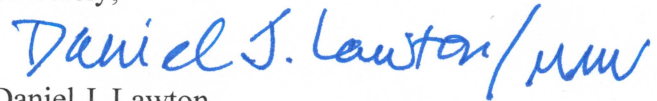
Entergy has proposed that the base rate increase become effective on August 5, 2022, or 35 days after the date its statement of intent was filed. **As such, the City must take action to approve, deny, modify, or suspend the rate increase request before August 5, 2022.** We recommend that the Cities suspend the effective date of the proposed rate increase to permit time to review Entergy’s request and make an informed recommendation to the Cities.

We are providing each City a proposed ordinance that would suspend the effective date proposed by Entergy an additional 90 days to November 3, 2022. Pursuant to Public Utility Regulatory Act, Tex. Util. Code § 36.108, municipal regulatory authorities may suspend the effective date of the rate change proposed by a utility up to an additional 90 days. The proposed ordinance also authorizes the City to join with the Steering Committee of Cities to retain rate consultants, participate in the base rate proceeding before the Public Utility Commission and any courts, and to seek reimbursement for rate case expenses from Entergy.

Once again, to set a new effective date this proposed ordinance must be passed by August 5, 2022. Please forward completed Ordinances to us by email at danlawtonlawfirm@gmail.com and molly@mayhallvandervoort.com.

If there are any questions or concerns, please do not hesitate to call.

Sincerely,



Daniel J. Lawton

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

ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS  
 AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR  
 AN ADDITIONAL NINETY (90) DAYS BEYOND THE AUGUST 5,  
 2022, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN  
 CONNECTION WITH ITS RATE INCREASE APPLICATION  
 ENTITLED “APPLICATION OF ENTERGY TEXAS, INC. FOR  
 AUTHORITY TO CHANGE RATES”, FILED ON JULY 1, 2022;  
 AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS,  
 INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF  
 EXPERTS; AUTHORIZING THE CITY’S PARTICIPATION TO THE  
 FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY  
 COMMISSION OF TEXAS; REQUIRING REIMBURSEMENT OF  
 MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE  
 MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING  
 OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT,  
 AND DECLARING AN EFFECTIVE DATE

WHEREAS, on or about July 1, 2022, Entergy Texas, Inc. (“Entergy”) filed a Statement of Intent with the City to increase electric rates in the Entergy Service Area; and

WHEREAS, Cities have exclusive original jurisdiction over the rates, operations and services of an electric utility in areas in the municipality pursuant to the Public Utility Regulatory Act §33.001(a); and

WHEREAS, Public Utility Regulatory Act § 33.021 requires a local regulatory authority to make a reasonable determination of rate base, expenses, investment and rate of return and retain the necessary personnel to determine reasonable rates; and

WHEREAS, the City’s reasonable cost for regulatory expenses in ratemaking proceedings shall be reimbursed by the electric utility under Public Utility Regulatory Act § 33.023; and

WHEREAS, Public Utility Regulatory Act § 36.108(a) authorizes a municipal regulatory authority to suspend a utility’s proposed rate change for not longer than 90 days after the date the rate change would otherwise be effective; and

WHEREAS, given the complexity of the proposed rate increase and the need to fully review the proposed base rate and riders, it is necessary to suspend the effective date for implementing the proposed rates until at least November 3, 2022, in order to allow the City’s rate experts sufficient time to determine the merits of Entergy’s proposed rates; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing, and investigating Entergy's base rate increase request and Entergy's proposed rate riders, City's efforts will be coordinated with similarly situated municipalities through the Entergy Texas, Inc. Cities Service Area Steering Committee; and

WHEREAS, the City will join with other Entergy service area municipalities in the Steering Committee in order to coordinate the hiring and direction of counsel and consultants working on behalf of the Steering Committee and the City.

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

Section 1. That the statement and findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. The effective date of Entergy's proposed rate increase, and the proposed tariffs related thereto, is hereby suspended for an additional ninety (90) days until November 3, 2022, in order to complete the review and investigation by City's experts.

Section 3. The City is authorized to join with other municipalities as part of the Entergy Texas, Inc. Service Area Steering Committee with the understanding that the Steering Committee will provide direction and guidance to the lawyers who are representing cities in the Entergy Texas, Inc. service area.

Section 4. The Steering Committee shall review the invoices of the lawyers and rate experts for reasonableness.

Section 5. City's legal representatives shall have the right to obtain additional information from Entergy through the service of requests for information.

Section 6. Entergy shall reimburse the City, for the reasonable costs of attorney and consultant expenses related thereto, upon the presentation of invoices reviewed by the Steering Committee.

Section 7. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. This Ordinance shall become effective from and after its passage.

PASSED AND APPROVED this 12th day of July, 2022.



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Byron Sanford, Mayor

ATTEST:

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Nici Browe, City Secretary

Montgomery City Council  
**AGENDA REPORT**

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Meeting Date:</b> July 12, 2022 | <b>Budgeted Amount:</b> N/A           |
| <b>Department:</b> Admin           | <b>Prepared By:</b> Dave McCorquodale |

**Subject**

Consideration and possible action on the following Resolution: 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.

**Recommendation**

Motion to adopt the Resolution as presented.

**Discussion**

This item was tabled at the June 28th meeting to allow appointment of Place 5 before updating the banking signature card.

With changes on City Council from the May 7<sup>th</sup>, 2022 Election and personnel changes from the May 24<sup>th</sup>, 2022 Council Meeting, we need to update the signature cards for the City Banking accounts by adding new signers and removing signers no longer affiliated with the City.

This will include adding Council Members Casey Olson, Cheryl Fox, Patricia Easley, and Interim City Administrator Dave McCorquodale.

This allows any member of the City Council and Interim City Administrator to be one of two required signatures on City checks.

**Approved By**

|                            |                   |                  |
|----------------------------|-------------------|------------------|
|                            |                   | Date:            |
| Interim City Administrator | Dave McCorquodale | Date: 07/08/2022 |

**RESOLUTION NO. 2022-05****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:

|                   |                                |
|-------------------|--------------------------------|
| Byron Sanford     | Mayor                          |
| T.J. Wilkerson    | Mayor Pro-Tem / Council Member |
| Carol Langley     | Council Member                 |
| Casey Olson       | Council Member                 |
| Cheryl Fox        | Council Member                 |
| Patricia Easley   | Council Member                 |
| Dave McCorquodale | Interim 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 \_\_\_\_ day of \_\_\_\_, 2022.

**CITY OF MONTGOMERY, TEXAS**

**Attest:** \_\_\_\_\_

Nici Browe, City Secretary

**Signed:** \_\_\_\_\_

Byron Sanford, Mayor

**Approved as to Form:** \_\_\_\_\_

Alan P. Petrov, City Attorney