

**Notice of City Council Regular Meeting  
AGENDA**

**May 23, 2023 at 6:00 PM**

**NOTICE IS HEREBY GIVEN** that a Meeting of the Montgomery City Council will be held on **Tuesday, May 23, 2023**, 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 under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. 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 the following duly elected officials from May 6, 2023, City of Montgomery General Election:  
  
Carol Langley - City Council Place 1  
  
Sara Countryman - City Council Place 3  
  
Stan Donaldson - City Council Place 5
2. Recognition of outgoing Councilmember: Patricia Easley
3. Consideration and possible action to elect the Mayor Pro Tem for the term of one (1) year as provided by Texas Local Government Code 22.037 (b).

**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:**

4. Approval of the following:  
  
(a) City Council & Zoning Board of Adjustment meeting minutes 04-25-2023  
  
(b) Special City Council meeting minutes 05-15-2023
5. Utility Billing Report
6. Sales Tax Report.

**CONSIDERATION AND POSSIBLE ACTION:**

7. Consideration and possible action on the application for a City Alcoholic Beverage Permit for H-Bistrot.

8. Consideration and possible action on Certificate of Substantial Completion, commencement of one-year warranty period, Certificate of Construction Completion, and acceptance of the Water Plant No. 3 Generator Addition project (GLO CDBG-DR Contract No. 19-076-017-B366) Water Facilities.
9. Consideration and possible action on the Grant Completion Report for GLO CDBG-DR Contract No. 19-076-017-B366.
10. Consideration and possible action authorizing the City Administrator to approve expenses to replace a booster pump and motor at Water Plant 3.
11. Consideration and possible action on Change Order No. 4 and the Certificate of Acceptance for the Water Plant No. 3 Improvements project.
12. Consideration and possible action on a Resolution supporting the City of Montgomery's Application to TxDOT's 2023 Transportation Alternatives Set-Aside Call for Projects.

**DEPARTMENTAL REPORTS:**

13. Municipal Court Report.
14. Public Works Report.
15. Utility Operations Report (H2O).
16. Police and Code Enforcement Report.
17. City Engineer's Report.
18. City Administrator Report.

**EXECUTIVE SESSION:**

Adjourn into Closed Session in compliance with Chapter 551, et seq. Texas Government Code, to wit:

551.071 Consultation with Attorney - Town Creek Hydrology Issue; and

551.071 Consultation with Attorney - Redbird Development Agreement.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

Consideration and possible action on matters deliberated in Closed Executive Session.

**COUNCIL INQUIRY:**

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

/s/ Nici Browe

Nici Browe, City Secretary, TRMC

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 May 19, 2023 at 5:15 p.m.

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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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**City Council Regular & Board of Adjustment Meeting  
MINUTES**

**May 9, 2023, 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	City Council Place #3
	Cheryl Fox	City Council Place #4
	Patricia Easley	City Council Place #5
Also Present:	Gary Palmer	City Administrator
	Nici Browe	City Secretary & Director of Administrative Services

**CALL TO ORDER**

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

**INVOCATION**

Mayor Pro Tem, T.J. Wilkerson provided the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**ANNOUNCEMENTS**

1. Recognition of outgoing Councilmember TJ Wilkerson.

Mayor Byron Sanford presented Councilmember TJ Wilkerson with a plaque and flag in recognition of his dedication and service to the City of Montgomery during his term on City Council.

2. Presentation of Proclamation by Mayor designating the week of May 21-27, 2023 as "National Public Works Week".

Mayor Byron Sanford presented Eric Standifer of Public Works a proclamation in recognition of Public Works First Responders Week.

**VISITOR/CITIZENS FORUM:**

Ms. Sara Countryman requested that she discuss her concerns at the time of the item #6 being presented.



**CONSENT AGENDA:**

3. Approval of the following:
  - (a) revised City Council meeting minutes of 04-11-2023.
  - (b) City Council and Board of Adjustment meeting minutes 04-25-2023.

Councilmember Carol Langley moved to approve the consent agenda as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

**CONSIDERATION AND POSSIBLE ACTION:**

3. Presentation of the Annual Financial Report and Audit from Belt Harris Pechachek, LLLP.

Ms. Darla Dear, Auditor presented to Council the City's Financial Audit results. She began by thanking Nici, Dave and Gary for all of their assistance in providing the documentation that had been requested in order to complete the audit.

She addressed the council and instructed them to review page 1. As this is the "opinion page" and out of the entire packet is the most important page. The Auditors issued the city with an "unmodified opinion" which is a great opinion. She reviewed pages 24 and 25 which was the revenue and expenditure and stated the City had an ending fund balance of \$2,5154 million which is an excellent job. Most government entities should be looking to keep a minimum of 25% in the fund balance to cover three months of operating expenses, the city is running at 38%.

She stated that on Page 67 you can see that the city came in under budget by \$446,000.00.

Ms. Dear concluded her presentation and requested any questions from the council.

Council did not ask any questions.

4. Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a revised variance request to Section 98-122 of the City Code of Ordinances related to rear yard requirements for 128 Dina Lane.

Mr. Dave McCorquodale informed the council that this item is a revised request, the applicant has complied with the conditional recommendations from Planning & Zoning and has supplied a drainage plan, and there is a 5 ft. encroachment. Staff are recommending approval of the variance for a 5ft encroachment, and no raised beds and or decking.

Councilmember Casey Olson moved to approve the variance as presented along with the conditions of the submitted drainage plan and no raised beds or decking. Councilmember Cheryl Fox seconded the motion. Motion Passed (5-0).

5. Receive the Final Report from the Planning & Zoning Commission on a rezoning request for 14640 Liberty Street, Montgomery, Texas from R1-Single Family Residential to B-Commercial as submitted by Evan Ballew and convene into a Public Hearing for the purpose of allowing interested parties to be heard.

Mr. Dave McCorquodale presented this item and informed the council that the recommendation of the Planning & Zoning Commission is not to rezone the property as requested. Tonight, is the Public Hearing which is a legal requirement for any rezoning request.

Mayor Byron Sanford opened the public hearing at: 6:22 P.M.

**\*\*Audio from the podium is at time distorted**

**Sara Countryman, resident** stated that she had been doing her research last week and wanted to bring a few things to light. The State Law in the State of Texas says that the Specific Use Permit (SUP) is not a tool for circumventing the table of uses. Currently, today the house is zoned R = Residential and that means it is residential as someone should be living in that house, continues as R zoning and to be considered for Special Use there has to be a requirement such as ‘home occupation’, for that.

She went on to state that our city codes have those standards spelled out and, in the Planning & Zoning meeting, although they voted “no” staff did not go through the items (“which I have here”) A through G of what the requirements are, the homeowner said he wanted to do just inside and outside paint and add parking. According to item G on the Code of Ordinances those *(audio distorted)* done.

Ms. Countryman continued that he (homeowner) wasn’t advised differently, and she doesn’t know if staff is aware or fully understands what is being done and that the conditions are of home occupancy and what the conditions are for a special use permit. Spot Zoning is not in our City Code and not like Harris County where you can have residential, industrial and convert from residential to commercial. That area according to the current Adopted 2018 Zoning map is zoned residential. She noticed in the P&Z packets there was a map and Merriam Walker bought it up as well it shows it to be “Future Commercial”, that has never been and is a “pie in the sky” idea by the former administrator Jack Yates in 2015, it has never been adopted. The fact that was bought up as a possibility makes her feel like the staff is hoodwinking or directing people to do something as he thinks that the council will approve a Special Use Permit. She wonders if we are advising correctly.

Ms. Countryman went on to add that P&Z accepted this zoning in 2018 on a 9/24/2018 meeting item no. 6, on page 74 there is a map, that’s the map that should have been presented to the owner and as she has mentioned some of these homes don’t have titles and deeds, so turning them into commercial property is a pipe dream.

**Julie Dennison, resident**

stated that she is against the property being zoned commercial as firstly its in her back yard and they purchased their home as a forever home. The house in question was built as a home and that is the way it needs to stay. If you let this gentleman, go commercial in it, then the next one and next one after that and you will end up with a strip there which will sit vacant and its going to cause rats, dumpsters would be placed there and who knows what types of businesses would go in the other places.

Ms. Dennison continued by stating that when they purchased their home, they were told it was residential and that it would all stay residential, she understands there are deed problems but feels that could all be resolved pretty easily. She reiterated that she is against this commercial application.

She went on to say she is sorry the gentleman has put a lot of money into the place, it was built as a home, he knew it was a home and he should have checked everything out before he placed his business in there to start with. She wants it to remain residential as it could ruin their property values.

**Evan Bellew, property owner** introduced himself and stated he had been here in town for 25 years, and he had opportunities to take his business to other local cities, and recognizes that is no one’s problem but his, but he did want to have his business where he lives, although not “in” but right on the outside and wants to continue to contribute to the city as he has previously worked at the Montgomery Fire Department and is now at the Magnolia Fire Department.

Mr. Bellew stated he truly wanted a place for his business to go in and based on the city’s future land use plan maps which he found on his own accord and researched through the city’s website, he had communicated with staff on other properties he has which has been impacted by the city’s

infrastructure, staff have been very helpful on that, he has tried to follow due process and whatever decisions are made here today, he is open to any available options.

Councilmember Carol Langley inquired if Mr. Bellew had purchased the property.

Mr. Bellew confirmed that he had.

Mayor Sanford closed the public hearing at 6:29 P.M.

Councilmember Casey Olson stated he has a question on the zoning maps that he has in front of him.

Mr. McCorquodale inquired if he has questions about the differences between the zoning map and future land use map.

Councilmember Casey Olson stated that he has seen a future land use plan, but it was his understanding that it was never adopted.

Mr. McCorquodale responded that the P&Z over the course of ten (10) months in 2017 reviewed the future land use plan with the City Administrator at that time and the City Engineers. In July of that year, they met for a joint workshop (P&Z and City Council) they get all the way to the end and in September/October and the attorneys advised that they were unable to locate in records a current comprehensive plan on file, therefore the city cannot formally adopt the future land use plan. Everyone agrees it is a tool that the city wants to look to the future with.

Mr. McCorquodale continued that in October at the Planning & Zoning Commission meeting Bill Simpson moved to approve the future land use plan and recommended approval of it to City Council, amended the motion to include it with any future comprehensive plan updates that may occur, it was a unanimous vote and Ms. Carol was one of them.

He added that is the history and it is an unofficial guide and as he told the owner Mr. Bellew, he cannot tell you this is what they are for sure going to do, but it is a tool that gives us a little bit of a view. Again, it wasn't formally adopted and wasn't included in the comprehensive plan, the city spent the better part of a year with staff and consultants developing it. He concluded that it should be looked at. He feels it could use an update, it certainly wasn't a pipe dream or never saw the light day kind of thing.

Councilmember Patricia Easley inquired if it had gone through the rezoning process, with notification of the neighbors?

Mr. McCorquodale responded that it had and published the notice in the paper and said that he is there to do one main thing a rezone applicant in our city, that we as a city follow state law and the applicant has met all the requirements on the way to you.

Councilmember TJ Wilkerson inquired that if it is zoned commercial would it affect the neighbors tax base.

Mr. McCorquodale responded that it will not, he had spoken with the County several years ago when he took on a rezoning project when he first joined staff. They advised him that if land is vacant, the county is going to use our zoning, so if you a vacant piece of property zoned commercial that is the way you are going to be taxed Vacant being no structure on the land.

Therefore, with this it would not affect the surrounding properties.

Councilmember Patricia Easley inquired if they had considered a Special Use Permit (SUP).

Mr. McCorquodale responded that he had discussed that at planning and zoning and ran it by the attorneys and was advised it certainly is a tool available to use, that would allow you to change the use to professional only, or some type of office space, and if you wanted any parking restrictions, landscaping etc. then an SUP would do that.

Councilmember Patricia Easley stated that she felt part of the concern if and when he sells the property and as it is then zoned commercial how could the city prevent a service station going in.

That is why P&Z couldn't ultimately approve it to rezone commercial as it could then be any business within the permitted uses.

Alan Petrov, City Attorney reminded council that they are not discussing an SUP this evening, this is a question do you approve a rezoning request to commercial.

Councilmember Cheryl Fox inquired if he had received any other resident's opposition.

Mr. McCorquodale responded that he had been provided with notice from a relation of a resident, who was serving in the military and was not in favor of the rezone request.

Councilmember Carol Langley inquired what size is the property.

Mr. Bellew responded that it is 200 ft long and 125 ft wide. He also stated that after participating in the rezoning process it is questionable that on the application there is a box that asks does this meet the city's future land use plan. Somewhat confusing. To address Councilmember Wilkerson's point, the property is already appraised at half a million dollars, the buffalos' springs area is what is driving it up. He concluded by stating that if he didn't care for the neighbors he wouldn't be there.

Councilmember Carol Langley stated that she knows in her mind that commercial on 149 will come someday, is this the day? Probably not. There are a lot of problems in that area with regard to titles.

Councilmember Carol Langley moved to accept the final report as presented. Councilmember Cheryl Fox second the motion. **Motion Passed (5-0).**

7. Consideration and possible action on 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 0.57-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, TRACT 16, MONTGOMERY COUNTY, TEXAS COMMONLY REFERRED TO AS A PORTION OF 14640 LIBERTY STREET, MONTGOMERY COUNTY, 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.

Mr. Dave McCorquodale informed the council that this is the ordinance which relates to item No:6 and staff is recommending to not approve or move to deny it.

Councilmember Casey Olson moved to deny the ordinance for the rezoning application. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

#### **EXECUTIVE SESSION:**

Adjourn into Closed Session in compliance with Section 551.01 etseq. Texas Government Code, to wit:

Sections 551.071 (consultation with attorney: Redbird Meadows Development Agreement)

**Council convened into Executive Session at 6:44 P.M.**

**Council reconvened into Regular Session at 7:05 P.M.**

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

Consideration and possible action on matters deliberated in Closed Executive Session.

No motion was made from executive session.

**COUNCIL INQUIRY:**

There were no items for Council Inquiry.

Councilmember Carol Langley moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. **Motion passed (5-0).**

**ADJOURNED: 7:05 P.M.**

Submitted by: \_\_\_\_\_  
Nici Browe, City Secretary

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

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

**Special City Council Meeting  
AGENDA**

**May 15, 2023 at 5:30 PM**

- Present: Byron Sanford Mayor
- Carol Langley City Council Place #1
- Casey Olson City Council Place #2
- Cheryl Fox City Council Place #4
- Patricia Easley City Council Place #5
- Absent: T.J. Wilkerson City Council Place #3
- Also Present: Gary Palmer City Administrator
- Nici Browe City Secretary & Director of Administrative Services

**CALL TO ORDER**

Mayor Byron Sanford called the Special City Council meeting to order at 5:30 P.M.

**INVOCATION**

Mayor Byron Sanford provided the invocation.

**PLEDGE OF ALLEGIANCE**

**CONSIDERATION AND POSSIBLE ACTION:**

**1. Adoption of an ordinance canvassing the results of the May 6, 2023, City Election**  
 Mayor Sanford read the certification of canvassed votes by Montgomery County for the May 6, 2023, Election. There was a total of **218** votes cast. The Official Canvass of returns of the General Election held on May 6, 2023, reflects that the following named persons received the number of votes for the respective positions as follows:

**CITY COUNCIL PLACE 1**

Carol Langley 179 Votes

**CITY COUNCIL PLACE 3**

Sara Countryman 117 Votes

Julie Davis 95 Votes

**CITY COUNCIL PLACE 5**

Juanita Simmons 100 Votes

Stan Donaldson 110 Votes

The Certified Official Results of the General Election held on May 6, 2023, certify that the following persons were duly elected to their respective positions as follows:

**Carol Langley – City Council Place 1**

**Sara Countryman – City Council Place 3**

**Stan Donaldson – City Council Place 5**

Councilmember Cheryl Fox moved to approve the ordinance as presented. Councilmember Patricia Easley seconded the motion. **Motion Approved (4-0).**

- 2. Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2022-2023; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; CONTAINING FINDINGS AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Mr. Gary Palmer, City Administrator presented this item. He informed the Council that there was an unanticipated vacancy in the Finance Office and while staff are holding things together the city needs help. He placed an advertisement for the position of Finance Manager after taking the opportunity to review and restructure the office within Finance. He has also reached out to SGR to assist with interim help while the city seeks a qualified candidate. The budget amendment is to facilitate that process as there aren't enough funds to cover the contract.

Councilmember Casey Olson inquired about the \$46,000.

Mr. Palmer responded that it is for approximately three months of interim help, covering all functions of the Finance Office, to include travel and housing. He added that this is for on-call service, and the contract can be terminated with fourteen (14) days' notice. The plan is to have a parallel process to get immediate help and continue the recruitment process.

Councilmember Casey Olson stated that for that amount of money the city could hire a good firm.

Mr. Palmer stated that the market for finance help is now hot, so this is the wisest move.

Councilmember Patricia Easley moved to approve the Budget Amendment #3 as presented and not to exceed \$46,000. Councilmember Cheryl Fox seconded the motion. Motion Passed (4-0).

- 3. Consider Approval of an Agreement for Professional Services with Strategic Government Resources (SGR)

Mr. Palmer advised the Council that this is the contract for which they just approved the budget amendment. Legal has reviewed it and there are no issues. Staff is recommending approval.

Councilmember Casey Olson moved to authorize the City Administrator to execute the professional services agreement with SGR for Interim Finance Director to not exceed \$46,000. Councilmember Patricia Easley seconded the motion. **Motion Passed (4-0).**

**ADJOURNMENT**

Councilmember Cheryl Fox moved to adjourn the meeting. Councilmember Casey Olson seconded the motion. **Motion Passed (4-0).**

**ADJOURNED: 5:42 P.M.**

Submitted by: \_\_\_\_\_  
Nici Browe, City Secretary

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

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Byron Sanford, Mayor



**UTILITY/GENERAL FUND REPORT – JANUARY 2022**

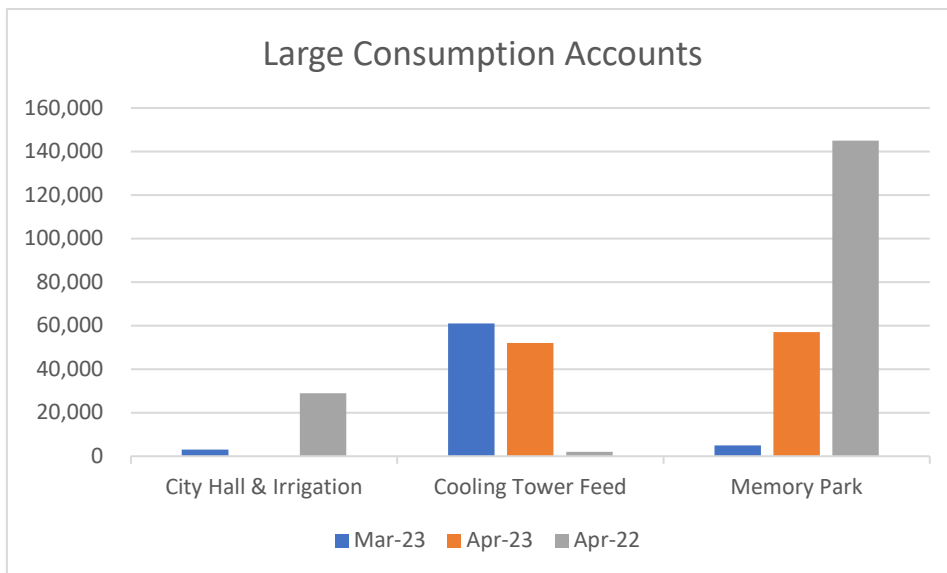
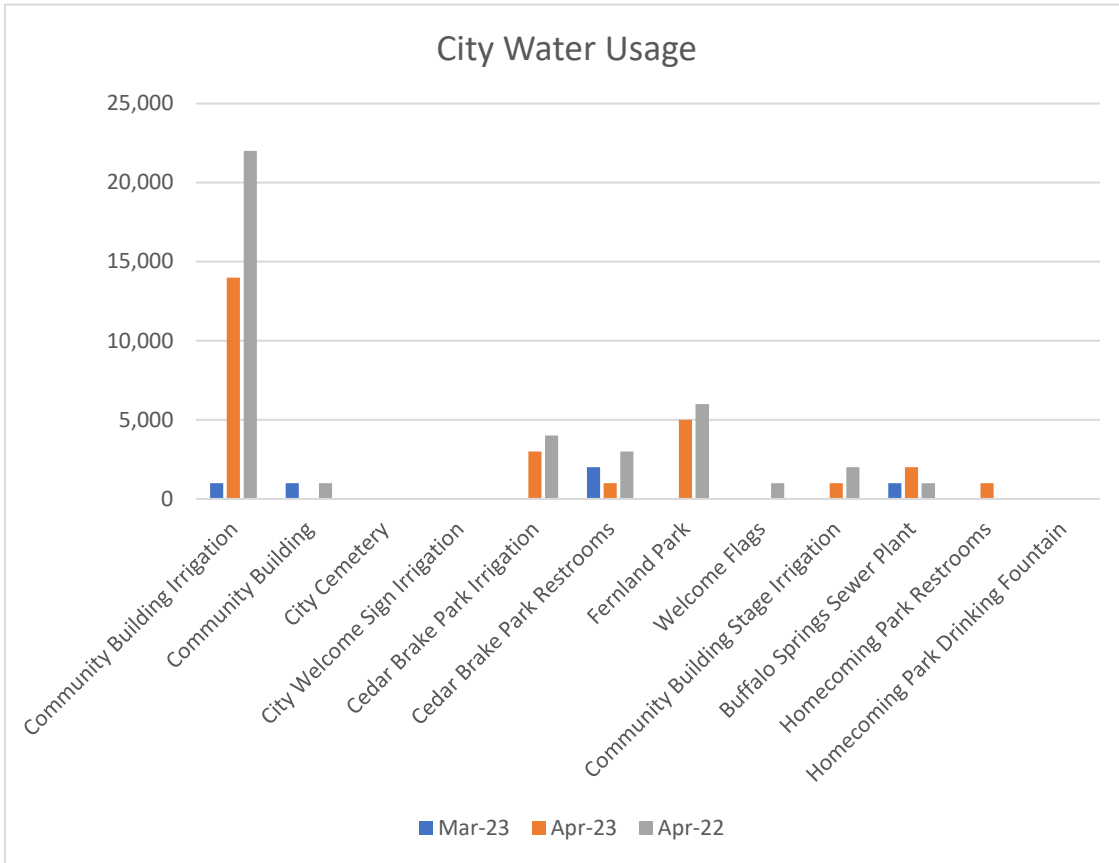
<b>TOTAL REVENUE</b>	
Utilities	\$156,712.59
Permits	\$40,897.50
Miscellaneous (flag sales, community building rentals and deposits, Aflac reimbursements)	\$2,954.00
<b>Monthly Total:</b>	<b>\$200,564.09</b>

<b>ARREARS</b>			
	<b>60 Days</b>	<b>90 Days</b>	<b>120+ Days</b>
<b>Number of Accounts</b>	16	5	17
<b>Amount</b>	\$653.93	\$436.80	\$2,414.75
<b>GRAND TOTAL:</b>			<b>\$3,505.48</b>

<b>PERMITS</b>	
<b>Type</b>	<b>Permit Total</b>
Building-Residential	5
Plumbing	7
Irrigation	0
Generator	2
Building-Commercial	3
Solar	3
Pool	2
Sign	2
Mechanical	1
Electrical	11
<b>TOTAL</b>	<b>36</b>

<b>UTILITIES</b>	
New Water Accts.	30
Disconnected Water Accts.	28
<b>Total Number of Active Accts.</b>	<b>1082</b>

CITY ACCOUNT WATER USAGE				
ACCOUNT NAME	ACCT #	Mar-23	Apr-23	Apr-22
Community Building Irrigation	(01-8732-00)	1,000	14,000	22,000
Community Building	(01-0130-00)	1,000	0	1,000
City Cemetery	(01-1110-00)	0	0	0
City Welcome Sign Irrigation	(01-8733-00)	0	0	0
Cedar Brake Park Irrigation	(01-8736-00)	0	3,000	4,000
Cedar Brake Park Restrooms	(01-8735-00)	2,000	1,000	3,000
Ferland Park	(01-8737-00)	0	5,000	6,000
Welcome Flags	(01-8734-00)	0	0	1,000
Community Building Stage Irrigation	(01-6180-00)	0	1,000	2,000
Buffalo Springs Sewer Plant	(01-8821-00)	1,000	2,000	1,000
Homecoming Park Restrooms	(01-8820-00)	0	1,000	0
Homecoming Park Drinking Fountain	(01-8738-00)	0	0	0
City Hall & Irrigation	(01-6190-00)	3,000	0	29,000
Cooling Tower Feed	(01-0355-00)	61,000	52,000	2,000
Memory Park	(01-5885-00)	5,000	57,000	145,000



ACCOUNT NAME	Mar-23	Apr-23	Apr-22
City Hall & Irrigation	3,000	0	29,000
Cooling Tower Feed	61,000	52,000	2,000
Memory Park	5,000	57,000	145,000



# **CITY OF MONTGOMERY, TEXAS**

## **Sales and Use Tax Allocation Report**

**May 2023**

## Sales Taxpayer Information through May 2023

A review of the monthly reports provided by the Comptroller of Public Accounts reflects **5,769** active taxpayer accounts coded to the City of Montgomery. Many of the accounts are either E-Commerce related or are coded as active but have not made a sale yet, and therefore are not reflected in the monthly report(s).

## Total Sales Tax Payers by Month

YEAR	MONTH	SALES TAX FILERS
<b>2022</b>	<b>May</b>	<b>2,365</b>
2022	June	2,154
2022	July	2,195
<b>2022</b>	<b>August</b>	<b>2,385</b>
2022	September	2,213
2022	October	2,341
<b>2022</b>	<b>November</b>	<b>2,355</b>
2022	December	2,246
2023	January	2,398
<b>2023</b>	<b>February</b>	<b>2,478</b>
2023	March	2,333
2023	April	2,297
<b>2023</b>	<b>May</b>	<b>2,437</b>

The number of taxpayers filing local taxes fluctuates throughout the year. February and quarterly filing months have traditionally reflected the highest number of sales tax payers. Represented here is a listing of each month and the number of taxpayer returns filed in the District, quarterly filing months are listed in **BOLD**.

Average number of taxpayers filing each month: 2,323  
**3% increase** in taxpayers over **May 2022**

## Sales Tax Allocations through May 2023

Reviewing the past twelve month reporting period, the City of Montgomery sales tax receipts were derived from an average of **2,323** taxpayers filing local tax returns each month with **February 2023** reflecting the highest taxpayer count of **2,478**.

## Top 25 Sales Tax Filers - Twelve Months Combined

No.	Permit Name	NAICS
1	MCCOY'S BUILDING SUPPLY CENTER #113	444190
2	ENTERGY TEXAS INC.	445110
3	CHICK-FIL-A AT 105 & LONESTAR PKWY. FSR	722513
4	ENTERGY TEXAS INC.	221122
5	PIZZA SHACK	722511
6	GOOGLE LLC	518210
7	BROOKSHIRE BROTHERS #73	445110
8	AMAZON.COM SERVICES INC (MARKETPLACE)	454110
9	JIM'S HARDWARE INC.	444130
10	MCDONALD'S 25405	722513
11	PET SUPPLIES PLUS #4134	453910
12	CHEWY INC.	453910
13	O'REILLY AUTO PARTS #1838	441310
14	K. HOVNANIAN OF HOUSTON II L.L.C.	236115
15	RISE COLLECTIVE LLC	236220
16	AT&T #R1AS	517312
17	AMAZON.COM SERVICES LLC	454110
18	STARBUCKS COFFEE #62996	722515
19	EXPRESSWAY	447110
20	BFI WASTE SERVICES OF TEXAS LP	562111
21	MID-SOUTH ELECTRIC COOPERATIVE ASSOCIATION	221122
22	A & A PLANTS AND PRODUCE INC.	111219
23	CIRCLE K #2742316	447110
24	PANDA EXPRESS INC.	722513
25	AUTOZONE #6044	441310



## Top 25 Sales Tax Filers - May 2023

No.	Permit Name	NAICS
1	KROGER # 142	445110
2	MCCOY'S BUILDING SUPPLY CENTER #113	444190
3	ENTERGY TEXAS INC.	221122
4	BROOKSHIRE BROTHERS #73	445110
5	CHICK-FIL-A AT 105 & LONESTAR PKWY. FSR	722513
6	GOOGLE LLC	518210
7	PIZZA SHACK	722511
8	A & A PLANTS AND PRODUCE INC.	111219
9	IDAHO PACIFIC LUMBER COMPANY INC.	423310
10	JIM'S HARDWARE INC.	444130
11	HOME DEPOT U.S.A. INC.	444110
12	MCDONALD'S 25405	722513
13	CHEWY INC.	453910
14	PET SUPPLIES PLUS #4134	453910
15	CCJM OPERATING	722513
16	AMAZON.COM SERVICES INC (MARKETPLACE)	454110
17	O'REILLY AUTO PARTS #1838	441310
18	NORMAC KITCHENS INC.	238352
19	AUTOZONE #6044	441310
20	STARBUCKS COFFEE #62996	722515
21	BFI WASTE SERVICES OF TEXAS LP	562111
22	JKG LEIGH	811111
23	EXPRESSWAY	447110
24	STRICKSCAPES INC.	453998
25	VISTA FINE ART LLC	453920

Utilizing data provided by the Texas Comptroller of Public Accounts, this list reflects the top 25 businesses remitting the highest local tax filings within the District and represents **58%** of the total combined sales tax refunds for **May**.

Within City's most recent sales tax allocation, **79** businesses filed local taxes in excess of **\$1,000.00**. Taxpayer with returns over \$1,000.00 reflects **77%** of the total monthly allocation.

## May 2023 | April 2023 Top 25 Taxpayer Comparison

### May 2023

#### Quarterly Filer Month

1	KROGER # 142
2	MCCOY'S BUILDING SUPPLY CENTER #113
3	ENTERGY TEXAS INC.
4	BROOKSHIRE BROTHERS #73
5	CHICK-FIL-A AT 105 & LONESTAR PKWY. FSR
6	GOOGLE LLC
7	PIZZA SHACK
8	A & A PLANTS AND PRODUCE INC.
9	IDAHO PACIFIC LUMBER COMPANY INC.
10	JIM'S HARDWARE INC.
11	HOME DEPOT U.S.A. INC.
12	MCDONALD'S 25405
13	CHEWY INC.
14	PET SUPPLIES PLUS #4134
15	CCJM OPERATING
16	AMAZON.COM SERVICES INC (MARKETPLACE)
17	O'REILLY AUTO PARTS #1838
18	NORMAC KITCHENS INC.
19	AUTOZONE #6044
20	STARBUCKS COFFEE #62996
21	BFI WASTE SERVICES OF TEXAS LP
22	JKG LEIGH
23	EXPRESSWAY
24	STRICKSCAPES INC.
25	VISTA FINE ART LLC

### April 2022

#### Non-Quarterly Filer Month

1	MCCOY'S BUILDING SUPPLY CENTER #113
2	CHICK-FIL-A AT 105 & LONESTAR PKWY. FSR
3	GOOGLE LLC
4	PIZZA SHACK
5	JIM'S HARDWARE INC.
6	RANSOM'S
7	PET SUPPLIES PLUS #4134
8	IDAHO PACIFIC LUMBER COMPANY INC.
9	MCDONALD'S 25405
10	CHEWY INC.
11	AMAZON.COM SERVICES INC (MARKETPLACE)
12	O'REILLY AUTO PARTS #1838
13	BFI WASTE SERVICES OF TEXAS LP
14	STARBUCKS COFFEE #62996
15	CISCO SYSTEMS INC.
16	JKG LEIGH
17	EXPRESSWAY
18	NORMAC KITCHENS INC.
19	AT&T #R1AS
20	CIRCLE K #2742316
21	PANDA EXPRESS #3466
22	A & A PLANTS AND PRODUCE INC.
23	AMAZON.COM SERVICES LLC
24	FUBO TV MEDIA INC
25	STRICKSCAPES INC.

## May 2023 | 2022 Comparison

Receipts of Sales Tax Were as Follows:	May 2023	May 2022
	<b>\$514,234.18</b>	<b>\$484,876.92</b>

6% Increase

Total Sales Tax Allocations Received:	2023 FYTD	2023 Budget	% of Budget
	<b>\$3,206,277.63</b>	<b>\$4,866,616</b>	<b>66%</b>

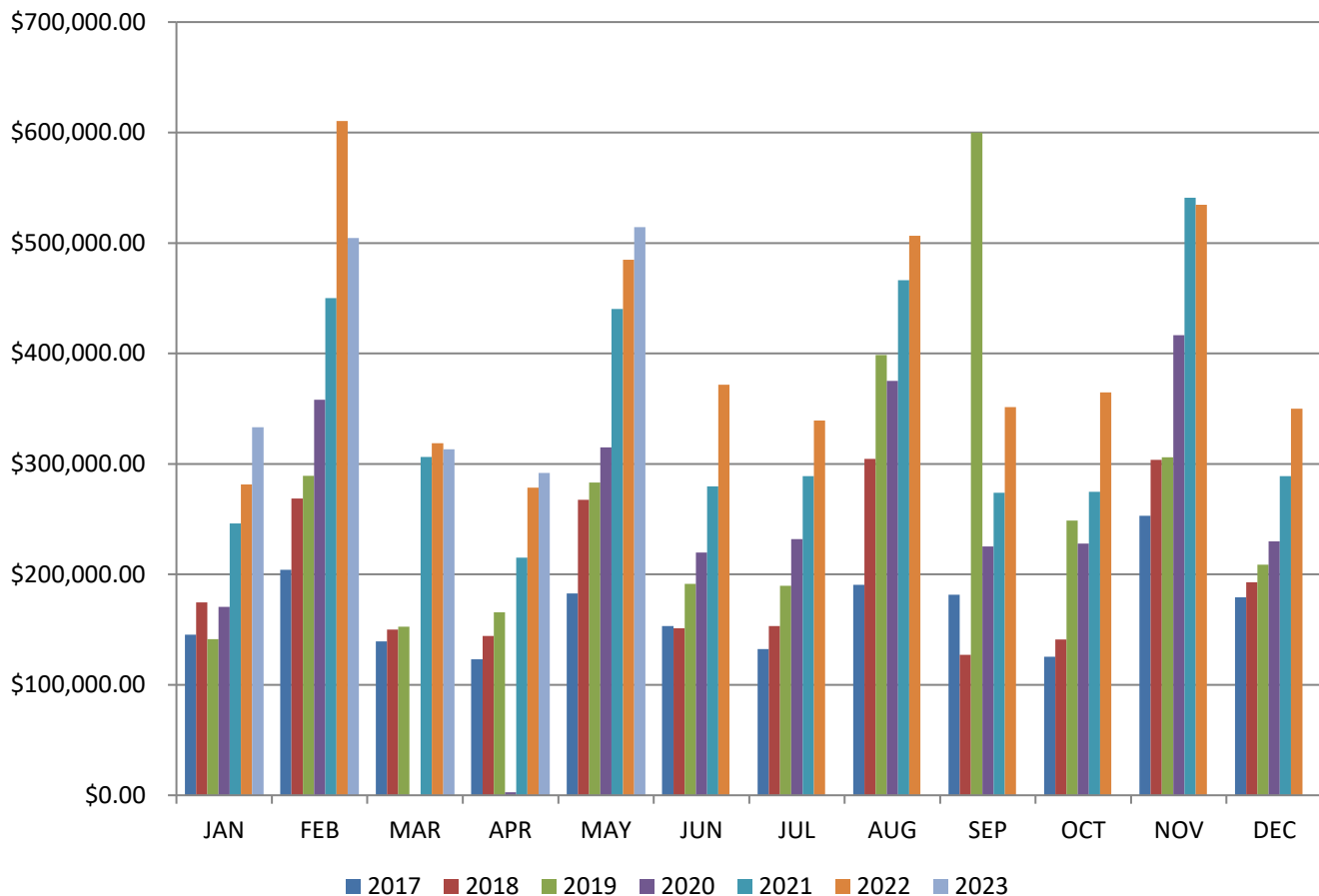
Fiscal Year Date Range: October-September

FY 2019 Total Allocations	FY 2018 Total Allocations	FY 2017 Total Allocations	FY 2016 Total Allocations	FY 2015 Total Allocations	2014 Total Allocations
<b>\$3,049,090.59</b>	<b>\$2,298,289.34</b>	<b>\$1,889,285.60</b>	<b>\$1,867,030.18</b>	<b>\$1,699,926.42</b>	<b>\$1,688,374.26</b>
FY 2020 Total Allocations	FY 2021 Total Allocations	FY 2022 Total Allocations			
<b>\$2,661,447.47</b>	<b>\$3,840,647.17</b>	<b>\$4,648,109.80</b>			

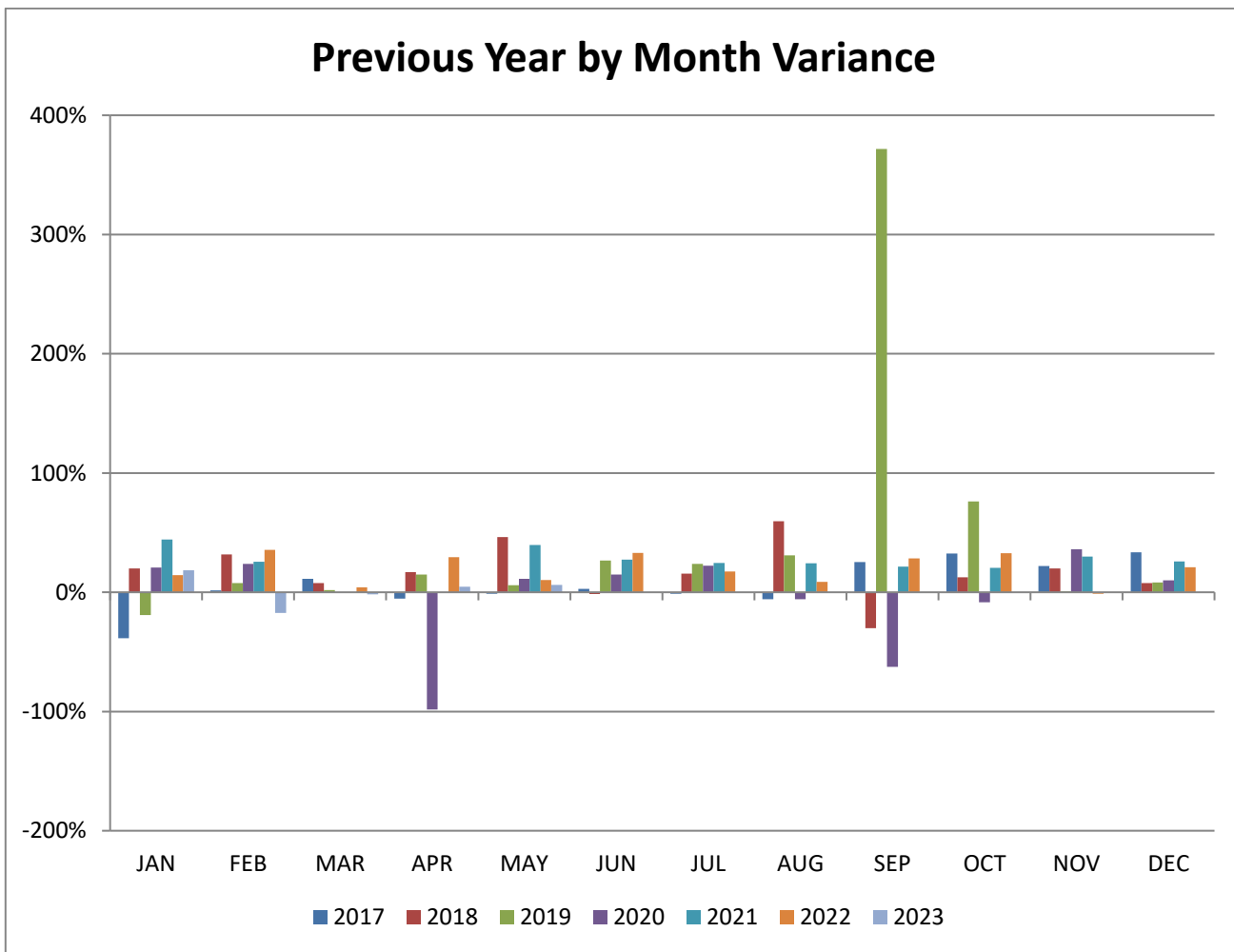
Total Allocations, 1995-Present
<b>\$43,803,863.92</b>

Calendar Year 2023 Sales Tax Averages	Calendar Year 2022 Sales Tax Averages
<b>Total: \$1,957,094.41</b>	<b>Total: \$4,792,612.52</b>
<b>Mean Allocation: \$391,418.88</b>	<b>Mean Allocation: \$399,384.38</b>
<b>Median Allocation: \$333,333.42</b>	<b>Median Allocation: \$358,123.81</b>

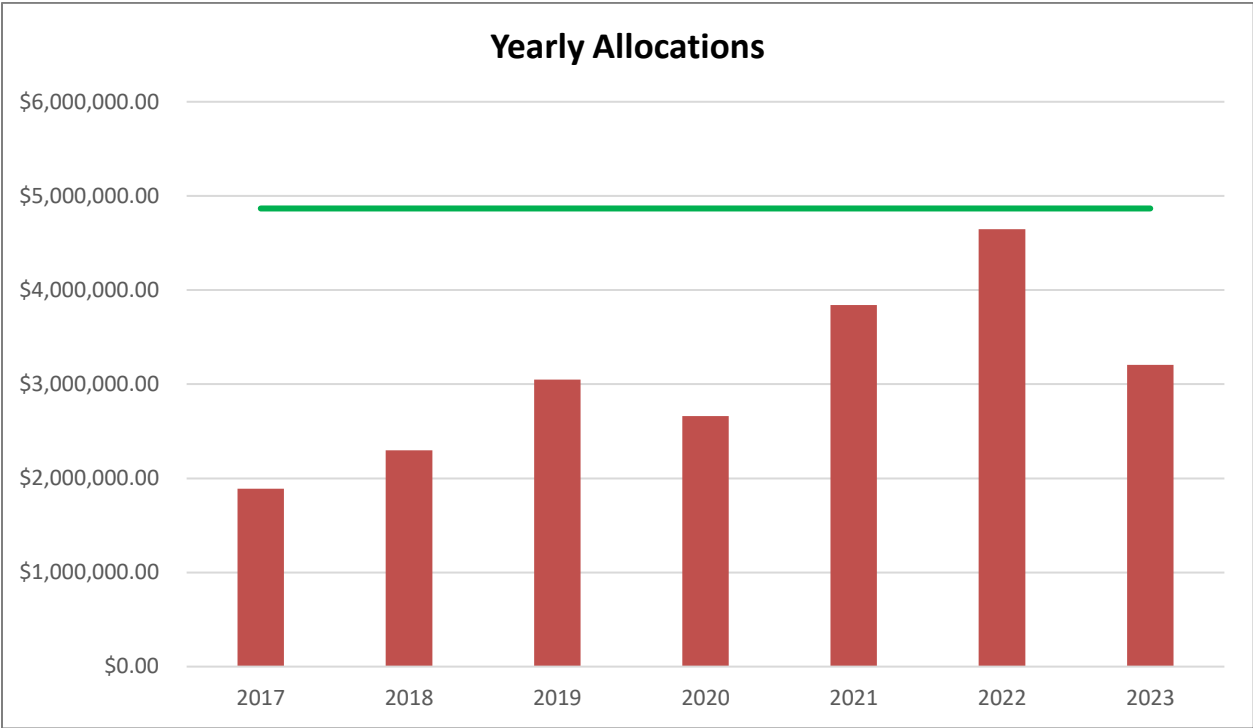
### Monthly Allocations



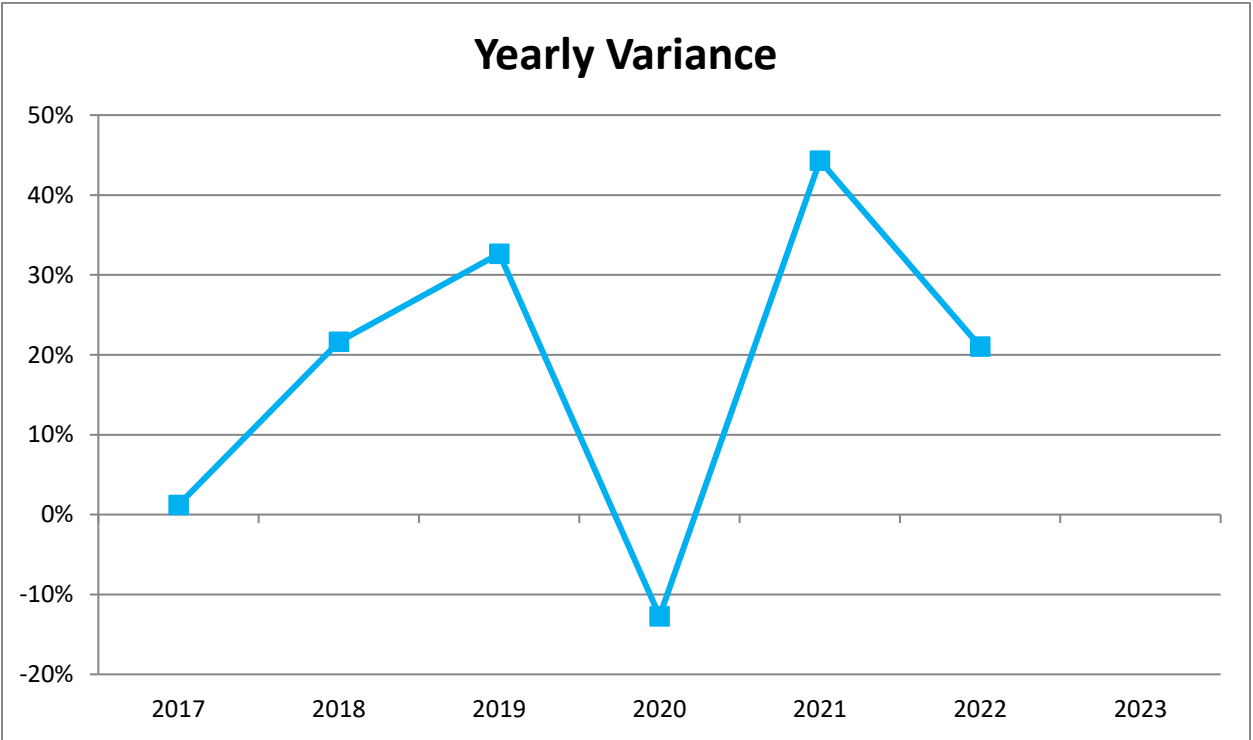
	2017	2018	2019	2020	2021	2022	2023
JAN	\$145,488.55	\$174,487.10	\$141,238.00	\$170,531.07	\$246,166.57	\$281,476.57	\$333,333.42
FEB	\$204,006.24	\$268,635.98	\$289,215.49	\$358,073.66	\$450,079.02	\$610,440.11	\$504,516.03
MAR	\$139,225.65	\$149,964.30	\$152,607.97	\$0.00	\$306,201.64	\$318,775.25	\$313,269.36
APR	\$123,234.01	\$144,205.61	\$165,516.81	\$2,724.55	\$215,206.50	\$278,593.13	\$291,741.42
MAY	\$182,757.15	\$267,397.74	\$283,049.52	\$315,099.96	\$440,192.71	\$484,876.92	\$514,234.18
JUN	\$153,336.53	\$151,071.81	\$191,260.13	\$219,615.98	\$279,583.10	\$371,794.81	
JUL	\$132,394.32	\$153,156.83	\$189,741.79	\$231,928.50	\$288,879.49	\$339,253.53	
AUG	\$190,648.43	\$304,422.57	\$398,641.13	\$375,019.12	\$466,305.61	\$506,663.87	
SEP	\$181,625.33	\$127,165.52	\$599,991.27	\$225,114.39	\$273,783.75	\$351,555.11	
OCT	\$125,361.52	\$141,162.59	\$248,593.82	\$227,917.54	\$274,762.64	\$364,692.50	
NOV	\$253,111.48	\$303,708.43	\$305,939.66	\$416,557.44	\$540,960.11	\$534,536.86	
DEC	\$179,308.88	\$192,957.46	\$208,806.76	\$229,773.80	\$288,957.75	\$349,953.86	

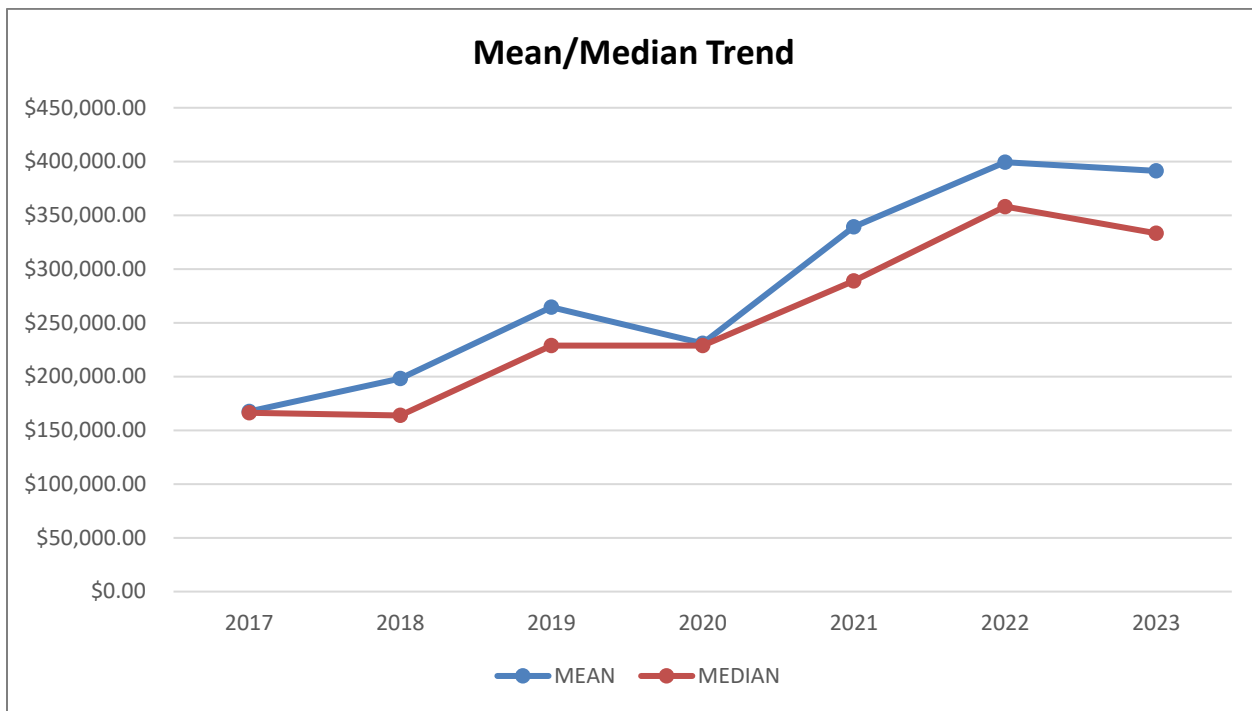


	2017	2018	2019	2020	2021	2022	2023
JAN	-39%	20%	-19%	21%	44%	14%	18%
FEB	2%	32%	8%	24%	26%	36%	-17%
MAR	11%	8%	2%	N/A	N/A	4%	-2%
APR	-5%	17%	15%	-98%	N/A	29%	5%
MAY	-1%	46%	6%	11%	40%	10%	6%
JUN	3%	-1%	27%	15%	27%	33%	
JUL	-1%	16%	24%	22%	25%	17%	
AUG	-6%	60%	31%	-6%	24%	9%	
SEP	25%	-30%	372%	-62%	22%	28%	
OCT	32%	13%	76%	-8%	21%	33%	
NOV	22%	20%	1%	36%	30%	-1%	
DEC	34%	8%	8%	10%	26%	21%	

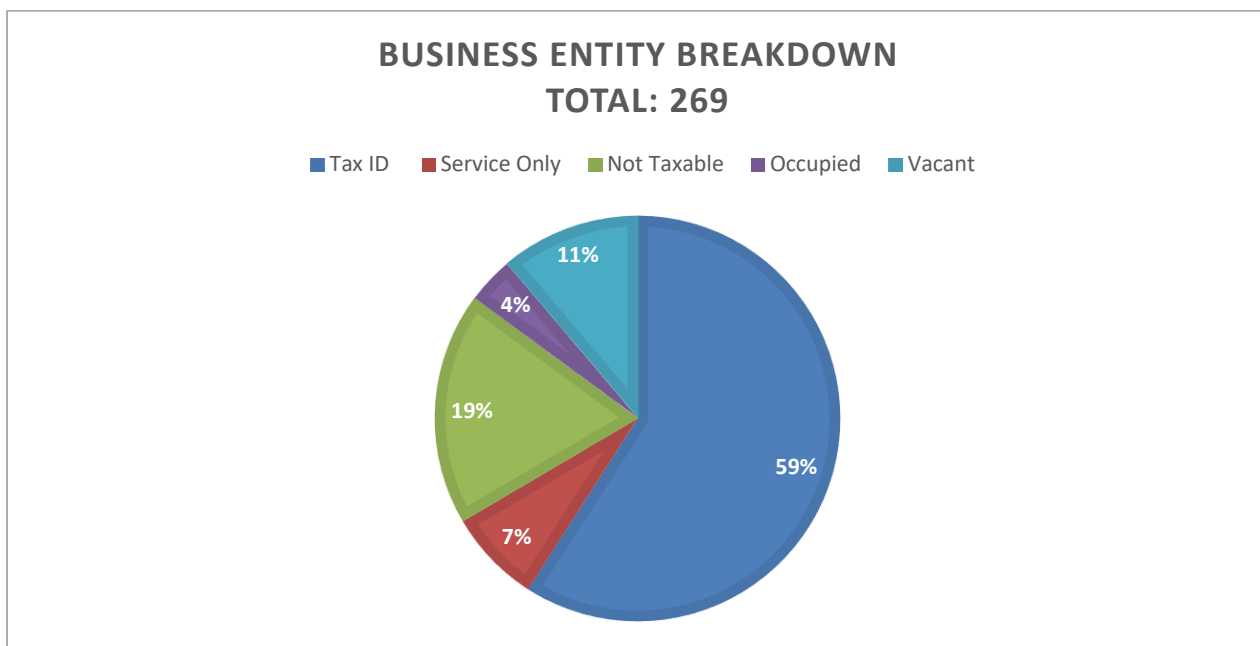


FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
\$1,889,285.60	\$2,298,289.34	\$3,049,090.59	\$2,661,447.47	\$3,840,647.17	\$4,648,109.80	\$3,206,277.63
1%	22%	33%	-13%	44%	21%	





	2017	2018	2019	2020	2021	2022	2023
<b>Mean</b>	<b>\$167,541.51</b>	<b>\$198,194.66</b>	<b>\$264,550.20</b>	<b>\$231,029.67</b>	<b>\$339,256.57</b>	<b>\$399,384.38</b>	<b>\$391,418.88</b>
<b>Median</b>	<b>\$166,322.71</b>	<b>\$163,821.97</b>	<b>\$228,700.29</b>	<b>\$228,845.67</b>	<b>\$288,918.62</b>	<b>\$358,123.81</b>	<b>\$333,333.42</b>



File Sales Tax	Service Only	Not Taxable	Occupied	Vacant
159	20	50	10	30

NAICS CODE	NAICS CODE DESCRIPTION
111219	Other Vegetable (except Potato) and Melon Farming
212321	Construction Sand and Gravel Mining
221112	Fossil Fuel Electric Power Generation
236220	Commercial and Institutional Building Construction
238140	Masonry Contractors
238150	Glass and Glazing Contractors
238210	Electrical Contractors and Other Wiring Installation Contractors
238990	All Other Specialty Trade Contractors
334111	Electronic Computer Manufacturing
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
423830	Industrial Machinery and Equipment Merchant Wholesalers
441310	Automotive Parts and Accessories Stores
442110	Furniture Stores
442210	Floor Covering Stores
443142	Electronics Stores
444110	Home Centers
444120	Paint and Wallpaper Stores
444130	Hardware Stores
444190	Other Building Material Dealers
444220	Nursery, Garden Center, and Farm Supply Stores
445110	Supermarkets and Other Grocery (except Convenience) Stores
446120	Cosmetics, Beauty Supplies, and Perfume Stores
447110	Gasoline Stations with Convenience Stores
447190	Other Gasoline Stations
448140	Family Clothing Stores
451211	Book Stores
452210	Department Stores
452319	All Other General Merchandise Stores
453210	Office Supplies and Stationery Stores
453910	Pet and Pet Supplies Stores
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)
454110	Electronic Shopping and Mail-Order Houses



<b>454390</b>	Other Direct Selling Establishments
<b>511210</b>	Software Publishers
<b>515210</b>	Cable and Other Subscription Programming
<b>517311</b>	Wired Telecommunications Carriers
<b>517312</b>	Wireless Telecommunications Carriers (except Satellite)
<b>518210</b>	Data Processing, Hosting, and Related Services
<b>541410</b>	Interior Design Services
<b>561710</b>	Exterminating and Pest Control Services
<b>561730</b>	Landscaping Services
<b>561790</b>	Other Services to Buildings and Dwellings
<b>713940</b>	Fitness and Recreational Sports Centers
<b>722410</b>	Drinking Places (Alcoholic Beverages)
<b>722511</b>	Full-Service Restaurants
<b>722513</b>	Limited-Service Restaurants
<b>811111</b>	General Automotive Repair

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> 05-23-2023	<b>Budgeted Amount:</b>
<b>Department:</b> Administration	<b>Prepared By:</b> Nici Browe

**Subject**  
 Consideration and possible action on the application for a City Alcoholic Beverage Permit for H-Bistrot.

**Recommendation**  
 Staff recommends approval of a City Alcoholic Beverage Permit

**Discussion**

Mr. Steve Hari of H-Wines has expanded his venture within the City of Montgomery, specifically downtown, and has opened a new business, H-Bistrot at 401 College Street, Montgomery. This business will serve food and mixed beverages.

Mr. Hari talked with staff regarding this idea in early January and began the steps required for obtaining a Texas Alcoholic Beverage Permit for the TABC, while waiting planning and development approval. The City Secretary must sign the TABC application as well as the Comptroller and County agencies in order to obtain the TABC approval.

City Code of Ordinances states that the City cannot approve and or issue a City Alcoholic Beverage Permit until the TABC has issued their license and the applicant must come before City Council for final approval.

Mr. Hari submitted his City application to the City Secretary on January 16, 2023. No fee was issued or taken as the TABC had not completed their application process. Mr. Hari was to provide the City with his TABC license in order for the City Secretary to issue the City Permit.

The City was informed that H-Bistrot was open and operating without the City Permit. Upon research it was discovered that TABC issued their license 03-23-2023 for Mixed Beverage Onsite Consumption.

City of Montgomery Code Enforcement was informed of the situation, discussed with Mr. Hari, and let him know that he should attend City Council meeting for his City Approval.

<b>Approved By</b>		
City Secretary	Nici Browe	Date: 05-17-2023
City Administrator		Date:



## City of Montgomery Alcohol Beverage License Application

### APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE

Date Received by the City: 01-17-2023 AB

1. Type of Alcoholic Beverage License: (attach completed TABC Application Form)

\_\_\_\_\_ (1) Category A – Off Premises Consumption Sale of All Alcoholic Beverages – Package Store

\_\_\_\_\_ (2) Category B – Off Premises Consumption Sale of Wine, Beer or Ale.

\_\_\_\_\_ (3) Category C – Off Premises Consumption Sale of Beer.

X (4) Category D – On Premises Consumption Sale of Beer, Wine and Mixed beverages – Restaurant or Café, where the sale of beer, wine and mixed beverage on the premises would be incidental to the restaurant or café.

\_\_\_\_\_ (5) Category E – On Premises Consumption Sale of Beer, Wine and Mixed beverages – Tavern, Lounge, or Bar. The sale of Beer, Wine and Mixed beverages for On-Premises Consumption being the principal business line.

\_\_\_\_\_ (6) Category F – Warehouse storage of Beer, Wine or Liquor for Distributors – No sale of Beer for on or Off Premises Consumption permitted on the Premises.

- ↓ 2. Legal Description of the property for which License is sought. (Either by Lot and Block number or by a Metes and Bounds Description: 10,450 SQ FT OF LAND IN JOHN CORNER SURVEY, A-8, CITY OF MONTGOMERY)
- ↓ 3. Exact Nature of the Business to be operated. (Must be fully described in the cover letter on company letterhead).
- ↓ 4. Attach a Plat of the property to the Application showing the improvements, parking areas, location of signage and other structures on the property and within three hundred (300) feet to scale.
- ↓ 5. Description of signs and the hours they will be operated to be attached as a separate document.
- ↓ 6. Attach floor plan of the building in which the business is to be conducted (showing fixtures, furniture, restrooms, kitchen and other equipment).
- ↓ 7. Attach a verified statement stating that the building is not within three hundred (300) feet of a church, school or hospital and that the building is in compliance with the requirements of this chapter for separate and adequate toilet facilities for men and women if used for on-premises consumption of beer, liquor or wine. This can be included in the cover letter.
8. Business Owner: Steve HARRIS Phone: 832-870-9303
- Address: 78934 Cornalhurst St, Spring, Tx 77386
- Home Address: 705 College St, MONTGOMERY, TX 77356 Phone: 832-870-9303
- Check if you are leasing property:

101 Old Plantersville Rd. Montgomery, TX 77316

(936)597-3288

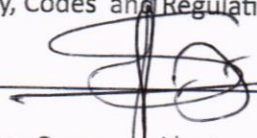
[www.montgomerytexas.go](http://www.montgomerytexas.go)



9. Land Owner: KEVIN + SUMI BARNES Phone: 936-449-6877  
Address: 401 COLLEGE STREET, SUITE 100, MONTGOMERY, TX 77358

10. Business Partners: N/A Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_

This is to certify that I, Steve HARI have complied with all State, County, Codes and Regulations of the City of Montgomery, Texas.

 \_\_\_\_\_ or \_\_\_\_\_  
Business Owner and/or Lessee Partner if Applicable

11. A cover letter on your company's letterhead shall include a description of the nature of the business to be conducted, the names and address and interests of all persons having a direct or indirect financial interest in the property. The cover letter can include any other requested information that needs further description.

Upon receipt of this application form and confirmation that all items have been received, you will be notified of the date and time of the City Council Meeting by the City Secretary.  
The provisions of City Code shall be considered concurrent with or in addition to the Texas Alcoholic Beverage Code, and, where a conflict may be found to exist, the provisions of the Texas Alcoholic Beverage Code shall apply. Applicants for a City alcoholic beverage license must comply with all applicable state and county codes and regulations as well as the requirements of the City Code.  
It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, beer, liquor or other alcoholic beverage within the City, or engage in any other activity for which a license or permit is required by the [Texas Alcoholic Beverage Code], without first obtaining a license so to do from the City. The annual fee for each such license shall be an amount equal to one-half the fee charged by the state for a license or permit to engage in a similar activity.

**\*Note: The Alcoholic Beverage Code, provides that a mixed beverage permit is exempt from City permit fees during the three year period following the issuance of the permit.**  
*If you require any additional information, please contact the City Secretary at (936) 597-3288.*



H-Bistrot LLC  
28934 Comal Karst Dr  
Spring, TX 77386

Montgomery, January 16<sup>th</sup>, 2023

Dear Sir/Madam,

H-Bistrot LLC was created in August 2022 by four business partners: Steve and Stephanie Hari, Harold and Heather Vines. Steve already operates very successfully H-Wines in the historic downtown of Montgomery.

H-Bistrot is a different concept from H-Wines as it includes beers and spirits besides wines and finger food. We already have a location in Huntsville and people really enjoy it. We are organizing events such as live music and board games. We will soon start trivia, bingo and murder mystery nights as our clientele is interested in these activities. Our aim is to reproduce this concept in Montgomery as we have the opportunity to open H-Bistrot at 401 College St, Suite 150, Montgomery Tx 77356.

Our goal is to provide entertainment to our community, bring people together and promote historic downtown businesses.

This building is not within three hundred (300) feet of a church, school or Hospital.

We sincerely hope you will find our project as attractive for the city of Montgomery as we do.

Respectfully yours,

The H-Bistrot Team





H-Bistrot LLC  
28934 Comal Karst Dr  
Spring, TX 77386

Montgomery, January 16<sup>th</sup>, 2023

Dear Sir/Madam,

Our H-Bistrot sign that we would like to post in front of 401 College St, Suite 150, Montgomery Tx 77356 would be square 4ft x 4ft.

It would be very similar to the Cheese shop next door. Our logo is below and we would add the address at the bottom.



Our Hours:

- Wednesday at 4:00 pm until 10:00 pm
- Thursday at 4:00 pm until 10:00 pm
- Friday at 4:00 pm until 10:00 pm
- Saturday at 2:00 pm until 12:00 pm
- Sunday at 2:00 pm until 6:00 pm

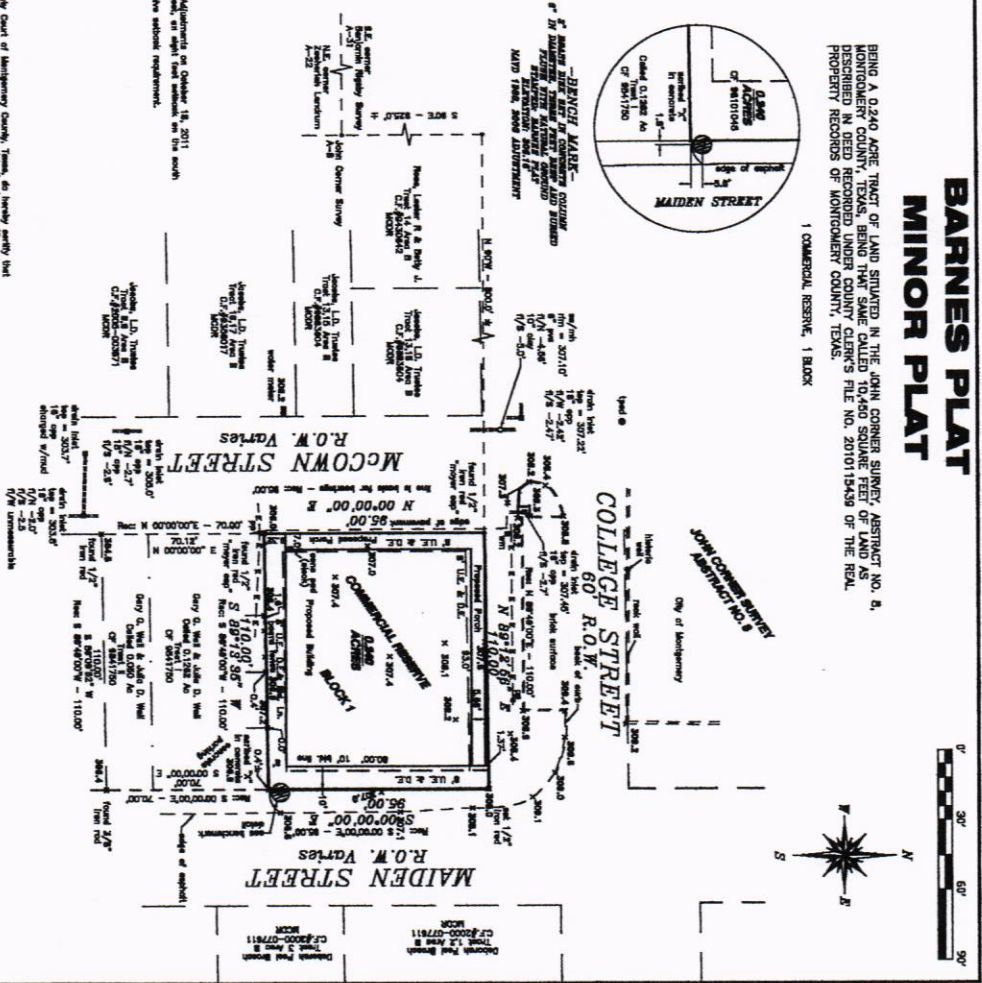
Respectfully yours,

The H-Bistrot Team

# BARNES PLAT MINOR PLAT

BEING A 0.240 ACRE TRACT OF LAND SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NO. 8, MONTGOMERY COUNTY, TEXAS, BEING THAT SAME CALLED "0.240 SQUARE FEET OF LAND AS DESCRIBED IN DEED RECORDED UNDER COUNTY CLERK'S FILE NO. 2010115458 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS."

1 COMMERCIAL RESERVE, 1 BLOCK



1. The undersigned, Engineer for the City of Montgomery, hereby certify that the plat and subdivision has been submitted to and approved by the City Administrator of the City of Montgomery, Texas, and is hereby approved by the City Engineer - Montgomery.

2. The plat and subdivision has been submitted to and approved by the City Administrator of the City of Montgomery, Texas, and is hereby approved by the City Engineer - Montgomery.

City Engineer - Montgomery

City Administrator - Montgomery

This plat and subdivision has been submitted to and approved by the City Administrator of the City of Montgomery, Texas, and is hereby approved by the City Engineer - Montgomery.

City Engineer - Montgomery

The plat and subdivision has been submitted to and approved by the City Administrator of the City of Montgomery, Texas, and is hereby approved by the City Engineer - Montgomery.

City Administrator - Montgomery

This plat and subdivision has been submitted to and approved by the City Administrator of the City of Montgomery, Texas, and is hereby approved by the City Engineer - Montgomery.

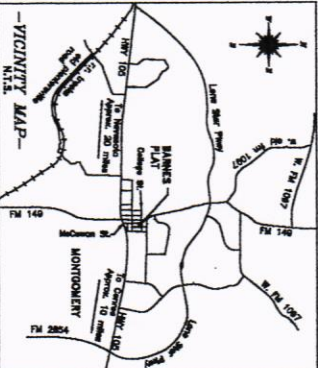
City Engineer - Montgomery

City Administrator - Montgomery

This plat and subdivision has been submitted to and approved by the City Administrator of the City of Montgomery, Texas, and is hereby approved by the City Engineer - Montgomery.

City Engineer - Montgomery

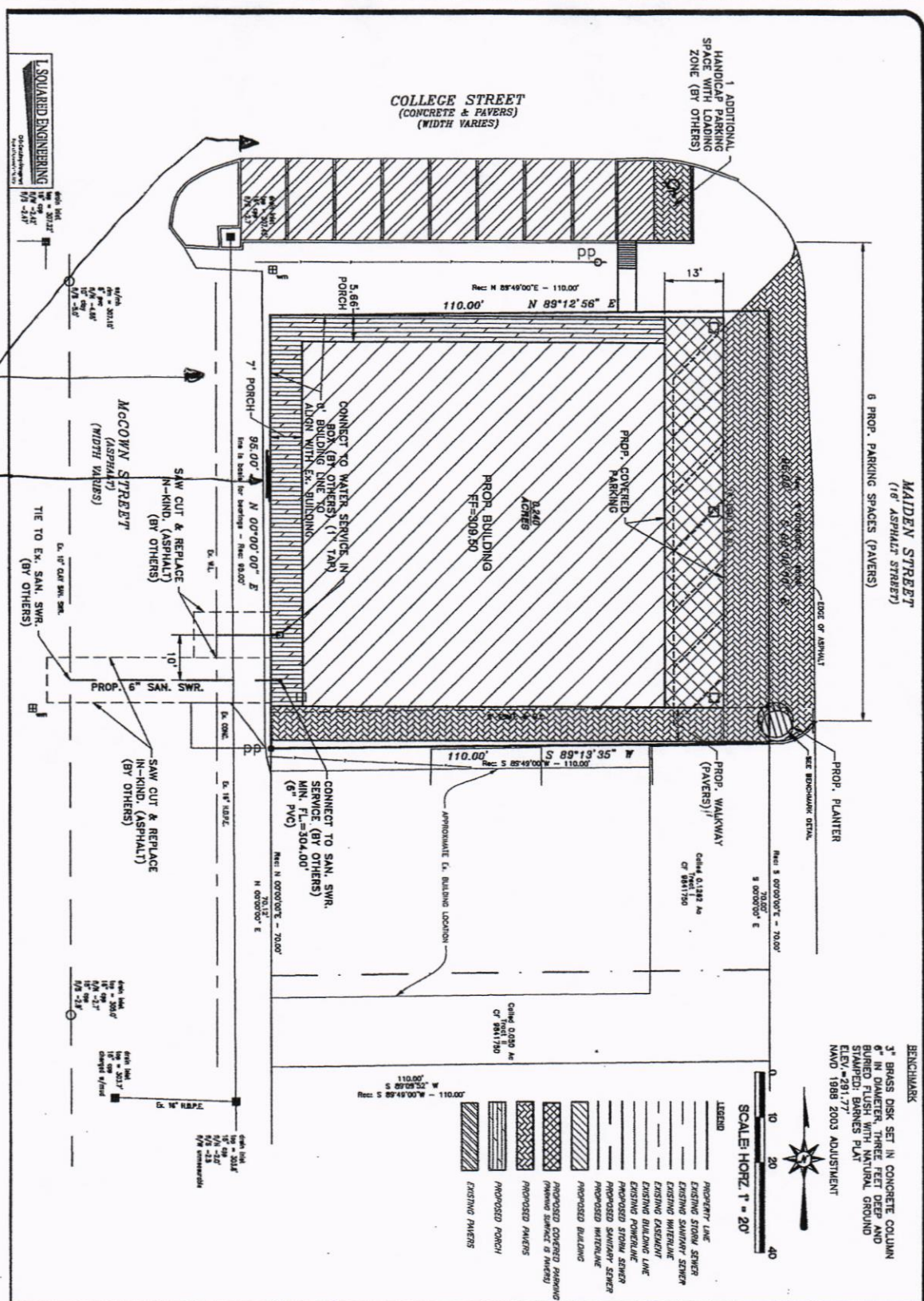
City Administrator - Montgomery



10-31-11



parking  
Signage



<p>CLIENTS: NO. 20000000 ADDRESS: 1500 11th</p> <p>DATE: 11/17/03</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO.: 03-000000</p>	<p>PROJECT TITLE: <b>BARNES BUILDING VARIANCE EXHIBIT</b></p>	<p>PROJECT LOCATION: 3113 MAIDEN STREET, SUITE 2000 HOUSTON, TEXAS 77056</p>	<p>DESIGNER CONTACT INFO: TRICIA SOLOMON RESIDENTIAL DESIGNER, C.P.B.D. 336-272-2599 TS.Design@att.net www.TSDesigns.net</p>	<p>DATE: 11/17/03</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO.: 03-000000</p>	<p>THESE DRAWINGS WERE PREPARED UNDER THE SUPERVISION OF E. BARNES, P.E., REGISTERED PROFESSIONAL ENGINEER, STATE OF TEXAS. ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.</p>	<p>DRAWING ISSUES/REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>COMMENT</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	BY	COMMENT				
							NO.	DATE	BY	COMMENT				
<p>1. SQUARED ENGINEERING 1500 College Street Houston, TX 77056 Tel: 336-272-2599 Fax: 336-272-2598 www.squaredeng.com</p>	<p>1. SQUARED ENGINEERING 1500 College Street Houston, TX 77056 Tel: 336-272-2599 Fax: 336-272-2598 www.squaredeng.com</p>	<p>1. SQUARED ENGINEERING 1500 College Street Houston, TX 77056 Tel: 336-272-2599 Fax: 336-272-2598 www.squaredeng.com</p>	<p>1. SQUARED ENGINEERING 1500 College Street Houston, TX 77056 Tel: 336-272-2599 Fax: 336-272-2598 www.squaredeng.com</p>	<p>1. SQUARED ENGINEERING 1500 College Street Houston, TX 77056 Tel: 336-272-2599 Fax: 336-272-2598 www.squaredeng.com</p>	<p>1. SQUARED ENGINEERING 1500 College Street Houston, TX 77056 Tel: 336-272-2599 Fax: 336-272-2598 www.squaredeng.com</p>									

<p>DATE: 11/17/03</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO.: 03-000000</p>	<p>DATE: 11/17/03</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO.: 03-000000</p>	<p>DATE: 11/17/03</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO.: 03-000000</p>	<p>DATE: 11/17/03</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO.: 03-000000</p>	<p>DATE: 11/17/03</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO.: 03-000000</p>	<p>DATE: 11/17/03</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO.: 03-000000</p>
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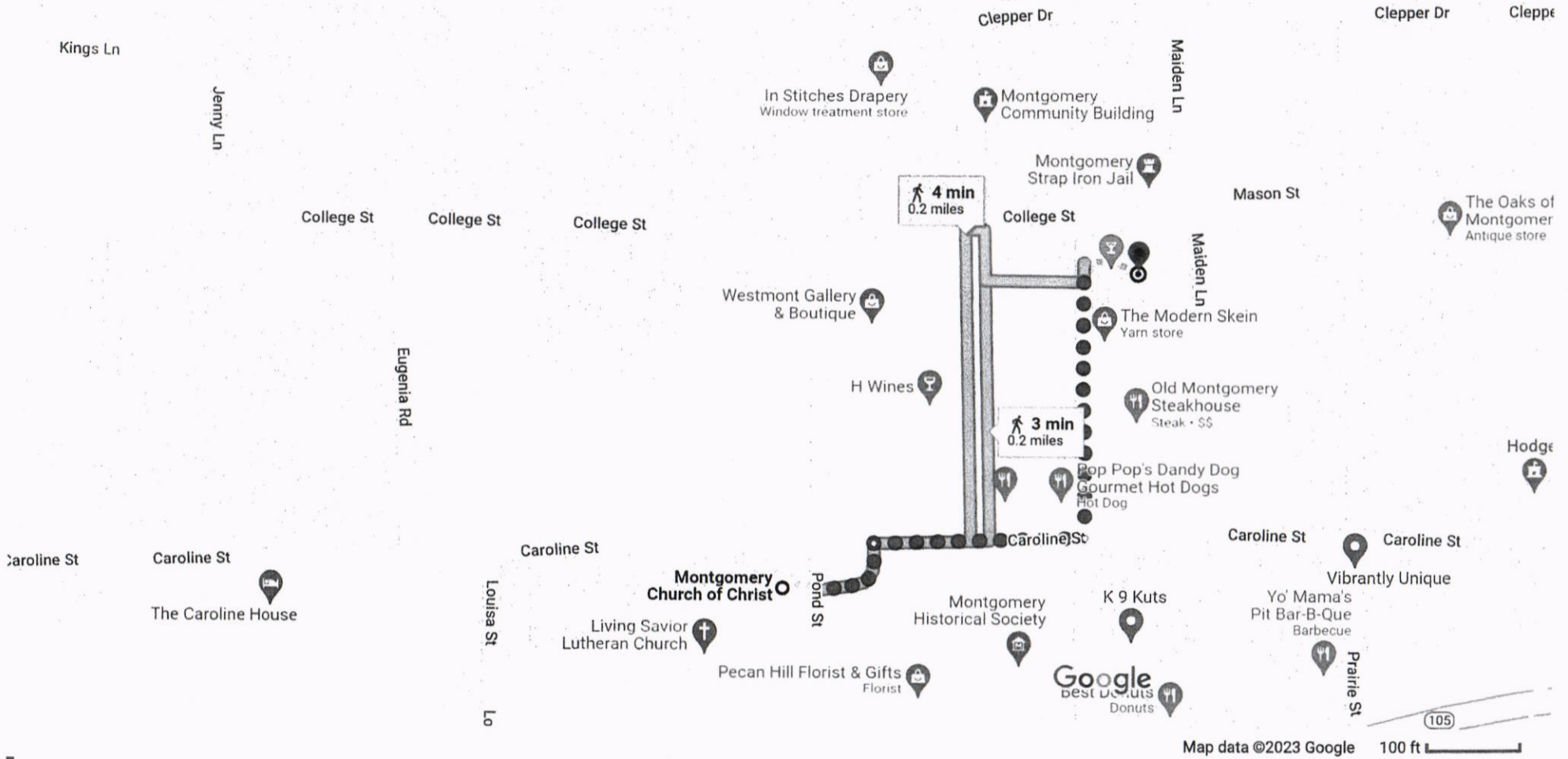




1/14/2023

Google Maps

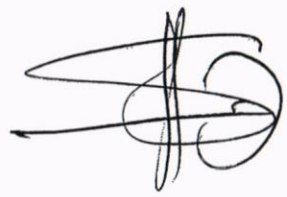
Montgomery Church of Christ, 301 Pond St, Montgomery, TX 77356 to 401 College St, Montgomery, TX 77356

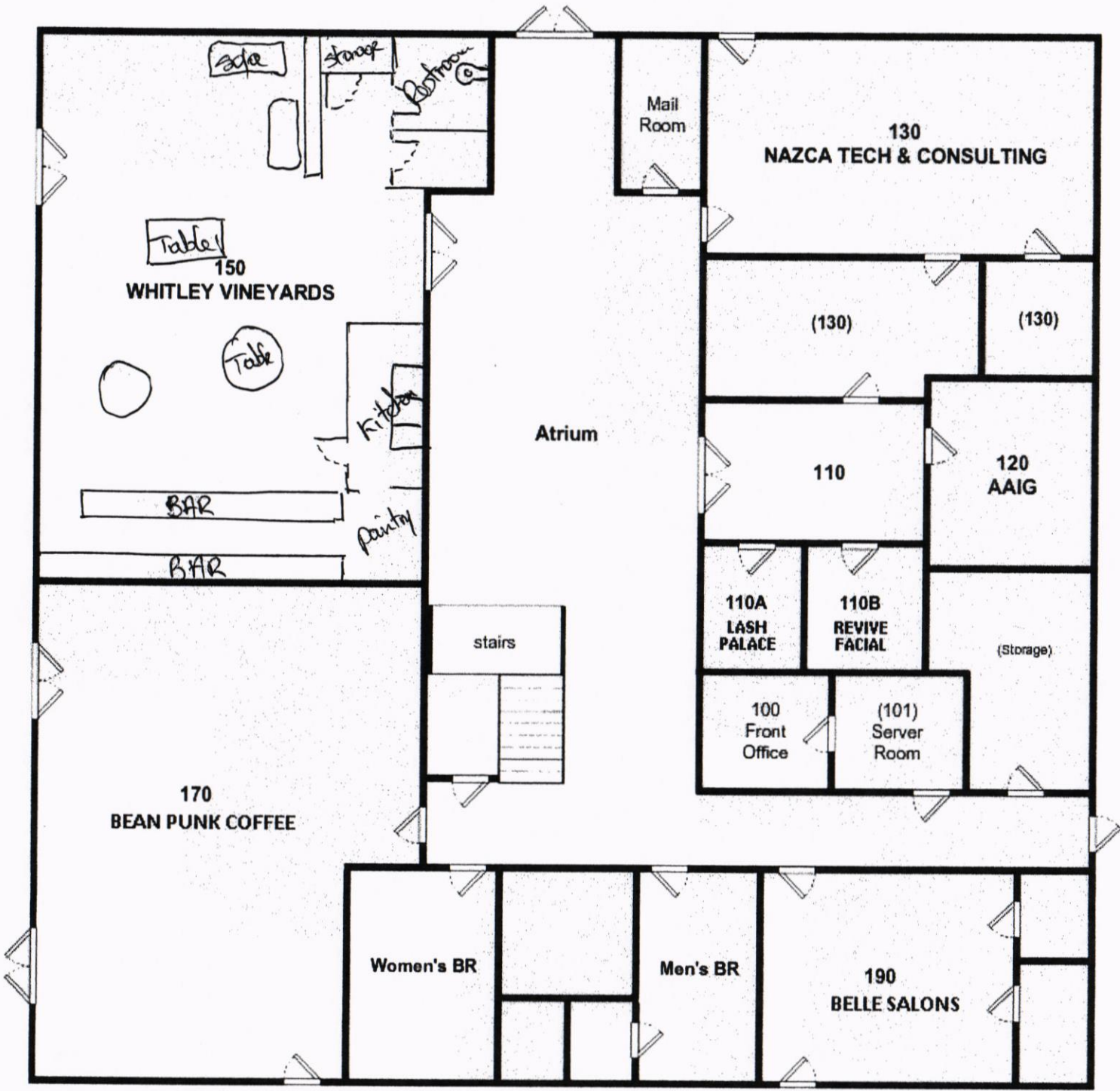
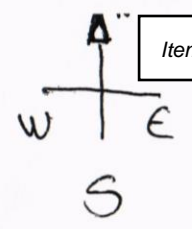
Walk 0.2 mile, 3 min



- 
**via Caroline St and McCown St**      **3 min**  
 0.2 mile
- 
**via Liberty St**      **3 min**  
 0.2 mile

*Stae HAZI*





Address: 401 college St, Suite 150, MONTGOMERY, TX 77356.

# CERTIFICATE OF OCCUPANCY

City of Montgomery

This certificate is issued pursuant to the requirements of the adopted building code, certifying that at the time of issuance this structure was in compliance with the various ordinances of City of Montgomery regulating building construction and use.

**Site Address:** 401 College Street Suite  
150, Montgomery, TX 77356

**Building Permit #:** MTG23-000020

**Permit Type:** New Occupancy Permit

**Owner Name:** Business Owner: Steve Hari

**Parcel Number:**

**Lot:**

**Owner Address:** 705 College St,  
Montgomery, TX 77356

**Block:**

**Type of Construction:** N/A

**Subdivision:**

**Occupancy:** N/A

**Zoning District:**

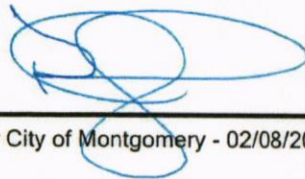
**Mixed Occupancy:** N/A

**Code Edition:** 2018 IRC

**Building Official:** Rick Hanna, CBO

**Auto Sprinkler Required:** No

**Auto Sprinkler Provided:** No



For City of Montgomery - 02/08/2023



Back

Export to Excel

Print Results

**License #:****AIMS License Type:** MB**AIMS License #:** 200075457**Trade Name:** H-BISTROT**Owner:** H-BISTROT LLC**Location Address:** 1320 Windsor St

Huntsville , TX

773405616

United States

**Mailing Address:**

28034 Comal Karst Dr

Spring , TX 773863926

United States

**County:** Walker**Orig. Issue Date:** 10/26/2022**Status:** Active**Exp. Date:** 10/25/2024**Wine Percent:****Location Phone No.:****Subordinates:** LH**Related To:****Gun Sign:** RED**License #:****AIMS License Type:** MB\***AIMS License #:** 200088804**Trade Name:** H-BISTROT**Owner:** H-BISTROT LLC**Location Address:** 401 COLLEGE St

STE 150

MONTGOMERY , TX

77356

United States

**Mailing Address:**

28034 Comal Karst Dr

Spring , TX 773863926

United States

**County:** Montgomery**Orig. Issue Date:** \*3/23/2023**Status:** Active**Exp. Date:** 3/22/2025**Wine Percent:****Location Phone No.:****Subordinates:** LH**Related To:****Gun Sign:** RED



ORDINANCE NO. 1989-2

AN ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS (CITY) ADOPTING THE LAWS PERTAINING TO ALCOHOLIC BEVERAGES OF THE STATE OF TEXAS AS APPLICABLE TO MUNICIPALITIES; PROVIDING FOR THE ISSUANCE OF ALCOHOL LICENSES FOR THE MANUFACTURING, SELLING, DISTRIBUTING AT WHOLESALE AND RETAIL OF ALCOHOL; SETTING FORTH SALES CATEGORIES FOR THE DISTRIBUTION OF ALCOHOL AND THE PROCEDURES FOR MAKING WRITTEN APPLICATION FOR THE SALE OF SUCH ALCOHOLIC BEVERAGES; PROVIDING FOR A FILING FEE TO OBTAIN AN ALCOHOL LICENSE; SETTING FORTH CONDITIONS UNDER WHICH ALCOHOL LICENSES WILL NOT BE GRANTED BY THE CITY; DETAILING THE REQUIREMENTS OF A PUBLIC HEARING TO BE GRANTED LOCAL PROPERTY OWNERS UPON SUCH APPLICATION FOR AN ALCOHOL LICENSE; PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES NEAR A CHURCH, SCHOOL, OR HOSPITAL; REQUIRING THE INTERIOR OF LIQUOR SALES ESTABLISHMENTS BE UNOBSTRUCTED; SETTING FORTH BUILDING REQUIREMENTS FOR ON-PREMISES ALCOHOL DISTRIBUTION ESTABLISHMENTS; REGULATING BEER ESTABLISHMENT PERSONNEL; DELINEATING UNLAWFUL CONDUCT ON PREMISES WHERE BEER OR WINE IS SOLD; PROHIBITING SALE OF ALCOHOL TO INTOXICATED PERSONS; PROHIBITING SALE OF ALCOHOLIC BEVERAGES TO MINORS; PROHIBITING THE EMPLOYMENT OF ANYONE UNDER THE AGE OF TWENTY-ONE (21) TO SELL ALCOHOL; PROHIBITING PURCHASE AND POSSESSION OR CONSUMPTION OF ALCOHOL BY MINORS; PROHIBITING CONSUMPTION ON A STREET, SIDEWALK, OR ALLEY, OR CEMETERY; PROHIBITING POSSESSION OF ALCOHOL IN PARKS BETWEEN CERTAIN HOURS; PROHIBITING POSSESSION OF ALCOHOL AT SCHOOL ATHLETIC EVENTS; DESCRIBING THE PENALTY FOR DRUNKENNESS AND VIOLATIONS OF THIS ORDINANCE; SAVINGS CLAUSE; PROVIDING EFFECTIVE DATE; AND APPLICABILITY OF THE TEXAS ALCOHOLIC BEVERAGE CODE.

## ALCOHOLIC BEVERAGES

## Sec. 1. Definitions.

Unless otherwise provided, the words and phrases used in this ordinance shall have the same meanings as ascribed to them by the Texas Alcoholic Beverage Code.

## Sec. 2. License to manufacture, sell, distribute, etc.

(a) It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, beer, liquor or other alcoholic beverage within the city, or engage in any other activity for which a license or permit is required by the Texas Liquor Control Act, without first obtaining a license so to do from the city. The annual fee for each such license shall be an amount equal to one-half (1/2) the fee charged by the state for a license or permit to engage in a similar activity. Such fee shall be paid to the tax collector and the tax collector shall provide suitable and proper blanks for issuing receipts therefore referred and shall keep a duplicate copy of all license receipts issued as part of the records of office. All license receipts issued under the terms of this section shall terminate one year from the date of issuance and no license receipt shall be issued covering a longer term than one year.

(b) No applicant shall be granted a license under this section who has not first been licensed by the county and State of Texas and who fails to present satisfactory evidence of the same.



(c) No license shall be issued under this section if the applicant shall owe any delinquent taxes to the city. The word "applicant" shall include each member of a partnership or association and all officers and the owner of the majority of the corporate stock of a corporation and the manager of the business for a corporation.

(d) It shall be unlawful for any person licensed to sell beer, liquor or wine at retail other than a manufacturer or distributor to use or display a license or to exercise any privilege granted by a license except at the place, address, premises and location for which the license is granted.

State Law Reference--Local Fee Authorized, V.T.C.A., Alcoholic Beverage Code, Sec. 11.38.

### Sec. 3. Sales Categories

(a) It shall be unlawful for any person to sell any type of alcoholic beverage, either for on-premises or off-premises consumption, except where such sale is permitted by ordinances of the city.

(b) The types of categories for the sale of alcoholic beverages are hereby established as follows:

(1) Category A--Off-premises consumption sale of all alcoholic beverages--package store.

(2) Category B--Off-premises consumption sale of wine, beer or ale.

(3) Category C--Off-premises consumption sale of beer.

(4) Category D--On-premises consumption sale of beer and wine--restaurant or cafe, where the sale of beer and wine on the premises would be incidental to the restaurant or cafe business.

(5) Category E--On-premises consumption sale of beer--tavern, lounge, or bar--the sale of beer for on-premises consumption being the principal business line.

(6) Category F--Warehouse storage of beer, wine, or liquor for distributors--no sale of beer for on or off-premises consumption permitted on the premises.

(c) All existing businesses heretofore approved by the city council are hereby reclassified according to the above.

(d) Written application for the sale of alcoholic beverages shall be made on forms provided by the city and filed with the city clerk. Such application shall be signed by the actual lessee or intended operator of the business for which the license is sought. The owner of the property must file a written consent to the application, unless the owner is making the application. Every such application shall contain the following:

(1) An adequate legal description of the property for which license is sought, either by lot and block number or by a metes and bounds description.

(2) The exact nature of the business to be operated must be fully described.

(3) A plat of the property must be attached to the application showing the improvements, parking areas, location of signs and other structures on the property and within three hundred (300) feet to scale.

(4) A description of signs and the hours they will be operated.

(5) A floor plan of the building in which the business is to be conducted must be attached to the application, showing fixtures, furniture, rest rooms, kitchen and other equipment.

(6) A statement giving the names, addresses and interests of all persons having a direct or indirect financial interest in the property and the business to be conducted.

(7) A verified statement must be attached to the application, stating that the building is not within three hundred (300) feet of a church, school or hospital and that the building is in compliance with the requirements of this chapter for separate and adequate toilet facilities for men and women, if used for on-premises consumption of beer, liquor or wine.

(f) A filing fee of ten dollars (\$10.00) to defray the expenses of processing an application filed under this section must be paid when the application is filed.

V.T.C.A. Local Fee Authorized, Sec. 61.36.

(g) No application under this section shall be approved:

(1) If the applicant or application does not meet all requirements of the ordinances of the city.

(2) If the granting of such application shall increase the number of alcoholic beverage establishments to more than five (5) in any one block, a block to be defined as being from intersection to intersection on both sides of the street.

(3) If the applicant shall owe any delinquent taxes to the city.

(4) If applicant has not already fulfilled all County and State requirements.

As used in this subsection, the term "applicant" shall also mean and include each member of a partnership or association and all officers and the owner or owners of the majority of the corporate stock of a corporation and the manager of such business for a corporation.

(h) After all the requirements for license application under the provisions of this section have been met, a public hearing shall be scheduled by the city clerk at a regular meeting of the city council, at least ten (10) days in advance of written notice to be mailed to all owners of property within two hundred (200) feet of the property in question, informing them of the time and place of holding the public hearing. Such notice shall be mailed to owners as shown on the last approved tax roll of the city. If the application is not approved by the city council, no new application may be filed for a period of one (1) year from the date of the public hearing on the original application, unless the city council shall determine that conditions have so changed that an earlier hearing would be justified.



(i) Uses permitted under any of the categories designated in this section may not be converted to another use, but application for the new use under the provisions applicable must be made as in the case of an original application.

**Sec. 4. Sale near church, school or hospital.**

The sale of alcoholic beverages by any dealer is prohibited within three hundred (300) feet of any church, public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in direct line across intersections where they occur. This section shall not apply where the church, school, or hospital is built within three hundred (300) feet of an existing place of business where alcoholic beverages are sold.

State law reference--Authority of city to enact ordinance similar to above section, V.T.C.A., Alcoholic Beverage Code, Sec. 109.33.

**Sec. 5. View of interior of sales establishments not to be obstructed.**

All establishments selling any alcoholic beverage must be so constructed that the interior of such establishment shall at all times be plainly visible from the front of such establishment, with no curtains or drapes or other obstruction which prevent a clear view of the interior of such establishment.

State law reference--V.T.C.A., Sec. 104.02.

**Sec. 6. Building requirements for on-premises establishments.**

No person shall sell beer, liquor or wine at or on any premises within the city for consumption on the premises where sold unless the building housing such business conforms to the following:

- (1) Has not less than six hundred (600) square feet of floor space devoted solely to the retail portion of the operation of such business, exclusive of storage and/or restrooms.
- (2) Complies with the building code.
- (3) Complies with the electric code.
- (4) Complies with the plumbing code.
- (5) Is connected to the city sanitary sewer system for toilet facilities.
- (6) Is connected to the city water system.
- (7) Has adequate flush toilet facilities, with separate facilities for men and women in the building. Outside toilet facilities will not constitute compliance with this requirement.
- (8) Has sufficient lighting and such lighting provides illumination to at least twenty-five (25) footcandles in all areas of the premises where beer, liquor or wine is sold or consumed, according to measurements by an agent of the city.

**Sec. 9. Sale to intoxicated persons prohibited.**

It shall be unlawful for any person to sell any alcoholic beverage to any person who is under the influence of intoxicating liquor, for either on-premises or off-premises consumption.

State law reference--V.T.C.A., Sec. 101.63

**Sec. 10. Sale to minors prohibited.**

It shall be unlawful for any person to sell any alcoholic beverage to any person under the age of twenty-one (21) years.

State law reference--V.T.C.A., Sec. 106.03

**Sec. 11. Employment of minors to sell.**

It shall be unlawful for any person engaged in the business of selling alcoholic beverages to employ any person under the age of twenty-one (21) years to sell, handle, transport or dispense or assist in selling, handling, transporting or dispensing any alcoholic beverage.

State law reference--V.T.C.A., Sec. 106.09

**Sec. 12. Purchase by minors.**

It shall be unlawful for any person under twenty-one (21) years of age to purchase any alcoholic beverage.

State law reference--V.T.C.A., Sec. 106.02

**Sec. 13. Possession or consumption by minors.**

It shall be unlawful for any person under the age of twenty-one (21) years to possess or to consume any alcoholic beverage in any public place, unless the person under the age of twenty-one (21) years is accompanied by his or her husband or wife, over the age of twenty-one years.

State law reference--V.T.C.A., Sec. 106.04

**Sec. 14. Consumption on street, sidewalk or alley prohibited.**

The drinking of any alcoholic beverage on any public street, sidewalk or alley of the city, whether afoot, as a passenger or as an operator of any vehicle, is unlawful and is prohibited. The throwing of any opened container of the type generally used for alcoholic beverages from or out of any vehicle shall be prima facie evidence that the occupant thereof was then and there drinking alcoholic beverages in violation of this section.

**Sec. 15. Consumption or possession in cemeteries prohibited.**

It shall be unlawful for any person to drink or have in his possession any alcoholic beverages within any cemetery located within the corporate limits of the city.



**Sec. 7. Regulations for beer establishment personnel.**

(a) No person other than the permittee or licensee shall serve beer, or other drink or food to any customer or patron of a beer establishment unless the person so serving is employed by the permittee or licensee of the beer establishment.

(b) No person serving beer to any patron or customer of a beer establishment shall receive, as compensation, any part of the price paid by the patron or customer for such beer, nor shall his compensation be dependent on the amount served by him.

(c) No person shall collect from any customer or patron of a beer establishment, as the price of beer, more than the price paid to the bartender or cashier by the person serving the beer.

**Sec. 8. Unlawful conduct on premises where beer, liquor or wine is sold.**

Conduct by any person at a place of business where the sale of beer, liquor or wine at retail is authorized that is lewd, immoral, or offensive to public decency is hereby declared to include but not be limited to the following prohibited acts, and it shall be unlawful for any person engaged in such business, or any agent, servant or employee of such person, to engage in or to permit such conduct on the premises of the retailer:

- (1) The use or the permitting the use of loud, vociferous, obscene, vulgar, indecent or abusive language;
- (2) Exposure of person or permitting any person to expose his person;
- (3) Displaying or permitting any person to display a pistol or other deadly weapon or switch blade knife, in a manner calculated to disturb the inhabitants of such place;
- (4) Solicitation of any person for coins to operate musical instruments or devices;
- (5) Becoming intoxicated on the licensed premises or permitting any intoxicated person to remain on the premises;
- (6) Permitting solicitation of persons for immoral or sexual purposes or relations;
- (7) Failing or refusing to comply with or failing or refusing to maintain the retail premises in accordance with the sanitary or health provisions of the city and county;
- (8) Possession of any narcotic;
- (9) Possession of any equipment used or designed for the use of administering any narcotic;
- (10) Permitting any person to possess on the licensed premises any narcotic or any instrument used for or designed for the use of administering any narcotic.

State law reference--V.T.C.A., Sec. 101.62; Sec. 104.01.

**Sec. 16. Consumption in parks prohibited between certain hours.**

It shall be unlawful for any person to drink alcoholic beverages of any kind in any public park within the corporate limits of the city between the hours of 9:00 p.m. and 7:00 a.m.

**Sec. 17. Possession prohibited at school athletic events.**

It shall be unlawful for any person to bring or carry into any enclosure, field or stadium, where athletic events are sponsored or participated in by any public school, any alcoholic beverage or to have any alcoholic beverage in their possession while in or on such enclosure, field or stadium.

**Sec. 18. Drunkenness.**

Whoever shall get drunk or be found in a state of intoxication in any public place, or at any private house except his own, shall be guilty of a misdemeanor.

**Sec. 19. Violations of Ordinance.**

Any person who violates any provision of this Ordinance, or who allows, on premises covered by his license issued under this chapter, any person to do the things prohibited by this Ordinance, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00). Each day such violation continues shall be a separate offense. Any room, building, structure or place of any kind where alcoholic beverages are sold, bartered, stored, possessed or consumed in violation of this chapter or the Texas Liquor Control Act, or under conditions and circumstances contrary to the purposes of this chapter or the Liquor Control Act is hereby declared to be a common nuisance, and any person who maintains or assists in maintaining or permits the violation of this chapter or the Liquor Control Act shall be guilty of a violation of this chapter. Action may be maintained by the city to abate and enjoin such nuisance.

**Sec. 20. Constitutionality.**

If the constitutionality of any part or parts of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is hereby declared that the remaining parts of this Ordinance would have been ordained and passed had it been known that such part or parts thereof would be declared unconstitutional.

**Sec. 21. Effective date.**

Whereas, on account of the public safety necessitating the passage of this Ordinance, an emergency is created on behalf of the public peace, health, safety and general welfare necessitating that this Ordinance become effective at once and it is accordingly ordained that the Ordinance become effective immediately upon publication as required by law.

Sec. 22. Texas Alcoholic Beverage Code.

The provisions of this Ordinance shall be considered concurrent with or in addition to the Texas Alcoholic Beverage Code, and where a conflict may be found to exist, the provision of the Texas Alcoholic Beverage Code shall apply. Applicants for a City of Montgomery Alcoholic Beverage License must comply with all applicable state and county codes and regulations as well as the requirements of this ordinance.

PASSED AND APPROVED this 14<sup>th</sup> day of February, 1989.

CITY OF MONTGOMERY, TEXAS

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

ATTEST:

Julie Nollkamper  
City Secretary

APPROVED:

\_\_\_\_\_  
City Attorney



**ORDINANCE**

Motion was made by Jon Bickford seconded by Dave McCorquodale that the following Ordinance be adopted.

**ORDINANCE NO. 2018-01**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CITY ORDINANCE NO. 1989-2, DATED FEBRUARY 14, 1989, BY AMENDING ARTICLE II, "LICENSES," SECTIONS 6-25, 6-33 AND 6-34 OF CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CITY CODE OF ORDINANCES RELATING TO THE APPLICATION AND RE-APPLICATION REQUIREMENTS FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES IN THE CITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.**

**WHEREAS**, the City Council of the City of Montgomery, Texas, by Ordinance No. 1989-2, dated February 14, 1989, as amended, adopted a policy to regulate the sale and licensing of alcoholic beverages in the City pursuant to the Texas Alcoholic Beverages Code; and

**WHEREAS**, the ordinance is codified in Chapter 6, entitled "Alcoholic Beverages," Article II, "License," of the City of Montgomery Code of Ordinances; and

**WHEREAS**, the Texas Alcoholic Beverage Code (TABC) and Section 33.13 of the TABC Administrative Law describes the process to apply for a license or permit to sell alcoholic beverages; and

**WHEREAS**, upon the recommendation of the City staff, the City Council desires to amend Sections 6-25, 6-33 and 6-34 of the Code of Ordinances, relating to the approval process

in the City by which an application or re-application to sell alcoholic beverages in the City can be approved;

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

**SECTION I.**

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

**SECTION II.**

**AMENDMENT TO ALCOHOLIC BEVERAGES ORDINANCE.** Sections 6-25, 6-33 and 6-35 of Article II, entitled "License," in Chapter 6, "Alcoholic Beverages," of the City Code of Ordinances are hereby amended, such that they read as follows:

***Sec. 6-25. - Required; fee; term.***

*It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, beer, liquor or other alcoholic beverage within the city, or engage in any other activity for which a license or permit is required by the Texas Alcoholic Beverage Code, without first obtaining a license to do so from the city. The fee for each such license shall be an amount equal to one-half of the fee charged by the state for a license or permit to engage in a similar activity. Such fee shall be paid to the tax collector, and the tax collector shall provide suitable and proper blanks for issuing receipts therefor referred and shall keep a duplicate copy of all license receipts issued as part of the records of office. All license receipts issued under the terms of this section shall terminate two years from the date of issuance, and no license receipt shall be issued covering a longer term than two years.*

***Sec. 6-33. - Approval of license application by City Council.***

*After all the requirements for a license application under the provisions of this article have been met as determined by the City Administrator, the application shall be presented to the City Council for approval at a public meeting.*

**Sec. 6-34. - Conversion to different use.**

*Uses permitted under any of the categories designated in this article may be converted to another use only with the approval of City Council.*

**SECTION III.**

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

**SECTION IV.**

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

**SECTION V.**

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

**SECTION VI.**



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

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the 9th day of January, 2018.

**THE CITY OF MONTGOMERY, TEXAS**

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Kirk Jones, Mayor

ATTEST:

---

Susan Hensley, City Secretary

APPROVED AS TO FORM:

---

Larry L. Foerster, City Attorney

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> May 23, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on Certificate of Substantial Completion, commencement of one-year warranty period, Certificate of Construction Completion, and acceptance of the Water Plant No. 3 Generator Addition project (GLO CDBG-DR Contract No. 19-076-017-B366) Water Facilities.

**Recommendation**

Motion to:

- Accept the Water Plant No. 3 Generator Addition project,
- Approve the Certificates of Substantial Completion and Construction Completion, and
- Enter into the one-year warranty period.

**Discussion**

The project is complete, and these documents are part of the closeout process for the project. As a reminder, the city was granted a time extension until June 30, 2023 to complete the project due to a shortage of available backup generators last year. The project engineer (Quiddity) and the city engineer (WGA) recommend approval. A memo from the city engineer is attached along with the closeout documents.

<b>Approved By</b>		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/18/2023
City Administrator	Gary Palmer	Date: 05/18/2023



May 5, 2023

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

Re: Water Plant No. 3 Generator Addition  
GLO CDBG-DR Contract No. 19-076-017-B366 - Water Facilities  
Acceptance of Project  
City of Montgomery

Dear Mayor and City Council:

Quiddity Engineering held the final inspection for the referenced project on February 21, 2023. Attendees of the final inspection included representatives from WGA, the contractor, City of Montgomery Public Works, and Quiddity Engineering. A punch list of items to be addressed by the contractor prior to the City's acceptance of the project was generated at that time. On February 21, 2023, Quiddity Engineering deemed the project to be substantially complete as the contractor had proven the facility is substantially operational to serve its intended function. Enclosed is a Certificate of Substantial Completion for the City's approval and execution which concurs with the substantial completion date and therefore sets the beginning of the one-year warranty period.

The contractor has since addressed the punch list items identified and the work has been confirmed complete. The contractor has provided the enclosed Pay Estimate No. 6 and Final in the amount of \$39,354.71. We recommend the City accept the work, execute the Certificate of Construction Completion, and Certificate of Acceptance.

Sincerely,

Chris Roznovsky, PE  
Engineer for the City

CVR

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2023\2023.05.05 MEMO Acceptance of Project WP3 Generator.docx

Enclosures: Pay Estimate No. 6 & Final  
Certificate of Substantial Completion  
Certificate of Construction Completion

Cc (via email): Ms. Nici Browe – City of Montgomery, City Secretary  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney  
Mr. Mike Muckleroy – City of Montgomery, Director of Public Works  
Mr. Gary Palmer – City of Montgomery, City Administrator



May 4, 2023

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

Re: Construction of Water Plant No. 3 Generator Addition  
City of Montgomery  
TIN: 74-2063592

Dear Mayor and Council:

Enclosed is Application and Certificate for Payment No. 6 & FINAL from McDonald Municipal and Industrial – A Division of C.F. McDonald Electric, Inc. for the referenced project. This application covers construction activities for the referenced project during the period from April 28, 2023 to May 4, 2023. The Project is complete. The estimate is in order and we recommend payment in the amount of \$39,354.71 to McDonald Municipal and Industrial – A Division of C.F. McDonald Electric, Inc.

The project is now 100% complete by total contract value and 192% complete by total contract time. The project was deemed to be substantially complete on February 21, 2023 for one (1) 600 kW generator, one (1) sound-attenuating enclosure, one (1) sub-base fuel tank, and one (1) automatic transfer switch for 1 Public Facilities. Please note the retainage has been reduced to 0% of the Total Contract Price. Attached is the Consent of Surety to Reduction in or Partial Release of Retainage.

You will also find your copies of the Surety’s Consent of Surety to Final Payment and the Contractor’s Affidavit of Bills Paid and Affidavit of Guarantee. A copy of the Certificate of Acceptance is included for your approval and execution.

Sincerely,

H. (Nan) Escalante Jr., PE

HE:jim

K:\W5841\W5841-0042-02 City of Montgomery Water Plant No. 3 Gen\3 Construction Phase\Pay Application & Change Orders\Pay Estimate 006 & FINAL Enclosure

- cc: Mr. Wayne Berkenmier – McDonald Municipal and Industrial
- Mr. Gary Palmer – City of Montgomery, City Administrator
- Ms. Nicola Browe – City of Montgomery, City Secretary
- Mr. Mike Muckleroy – City of Montgomery, Director of Public Works
- Mr. Chris Roznovsky – WGA, PLLC, City Engineer
- Ms. Ana Gomez-Sanchez – Grant Works, Inc.

**TO OWNER/CLIENT:**

City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316

**PROJECT:**

Montgomery - Water Plant No. 3 Generator  
Addition  
Montgomery, Texas

**APPLICATION NO:** 6

**INVOICE NO:** 6 & FINAL

**PERIOD:** 04/28/23 - 04/28/23

**PROJECT NO:** W5841-0042-02

**CONTRACT DATE:** 5/16/2022

**FROM CONTRACTOR:**

McDonald Municipal and Industrial - A Division of  
C.F. McDonald Electric, Inc.  
5044 Timber Creek Dr.  
Houston, Texas 77017

**VIA ARCHITECT/ENGINEER:**

Nan Escalante (Quiddity Engineering, LLC)  
6330 West Loop South Suite 150  
Bellaire, Texas 77401

**CONTRACT FOR:** Construction of Water Plant No. 3 Generator Addition

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1. Original Contract Sum	\$368,469.00
2. Net change by change orders	\$25,078.08
3. Contract Sum to date (Line 1 ± 2)	\$393,547.08
4. Total completed and stored to date (Column G on detail sheet)	\$393,547.08
5. Retainage:	
a. 0.00% of completed work	\$0.00
b. 0.00% of stored material	\$0.00
Total retainage (Line 5a + 5b or total in column I of detail sheet)	\$0.00
6. Total earned less retainage (Line 4 less Line 5 Total)	\$393,547.08
7. Less previous certificates for payment (Line 6 from prior certificate)	\$354,192.37
8. Current payment due:	\$39,354.71
9. Balance to finish, including retainage (Line 3 less Line 6)	\$0.00

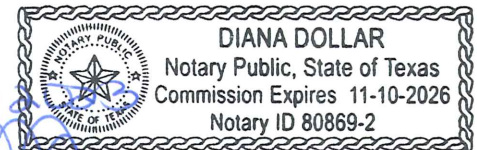
CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$25,078.08	\$0.00
Total approved this month:	\$0.00	\$0.00
Totals:	\$25,078.08	\$0.00
Net change by change orders:	\$25,078.08	

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.

By:  Date: 5-5-23

State of: TX  
County of: Harris  
Subscribed and sworn to before  
me this 5 day of May 2023  
Notary Public:  
My commission expires: 11-10-20



**ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Architect's/Engineer's knowledge, information and belief that Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: \$39,354.71

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm the amount certified.)

ARCHITECT/ENGINEER:

By:  Date: 05/05/2023

This certificate is not negotiable. The amount certified is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

Document SUMMARY SHEET, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.  
 Use Column I on Contracts where variable retainage for line items apply.

APPLICATION NUMBER: 6

APPLICATION DATE: 4/28/2023

PERIOD: 04/28/23 - 04/28/23

**Contract Lines**

ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	1.O Bonds/Insurance.Other	Bonds/Insurance	\$20,000.00	\$20,000.00	\$0.00	\$0.00	\$20,000.00	100.00%	\$0.00	\$0.00
2	2.O Mobilization.Other	Mobilization	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$10,000.00	100.00%	\$0.00	\$0.00
3	3.O SWPPP.Other	SWPPP	\$100.00	\$100.00	\$0.00	\$0.00	\$100.00	100.00%	\$0.00	\$0.00
4	4-a.O ..Other	Diesel Generator	\$95,000.00	\$95,000.00	\$0.00	\$0.00	\$95,000.00	100.00%	\$0.00	\$0.00
5	4-b.O ..Other	Automatic Transfer Switch	\$35,000.00	\$35,000.00	\$0.00	\$0.00	\$35,000.00	100.00%	\$0.00	\$0.00
6	4-c.O ..Other	Pad Subgrade	\$20,000.00	\$20,000.00	\$0.00	\$0.00	\$20,000.00	100.00%	\$0.00	\$0.00
7	4-d.O ..Other	Concrete Generator Pad	\$50,000.00	\$50,000.00	\$0.00	\$0.00	\$50,000.00	100.00%	\$0.00	\$0.00
8	4-e.O ..Other	Surge Protector	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00	100.00%	\$0.00	\$0.00
9	4-f.O ..Other	Cut/Repair Paving	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$10,000.00	100.00%	\$0.00	\$0.00
10	4-g.O ..Other	Duct Banks	\$30,000.00	\$30,000.00	\$0.00	\$0.00	\$30,000.00	100.00%	\$0.00	\$0.00
11	4-h.O ..Other	Ground Loop/Wells	\$30,469.00	\$30,469.00	\$0.00	\$0.00	\$30,469.00	100.00%	\$0.00	\$0.00
12	4-i.O ..Other	Wire	\$26,900.00	\$26,900.00	\$0.00	\$0.00	\$26,900.00	100.00%	\$0.00	\$0.00
13	A-1.O ..Other	Weatherproof sound attenuating enclosure	\$20,000.00	\$20,000.00	\$0.00	\$0.00	\$20,000.00	100.00%	\$0.00	\$0.00
14	A-2.O ..Other	Provide walkway platform on two sides	\$16,000.00	\$16,000.00	\$0.00	\$0.00	\$16,000.00	100.00%	\$0.00	\$0.00
<b>TOTALS:</b>			<b>\$368,469.00</b>	<b>\$368,469.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$368,469.00</b>	<b>100.00%</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Change Orders**

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
<b>15</b>	<b>PCCO#001</b>								
15.1	PCCO.O Change Orders.Other Change Order 001	\$19,309.10	\$19,309.10	\$0.00	\$0.00	\$19,309.10	100.00%	\$0.00	\$0.00
<b>16</b>	<b>PCCO#002</b>								

Item 8.

A	B	C	D	E	F	G		H	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
16.1	PCCO.O Change Orders.Other Replace existing Autodialer with new unit with expanded 16+ channels and test all connected channels.	\$5,768.98	\$5,768.98	\$0.00	\$0.00	\$5,768.98	100.00%	\$0.00	\$0.00
<b>TOTALS:</b>		<b>\$25,078.08</b>	<b>\$25,078.08</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$25,078.08</b>	<b>100.00%</b>	<b>\$0.00</b>	<b>\$0.00</b>

Grand Totals

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
<b>GRAND TOTALS:</b>		<b>\$393,547.08</b>	<b>\$393,547.08</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$393,547.08</b>	<b>100.00%</b>	<b>\$0.00</b>	<b>\$0.00</b>





**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Certificate of Construction Completion*

Subrecipient:  Contract #:  Date:

This is to certify that a final inspection of the project described below was conducted on

Contract was entered into on  between the city/county of  and

for the construction of

This is to further certify that:

- The work has been completed in accordance with the plans and specifications and all addenda, change orders, and supplemental agreements thereto, with the following exceptions:

- The sum of , deducted from the final payment to the Contractor is a fair and equitable settlement for the foregoing excepted work.

- The Contractor has presented on behalf of itself and its sureties, satisfactory evidence that he or she will repair, replace or make good any faulty workmanship and/or materials discovered in the work within a period of  from this date, as provided in the Contract.

4. Amount of Original Contract:	<input type="text" value="368,469.00"/>
Cumulative Change Orders:	<input type="text" value="25,078.08"/>
Final Amount of Contract:	<input type="text" value="393,547.08"/>
Less Previous Payments:	<input type="text" value="354,192.37"/>
Less Deductions (from #2 above):	<input type="text" value="0.00"/>
FINAL PAYMENT (Balance):	<input type="text" value="39,354.71"/>


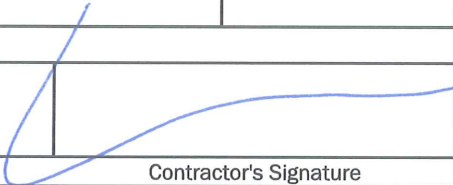
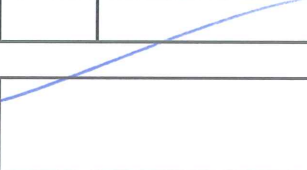
- The Final Payment in the amount above is now due and payable.

6. Final Quantities:

Activity Code (dropdown)	Project Name (from Performance Standard)	Description (What is your Activity?)	Quantity	Metric (dropdown)
1a Water Facilities	WP 3 Generator Addition	600 kW generator	1	1 Public Facilities
		sound attenuating encl.	1	
		sub-base fuel tank	1	
		auto transfer switch	1	



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Certificate of Construction Completion*

Activity Code (dropdown)	Project Name (from Performance Standard)	Description (What is your Activity?)	Quantity	Metric (dropdown)
Certified by :				
 Engineer's Signature		 Contractor's Signature		 Subrecipient's Signature
H. Escalante, Jr., Senior Electrical Engineer		Wayne Berkenmeier Vice President Special Projects		
Engineer's Name and Title (Printed)		Contractor's Name and Title (Printed)		Subrecipient Name and Title (Printed)
Jones & Carter Inc. dba Quiddity Engineering, LLC		C.F. McDonald Electric, Inc.		City of Montgomery, TX
Firm		Firm		City/County of

*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.*

# MERCHANTS BONDING COMPANY™

MERCHANTS BONDING COMPANY (MUTUAL) P.O. BOX 14498, DES MOINES, IOWA 50306-3498  
PHONE: (800) 678-8171 FAX: (515) 243-3854

## CONSENT OF SURETY TO FINAL PAYMENT

OWNER	<input checked="" type="checkbox"/>
ARCHITECT	<input type="checkbox"/>
CONTRACTOR	<input checked="" type="checkbox"/>
SURETY	<input type="checkbox"/>
OTHER	<input type="checkbox"/>

Bond No. TXC615084

TO OWNER:

City of Montgomery  
101 Old Plantersville Road  
Montgomery, TX 77316

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:  
Electrical

PROJECT:

RE: Water Plant No. 3 Generator Addition (GLO CDBG-DR Contract No. 19-076-017-B366)

CONTRACT DATED:

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the  
(Insert name and address of Surety)

Merchants Bonding Company (Mutual)  
P.O. Box 14498  
Des Moines, Iowa 50306-3498

, SURETY,

on bond of

(Insert name and address of Contractor)

McDonald Municipal & Industrial, a Division of C.F. McDonald Electric, Inc.  
5044 Timber Creek  
Houston, Texas 77017

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not  
relieve the Surety of any of its obligations to

(Insert name and address of Owner)

City of Montgomery  
101 Old Plantersville Road  
Montgomery, TX 77316

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: 10th day of March, 2023  
(Insert in writing the month followed by the numeric date and year.)

Merchants Bonding Company (Mutual)

(Surety)

Attest: *mmc*

(Seal):

*Michael Maddux*

(Signature of authorized representative)

Michael Maddux

(Printed name and title)

Attorney-In-Fact

Printed in cooperation with American Institute of Architects (AIA). The  
language in this document conforms exactly to the language used in  
AIA Document G707-1994 Consent Of Surety to Final Payment.



CONTRACTOR'S FINAL PAYMENT AFFIDAVIT

City/County: City of Montgomery

CDBG-DR No: 19-076-017-B366

Contractor: C.F. McDonald Electric, Inc.

Date: 03/10/23

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared Wayne Berkenmeier, who being duly sworn, on oath, says that he is a duly authorized representative of C.F. McDonald Electric, Inc. Contractor, and that all terms of the Contract for the completion of certain public works described as Construction of Water Plant #3 Generator Addition

; City/County of City of Montgomery, Texas have been satisfactorily completed and that ALL sums of money for payrolls, bills for material and equipment, and other indebtedness connected with the Work for the Owner or its property might in any way be responsible to the best of my knowledge and belief, have been paid or will be paid or otherwise satisfied within thirty days after receipt of final payment from the Owner, or within the period of time required by Article 601f, Vernon's Civil Statutes. Payments not made in full at the time of this affidavit are listed below.

FINAL PAYMENTS pending as of this date hereof are: X None Pending As Listed Below

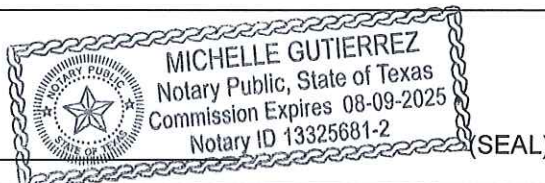
Table with 3 columns: Individual or Co. Name, Mailing Address, Amount Owed. The table is currently empty.

Signature
Vice President Special Projects
Title

Affidavit must be signed by an individual owner or partner in partnership, or by a person authorized by by-laws or Board of Directors to sign for a corporation. If Contractor is a joint venture or partnership of individuals, either may sign, but if a joint venture in which a corporation is a party, separate affidavits must be executed by each corporation and by each individual owner or partnership. In the event subcontractors, laborers, or material suppliers have not been paid in full, the Contractor shall list here on the amount owed and the name and address of each subcontractor, laborer, or material supplier to whom such payment is owed.

Sworn and Subscribed before me this, the 10th day of March, 2023.

Michelle Gutierrez
Notary Public in and for Harris County, Texas



# MERCHANTS BONDING COMPANY™ POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa (herein collectively called the "Companies") do hereby make, constitute and appoint, individually, C Tyler Smith; Chris Kolkhorst; Denise Raker; Henry D Childers; James R Reid; Michael Maddux; Ryan K Moss; Sandra Villegas; Stacie Clark

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 22nd day of October, 2021.



MERCHANTS BONDING COMPANY (MUTUAL)  
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*  
President

STATE OF IOWA  
COUNTY OF DALLAS ss.

On this 22nd day of October, 2021, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



(Expiration of notary's commission does not invalidate this instrument)

*Polly Mason*  
Notary Public

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 10th day of March, 2023.



*William Warner Jr.*  
Secretary





MERCHANTS BONDING COMPANY (MUTUAL) • MERCHANTS NATIONAL BONDING, INC.  
P.O. BOX 14498 • DES MOINES, IOWA 50306-3498 • (800) 678-8171 • (515) 243-3854 FAX

**Please send all notices of claim on this bond to:**

Merchants Bonding Company (Mutual) / Merchants National Bonding, Inc.

P.O. Box 14498

Des Moines, Iowa 50306-3498

(515) 243-8171

(800) 678-8171

Physical Address: 6700 Westown Parkway, West Des Moines, Iowa 50266



MERCHANTS BONDING COMPANY (MUTUAL) P.O. BOX 14498, DES MOINES, IOWA 50306-3498  
PHONE: (800) 678-8171 FAX: (515) 243-3854

## IMPORTANT NOTICE

To obtain information or make a complaint:

You may contact your insurance agent at the telephone number provided by your insurance agent.

You may call Merchants Bonding Company (Mutual) toll-free telephone number for information or to make a complaint at:

**1-800-678-8171**

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

**1-800-252-3439**

You may write the Texas Department of Insurance at:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**PREMIUM AND CLAIM DISPUTES:** Should you have a dispute concerning your premium or about a claim you should contact the agent first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

**ATTACH THIS NOTICE TO YOUR POLICY:** This notice is for information only and does not become a part or condition of the attached document.



AFFIDAVIT  
OF  
BILLS PAID

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Wayne Berkenmeier of **MCDONALD MUNICIPAL AND INDUSTRIAL – A DIVISION OF C. F. MCDONALD ELECTRIC. INC.** well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am VP Special Projects of **MCDONALD MUNICIPAL AND INDUSTRIAL – A DIVISION OF C. F. MCDONALD ELECTRIC. INC.** and have personal knowledge of the matter stated in this affidavit. **MCDONALD MUNICIPAL AND INDUSTRIAL – A DIVISION OF C. F. MCDONALD ELECTRIC. INC.** has paid all of the labor and material costs in connection with construction for **THE CITY OF MONTGOMERY** known as Quiddity Job No. W5841-0042-02 CONSTRUCTION OF WATER PLANT NO. 3 GENERATOR ADDITION GLO CDBG-DR CONTRACT NO. 19-076-017-B366 and as of this date, there are no unpaid bills for labor performed upon, or materials or supplies delivered to or used in connection with such job.

This affidavit is made in connection with the final payment under the contract between **THE CITY OF MONTGOMERY** and **MCDONALD MUNICIPAL AND INDUSTRIAL – A DIVISION OF C. F. MCDONALD ELECTRIC. INC.** with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

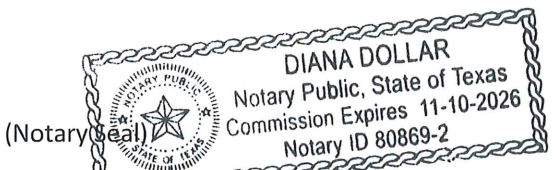
DATE: 5/5/23

By: [Signature]

STATE OF TEXAS §  
COUNTY OF Harris §

BEFORE ME, the undersigned, a Notary Public, in and for the State of Texas, on this day personally appeared Wayne Berkenmeier, known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that he / she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5 day of May 2023.



[Signature]  
Notary Public Signature

AFFIDAVIT  
OF  
GUARANTEE

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Wayne Berkenmeier of **MCDONALD MUNICIPAL AND INDUSTRIAL – A DIVISION OF C. F. MCDONALD ELECTRIC. INC.** well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am VP Special Projects of **MCDONALD MUNICIPAL AND INDUSTRIAL – A DIVISION OF C. F. MCDONALD ELECTRIC. INC.** and have personal knowledge of the matter stated in this affidavit. **MCDONALD MUNICIPAL AND INDUSTRIAL – A DIVISION OF C. F. MCDONALD ELECTRIC. INC.** does hereby give notice to the Owner, **THE CITY OF MONTGOMERY** that work for the Owner, known as Quiddity Job No. W5841-0042-02 CONSTRUCTION OF WATER PLANT NO. 3 GENERATOR ADDITION GLO CDBG-DR CONTRACT NO. 19-076-017-B366 has been substantially completed. In accordance with the provisions of Article 5.07: Guarantee, of the General Conditions of Agreements, **MCDONALD MUNICIPAL AND INDUSTRIAL – A DIVISION OF C. F. MCDONALD ELECTRIC. INC.** does hereby guarantee all of the work under the contract to be free from faulty materials and improper workmanship in every particular, and against injury from proper and usual wear; and agrees to replace or re-execute without cost to the Owner such work as may be found to be improper or imperfect, and to make good all damage caused to other work or materials due to such required replacement or recompletion of all work under this contract, as evidenced by the Engineer's Certificate of Substantial Completion.

This affidavit is made in connection with the final payment under the contract between **THE CITY OF MONTGOMERY** and **MCDONALD MUNICIPAL AND INDUSTRIAL – A DIVISION OF C. F. MCDONALD ELECTRIC. INC.** with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

DATE: 5-5-23

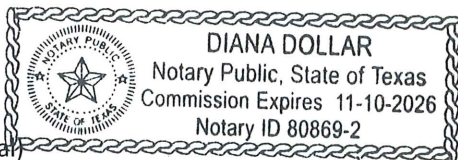
By: [Signature]

STATE OF TEXAS §

COUNTY OF Hamis §

BEFORE ME, the undersigned, a Notary Public, in and for the State of Texas, on this day personally appeared Wayne Berkenmeier, known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that he / she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5 day of May 2023.



[Signature]  
Notary Public Signature

(Notary Seal)



## CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: City of Montgomery  
 Contractor: McDonald Municipal and Industrial  
 Engineer: Hernan (Nan) Escalante, Jr., PE  
 Project: Water Plant No. 3 Generator Addition  
 Date: February 21, 2023

Owner's Contract No.: N/A  
 Contractor's Project No.: N/A  
 Engineer's Project No.: W5841-0042-02

**This Final Certificate of Substantial Completion applies to:**

- All Work                       The following specified portions of the Work:

The Work to which this Certificate applies has been reviewed by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion.

The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

Quiddity Engineering, LLC provided periodic field project representation and our Certification is based on approved submittals, provided inspection reports and work that was visible at the time of the inspection.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows:

Amendments to Owner's  
 responsibilities:  None  
                            As follows

Amendments to  
 Contractor's responsibilities:  None  
     As follows:

The following documents are attached to and made a part of this Certificate: Punch Items for W5841-0042-02 Water Plant No. 3 Generator Addition for one (1) 600 kW generator, one (1) sound-attenuating enclosure, one (1) sub-base fuel tank, and one (1) automatic transfer switch for 1 Public Facilities.

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, is not a release of the Contractor's obligation to complete the Work in accordance with the Contract and does not warrant or imply a warranty of the Contractor's materials or workmanship.



EXECUTED BY ENGINEER:

By:

*[Handwritten Signature]*

(Authorized Signature)

Quiddity Engineering, LLC

Date: 05/03/2023

ACKNOWLEDGED:

By:

*[Handwritten Signature]*  
C.F. McDonald Electric, Inc.

(Authorized Signature)

Date: 5/3/23

ACKNOWLEDGED:

By:

(Authorized Signature)

Date:

K:\W5841\W5841-0042-02 City of Montgomery Water Plant No. 3 Gen\3 Construction Phase\Construction Documents\Certificate of Substantial Completion WP3.docx





Quiddity Engineering, LLC  
 1575 Sawdust Rd, Suite 400  
 The Woodlands, Texas 77380  
 United States  
 +17133891566

**Punch Items for W5841-0042-02 - Montgomery - Water Plant No. 3 Generator Addition**

**22 Items**

**#1: Install, start up, and provide training on the Autodialer.**

Type:	Location:
Date Created: <b>03/08/2023</b>	Due Date: <b>04/07/2023</b>
Priority:	Status: <b>Closed by James McCain on 04/27/2023</b>
Creator: <b>Brittany Rhodes</b>	Reference:
Punch Item Manager: <b>James McCain</b>	Final Approver: <b>James McCain</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)</b> <i>Resolved</i>

Description:

**#2: Submit As Built drawings.**

Type:	Location:
Date Created: <b>03/08/2023</b>	Due Date: <b>04/07/2023</b>
Priority:	Status: <b>Closed by James McCain on 04/27/2023</b>
Creator: <b>Brittany Rhodes</b>	Reference:
Punch Item Manager: <b>James McCain</b>	Final Approver: <b>James McCain</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Robert (McDonald Municipal and Industrial - A</b>



**Division of C.F. McDonald  
Electric, Inc.)**  
*Resolved*

Description:

---

**#3: Submit O&M Manuals - Generator - Supply 3 hard copies and 1 flashdrive.**

Type:	Location:
Date Created: <b>03/08/2023</b>	Due Date: <b>04/07/2023</b>
Priority:	Status: <b>Closed by James McCain on 04/10/2023</b>
Creator: <b>Brittany Rhodes</b>	Reference:
Punch Item Manager: <b>James McCain</b>	Final Approver: <b>James McCain</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)</b> <i>Resolved</i>

Description:

---

**#4: Submit O&M Manuals - ATS - Supply 3 hard copies & 1 flashdrive.**

Type:	Location:
Date Created: <b>03/08/2023</b>	Due Date: <b>04/07/2023</b>
Priority:	Status: <b>Closed by James McCain on 04/10/2023</b>
Creator: <b>Brittany Rhodes</b>	Reference:
Punch Item Manager: <b>James McCain</b>	Final Approver: <b>James McCain</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)</b> <i>Resolved</i>

Description:

---

**#5: Submit O&M Manuals - Auto Dialer - supply 3 hard copies & 1 flashdrive.**

Type: Location:  
 Date Created: Due Date:  
**03/08/2023 04/07/2023**  
 Priority: Status:  
**Closed by James McCain on 04/27/2023**  
 Creator: Reference:  
**Brittany Rhodes**  
 Punch Item Manager: Final Approver:  
**James McCain James McCain**  
 Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)**  
*Resolved*

Description:

**#6: Supply all spare parts.**

Type: Location:  
 Date Created: Due Date:  
**03/08/2023 04/07/2023**  
 Priority: Status:  
**Closed by James McCain on 04/10/2023**  
 Creator: Reference:  
**Brittany Rhodes**  
 Punch Item Manager: Final Approver:  
**James McCain James McCain**  
 Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)**  
*Resolved*

Description:

**#7: Provide a copy of the training agenda and sign in sheet.**

Type: Location:  
 Date Created: Due Date:  
**03/08/2023 04/07/2023**

Priority: Status:  
**Closed by James McCain on 04/10/2023**

Creator: Reference:  
**Brittany Rhodes**

Punch Item Manager: Final Approver:  
**James McCain James McCain**

Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)**  
*Resolved*

Description:

---

**#8: Submit a copy of Generator 6 hr load bank test.**

Type: Location:

Date Created: Due Date:  
**03/08/2023 04/07/2023**

Priority: Status:  
**Closed by James McCain on 04/10/2023**

Creator: Reference:  
**Brittany Rhodes**

Punch Item Manager: Final Approver:  
**James McCain James McCain**

Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)**  
*Resolved*

Description:

---

**#9: Replace the insulation on the ceiling of the generator enclosure.**

Type: Location:

Date Created: Due Date:  
**03/08/2023 04/07/2023**

Priority: Status:  
**Closed by James McCain on 04/27/2023**

Creator: Reference:  
**Brittany Rhodes**

Punch Item Manager:  
**James McCain**

Final Approver:  
**James McCain**

Ball in Court:

Assignee Name:  
**Gutierrez, Robert (McDonald  
Municipal and Industrial - A  
Division of C.F. McDonald  
Electric, Inc.)**  
*Resolved*

Description:

**#10: Repair fuel leak detector splice.**

Type:

Location:

Date Created:  
**03/08/2023**

Due Date:  
**04/07/2023**

Priority:

Status:  
**Closed by James McCain on 04/  
27/2023**

Creator:  
**Brittany Rhodes**

Reference:

Punch Item Manager:  
**James McCain**

Final Approver:  
**James McCain**

Ball in Court:

Assignee Name:  
**Gutierrez, Robert (McDonald  
Municipal and Industrial - A  
Division of C.F. McDonald  
Electric, Inc.)**  
*Resolved*

Description:

**#11: Install grommet in control terminal box located inside the generator.**

Type:

Location:

Date Created:  
**03/08/2023**

Due Date:  
**04/07/2023**

Priority:

Status:  
**Closed by James McCain on 04/  
10/2023**

Creator:  
**Brittany Rhodes**

Reference:

Punch Item Manager:  
**James McCain**

Final Approver:  
**James McCain**

Ball in Court:

Assignee Name:  
**Gutierrez, Robert (McDonald  
Municipal and Industrial - A**

**Division of C.F. McDonald  
Electric, Inc.)**  
*Resolved*

Description:

---

**#12: Install conduit for fuel sending line wiring.**

Type:	Location:
Date Created: <b>03/08/2023</b>	Due Date: <b>04/07/2023</b>
Priority:	Status: <b>Closed by James McCain on 04/10/2023</b>
Creator: <b>Brittany Rhodes</b>	Reference:
Punch Item Manager: <b>James McCain</b>	Final Approver: <b>James McCain</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)</b> <i>Resolved</i>

Description:

---

**#13: Install missing bolts on generator breaker located inside the generator enclosure.**

Type:	Location:
Date Created: <b>03/08/2023</b>	Due Date: <b>04/07/2023</b>
Priority:	Status: <b>Closed by James McCain on 04/10/2023</b>
Creator: <b>Brittany Rhodes</b>	Reference:
Punch Item Manager: <b>James McCain</b>	Final Approver: <b>James McCain</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)</b> <i>Resolved</i>

Description:

---



**#14: Clean the inside of the generator enclosure.**

Type: Location:  
 Date Created: Due Date:  
**03/08/2023** **04/07/2023**  
 Priority: Status:  
**Closed by James McCain on 04/10/2023**  
 Creator: Reference:  
**Brittany Rhodes**  
 Punch Item Manager: Final Approver:  
**James McCain** **James McCain**  
 Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)**  
*Resolved*  
 Description:

---

**#15: Connect duct bank grounding wire to ground of the generator.**

Type: Location:  
 Date Created: Due Date:  
**03/08/2023** **04/07/2023**  
 Priority: Status:  
**Closed by James McCain on 04/10/2023**  
 Creator: Reference:  
**Brittany Rhodes**  
 Punch Item Manager: Final Approver:  
**James McCain** **James McCain**  
 Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)**  
*Resolved*  
 Description:

---

**#16: Touch up coat the generator and generator enclosure.**

Type: Location:  
 Date Created: Due Date:  
**03/08/2023** **04/07/2023**

Priority: Status:  
**Closed by James McCain on 04/27/2023**

Creator: Reference:  
**Brittany Rhodes**

Punch Item Manager: Final Approver:  
**James McCain James McCain**

Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)**  
*Resolved*

Description:

---

**#17: Install conduit tags throughout duct bank pull boxes and inside the control building.**

Type: Location:

Date Created: Due Date:  
**03/08/2023 04/07/2023**

Priority: Status:  
**Closed by James McCain on 04/27/2023**

Creator: Reference:  
**Brittany Rhodes**

Punch Item Manager: Final Approver:  
**James McCain James McCain**

Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald Municipal and Industrial - A Division of C.F. McDonald Electric, Inc.)**  
*Resolved*

Description:

---

**#18: Verify drain holes are installed and clear of any mud inside the pull boxes. Clean pull boxes as needed and ensure positive drainage away from pull boxes to prevent drain hole blinding**

Type: Location:

Date Created: Due Date:  
**03/08/2023 04/07/2023**

Priority: Status:  
**Closed by James McCain on 04/27/2023**

Creator: Reference:

**Brittany Rhodes**

Punch Item Manager:

**James McCain**

Final Approver:

**James McCain**

Ball in Court:

Assignee Name:

**Gutierrez, Robert (McDonald  
Municipal and Industrial - A  
Division of C.F. McDonald  
Electric, Inc.)***Resolved*

Description:

**#19: Establish site vegetation on disturbed areas.**

Type:

Location:

Date Created:

**03/08/2023**

Due Date:

**04/07/2023**

Priority:

Status:

**Closed by James McCain on 04/  
27/2023**

Creator:

**Brittany Rhodes**

Reference:

Punch Item Manager:

**James McCain**

Final Approver:

**James McCain**

Ball in Court:

Assignee Name:

**Gutierrez, Robert (McDonald  
Municipal and Industrial - A  
Division of C.F. McDonald  
Electric, Inc.)***Resolved*

Description:

**#20: Program ATS using specification 16655 2.2 Control functions. Identify any items that differ from what is specified.**

Type:

Location:

Date Created:

**03/08/2023**

Due Date:

**04/07/2023**

Priority:

Status:

**Closed by James McCain on 04/  
27/2023**

Creator:

**Brittany Rhodes**

Reference:

Punch Item Manager:

**James McCain**

Final Approver:

**James McCain**

Ball in Court:

Assignee Name:

**Gutierrez, Robert (McDonald  
Municipal and Industrial - A  
Division of C.F. McDonald  
Electric, Inc.)**  
*Resolved*

Description:

---

**#21: Install generator aux breaker label on lighting panel and lighting panel schedule.**

Type: Location:  
Date Created: **03/08/2023** Due Date: **04/07/2023**  
Priority: Status:  
**Closed by James McCain on 04/10/2023**  
Creator: Reference:  
**Brittany Rhodes**  
Punch Item Manager: Final Approver:  
**James McCain James McCain**  
Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald  
Municipal and Industrial - A  
Division of C.F. McDonald  
Electric, Inc.)**  
*Resolved*

Description:

---

**#22: Supply and install an updated lighting panel schedule.**

Type: Location:  
Date Created: **03/08/2023** Due Date: **04/07/2023**  
Priority: Status:  
**Closed by James McCain on 04/10/2023**  
Creator: Reference:  
**Brittany Rhodes**  
Punch Item Manager: Final Approver:  
**James McCain James McCain**  
Ball in Court: Assignee Name:  
**Gutierrez, Robert (McDonald  
Municipal and Industrial - A  
Division of C.F. McDonald  
Electric, Inc.)**  
*Resolved*

Description:



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Certificate of Construction Completion*

Subrecipient:  Contract #:  Date:

This is to certify that a final inspection of the project described below was conducted on

Contract was entered into on  between the city/county of  and

for the construction of

This is to further certify that:

- The work has been completed in accordance with the plans and specifications and all addenda, change orders, and supplemental agreements thereto, with the following exceptions:

- The sum of , deducted from the final payment to the Contractor is a fair and equitable settlement for the foregoing excepted work.

- The Contractor has presented on behalf of itself and its sureties, satisfactory evidence that he or she will repair, replace or make good any faulty workmanship and/or materials discovered in the work within a period of  from this date, as provided in the Contract.

4. Amount of Original Contract:	<input type="text" value="368,469.00"/>
Cumulative Change Orders:	<input type="text" value="25,078.08"/>
Final Amount of Contract:	<input type="text" value="393,547.08"/>
Less Previous Payments:	<input type="text" value="329,304.60"/>
Less Deductions (from #2 above):	<input type="text" value="0.00"/>
FINAL PAYMENT (Balance):	<input type="text" value="31,434.77"/>

- The Final Payment in the amount above is now due and payable.


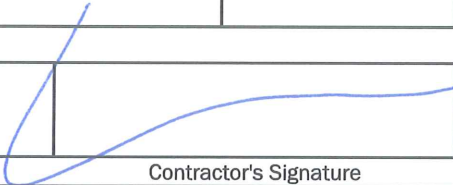
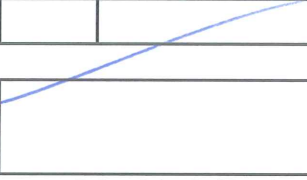
6. Final Quantities:

Activity Code (dropdown)	Project Name (from Performance Standard)	Description (What is your Activity?)	Quantity	Metric (dropdown)
1a Water Facilities	WP 3 Generator Addition	Construction	1	





**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Certificate of Construction Completion*

Activity Code (dropdown)	Project Name (from Performance Standard)	Description (What is your Activity?)	Quantity	Metric (dropdown)
Certified by :				
 Engineer's Signature		 Contractor's Signature		 Subrecipient's Signature
H. Escalante, Jr., Senior Electrical Engineer		Wayne Berkenmeier Vice President Special Projects		
Engineer's Name and Title (Printed)		Contractor's Name and Title (Printed)		Subrecipient Name and Title (Printed)
Jones & Carter Inc. dba Quiddity Engineering, LLC		C.F. McDonald Electric, Inc.		City of Montgomery, TX
Firm		Firm		City/County of

*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.*

**CERTIFICATE OF ACCEPTANCE**

Mr. Wayne Berkenmeier  
McDonald Municipal & Industrial  
5044 Timber Creek  
Houston, TX 77017

Re: Construction of Water Plant No. 3 Generator Addition  
City of Montgomery  
TIN 74-2063592

Dear Mr. Berkenmeier:

This is to certify that **THE CITY OF MONTGOMERY** accepts the subject project on the basis of the Certificate of Substantial Completion issued by our engineers, Quiddity Engineering, LLC, and understands that a guarantee shall cover a period of one (1) year beginning **February 21, 2023**.

**THE CITY OF MONTGOMERY**

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

K:\W5841\W5841-0042-02 City of Montgomery Water Plant No. 3 Gen\3 Construction Phase\Pay Application & Change Orders\Pay Estimate 006  
cc: Mr. Gary Palmer – City of Montgomery, City Administrator  
Ms. Nicola Browe – City of Montgomery, City Secretary  
Mr. Mike Muckleroy – City of Montgomery, Director of Public Works  
Mr. Chris Roznovsky – WGA, PLLC, City Engineer  
Ms. Ana Gomez-Sanchez – Grant Works, Inc.

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> May 23, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on the Grant Completion Report for GLO CDBG-DR Contract No. 19-076-017-B366.

**Recommendation**

Motion to approve the Grant Completion Report.

**Discussion**

The document is a necessary part of the grant closeout process and was provided by our GrantWorks Project Manager, Ana-Sanchez Gomez. She is still confirming the beneficiary counts on pages 5-7 of the report. The beneficiary total will either be 110 or 122 residents, but discrepancies in the 2017 grant documents requires further review. Ms. Gomez will not be able to attend the meeting in person but is available by phone during the meeting if Council has questions. If possible, please reach out to staff before the meeting since Ms. Gomez will not be in attendance.

<b>Approved By</b>		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/18/2023



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
**Grant Completion Report**

<b>Subrecipient Name:</b>	<b>City of Montgomery</b>		
<b>GLO Contract Number</b>	19-076-017-B366	<b>Duns Number</b>	
<b>Contract Start Date</b>	7/31/2019	<b>Contract End Date</b>	6/30/2023

**Housing**
                         
  **Infrastructure**

**Part I. General Reports**

**Certificate of Expenditures:**

<b>Activity</b>	<b>GLO-DR Budget</b>	<b>GLO-DR Funds Drawn To-Date</b>	<b>GLO-DR Funds not Received (including pending draws)</b>		<b>Local Contribution</b>	<b>Percent Matched</b>
			<b>GLO-DR Reserved Funds</b>	<b>Unutilized Funds (Deob)</b>		
Rehabilitation/reconstruction of a public improvement	\$ 54,000.00	\$ 54,000.00	\$ -	\$ -	\$ -	0.00%
Construction/reconstruction of water/sewer lines or systems	\$ 833,100.00	\$ 485,139.08	\$ 1,368.00	\$ 106,852.92	\$ -	0.00%
Construction/reconstruction of water/sewer lines or systems	\$ 593,360.00	\$ 610,269.00	\$ 2,000.00	\$ 220,831.00	\$ -	0.00%
<b>Total</b>	\$ 1,480,460.00	\$ 1,149,408.08	\$ 3,368.00	\$ 327,683.92	\$ -	0.00%

**Civil Rights & Citizen Participation:**

<b>Requirements met and forms attached:</b>	<input checked="" type="checkbox"/> <b>Equal Employment Opportunity</b>	<input checked="" type="checkbox"/> <b>Section 3</b>	<input checked="" type="checkbox"/> <b>Excessive Force Policy and Resolution</b>	<input checked="" type="checkbox"/> <b>Section 504</b>
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**Fair Housing Activity (describe) below:**

A Fair Housing and Section 3 Notice ran in the local newspaper on 11/25/2019. The notice encourages Section 3 residents/businesses to identify with the City of Montgomery. The City is maintaining a list of those residents & businesses that have identified themselves as Section 3. The City passed a Fair Housing and Section 3 Policy on 11/12/2019, Declared April as the Fair Housing Month, and has a Section 3 Plan.

The City makes efforts to reach out to the community for Section 3 opportunities and specifically encouraged Section 3 businesses to participate in the Sealed Bid Procurements for the Water and Sewer Facilities.

**Final Public Hearing Comments (If required by Citizen Participation Plan):**

<b>Final Public Hearing Date</b>	6/1/2023	<b>Hearing Publication Date</b>	5/25/2023	<b>Work Completed Date</b>	5/3/2023
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**Certifications:**

As chief elected official of the contractor jurisdiction, I certify that:

- a. All activities undertaken with funds provided under the contract identified in this report, have, to the best of my knowledge, been carried out in accordance with the contract agreement;
- b. The information contained in this Project Completion Report is accurate to the best of my knowledge;
- c. All records related to contractor activities are available for review;
- d. GLO-DR funds were not used to reduce the level of local financial support for housing and community development activities;
- e. No attempt to recover any capital costs of public improvements assisted in whole or in part with such funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless (a) such funds are used to pay the proportion of such fee or assessment that related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, contractor certifies that it lacks sufficient funds under this contract to comply with the requirements of clause (a);
- f. The persons to benefit from the activities described in Exhibit A, Performance Statement, of this contract are receiving service or a benefit from the use of the new or improved facilities and activities;
- g. For all activities undertaken with funds provided under the contract identified in this report, promotion of MBE participation has been undertaken;
- h. All requirements to Affirmatively Further Fair Housing have been met; and
- i. Proper provision has been made for the payment of all unpaid costs and unsettled third-party claims and the State of Texas is under no obligation to make any further payment to

Name and Title (Print)	Signature	Date
Gary Palmer, City Administrator		

**Attachments: The following documents support this report**

<b>Publication, Final Public Hearing (If applicable)</b>	<b>Project Map</b>	<b>Evidence of Benefit</b>
Attached (Copy and Affidavit)	Attached (Electronic Copy)	Not Required (No Activities on Private Property)

<input checked="" type="checkbox"/> <b>Original Submittal, also submitted via email</b>	<input type="checkbox"/> <b>Revision</b>	<b>Date Revised</b>	
---	--	---------------------	--



## Part II. Performance Report

Report work performed, performance measures and beneficiary data for each contract budget activity.

### Actual Accomplishments:

<b>Activity/Project:</b>	Construction/reconstruction of water/sewer lines or systems			
<b>Project Description/Location:</b>	Replace sewer line with cured-in-place pipe; install culverts; perform ancillary manhole adjustments, service lead replacement and reconnection, point and lead repairs, roadside ditch regrading, asphalt street and driveway repair, and site restoration; and complete associated appurtenances			
<b>Project Accomplishments:</b>	# of linear feet of public improvements	<b>Total #:</b>	4,495	
Does the current Performance Statement accurately reflect the project location(s)?		Yes		
Have final project record drawings been received by the Subrecipient?		Yes, in digital format (original vector data)		

Check this box if this project includes Housing activities (other than water/sewer connections)

### HUD Performance Measures:

Activity	Measure Type	Projected Outcome	Actual Outcome	National Objective Met
Construction/reconstruction of water/sewer lines or systems	LF	4,495	4,495	LMI

## Part II. Performance Report

Report work performed, performance measures and beneficiary data for each contract budget activity.

### Actual Accomplishments:

<b>Activity/Project:</b>	Construction/reconstruction of water/sewer lines or systems		
<b>Project Description/Location:</b>	Install one (1) 600 kW generator, one (1) sound-attenuating enclosure, one (1) sub-base fuel tank, and one (1) automatic transfer switch and complete associated appurtenance		
<b>Project Accomplishments:</b>	# of public facilities	<b>Total #:</b>	1

Does the current Performance Statement accurately reflect the project location(s)? Yes

Have final project record drawings been received by the Subrecipient? Yes, in digital format (original vector data)

Check this box if this project includes Housing activities (other than water/sewer connections)

### HUD Performance Measures:

Activity	Measure Type	Projected Outcome	Actual Outcome	National Objective Met
Construction/reconstruction of water/sewer lines or systems	Public Facility	1	1	UN

**Part II. Performance Report (Continued)**

**Beneficiary Detail - Activities on Public and/or Private Property**

Identify all activities that benefit the persons reported on this sheet; report beneficiary details for those persons and households.

For Public and/or Private Property, fields marked in red ("Total" or "Grand Total") must equal the total beneficiaries for the activity(s) in the contract Performance Statement.

For Private Property ONLY, fields marked in yellow ("Total" or "Grand Total") must equal the total households served by the activity(s) in the contract Perf. Statement.

**For multiple activities, please submit this section for each beneficiary detail.**

<b>Activity:</b> add	
-------------------------	--

<b>Beneficiaries by Demographic:</b>	<b>Public and/or Private Property</b>			<b>Private Property ONLY</b>		
	No. of Persons			No. of Households (demographics of the Head of Household)		
<b>Gender</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
			0	0	0	0
<b>Race</b>	<b>Non-Hispanic</b>	<b>Hispanic</b>	<b>Sub-Total</b>	<b>Non-Hispanic</b>	<b>Hispanic</b>	<b>Sub-Total</b>
White			0	0	0	0
Black/African American			0	0	0	0
American Indian/Alaskan Native			0	0	0	0
Asian			0	0	0	0
Other/Multi-Racial			0	0	0	0
Grand Total:	0	0	0	0	0	0

**For multiple activities, please submit this section for each beneficiary detail.**

<b>Activity:</b> add	
-------------------------	--

	Public and/or Private Property			Private Property ONLY		
	No. of Persons			No. of Households (demographics of the Head of Household)		
<b>Beneficiaries by Demographic:</b>						
<b>Gender</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
			0	0	0	0
<b>Race</b>	<b>Non-Hispanic</b>	<b>Hispanic</b>	<b>Sub-Total</b>	<b>Non-Hispanic</b>	<b>Hispanic</b>	<b>Sub-Total</b>
White			0	0	0	0
Black/African American			0	0	0	0
American Indian/Alaskan Native			0	0	0	0
Asian			0	0	0	0
Other/Multi-Racial			0	0	0	0
Grand Total:	0	0	0	0	0	0

**For multiple activities, please submit this section for each beneficiary detail.**

<b>Activity:</b>	
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<b><u>Beneficiaries by Income</u></b>	<b><u>Public and/or Private Property</u></b>	<b><u>Private Property ONLY</u></b>	
	(For Infrastructure Projects Report on Moderate and Non-Low/Moderate Lines)		
<b>Income Level</b>	<b>No. of Persons</b>	<b>No. of Owner Occupied Households</b>	<b>No. of Renter Occupied Households</b>
Very Low (at or below 30% of the AMFI)			
Low (31-50% of the AMFI)			
Moderate (51-80% of the AMFI)			
Non-Low/Moderate (above 80% of the AMFI)			
Total	0	0	0
Subtotal - All Low/Mod	0	0	0
Percent Low/Mod		#DIV/0!	0.00%

**For multiple activities, please submit this section for each beneficiary detail.**

<b>Activity:</b>	
------------------	--

<b><u>Beneficiaries by Income</u></b>	<b><u>Public and/or Private Property</u></b>	<b><u>Private Property ONLY</u></b>	
	(For Infrastructure Projects Report on Moderate and Non-Low/Moderate Lines)		
<b>Income Level</b>	<b>No. of Persons</b>	<b>No. of Owner Occupied Households</b>	<b>No. of Renter Occupied Households</b>
Very Low (at or below 30% of the AMFI)			
Low (31-50% of the AMFI)			
Moderate (51-80% of the AMFI)			
Non-Low/Moderate (above 80% of the AMFI)			
Total	0	0	0
Subtotal - All Low/Mod	0	0	0
Percent Low/Mod		#DIV/0!	0.00%



**Part III Final Financial Interest Report**

Report all contracts executed under this TxCDBG-DR contract that are valued at or above \$2,000.

Contracts with no subcontractors		Contract Amount			Qtr. Executed
Type of Services	Business Name	Grant Funds	Other Funds	Total Dollars (Attachment A)	
Administration	GrantWorks	\$ 89,860.00		\$ 89,860.00	1Q-19
Engineering	Jones & Carter / Quiddity	\$ 167,000.00		\$ 167,000.00	1Q-21
				\$ -	
				\$ -	

At least one contract executed under this TxCDBG-DR contract includes subcontractors valued at or above \$10,000.

No contracts executed under this TxCDBG-DR contract include subcontractors valued at or above \$10,000.

Contracts with Prime and subcontractors		Contract Amount			Qtr. Executed
Type of Services		Grant Funds	Other Funds	Total Dollars	
Construction/ Rehab		\$ 394,147.08		\$ 394,147.08	3Q-22
Construction/ Rehab		\$ 501,769.00		\$ 501,769.00	3Q-22

**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.

CITY OF MONTGOMERY

CDBG-DR Contract No.19-076-017-B366

Grant Ledger

Draw No.	Comptroller Deposit Date	Bank Deposit Date	Check Date	Check No.	Date Withdrawn	Vendor	Invoice Date	Grant Administration - Drainage	Grant Administration - Water	Grant Administration - Sewer	Environmental - Water	Environmental - Sewer	Construction - Water Facilities	Construction - Sewer Facilities	Engineering - Flood and Drainage	Engineering - Water Facilities	Engineering - Sewer Facilities	Total	Deposit Amount	Cumulative Total Expenditures	
1	8/25/2021	8/27/2021	8/27/2021	1364	9/1/2021	GrantWorks - Invoice 1	7/6/2021	\$12,000.00	\$8,208.00	\$12,000.00								\$32,208.00	\$ 32,208.00	\$ 32,208.00	
2	10/19/2021	10/21/2021	10/22/2021	1368	10/26/2021	Jones and Carter - Invoice 326408	8/16/2021								\$ 30,000.00			\$30,000.00	\$ 67,500.00	\$ 99,708.00	
				1368	10/26/2021	Jones and Carter - Invoice 326407	8/16/2021						\$ 18,000.00			\$18,000.00					
				1368	10/26/2021	Jones and Carter - Invoice 326406	8/16/2021									\$ 19,500.00			\$19,500.00		
3	3/21/2022	3/23/2022	3/17/2022	1383	3/23/2022	Jones and Carter - Invoice 329120	10/7/2021										\$ 16,575.00	\$16,575.00	\$ 42,975.00	\$ 142,683.00	
				1383	3/23/2022	Jones and Carter - Invoice 329123	10/7/2021						\$ 14,400.00			\$14,400.00					
				1383	3/23/2022	Jones and Carter - Invoice 329124	10/7/2021									\$ 12,000.00			\$12,000.00		
4	3/24/2022	3/28/2022	3/17/2022	1382	3/24/2022	GrantWorks - Invoice 2	1/31/2022		\$ 5,472.00		\$ 5,000.00							\$10,472.00	\$ 18,902.00	\$ 161,585.00	
			3/17/2022	1383	3/23/2022	Jones and Carter - Invoice 330765	11/10/2021								\$ 975.00			\$975.00			
			3/17/2022	1383	3/23/2022	Jones and Carter - Invoice 330766	11/10/2021								\$ 3,600.00			\$3,600.00			
			3/17/2022	1383	3/23/2022	Jones and Carter - Invoice 332636	12/10/2021									\$ 975.00			\$975.00		
			3/17/2022	1383	3/23/2022	Jones and Carter - Invoice 332637	12/10/2021									\$ 1,800.00			\$1,800.00		
			3/17/2022	1383	3/23/2022	Jones and Carter - Invoice 333702	1/17/2022									\$ 780.00			\$780.00		
			3/17/2022	1383	3/23/2022	Jones and Carter - Invoice 333703	1/17/2022									\$ 300.00			\$300.00		
5	6/10/2022	6/14/2022	6/13/2022	1386	6/23/2022	GrantWorks - Invoice 3	4/4/2022			\$ 8,000.00		\$ 5,500.00						\$13,500.00	\$ 17,845.00	\$ 179,430.00	
			6/13/2022	1387	6/21/2022	Jones and Carter - Invoice 335371	2/9/2022								\$ 3,445.00			\$3,445.00			
			6/13/2022	1387	6/21/2022	Jones and Carter - Invoice 335372	2/9/2022								\$ 900.00			\$900.00			
6	6/10/2022	6/14/2022	6/13/2022	1386	6/23/2022	GrantWorks - Invoice 4	5/1/2022		\$ 2,736.00	\$ 4,000.00								\$6,736.00	\$ 13,081.00	\$ 192,511.00	
			6/13/2022	1387	6/21/2022	Quiddity - Invoice 338844	4/15/2022									\$ 4,875.00			\$4,875.00		
			6/13/2022	1387	6/21/2022	Quiddity - Invoice 338843	4/15/2022									\$ 1,470.00			\$1,470.00		
7	8/2/2022	8/4/2022	8/4/2022	1395	8/12/2022	GrantWorks - Invoice No. 5	6/10/2022		\$ 6,840.00	\$ 10,000.00								\$16,840.00	\$ 39,395.00	\$ 231,906.00	
	8/2/2022	8/4/2022	8/4/2022	1397	8/9/2022	Quiddity - Invoice 00336800	3/8/2022							\$ 2,880.00			\$2,880.00				
	8/2/2022	8/4/2022	8/4/2022	1397	8/9/2022	Quiddity - Invoice 00336805	3/8/2022							\$ 3,250.00			\$3,250.00				
	8/2/2022	8/4/2022	8/4/2022	1397	8/9/2022	Quiddity - Invoice 00340001	5/10/2022							\$ 6,045.00			\$6,045.00				
	8/2/2022	8/4/2022	8/4/2022	1397	8/9/2022	Quiddity - Invoice 00339998	5/10/2022							\$ 4,950.00			\$4,950.00				
	8/2/2022	8/4/2022	8/4/2022	1397	8/9/2022	Quiddity - Invoice 00341616	6/7/2022							\$ 2,730.00			\$2,730.00				
	8/2/2022	8/4/2022	8/4/2022	1397	8/9/2022	Quiddity - Invoice 00341619	6/7/2022							\$ 2,700.00			\$2,700.00				
8	8/24/2022	8/26/2022	8/26/2022	1400	8/31/2022	IPR South Central	Pay App No.1							\$ 55,948.50			\$55,948.50	\$ 55,948.50	\$ 287,854.50		
9	11/2/2022	11/4/2022	11/7/2022	32979	11/15/2022	IPR South Central	Pay App No. 2							\$ 98,932.50			\$98,932.50	\$ 98,932.50	\$ 386,787.00		
10	1/23/2023	1/25/2023	1/26/2023	1415	2/6/2023	IPR South Central	Pay App No. 3							\$ 161,766.00			\$161,766.00	\$ 421,383.60	\$ 808,170.60		
	1/23/2023	1/25/2023	1/26/2023	1415	2/6/2023	IPR South Central	Pay App No. 4							\$ 106,173.00			\$106,173.00				
	1/23/2023	1/25/2023	1/26/2023	1414	1/31/2023	McDonald Municipal	Pay App No. 1						\$ 83,272.50				\$83,272.50				
	1/23/2023	1/25/2023	1/26/2023	1414	1/31/2023	McDonald Municipal	Pay App No. 2						\$ 70,172.10				\$70,172.10				
11	5/3/2023					McDonald Municipal	Pay App No. 3						\$ 31,500.00					\$31,500.00	\$ 188,032.50	\$ 996,203.10	
	5/3/2023					McDonald Municipal	Pay App No. 4						\$ 144,360.00					\$144,360.00			
	5/3/2023					Quiddity - Invoice 348555 (Sewer)	10/8/2022							\$ 2,730.00			\$2,730.00				
	5/3/2023					Quiddity - Invoice 350338 (Sewer)	11/10/2022							\$ 2,242.50			\$2,242.50				
	5/3/2023					Quiddity - Invoice 343346 (Water)	7/13/2022							\$ 1,800.00			\$1,800.00				
	5/3/2023					Quiddity - Invoice 348556 (Water)	10/8/2022							\$ 450.00			\$450.00				
	5/3/2023					Quiddity - Invoice 351781 (Water)	12/6/2022							\$ 900.00			\$900.00				
	5/3/2023					Quiddity - Invoice 353131 (Water)	1/17/2023							\$ 1,350.00			\$1,350.00				
	5/3/2023					Quiddity - Invoice 354444 (Water)	2/7/2023							\$ 450.00			\$450.00				
	5/3/2023					Quiddity - Invoice 356367 (Water)	3/8/2023							\$ 2,250.00			\$2,250.00				
12	With the City for signature					McDonald Municipal	Pay App No. 5						\$ 24,887.77				\$24,887.77	\$ 24,887.77	\$ 1,021,090.87		
13	With the City for signature					IPR South Central	Pay App No. 5 (Final)						\$ 78,949.00				\$78,949.00	\$ 78,949.00	\$ 1,100,039.87		
14	To be Submitted to GLO					Quiddity - Invoice 355793 (Sewer)	3/3/2023									\$ 877.50		\$ 877.50	\$ 49,368.21	\$ 1,149,408.08	
	To be Submitted to GLO					Quiddity - Invoice 355793 (Water)								\$ 1,800.00			\$ 1,800.00				
	To be Submitted to GLO					GrantWorks Invoice No.6	5/18/2023	\$ 2,736.00	\$ 4,000.00								\$ 6,736.00				
	To be Submitted to GLO					McDonald Municipal	Pay App No. 6						\$ 39,954.71				\$ 39,954.71				
15	Submitted to GLO (Committed Funds)					GrantWorks Invoice No. 7		\$ 1,368.00	\$ 2,000.00								\$ 3,368.00	\$ 3,368.00	\$ 1,152,776.08		
<b>CDBG-DR Expenditures</b>								<b>\$12,000.00</b>	<b>\$27,360.00</b>	<b>\$40,000.00</b>	<b>\$5,000.00</b>	<b>\$5,500.00</b>	<b>\$ 394,147.08</b>	<b>\$ 501,769.00</b>	<b>\$ 42,000.00</b>	<b>\$ 60,000.00</b>	<b>\$ 65,000.00</b>	<b>\$1,152,776.08</b>	<b>\$ 1,152,776.08</b>		
<b>CDBG-DR Budget - Amendment No. 2</b>								<b>\$ 12,000.00</b>	<b>\$ 27,360.00</b>	<b>\$ 40,000.00</b>	<b>\$ 5,000.00</b>	<b>\$ 5,500.00</b>	<b>\$ 501,000.00</b>	<b>\$ 722,600.00</b>	<b>\$ 42,000.00</b>	<b>\$ 60,000.00</b>	<b>\$ 65,000.00</b>	<b>\$ 1,480,460.00</b>			
<b>CDBG-DR Contract Balance</b>								<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 106,852.92</b>	<b>\$ 220,831.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 327,683.92</b>			

Montgomery City Council  
AGENDA REPORT

<b>Meeting Date: May 23, 2023</b>	<b>Budgeted Amount: \$250,000</b>
<b>Department: Public Works</b>	<b>Prepared By: Mike Muckleroy</b>

**Subject**

Consideration and possible action authorizing the City Administrator to approve expenses to replace a booster pump and motor at Water Plant 3.

**Recommendation**

Authorize the City Administrator to approve the expenses for the replacement of a booster pump and motor at Water Plant 3 in the amount of \$29,668.00 with Elite Pumps and Mechanical Services.

**Discussion**

H2O Innovations has discovered that one of the three booster pumps at Water Plant 3 has malfunctioned and needs to be repaired or replaced. The cost to rebuild the pump is more than the purchase price of a new pump. The cost to rebuild the motor is 46% of the replacement cost therefore we are recommending the replacement of both. We received three quotes, and they are as follows:

- \$29,668.00 Elite Pumps and Mechanical Services
- \$30,487.30 Tri-W Equipment Sales, Inc.
- \$33,350.12 Flow-Tech

The timeline for replacement is 12-14 weeks. Repair timeline is 16-18 weeks. We are currently exploring the options for a rental unit to get us through the summer months.

**Approved By**

Public Works Director	Mike Muckleroy	Date: 05/18/2023
City Administrator	Gary Palmer	Date: 05/18/2023



PUMPS & MECHANICAL SERVICES, LLC

281-506-7390 Office  
 281-506-7491 Fax  
 6102 Centralcrest St.  
 Houston, TX 77092  
 TECL 35212

# Quote

	Quote #
5/8/2023	5121

Name / Address
H2O INNOVATION INC. ATTN: ACCOUNTS PAYABLE P.O. BOX 1209 SPRING, TX 77383

Ship To
CITY OF MONTGOMERY W/P #3 26246 FM 1097 MONTGOMERY, TX 77356 281-734-1310 JEREMY

P.O. No.	Rep	FOB	Project
			E10809

Description	Qty	Rate	Total
Elite Pumps & Mechanical Services, LLC is proud to quote the following:			
Disassemble, clean & inspect pump, repair and assemble per manufacturer's specifications. (See the attached inspection sheet)	1	23,000.00	23,000.00
Disassemble, clean & inspect motor, repair and assemble per manufacturer's specifications. (See the attached inspection sheet)	1	2,361.00	2,361.00
Service Call To Install Booster Pump #3 And Attach Motor #3. Set Coupling, Align And Motor - Run And Test.	1	2,755.00	2,755.00
*** Lead Time For OEM Repair Parts Is 16 - 18 Weeks. ***			

Quote Good for 30 Days To accept this quotation sign & return or provide PO#	<b>Subtotal</b>
	<b>Sales Tax (8.25%)</b>
	<b>Total</b>



PUMPS & MECHANICAL SERVICES, LLC

281-506-7390 Office  
 281-506-7491 Fax  
 6102 Centralcrest St.  
 Houston, TX 77092  
 TECL 35212

# Quote

	Quote #
11/3/2022	5121

Name / Address
H2O INNOVATION INC. ATTN: ACCOUNTS PAYABLE P.O. BOX 1209 SPRING, TX 77383

Ship To
CITY OF MONTGOMERY W/P #3 26246 FM 1097 MONTGOMERY, TX 77356 281-734-1310 JEREMY

P.O. No.	Rep	FOB	Project
			E10809

Description	Qty	Rate	Total
<p>*** New Pump Replacement Is \$21,775.00 With A 12 - 14 Week Lead Time - Plus Motor Repair And Installation. ***</p> <p>Respectfully,                      Mike Cole</p>			

Quote Good for 30 Days To accept this quotation sign & return or provide PO#	<b>Subtotal</b>	\$28,116.00
Regulated by the Texas Department of Licensing and Regulation P.O. Box 12157 Austin, TX 78711 Phone Number 1-800-803-9202, (512) 463-6599	<b>Sales Tax (8.25%)</b>	\$0.00
	<b>Total</b>	\$28,116.00

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> May 23, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on Change Order No. 4 and the Certificate of Acceptance for the Water Plant No. 3 Improvements project.

**Recommendation**

- Motion to:
- Approve Change Order #4 as presented, and
  - Accept the public water infrastructure.

**Discussion**

This project included the replacement and upsizing of a Ground Storage Tank, an additional hydro pneumatic tank, a second cooling tower, and minor coatings and maintenance at Water Plant No. 3.

This is a separate project from the GLO generator addition project that is nearing completion at Water Plant No. 3. The engineer’s memo is attached and explains the Change Order that reduces the final contract price by \$48,662.93 and affirms the project is complete and ready for acceptance by the city.

**Approved By**

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/18/2023
City Administrator	Gary Palmer	Date: 05/18/2023





May 18, 2023

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

Re: Construction of Water Plant No. 3 Improvements  
TWDB DWSRF No. 62715  
City of Montgomery

Dear Mayor and Council:

We received and recommend approval of Change Order No. 4 to the Water Plant No. 3 Improvements contract. This change order includes deductions of unused contract items, quantity adjustments, and a final accounting of the damages to Cooling Tower No. 1. Approval of the change order will result in a \$48,662.93 decrease to the final contract amount, from \$1,028,675.76 to \$980,012.83. As a reminder, the original contract amount was \$996,550.00.

Additionally, we conducted a final inspection of the referenced project on August 3, 2022 and find it to be substantially complete in accordance with the approved plans and specifications. The developer's surety has provided the required maintenance bond for the infrastructure, as included with this letter, and all punch list items have been addressed. We recommend the City accept the public water infrastructure. As a reminder, the project was deemed substantially complete and the one-year warranty period began on August 3, 2022, as referenced in the enclosed certificate of substantial completion.

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

Sincerely,

Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2023\2023.05.18 MEMO to Council RE WP 3 Improvements Change Order & Acceptance.docx

Enclosures: Change Order No. 4 – Water Plant No. 3 Improvements  
Certificate of Acceptance - Water Plant No. 3 Improvements  
Certificate of Substantial Completion - Water Plant No. 3 Improvements

Cc (via email): Mr. Gary Palmer – City of Montgomery, City Administrator  
Ms. Nici Browe – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



6330 West Loop South, Suite 150  
Bellaire, Texas 77401  
Tel: 713.777.5337  
www.quiddity.com

**CHANGE ORDER NO. 004**

DATE: May 11, 2023

<b>Project:</b> Water Plant No. 3 Improvements	<b>Quiddity Job No.:</b> W5841-0030-00
<b>Owner:</b> City of Montgomery	<b>Contractor:</b> R+B Group, Inc.

**Description of Changes:** The Contract price is being reduced to reimburse the City of Montgomery for paying H2O Innovations to repair malfunction in existing Cooling Tower No. 1. Bid Item No. 8 is being reduced by fifty linear feet (50 LF). Bid Item No. 9 is being removed from the Contract.

**Reason for Changes:** The Contract price is being reduced to account for the labor, equipment and materials used for the repairs made to existing Cooling Tower No. 1. The construction activities performed did not require payout of the full amount from Bid Item No. 8. No SWPPP was needed that required a payout from Bid Item No. 9.

<u>Summary of Changes:</u>	<u>PRICE</u>	<u>TIME</u>
Original Contract:	\$996,550.00	270 Calendar Days
Net previous change(s):	\$32,125.76	87 Calendar Days
Contract prior to this change order:	\$1,028,675.76	357 Calendar Days
Net decrease from this change order:	(\$48,662.93)	0 Calendar Days
Revised Contract Amount:	\$980,012.83	357 Calendar Days
Cumulative % Change in Contract:	(1.66) %	32.22 %
Substantial Completion Date:	Original: February 20, 2022	Revised: May 18, 2022
Final Completion Date:	30 Days from Substantial Completion Date	

<b>APPROVED BY:</b> City of Montgomery	<b>RECOMMENDED BY:</b> Quiddity Engineering, LLC
_____	
Representative	Toby W. McQueary, PE
_____	5-12-2023
Date	Date
	<b>ACCEPTED BY:</b> R+B Group, Inc.
	_____
	Representative
	5/12/23
	Date
<b>Enclosures:</b> Attachment No. 004	

K:\W5841\W5841-0030-00 Water Plant No. 3 Improvements\3 Construction Phase\ChangeOrders\Change Order 004



Water Plant No. 3 Improvements  
City of Montgomery

The Contract price is being reduced to reimburse the City of Montgomery for paying H2O Innovations to repair malfunction in existing Cooling Tower No. 1. Bid Item No. 8 is being reduced by fifty linear feet (50 LF). Bid Item No. 9 is being removed from the Contract.

To implement payment for this work, the following revisions are made to the Items/Quantity Sheets:

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Revised Unit Price</u>	<u>Bid Quantity</u>	<u>Revised Quantity</u>	<u>Previous Amount</u>	<u>Revised Amount</u>	<u>Net Change</u>
8	Provide trench safety system for piping, drainage facilities, and foundation construction, complete as specified.	L.F	\$1.00	\$1.00	350.0	300.0	\$350.00	\$300.00	(\$50.00)
9	Installation, maintenance, and record keeping of Storm Water Pollution Prevention Plan, complete as specified.	L.S.	\$5,000.00	\$5,000.00	1.0	0.0	\$5,000.00	\$0.00	(\$5,000.00)
15	Deduction from contract for labor, materials and equipment used to repair existing Cooling Tower No. 1.	L.S.	\$0.00	(\$43,612.93)	0.0	1.0	\$0.00	(\$43,612.93)	(\$43,612.93)
NET DECREASE IN CONTRACT PRICE									(\$48,662.93)

No days are being added to the Contract Period of Performance.

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

### OFFICE USE ONLY CERTIFICATION OF FILING

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**  
R & B Group, Inc.  
Houston, TX United States

Certificate Number:  
2023-1020170

Date Filed:  
05/12/2023

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

Date Acknowledged:

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**  
W5841-003-00  
water plant No. improvements Change Order No.004

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Morrison , Brian	Houston, TX United States	X	

5 Check only if there is NO Interested Party.


### 6 UNSWORN DECLARATION

My name is Brian D. Morrison, and my date of birth is 7-28-1957.

My address is 5411 Killough Street, Houston, Texas, 77086, USA.  
(street) (city) (state) (zip code) (country)

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

Executed in Harris County, State of Texas, on the 12 day of May, 20 23.  
(month) (year)

  
\_\_\_\_\_  
Signature of authorized agent of contracting business entity  
(Declarant)

**CERTIFICATE OF ACCEPTANCE**

Mr. Michael Haralson  
R & B Group, Inc.  
5411 Killough St.  
Houston, TX 77086

Re: Construction of Water Plant No. 3 Improvements  
The City of Montgomery  
Texas Water Development Board No. 62715  
TIN: 74-2063592

Dear Mr. Haralson:

This is to certify that **THE CITY OF MONTGOMERY** accepts the subject project on the basis of the Certificate of Substantial Completion issued by our engineers, Quiddity Engineering, LLC, and understands that a guarantee shall cover a period of one (1) year beginning **August 03, 2022**.

**THE CITY OF MONTGOMERY**

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

K:\W5841\W5841-0030-00 Water Plant No. 3 Improvements\3 Construction Phase\Pay Estimates\Pay Estimate 007  
cc: Mr. Gary Palmer – City of Montgomery, City Administrator  
Ms. Nicola Browe – City of Montgomery, City Secretary  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney  
Mr. Brian D. Morrison – R&B Group, Inc.  
Mr. Chris Roznovsky, PE – Ward, Getz & Associates, PLLC, City Engineer  
Ms. Lucia Loera – Texas Water Development Board





### CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: City of Montgomery  
 Contractor: R+B Group, Inc.  
 Engineer: Toby W. McQueary, PE  
 Project: Construction of Water Plant No. 3 Improvements

Owner's Contract No.: N/A  
 Contractor's Project No.: 471-01  
 Engineer's Project No.: W5841-0030-00  
 Date: August 3, 2022

**This Final Certificate of Substantial Completion applies to:**

- All Work                       The following specified portions of the Work:

The Work to which this Certificate applies has been reviewed by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion.

The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A completed punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows:

Amendments to Owner's  
 responsibilities:  None  
                            As follows

Amendments to  
 Contractor's responsibilities:  None  
     As follows:

The following documents are attached to and made a part of this Certificate: *Final Inspection Punch List*

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, is not a release of the Contractor's obligation to complete the Work in accordance with the Contract and does not warrant or imply a warranty of the Contractor's materials or workmanship.





EXECUTED BY ENGINEER:

By: *Toby McQueary*  
(Authorized Signature)

Quiddity Engineering, LLC

Date: *August 22, 2022*

ACKNOWLEDGED:

By: *[Signature]*  
(Authorized Signature)

City of Montgomery

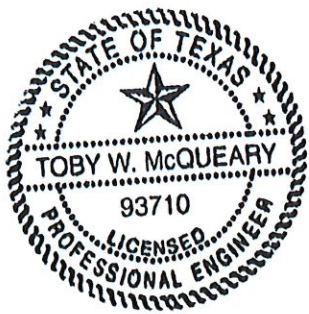
Date:

ACKNOWLEDGED:

By: *[Signature]*  
(Authorized Signature)

R+B Group, Inc.

Date: 8/25/22



K:\W5841\W5841-0030-00 Water Plant No. 3 Improvements\3 Construction Phase\Pay Estimates

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> May 28, 2023	<b>Budgeted Amount:</b> \$0
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

### Subject

Consideration and possible action on a Resolution supporting the City of Montgomery's Application to TxDOT's 2023 Transportation Alternatives Set-Aside Call for Projects.

### Recommendation

Motion to adopt the Resolution supporting the City's application for TxDOT's 2023 Transportation Alternatives Call for Projects.

### Discussion

#### Background

TxDOT offers a grant program for non-roadway mobility projects every two years. Projects can either be physical improvements (e.g., a sidewalk or trail) or planning documents that serve as a guide for future physical projects. The city submitted grant applications in 2021 for two sidewalk projects. While we scored well according to a TxDOT follow up meeting, we were not awarded grant funding for either project. The primary feedback from TxDOT was that the projects were small in scope and did not serve enough community members. Another takeaway was that the projects were not part of a planning document adopted by the city.

#### Purpose

City staff submitted a Preliminary Application for an Active Transportation Mobility Plan in March for TxDOT's 2023 Call for Projects. The need for the plan is twofold:

1. Serve as the guide for staff and council to identify projects and budgets if the city decides to self-fund high-priority projects.
2. Increase our competitiveness when applying for mobility grants.

The grant award process is highly competitive. The 2023 Call for Projects received \$1.7 billion in funding requests for an anticipated \$250 million worth of federal funds. In other words, 85% of this year's grant applications will *not* get funded. To get grant funding, an application needs to score every possible point during the grant application review process. 20% of those points are based on whether a proper planning process has been followed and a plan has been adopted that includes the project.

In short, without an adopted plan that identifies proposed projects and illustrates how those projects connect to the rest of the community, we will be at a significant disadvantage and there is a good chance future grant applications will not be funded. An Active Transportation Mobility Plan is the document that meets the city's current needs to pursue mobility grants for non-roadway projects.

TxDOT Transportation Alternatives grants are 80% federally funded with a 20% local match. The budget estimate used in the Preliminary Application is \$120,000 for the development of an Active Transportation Mobility Plan. While that figure may be slightly high, using that as a starting point means the city will need to budget \$24,000 in next year's budget for the Plan.

Montgomery City Council  
**AGENDA REPORT**

The proposed Resolution provides official support for the grant application and a commitment to meet local funding obligations under the grant (20% of the project cost plus any cost overruns).

<b>Approved By</b>		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/18/2023
City Administrator	Gary Palmer	Date: 05/18/2023

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

**A RESOLUTION SUPPORTING THE CITY OF MONTGOMERY'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2023 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS**

**WHEREAS**, the Texas Department of Transportation issued a call for projects in December 2022 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program; and

**WHEREAS**, the TA funds may be used for development of planning documents to assist communities of any size in developing non-motorized transportation networks. The TA funds require a local match, comprised of cash or Transportation Development Credits (TDCs), if eligible. The City of Montgomery would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds; and

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

The City of Montgomery supports funding this project as described in the 2023 TA Detailed Application (including the planning activities, the department's direct state cost for oversight, and the required local match, if any) and is willing to commit to the project's development, financing, management, adoption and implementation of completed planning documents. The City of Montgomery is willing and able to enter into an agreement with the department by resolution or ordinance, should the project be selected for funding.

**PASSED, APPROVED AND ADOPTED** this the 23<sup>rd</sup> day of May 2023.

**CITY OF MONTGOMERY, TEXAS**

**Attest:** \_\_\_\_\_  
Diana Cooley, Deputy City Secretary

**Signed:** \_\_\_\_\_  
Byron Sanford, Mayor

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

# City of Montgomery Municipal Court Report April 2023

Kimberly Duckett  
Court Administrator





# Comparison Chart

## Citations and Revenue January 2021 - 2023

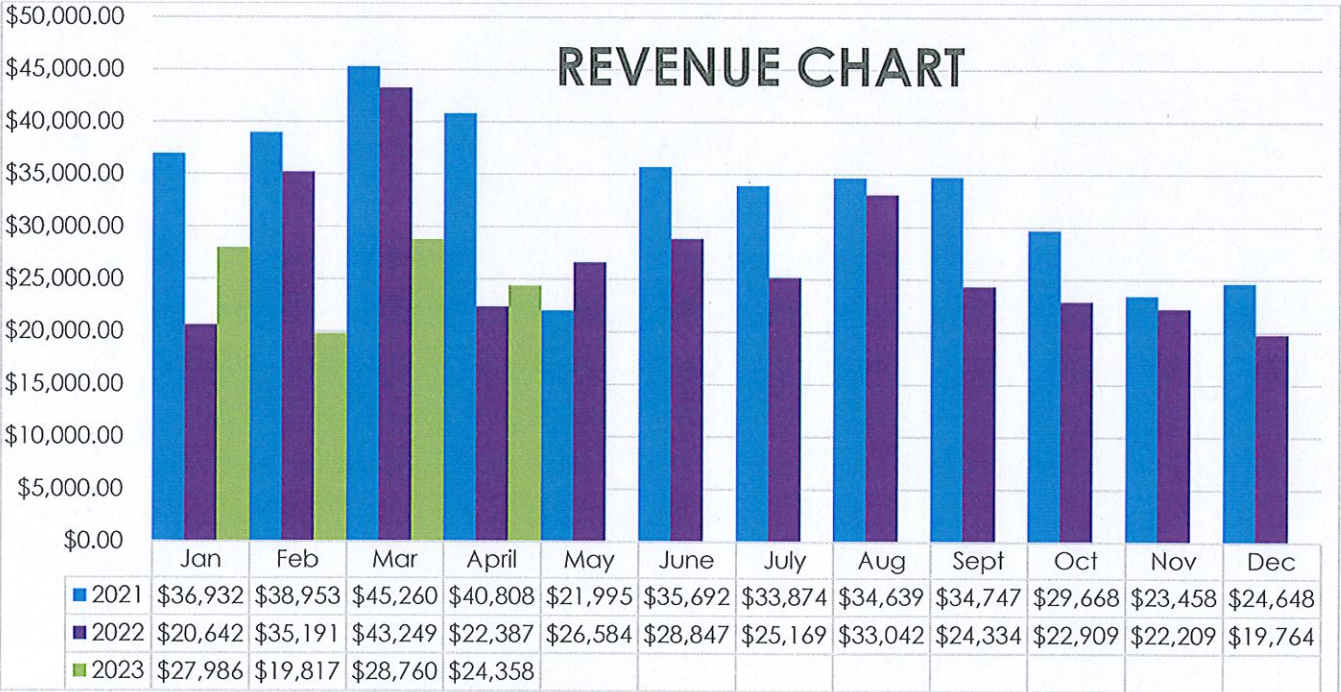
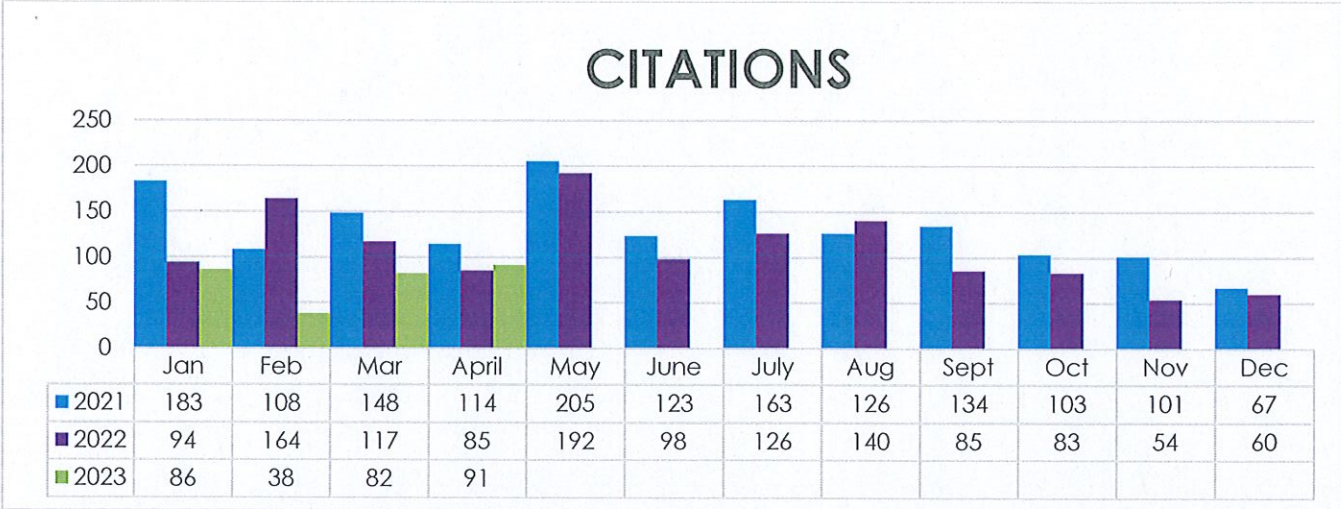
	2021	2022	2023
<i>Jan</i>	183	94	86
<i>Feb</i>	108	164	38
<i>Mar</i>	148	117	82
<i>April</i>	114	85	91
<i>May</i>	205	192	
<i>June</i>	123	98	
<i>July</i>	163	126	
<i>Aug</i>	126	140	
<i>Sept</i>	134	85	
<i>Oct</i>	103	83	
<i>Nov</i>	101	54	
<i>Dec</i>	67	60	

**Totals**            1575            1298            297

	2021	2022	2023
<i>Jan</i>	\$36,932.88	\$20,642.12	\$27,986.26
<i>Feb</i>	\$38,953.88	\$35,191.59	\$19,817.26
<i>Mar</i>	\$45,260.60	\$43,249.60	\$28,760.79
<i>April</i>	\$40,808.03	\$22,387.94	\$24,358.01
<i>May</i>	\$21,995.10	\$26,584.71	
<i>June</i>	\$35,692.30	\$28,847.75	
<i>July</i>	\$33,874.84	\$25,169.19	
<i>Aug</i>	\$34,639.40	\$33,042.07	
<i>Sept</i>	\$34,747.41	\$24,334.09	
<i>Oct</i>	\$29,668.47	\$22,909.59	
<i>Nov</i>	\$23,458.35	\$22,209.38	
<i>Dec</i>	\$24,648.00	\$19,764.02	

**Totals**    \$400,679.26    \$324,332.05    \$100,922.32







101 OLD PLANTERSVILLE ROAD, MONTGOMERY, TEXAS 77316

Telephone: (936) 597-6434

## Public Works Department

### Monthly Report for April 2023

#### Water

- Completed monthly cutoff list for nonpayment.
- Completed monthly leak notification door hangers.
- Completed monthly meter verification list.
- Completed monthly check of idle meter list for consumption. No issues were found.
- Activated/deactivated 4 water accounts.
- Completed 8 work orders for endpoint maintenance issues.
- Completed 3 work orders for water leaks.
- Completed 8 work orders for miscellaneous water issues.
- Completed 6 work orders for water taps.
- Assisted Subway with source of leak.
- Met with homeowner on Colby's Way about drainage issue.

#### Wastewater

- Completed 2 work orders for sewer taps.
- Completed 5 work orders for sewer-stop up.
- Assisted resident with sewage drain at 511 Simonton St.
- Assisted resident with private sewage backup on Old Plantersville Road and Rankin.
- Assisted resident with backup at 804 Community Center Rd.
- Rented trackhoe from Herc Rentals to prepare and bury Lift station #8 force main on Lonestar Parkway.
- Cleared limbs at WWTP#1.

#### Streets/Drainage/ROW

- Completed 2 work orders for Street ROW – Ditch/Drainage.
- Completed daily utility locates as necessary.
- Completed daily removal of bandit signs as necessary.
- Completed items for weed patrol.
- Removed tree at 506 Simonton.
- Reported pothole to TX located southbound side of 13900/14200 Liberty Street.



## **Building/Facility/Vehicle/Equipment Maintenance**

- Conducted weekly Safety Inspection Reports.
- Completed monthly light bulb check at all facilities.
- Delivered cases of water to City Hall as requested.
- Completed weekly cleaning of Community Center.
- Completed weekly pre-trip inspections of crew trucks.
- Completed monthly check of all irrigation systems and made repairs as necessary.
- Completed 10 work orders for general-City Hall maintenance.
- Replaced Welcome Flags.
- PW-1510 recall repairs done at Gullo Ford.
- Charged all LED road flare kits.
- Installed Verizon GPS on PW-2301.
- Replaced bolts on pedestrian signs with wing nuts at WWTP#2.
- Replaced air filters at City Hall.
- Repaired sink in Women's Restroom at City Hall.
- Replaced lightbulbs at City Hall as needed.
- Pressure washed sidewalks at Community Center Building.
- Moved cots and blankets from City Hall hallway to combine and store at WWTP#2.
- Watersealed PW office porch.

## **Parks/Recreation**

- Posted all park reservation notices.
- Completed 39 work orders for maintenance-parks issues.
- M/W/F cleaning of all restrooms and grounds.
- Fernland docents reported 823 visitors and provided 64 tours for the month.
- Replaced air filters at Fernland Park, Community Center and PW Office.
- Painted light poles at Cedar Brake Park.
- Water sealed all wood structures at Homecoming Park, Cedar Brake Park, Community Center and Fernland Historical Park.
- Completed irrigation checklist for Memory Park.
- Repaired irrigation leaks at Memory Park.
- Treated Fernland Park for wasps including Jardine Cabin attic.
- Performed Spring foliage maintenance and replaced several plants around Fernland - Arnold Simonton House.
- Replace GFI on fountain at Cedar Brake Park.
- Performed repairs on Memory Park waterfall.
- Pressure washed playground equipment and sidewalks at Homecoming Park and Cedar Brake Park.
- Pressure washed bridges, pergola, etc. at Memory Park.
- Repaired ruts on Cedar Brake Park grounds.
- Removed debris from Lake Conroe Rotary Club clean up day at Memory Park.
- Troubleshoot issue with Cedar Brake Park's men's restroom.



## **General**

Item 14.

- Attended weekly Leadership Team meetings.
- Completed 7 work orders for maintenance-general issues.
- Completed monthly safety meeting with department and safety officer.
- Attended bi-weekly conference calls with utility operator and engineer.
- Repairs for City's electronic LED sign in progress as we are currently working with the manufacturer to resolve issue(s). (Currently completed)
- Revised and updated Monthly Water Usage Report to the Water Accountability Report to show more detailed information for H2O Innovations.
- Attended Water Resources Planning Team Meeting.
- Attended Lone Star Street Dance Partnership Meeting.





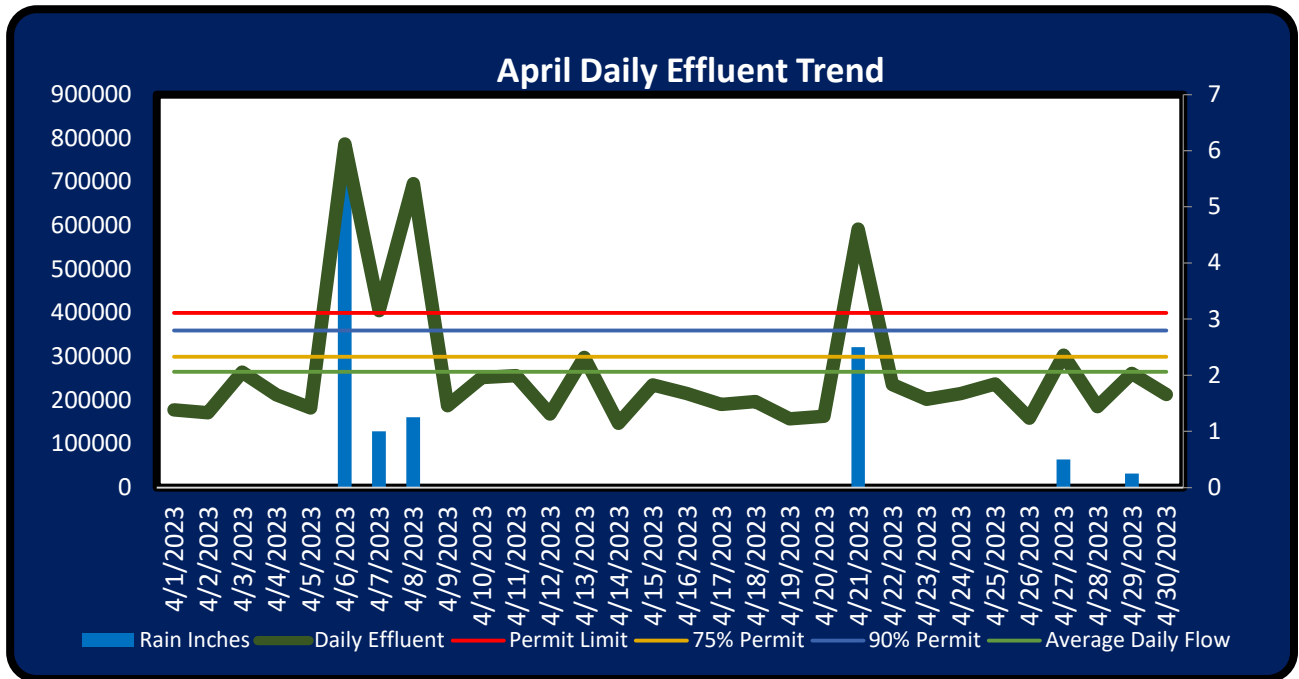
**City of Montgomery**  
**Operations Report**  
**April 2023**  
**04/01/23 – 04/30/23**

**District Alerts****4/07/2023 – High Wet well, Lift station 5**

Operator responded to a auto dialer call reporting high wet well. Upon arrival operator found pumps were not operating, operator was able to run manually. Operator then investigated and found rags causing pumps to not operate on auto, rags were removed and pumps were put back on auto, no further issues reported.



### Wastewater Plant Flow Detail



- Flow for the month of April was 7,963,000 gallons
- Daily peak flow was April 6, 2023 was 787,000 gallons
- Average Daily Flow 265,400 gallons
  - 3-month average flow 229,667 gallons
  - 66% of permitted capacity


Discharge Limitations

- Daily Average Flow 400,000 gallons (0.4 MGD)
- 2-Hour Peak Flow 833 gpm
- CBOD daily average 10 mg/l
- Total Suspended Solids (TSS) 15 mg/l
- Ammonium Nitrogen (NH3) 2 mg/l
- Chlorine Residual >1.0 mg/l < 4.0 mg/l
- The current permit expires 05/10/2027

*Effluent*

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

Buffalo Springs WWTP Effluent Monitoring Report

Effluent Permitted Values	Parameter		Measured	Excursion
Average Monthly CBOD	10	mg/l	2.10	no
Average Monthly T.S.S.	15	mg/l	9.70	no
Average Monthly NH3	2	mg/l	0.23	no
Minimal CL2 Residual	1	mg/l	1.11	no
Max CL2 Residual	4	mg/l	3.95	no
Rainfall for the Month		11.50	inches	

**There were no excursions for the month of April.**

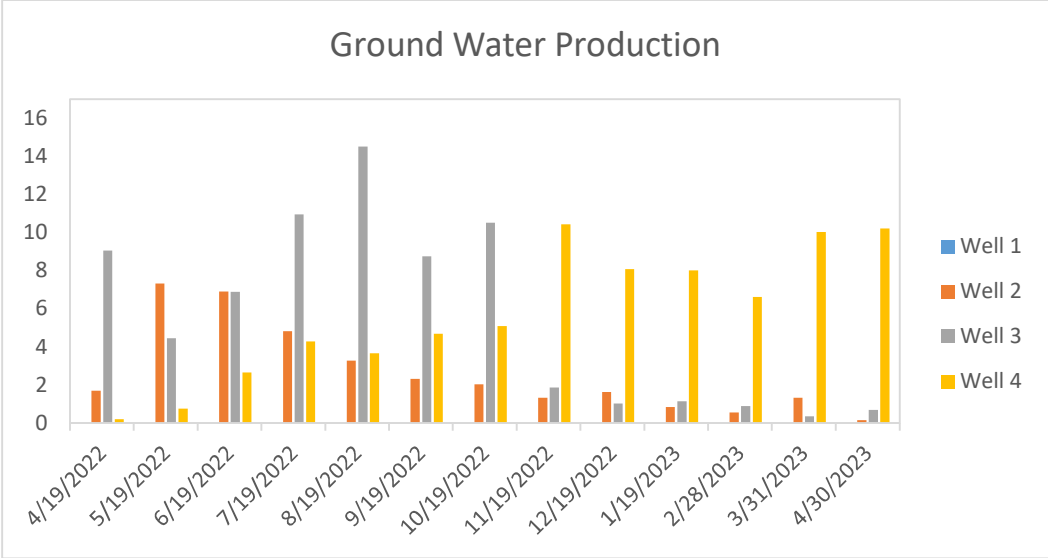
**Water Report:**

04/01/2023-04/30/2023

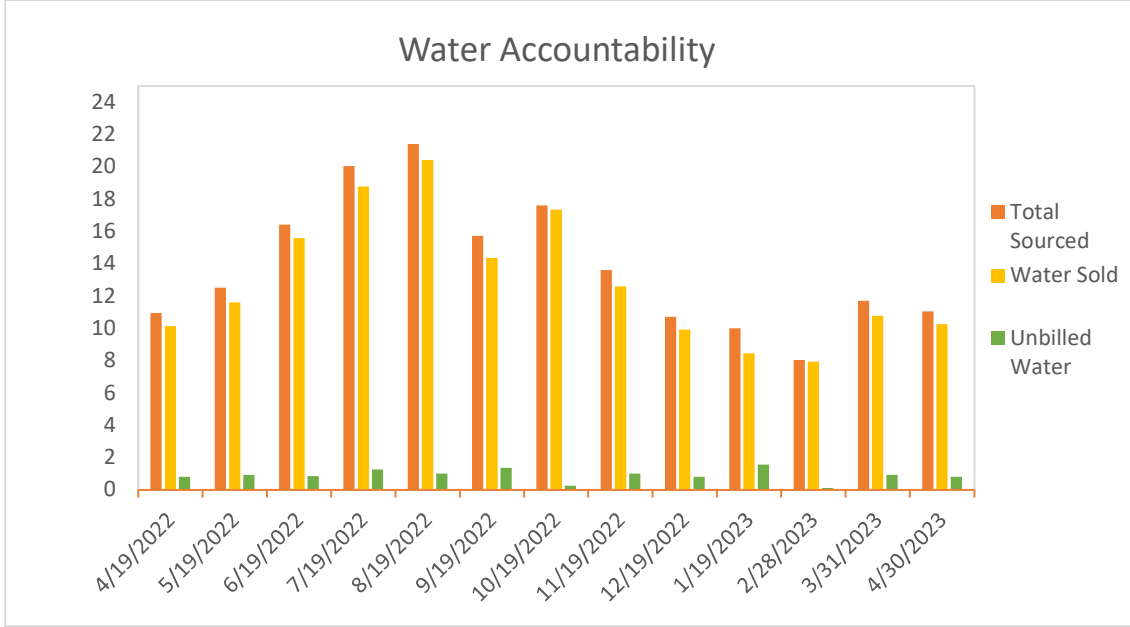
2023							
Well Name	Recorded Flow MGD	% of Total	Rating MGD/Day	YTD Pumpage MGD	YTD %	Permitted Value	Remaining Permit %
Well 2	0.154	1.39%	0.864	7.251	18.64%	92.930	89.78%
Well 3	0.676	6.12%	0.864	2.245	5.77%		
Well 4	10.210	92.48%	2.160	31.744	81.61%	90.000	64.73%
Total	11.040	100.00%	3.888	38.899	106%	182.930	
Flushing	0.114						
Subtotal	10.926						
Sold	10.242						
% Accounted	94%						

Accountability	
Total Water Sourced	11.040
Flushing	0.114
Subtotal	10.926
Sold	10.242
Accountability %	94%

CONNECTIONS	
School	12
Commercial Inside	174
Commercial Outside	2
Residential Inside	934
Residential Outside	30
Church	14
City	19
Hydrant	6
Multifamily	14
n/a	3
<b>Total</b>	<b>1,208</b>



Date	Total	Well_1	Well_2	Well_3	Well_4
AVG	13.824	0.000	2.625	5.460	5.739
4/19/2022	10.938	0.000	1.699	9.048	0.191
5/19/2022	12.517	0.000	7.318	4.445	0.754
6/19/2022	16.410	0.000	6.894	6.876	2.640
7/19/2022	20.039	0.000	4.814	10.944	4.281
8/19/2022	21.419	0.000	3.265	14.505	3.649
9/19/2022	15.715	0.000	2.306	8.734	4.675
10/19/2022	17.598	0.000	2.024	10.497	5.077
11/19/2022	13.600	0.000	1.318	1.861	10.421
12/19/2022	10.712	0.000	1.623	1.018	8.071
1/19/2023	9.993	0.000	0.843	1.140	8.010
2/28/2023	8.041	0.000	0.546	0.886	6.609
3/31/2023	11.693	0.000	1.318	0.354	10.021
4/30/2023	11.040	0.000	0.154	0.676	10.210
Total	179.715	0.000	34.122	70.984	74.609



Date	Accountability	Unaccounted	Total Sourced	Water Sold	Flushing/Leaks	Unbilled Water
4/19/2022	96%	0.447	10.938	10.140	0.351	0.798
5/19/2022	98%	0.202	12.517	11.603	0.712	0.914
6/19/2022	96%	0.594	16.410	15.579	0.237	0.831
7/19/2022	96%	0.774	20.039	18.777	0.488	1.262
8/19/2022	97%	0.706	21.419	20.422	0.291	0.997
9/19/2022	93%	1.058	15.715	14.364	0.293	1.351
10/19/2022	100%	-0.023	17.598	17.352	0.269	0.246
11/19/2022	95%	0.717	13.600	12.594	0.289	1.006
12/19/2022	96%	0.384	10.712	9.917	0.411	0.795
1/19/2023	88%	1.182	9.993	8.440	0.371	1.553
2/28/2023	103%	-0.214	8.041	7.927	0.328	0.114
3/31/2023	93%	0.845	11.693	10.770	0.078	0.923
4/30/2023	94%	0.684	11.040	10.242	0.114	0.798

# CITY OF MONTGOMERY

## 2022 Drinking Water Quality Report

**This report is an annual summary of the quality of your drinking water. It is required by the Texas Commission on Environmental Quality and is based on the most recent U.S. Environmental Protection Agency required tests.**

### OUR DRINKING WATER IS SAFE

The Texas Commission on Environmental Quality (TCEQ), has completed an assessment of your source water, and results indicate that some of our sources are susceptible to certain contaminants. The sampling requirements for your water system is based on this susceptibility and previous sample data. Any detections of these contaminants will be found in this consumer confidence report. For more information on source water and protection efforts at our systems contact City of Montgomery at: (936) 597-6434.

### En Español

Este reporte incluye información importante sobre su agua potable. Para asistencia en español, favor de llamar al telefono: (936) 597-6434

### Where do we get our drinking water?

The source of drinking water used by City of Montgomery is ground water. It comes from the Jasper Aquifer and the Catahoula Aquifer.

### Contaminants that may be Present in Source Water

The sources of drinking water (both tap and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and in some cases, radio-active material, and can pick up substances resulting from the presence of animals or from human activity.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (1-800-426-4791).

### Contaminants that may be present in source water include:

- **Microbial contaminants**, such as viruses and bacteria, which may come from sewage treatment plants, septic system, agricultural livestock operations, and wildlife;
- **Inorganic contaminants**, such as salts and metals, which can be naturally occurring or result from urban stormwater, runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming;
- **Pesticides and herbicides**, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;
- **Organic chemical contaminants**, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and
- **Radioactive contaminants**, which can be naturally-occurring or be the result of oil and gas production and mining activities.

In order to ensure that tap water is safe to drink, the EPA prescribes regulations that limits the amount of certain contaminants in water provided by public water systems. Federal Food and Drug Administration Agency regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

Contaminants may be found in drinking water that may cause taste, color, or odor problems. These types of problems are not necessarily causes for health concerns. For more information on taste, odor, or color of drinking water, please contact City of Montgomery at (936) 597-6434.

### Special Notice for the ELDERLY, INFANTS, CANCER PATIENTS, people with HIV/AIDS or other immune problems:

You may be more vulnerable than the general population to certain microbial contaminants, such as Cryptosporidium, in drinking water. Infants, some elderly, or Immuno-compromised persons such as those undergoing chemotherapy for cancer; those who have undergone organ transplants; those who are undergoing treatment with steroids; and people with HIV/AIDS or other immune system disorders can be particularly at risk from infections. You should seek advice about drinking water from your physician or health care provider. Additional guidelines on appropriate means to lessen the risk of infection by Cryptosporidium are available from Safe Drinking Water Hotline (800-426-4791).

### Public Participation Opportunities:

You may mail comments to:  
City of Montgomery  
101 Old Plantersville Rd  
Montgomery, Tx 77316



### About the Following Table

The following table contains all of the chemical constituents which have been found in your drinking water for the most recent testing performed in accordance with applicable regulations. USEPA requires water systems to test up to 97 constituents. The constituents detected in your water are listed in the attached table.

### DEFINITIONS

**Maximum Contaminant Level (MCL)** - The highest level of a contaminant in drinking water. MCL's are set as close to the MCLG's as feasible using the best available treatment technology.

**Maximum Contaminant Level Goal (MCLG)** - The level of a contaminant in drinking water below which there is no known or expected health risk. MCLG's allow for a margin of safety.

**ppm** = parts per million or milligrams per liter (mg/l), one part per million corresponds to one minute in two years or a single penny in \$10,000.

**ppb** = parts per billion or micrograms per liter (mg/l), one part per billion corresponds to one minute in 2,000 years or a single penny in \$10,000,000.

**pCi/l** = pico curies per liter: Measure of radioactivity.

**Action Level (AL)** - The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

**Maximum Residual Disinfectant Level (MRDL)** - The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

**Maximum Residual Disinfectant Level Goal (MRDLG)** - The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

## City of Montgomery TX170022 2022 Drinking Water Quality Report:

Inorganic Contaminants							
Year	Constituent	Highest Detected Level at Any Sampling Point	Range of Detected Levels	MCL	MCLG	Units of Measure	Source of Constituent
2022	Arsenic*	4.50	4.5 - 4.5	10	0	ppb	Erosion of natural deposits; Runoff from orchards
2022	Barium	0.185	0.185 - 0.185	2	2	ppm	Discharge of drilling wastes.
2022	Fluoride	0.16	0.16 - 0.16	4	4	ppm	Erosion of natural deposits; Discharge from fertilizer and aluminum factories
2017	Cyanide	20	0 - 20	200	200	ppm	Discharge from plastic and fertilizer factories.
2018	Nitrate [measured as Nitrogen]	0.03	0.02 - 0.03	10	10	ppm	Runoff from fertilizer use.
2022	Selenium	5.30	5.30 - 5.30	50	50	ppb	Discharge from petroleum and metal refineries.

\*While your drinking water meets EPA standards for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.

\*\*Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist the EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted.

Disinfectant Residual							
Year	Constituent	Highest Detected Average	Range of Detected Levels	MRDL	MRDLG	Units of Measure	Source of Constituent
2022	Chlorine Disinfectant	2.17	0.20 - 4.00	4	4	ppm	Water additive used to control microbes.

Synthetic organic contaminants including pesticides and herbicides							
Year	Constituent	Highest Detected Average	Range of Detected Levels	MCL	MCLG	Units of Measure	Source of Constituent
2018	2,4-D	0.1	0.0 - 0.1	70	70	ppb	Runoff from herbicide use on row crops.

Organic Contaminants							
Year	Constituent	Highest Detected Level at Any Sampling Point	Range of Detected Levels	MCL	MCLG	Units of Measure	Source of Constituent
2022	Haloacetic Acids (HAA5)	10.5	0 - 10.5	60	n/a	ppb	By-product of drinking water disinfection.
2022	Total Trihalomethanes (TTHM)*	77.5	3.8 - 77.5	80	n/a	ppb	By-product of drinking water chlorination.

\*The value in the Highest Level or Average Detected column is the highest average of all TTHM/HAA5 sample results collected at a location over a year.

Lead and Copper							
Year	Contaminant	90th Percentile	Number of Sites Exceeding Action Level	Action Level	MCLG	Units of Measure	Source of Contaminant
2020	Copper	0.18	0	1.3	1.3	ppm	Erosion of natural deposits; Leaching from wood preservative; Corrosion of household plumbing systems
2020	Lead	2.6	0	15	0	ppb	Corrosion of household plumbing systems; Erosion of natural deposits.

The 90th percentile of the Lead/ Copper analysis means the top 10% (highest sample results) of all samples collected.

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. This water supply is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>

Radioactive Contaminants							
Year	Constituent	Highest Detected Average	Range of Detected Levels	MCL	MCLG	Units of Measure	Source of Constituent
2021	Gross alpha excluding radon and uranium	3.8	3.8 - 3.8	15	0	pCi/L	Erosion of natural deposits.
2018	Beta/photon emitters	5.2	5 - 5.2	50	0	pCi/L	Decay of natural and man-made deposits.

**Our water is safe to drink.**



# Montgomery Police Department

Chief Anthony Solomon

## Activity Report

April 1, 2023 – April 30, 2023

### Patrol Division

• Calls for Service	-	91
• Total Reports	-	26
• Citations Issued	-	92
• Warnings Issued	-	200
• Arrests	-	8
• Accidents	-	9

### Breakdown by Offense Category

• DWI/DUI	-	3
• Drug Arrests/Citations	-	1
• Theft	-	4
• Warrant Arrests	-	2
• Assault	-	2

### Investigation Division

Total number of assigned cases to C.I.D. for the month: 5

### Personnel/Training

- Officers Voytko and McRae attended New Supervisor training in April 2023.

### Major Incidents

- On April 6, 2023, a horse trailer was stolen from the 700 block of Clepper. Social media posts by the victim and our department assisted the investigator with obtaining video footage of the male driving a truck that was pulling the trailer. Thanks to an anonymous citizen tip, the trailer was found in the possession of a different male with minor cosmetic damage in Fresno, Texas and returned to the victim. The investigator is still working to identify the male who stole the trailer.
- On April 14, 2023, officers were dispatched to an industrial accident in the 100 block of Plez Morgan. A construction worker fell from the second floor of the unit and was taken to the hospital in critical condition. Unfortunately, he died on April 25, 2023, after being taken off life support.

### **Upcoming Events**

- June 17<sup>th</sup> – Lone Star Street Dance
- July 1<sup>st</sup> – Freedom Festival

### **Traffic and Safety Initiatives**

- We are currently running several traffic initiatives around town. Officers are monitoring multiple areas and making contact with violators. This will continue on a monthly basis, with monitored areas changing based on officer observations and civilian concerns.



# City of Montgomery

101 Old Plantersville Rd.  
 Montgomery, TX 77316  
 936-597-6866



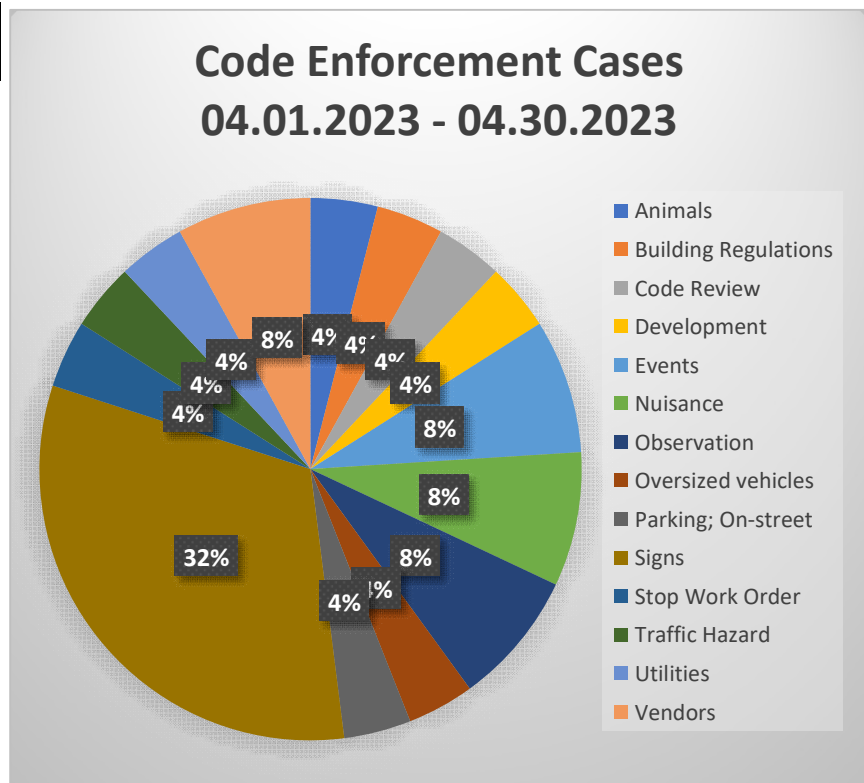
April 2023  
 Code Enforcement Officer  
 Monthly Report

Mission: To uphold and enforce the Codes and Ordinances established and adopted by the City Council to ensure the health, safety, and welfare of residents, property owners, business owners, and visitors by investigating and inspecting public or private locations for compliance through proactive, prompt, and reasonable enforcement of the codes. Code Enforcement emphasizes achieving voluntary code compliance by educating the public via clear and open communication and cooperation.

Activity:

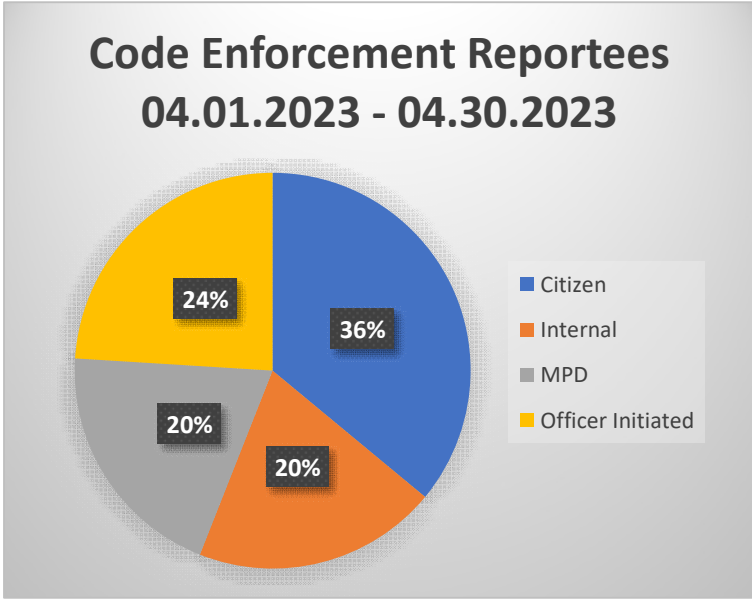
Nature of Call	Group Total
Animals	1
Building Regulations	1
Code Review	1
Development	1
Events	2
Nuisance	2
Observation	2
Oversized vehicles	1
Parking; On-street	1
Signs	8
Stop Work Order	1
Traffic Hazard	1
Utilities	1
Vendors	2

**Total Records: 25**



REP Type	Group Total
Citizen	9
Internal	5
MPD	5
Officer Initiated	6

**Total Records: 25**



Violations issued: 0  
Warnings issued: 0

Training: 1 hour – attended quarterly, live, on-line zoom meeting with AACE





May 18, 2023

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

Re: Monthly Engineering Report  
City Council Meeting May 23, 2023

Dear Mayor and Council:

The following is a brief summary that describes our activities since the April 25, 2023 Council Meeting:

**Capital Projects:**

1. **Water Plant No. 3 Improvements** – We received Pay Estimate No. 7 & Final in the amount of \$61,021.74. The final inspection was held on August 3, 2022 and the contractor has addressed all punchlist items. The project is complete, and acceptance of the infrastructure will be addressed as a separate agenda item this month. We are working with City Staff to close out this project with the Texas Water Development Board.
2. **GLO Projects**
  - a. **Water Plant No. 3 Generator** – We received Pay Estimate No. 6 & Final in the amount of \$39,354.71. The contractor has addressed all of the punchlist items addressed during the final walkthrough. As a reminder, the one-year warranty period will end on February 21, 2024. The project is complete, and acceptance of the infrastructure will be addressed as a separate agenda item this month. We are working with Grant Works, Quiddity and City Staff to close out the project with the GLO.
  - b. **Dr. Martin Luther King Jr. Drive Ditch Regrading and Sanitary Sewer Rehabilitation** – As a reminder the one-year warranty period will end on January 11, 2024. We are working with Grant Works, Quiddity and City Staff to close out the project with the GLO.
3. **15-Year Infrastructure Plan** – We provided a draft of the sanitary sewer analysis to the TORC and plan to present the final analysis at the June 13<sup>th</sup> Council meeting.
4. **Old Plantersville Waterline Extension** – This project is on hold until further notice.
5. **Old Plantersville Force Main Extension** – This project is on hold until further notice.
6. **McCown St. and Caroline St. Waterline Replacement** – We are continuing with our design, and we expect to be complete in July.

7. **Downtown Drainage Master Plan** – We are continuing with our analysis of existing and proposed conditions, and we expect to be complete in early June.
8. **Downtown Sanitary Sewer Rehabilitation** – We received Pay Estimate No. 1 in the amount of \$99,864.00. The contractor has substantially completed the project and we have received and reviewed post-rehabilitation videos to confirm the quality and quantity of repairs completed. We are scheduling a final walkthrough with the contractor.
9. **2023 Sanitary Sewer Rehabilitation** – The project was split into two projects to allow bidding and construction of the primary sanitary sewer rehabilitation work to take place without being delayed by TxDOT review. The pipebursting design is nearly complete and will be submitted to TxDOT upon completion. The primary sanitary sewer rehabilitation project began advertising on May 11<sup>th</sup>. We plan to hold a pre-bid meeting on May 25<sup>th</sup> and receive bids on June 1<sup>st</sup> to present at the June 13<sup>th</sup> Council meeting.
10. **Lift Station No. 10 Improvements** – We are continuing with design and expect to be complete in June 2023.
11. **Flagship Boulevard Storm Sewer & Pavement Replacement** – As a reminder, the contract was awarded to Civil & Environmental Engineering Services, LLC in the amount of \$573,043.50 and 75 calendar days. We held the pre-construction meeting on May 18<sup>th</sup> and issued the notice to proceed at that time for construction to begin after the school year ends.

#### Developments:

1. **Plan Reviews**
  - a. **Town Creek Storage II** – We did not receive revised plans this month.
  - b. **Pizza Shack Parking Expansion** – We did not receive a revised plan set this month.
  - c. **Montgomery Bend (Pulte Group) Section 1 Water, Sanitary and Drainage** – We received revised plans on April 18<sup>th</sup> and provided comments on May 18<sup>th</sup>.
  - d. **Montgomery Bend (Pulte Group) Section 2 Water, Sanitary and Drainage** – We received plans for review on April 28<sup>th</sup> and provided comments on May 18<sup>th</sup>.
  - e. **Lupe Tortilla** – We received a revised set on February 16<sup>th</sup> and offered conditional approval contingent upon receipt of the amended plat.
  - f. **Lincoln Elementary School (MISD)** – We received revised plans on April 24<sup>th</sup> and provided plan approval on April 28<sup>th</sup>.
  - g. **Montgomery Elementary School (MISD)** – We received plans for review on April 25<sup>th</sup> and provided comments on April 27<sup>th</sup>. We received revised plans on May 1<sup>st</sup> and provided plan approval on May 3<sup>rd</sup>.

- h. **Athletic Complex Turf Improvements (MISD)** – We received plans for review on April 24<sup>th</sup> and provided comments on May 3<sup>rd</sup>. We received a revised plan set on May 16<sup>th</sup> and are continuing with our review.
  - i. **Home Depot** – We received plans for review on May 10<sup>th</sup> and are proceeding with our review.
  - j. **Texas and Beyond Plaza** – We received plans on April 18<sup>th</sup> and provided comments on May 3<sup>rd</sup>. We have not received a revised plan set.
  - k. **Redbird Meadows Phase 1A Water, Sanitary and Drainage** – All plan reviews related to the development are on hold until further notice.
  - l. **Redbird Meadows MCMUD 215 Lift Station No. 1** – All plan reviews related to the development are on hold until further notice.
- 2. Plat Reviews**
- a. **Montgomery Brewing Minor Plat** – We did not receive a revised plat this month.
  - b. **Cornerstone Community Church Development Plat** – We received a revised plat on April 25<sup>th</sup> and provided comments on May 11<sup>th</sup>. We have not received a revised plat.
  - c. **Shoppes at Montgomery Section 2 Amending Plat** – We received the amending plat on March 27<sup>th</sup> and offered no objection. It is our understanding that the plat is being prepared to be sent to the City for final approval.
  - d. **Lonestar Estates Partial Replat** – We received the partial replat for review on April 17<sup>th</sup> and provided comments on May 11<sup>th</sup>. We have not received a revised plat.
  - e. **Redbird Meadows Sections 1, 2, and 3 Preliminary Plats** – All plat reviews related to the development are on hold until further notice.
- 3. Ongoing Construction**
- a. **Montgomery Bend (Pulte Group) Mass Grading, Detention, and Offsite Utilities** – The contractor is proceeding with construction of the mass grading, detention, and offsite waterline. We are providing periodic inspection services on behalf of the City.

We also received plan revisions on April 18<sup>th</sup> and provided plan approval on May 3<sup>rd</sup>.



Figure 1: Installation of tapping sleeve and valve on April 18<sup>th</sup>.

#### 4. One-Year Warranty Inspections

- a. **Town Creek Crossing, Section 1** –We held a warranty inspection on March 23<sup>rd</sup> and the contractor is working to address the remaining punchlist items.
- b. **Villas of Mia Lago, Section 2** – We are continuing to coordinate with the developer to ensure the remaining punch list items are addressed.

#### General Ongoing Activities:

##### 1. TxDOT:

- a. **FM 1097 & Atkins Creek Drainage Improvements** – We received a draft exhibit of the proposed easement locations. We are reviewing the exhibit and will work with City staff to begin the conversation with impacted property owners.
  - b. **Access Management along SH-105 from Grimes County Line to Shepperd Street**– We are continuing to identify potential utility conflicts with the SH 105 improvements. According to TxDOT, the first phase of the project is scheduled to begin in Summer 2025. Construction in Montgomery is included in Phase III of this project.
  - c. **FM 1097 and Buffalo Springs Drive Traffic Signal** – It is our understanding the signal is in design and is estimated to be complete in June 2023, per TxDOT. TxDOT does not currently have a construction schedule, but they do not expect construction to begin for a few years.
  - d. **SH-105 and Buffalo Springs Drive Traffic Signal** – It is our understanding the signal design is expected to be completed in June 2023. TxDOT does not currently have a construction schedule, but they do not expect construction to begin for a few years.
2. **Biweekly Operations and Developments Call** – We are continuing the biweekly operations and developments calls with City Staff and H2O Innovations.
  3. **Emergency Preparedness Plan** – No engineering update. We will continue to follow up until plan approval is received. We are reviewing the plan in anticipation of hurricane season and will

Honorable Mayor and City Council  
 City of Montgomery  
 Page 5 of 5  
 May 18, 2023

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complete any necessary updates.

4. **Impact Fee Updates** – We received all required files from Quiddity and are proceeding with Impact Fee updates as required per the City’s Code of Ordinances.
5. **Lonestar Parkway Bridge Repair** – It is our understanding the construction was awarded to Rebel Contractors at the May 9<sup>th</sup> meeting of the Montgomery County Commissioner’s Court. It is also our understanding that the County will be requesting the City’s share of the project now that the construction contract is awarded.
6. **Lonestar Parkway and Buffalo Springs Intersection Improvements** – We received plans for the intersection on behalf of the City and offered no objections on May 5<sup>th</sup>.
7. **TWDB Annual Reporting** – We received correspondence from the TWDB to complete the required annual reporting and usage projections by May 1<sup>st</sup>. We provided all requested reports and information to the TWDB on April 28<sup>th</sup>.

Please let me know if you have any questions.

Sincerely,



Chris Roznovsky, PE  
 City Engineer

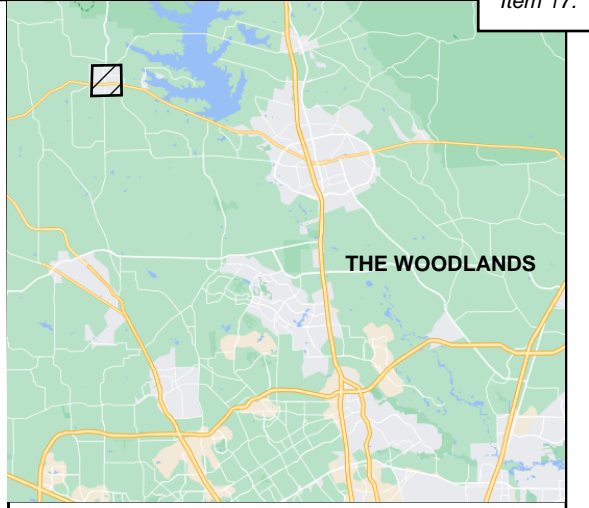
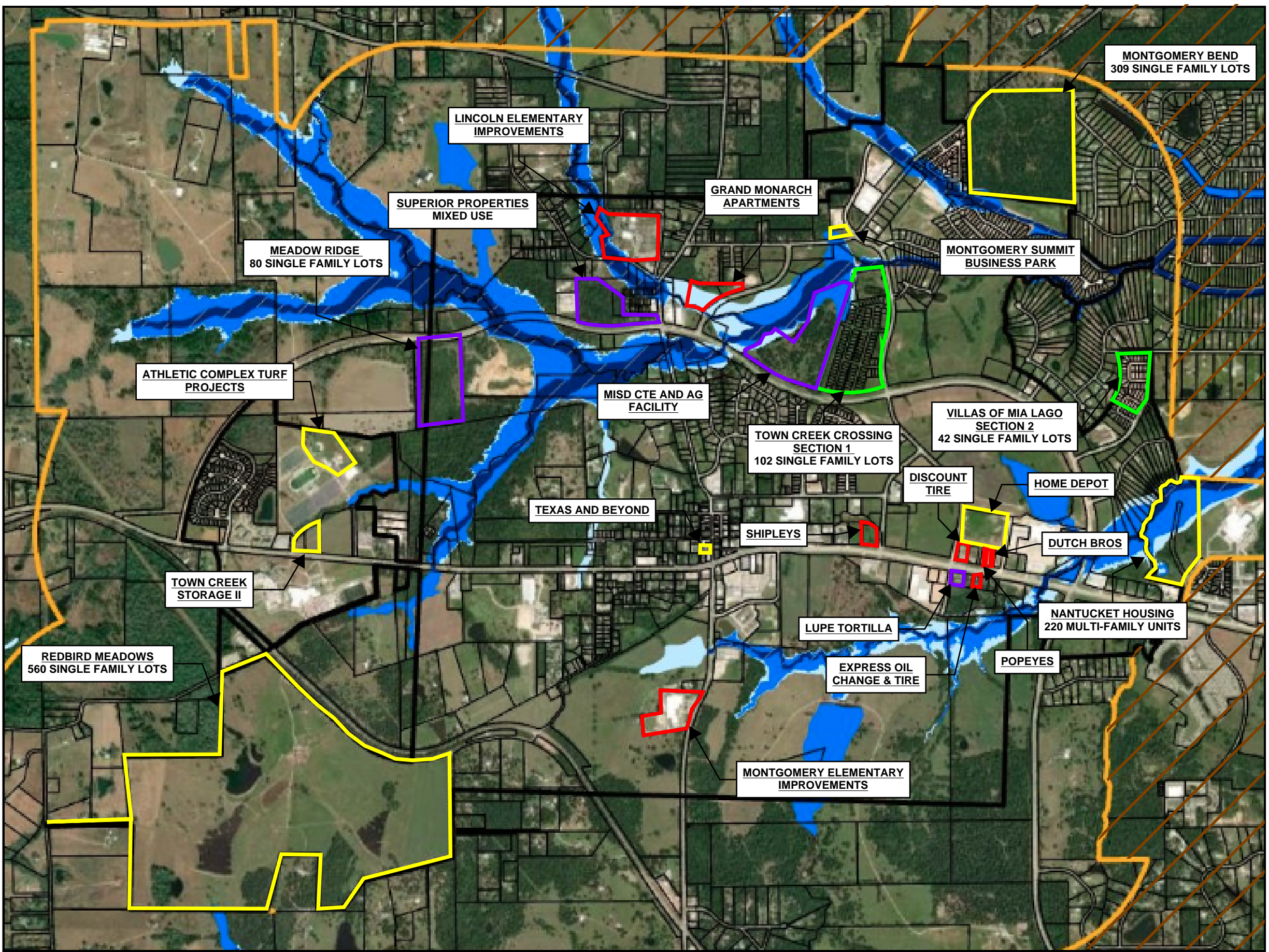
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Attachments – Active Developments Map  
 Capital Projects Timeline

Cc (via email): The Planning and Zoning Commission – City of Montgomery  
 Mr. Gary Palmer – City of Montgomery, City Administrator  
 Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
 Ms. Nici Browe – City of Montgomery, City Secretary  
 Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney





**VICINITY MAP NTS**

**LEGEND**

- City Limits
- City ETJ
- City Of Conroe ETJ
- MCAD Parcels
- Floodway
- 100-year
- 500-year
- Complete/Under Warranty
- Under Construction/ Plans Approved
- In Design
- Planning/Feasibility

Active Developments  
May 2023



## City of Montgomery Capital Project Schedule

WBS	Task	Start	End	Cal. Days	Work Days	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24
<b>Capital Projects</b>																	
<b>1</b>	<b>McCown St. and Caroline St. Waterline Replacement</b>																
1.1	Survey	7/7/2022	4/7/2023	275	196												
1.2	Design	4/7/2023	6/15/2023	69	49												
1.3	Approvals	6/15/2023	6/28/2023	14	10												
1.4	Bidding	6/19/2023	7/17/2023	28	21												
1.5	Present ROA to Client	7/25/2023	7/25/2023	1	1												
1.6	Prepare Contracts	7/26/2023	8/1/2023	7	5												
1.7	Execute Contracts	8/2/2023	9/7/2023	36	27												
1.8	Issue Notice to Proceed	9/11/2023	9/17/2023	7	5												
1.9	Construction	9/27/2023	11/10/2023	45	33												
<b>2</b>	<b>Downtown Sanitary Sewer Rehabilitation</b>																
2.1	Design	8/15/2022	9/27/2022	43	32												
2.2	Approvals	9/30/2022	9/30/2022	1	1												
2.3	Bidding	9/27/2022	11/1/2022	35	26												
2.4	Present ROA to Client	11/8/2022	11/8/2022	1	1												
2.5	Prepare Contracts	11/9/2022	11/15/2022	6	5												
2.6	Execute Contracts	11/15/2022	12/11/2022	26	19												
2.7	Issue Notice to Proceed	12/12/2022	12/18/2022	6	5												
2.8	Construction	1/7/2023	4/6/2023	89	64												
<b>5</b>	<b>Downtown Drainage Analysis</b>																
5.1	Survey	7/7/2022	4/7/2023	274	196												
5.2	Analysis	4/7/2023	6/5/2023	60	42												
5.3	Report	6/6/2023	6/20/2023	15	11												
<b>6</b>	<b>Flagship Blvd. Storm Sewer and Pavement Replacement</b>																
6.1	Design	12/22/2022	3/3/2023	71	52												
6.2	Bidding	3/23/2023	4/11/2023	19	14												
6.3	Present ROA to Client	4/25/2023	4/25/2023	0	1												
6.4	Prepare Contracts	4/26/2023	5/12/2023	14	10												
6.5	Execute Contracts	5/13/2023	5/26/2023	13	10												
6.6	Issue Notice to Proceed	5/18/2023	5/30/2023	12	10												
6.7	Construction	5/30/2023	8/13/2023	75	54												
<b>7</b>	<b>2023 Sanitary Sewer Rehabilitation</b>																
7.1	Survey	11/11/2022	2/7/2023	88	63												
7.2	Design	2/7/2023	5/11/2023	93	68												
7.3	Bidding	5/18/2023	6/1/2023	14	11												
7.4	Present ROA to Client	6/13/2023	6/13/2023	0	1												
7.5	Prepare Contracts	6/14/2023	6/20/2023	6	5												
7.6	Execute Contracts	6/20/2023	8/27/2023	68	49												
7.7	Issue Notice to Proceed	8/28/2023	9/1/2023	4	5												
7.8	Construction	9/11/2023	2/8/2024	150	109												
<b>8</b>	<b>Lift Station No. 10 Improvements</b>																
8.1	Design	2/27/2023	6/22/2023	115	84												
8.2	Bidding	6/26/2023	7/31/2023	35	26												
8.3	Present ROA to Client	8/1/2023	8/5/2023	4	4												
8.4	Prepare Contracts	8/6/2023	8/12/2023	6	5												
8.5	Execute Contracts	8/13/2023	8/19/2023	6	5												
8.6	Issue Notice to Proceed	8/30/2023	9/5/2023	6	5												
8.7	Construction	9/6/2023	12/2/2023	87	63												



May 19, 2023

To: City Council  
From: Gary Palmer, City Administrator  
Subject: Monthly Update

I offer the following highlights:

- Annual Audit complete and posted to the website
- We have published the job ad for the vacancy in our Finance Directors' office
  - The position is open until filled and we have started interviewing qualified candidates
  - Carl Currie from Strategic Government Resources started yesterday as our contracted finance consultant serving as the interim finance director; approximately 2-3 months while we recruit and onboard a new director
- Finance Advisory Team
  - Reviewed our process and implemented some changes for better accountability
  - Reviewed last years' line item overruns and have come up with internal controls to ensure this does not continue to be an issue
- Met with the Montgomery Historical Society to discuss their priorities and how we can work together for mutual success
- Had a joint meeting between the Montgomery Historical Society, MEDC, Chamber of Commerce, and downtown businesses to discuss events and how we can work more closely together for mutual success
- Met individually with a few downtown businesses to discuss working relationships

# TML LEGISLATIVE UPDATE



May 19, 2023  
Number 20

## **Down to the Wire: 10 Days to Go**

With only 10 days left in the 88<sup>th</sup> Legislative Session, a few critical measures continue to make their way through the process. We ask that you continue to communicate with your legislative delegations on these critical issues. There are only a few more days before legislative deadlines give a clearer indication of what will finally pass and what will have to wait until the next legislative session.

The list below in no way represents every city-related bill that still has the ability to pass this session. It also doesn't account for the ability of certain concepts in bills that are no longer viable to be added to other bills still moving through the process, as amendments, if germane. The following list represents bills we commonly receive questions about from city officials. For all of these bills, we strongly encourage interested city officials to continue the dialogue with their elected senators and representatives about the impact of the legislation on their communities.

### **Preemption**

- **[H.B. 2266 \(Leach/Middleton\)](#)** – H.B. 2266 would allow a state license holder to bring legal action against a city if city regulation results in adverse economic impact on the

license holder. The bill significantly expands city exposure to lawsuits regarding the impact of local regulations. H.B. 2266 passed the House and will be considered in the Senate Committee on Business and Commerce on Friday, May 19. TML prepared this [letter](#) in advance of the Senate committee hearing.

**Land Use**

- **[S.B. 1412 \(Hughes\)](#)** – S.B. 1412 would authorize a property owner to build, sell, or rent an accessory dwelling unit (ADU) in any residential zoning district or un-zoned lot in a city. Further, the bill would prohibit a city from imposing regulations on ADUs, including certain regulations on size, parking, or external feature requirements. This would effectively preempt local regulation of ADUs in city neighborhoods. The committee substitute protects deed restrictions and homeowner association rules that limit or prohibit ADUs. TML provided the Senate Committee on Local Government this [letter](#) in opposition to the bill. S.B. 1412 passed the Senate and has been voted out of the House Land & Resource Management Committee.
- **[S.B. 1787 \(Bettencourt\)](#)** – S.B. 1787 would prohibit a city from adopting or enforcing an ordinance that requires a residential lot to be larger than 1,400 square feet, wider than 20 feet, or deeper than 60 feet, or if regulating the density of dwelling units on a residential lot, a ratio of less than 31.1 homes per acre. It also prohibits the application of numerous land use regulations on “small lots,” which are defined in the bill as lots that are 4,000 square feet or less. Applies to all cities in counties with a county population of 300,00 or more. TML provided this [letter](#) to the Senate Committee on Local Government. S.B. 1787 passed the Senate and has been voted out of House Land & Resource Management Committee.
- **[S.B. 2037 \(Bettencourt/Oliverson\)](#)** – S.B. 2037, as it passed the Senate, would prohibit a city from “directly or indirectly” regulating use and density of buildings in the ETJ, including a new prohibition on regulating minimum lot sizes in the ETJ. S.B. 2037 passed the Senate and has been voted out of House Land & Resource Management Committee.

**Other**

- **[H.B. 471 \(Patterson/Schwertner\)](#)** – H.B 471 would require cities to provide paid illness and injury leave for first responders for up to one year. The bill passed the House and has been voted out of the Senate Committee on Business and Commerce.
- **[S.B. 767 \(Parker\)](#)** – S.B. 767 requires a fee schedule of new and increased fees to be on the city’s budget’s cover page and for cities over 30,000 in population to establish and maintain an email notification service regarding new or increase fees. S.B. 767 passed the Senate and voted out of House Urban Affairs Committee.

**Bills on the Move**

**Significant Floor Action**

**H.B. 2127 (Burrows/Creighton)**, seeking to prevent cities and counties from adopting or enforcing local ordinances or orders related to any activity contained in several state codes. Passed the Senate.

**H.B. 9 (Ashby/Huffman)**, creating the Broadband, Equity, Access, and Deployment (BEAD) program and the Broadband Infrastructure Fund. Passed the Senate.

**H.B. 1132 (Spiller)**, increasing the threshold at which competitive bidding is required for city purchases from \$50,000 to \$100,000. Passed the House.

**H.B. 1191 (Cain)**, prohibiting a city from allowing six or fewer chickens in the boundaries of a city. Passed the House.

**H.B. 1750 (Burns/Perry)**, limiting city regulation of agricultural operations within city limits and ETJ. Passed the Senate.

**H.B. 1819 (Cook/Hughes)**, repealing city juvenile curfew ordinances except for purposes of emergency management. Passed the Senate.

**H.B. 3053 (Dean/Paxton)**, requiring election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and December 1, 2017. Applies to cities over 500,000 in population. Passed the Senate.

**H.B. 3613 (Cain)**, requiring a city that is divided into districts, wards, or other areas to elect all councilmembers following each apportionment on the first uniform election date. Passed the House.

**H.B. 4878 (Rogers)**, allowing an ESD to have exclusive authority to determine whether another person may provide services within the district that the ESD is authorized to provide, including when the ESD’s territory overlaps with the territory of another political subdivision authorized to provide emergency services. Passed the House.

**S.B. 3 (Bettencourt/Meyer)**, increasing the homestead exemption by a school district. The House committee substitute increases the homestead exemption from \$70,000 to \$100,000 and imposes a five percent appraisal cap. Passed to third reading.

**S.B. 224 (Alvarado/Leach)**, increasing penalties and punishments for theft of a catalytic converter. Passed the House.

**S.J.R. 3 (Bettencourt)**, increasing the homestead exemption by a school district. The House committee substitute increases the homestead exemption from \$70,000 to \$100,000 and imposes a five percent appraisal cap. Passed to third reading.

**Significant Committee Action**

**H.B. 5** (Hunter/Schwertner), creating a new economic development program for tax abatement agreements between the owner of a new investment project and a school district. Left pending after hearing in Senate Business and Commerce.

**H.B. 471** (Patterson/Schwertner), requiring cities to provide paid illness and injury leave for first responders for up to one year. Committee substitute voted from Senate Business & Commerce.

**H.B. 2239** (Troclair/Flores), providing a city may not prohibit the removal of Ashe Juniper trees located on residential property. Left pending after hearing in Senate Local Government.

**H.B. 3492** (Stucky/Springer), prohibits cities from using the cost of constructing or improving public infrastructure as a factor in determining certain value-based fees related to engineering, inspection, and subdivision. Voted from in Senate Local Government.

**H.B. 3699** (Terry Wilson/Bettencourt), making numerous changes to the approval process for plats and plans, including limiting city authority regarding completeness checks for applications. Committee substitute, which would also prohibit a city from “directly or indirectly” regulating use and density of buildings in the ETJ, including a new prohibition on regulating minimum lot sizes in the ETJ, was voted from Senate Local Government.

**S.B. 369** (Campbell/Craddick), as filed, would provide that any area not receiving full municipal services is automatically disannexed as of December 31, 2023, unless the city is not required to provide full municipal services under an annexation service plan or has entered a written agreement. Senate floor amendments eliminated the automatic disannexation provision and set up a complaint process for a property owner to be disannexed. Left pending after hearing in House Land & Resource Management.

**S.B. 560** (Springer), eliminating the ability of a city and building permit applicant from agreeing to a deadline for granting or denying a permit for residential construction beyond the 45-day building permit shot clock. Voted from House Land & Resource Management.

**S.B. 1015** (King), relating to periodic rate adjustments by electric utilities. Committee substitute voted from House State Affairs. Placed on House Calendar for Saturday, May 20.

**S.B. 1117** (Hancock), defining video services to not include streaming for franchise fee purposes. Left pending after hearing in House State Affairs.

**S.B. 1252** (Bettencourt), requiring certain language indicating a tax increase on ballot propositions. Committee substitute voted from House Ways & Means. Placed on House Calendar for Saturday, May 20.

**S.B. 1787** (Bettencourt), prohibiting a city from adopting or enforcing an ordinance that requires a residential lot to be larger than 1,400 square feet, wider than 20 feet, or deeper than 60 feet, or if regulating the density of dwelling units on a residential lot, a ratio of less than 31.1 homes per acre.



Applies to cities in counties with a population of 300,000 or more. Voted from House Land & Resource Management Committee.

**S.B. 1999 (Bettencourt)**, defining “foregone revenue amount” as the voter-approval tax rate minus the actual tax rate multiplied by the preceding year’s total value, and redefines “unused increment rate” as the sum of the preceding three years’ foregone revenue amount divided by current value. Voted from House Ways & Means.

**S.B. 2018 (Flores)**, requiring a city to create a public camping complaint system and investigate every complaint. Left pending after hearing in House State Affairs.

**S.B. 2035 (Bettencourt)**, prohibiting a city council from authorizing an anticipation note or certificate of obligation to pay a contractual obligation under certain circumstances, including if a bond proposition on the same project failed to be approved during the preceding five years. Voted from House Pensions, Investments and Financial Services.

**S.B. 2037 (Bettencourt)**, prohibits cities from applying subdivision regulations and certain road and groundwater regulations in the ETJ. Voted from House Land & Resource Management.

**S.B. 2350 (Bettencourt)**, defining “voter-approval tax rate” for the purpose of the unused increment rate calculation as a taxing unit’s voter-approval tax rate in the applicable preceding tax year, as adopted by the taxing unit during the applicable preceding tax year, less the unused increment rate for that preceding tax year. Voted from House Ways & Means.

## **BDO Surveys for City and Resident Broadband Capabilities**

The Texas Broadband Development Office (BDO) is in the process of developing the Texas Digital Opportunity Plan for achieving reliable and affordable broadband, device access, digital skills training, and cybersecurity awareness to expand digital opportunities for all Texans.

The BDO wants to hear from cities and their residents. To help facilitate such communication, the BDO has created two surveys: the [Digital Resources Mapping Tool Survey](#) (DRMT) and the [Digital Opportunity Public Survey](#) (DOPS).

The DRMT seeks information from cities about local broadband programs and services. The DRMT will take about 10 minutes to complete.

The DOPS seeks information from individual households about their experience with broadband internet accessibility, affordability, and adoption. The survey includes an optional speed test and is available in English, Spanish, Chinese, and Vietnamese. It is also audio-enabled to ensure that people with limited literacy, limited English proficiency, or visual impairments can hear the survey questions and answers. The DOPS will take about 10 minutes to complete. Participants can email their surveys to: [plan4broadband@cpa.texas.gov](mailto:plan4broadband@cpa.texas.gov). Participants may also [download](#) the survey and mail them to the BDO at:

Texas Comptroller's Broadband Development Office  
 P.O. Box 13528  
 Austin, TX 78711-3528

The BDO has also created the [Texas Digital Opportunity Public Survey Partner Toolkit](#) to help cities engage their residents and disseminate the DOPS. The toolkit includes the survey and provides public outreach suggestions and draft communication templates.

Interested city officials can find more information about the BDO and the state's broadband efforts [here](#).

## **Federal Infrastructure Bill Update**

*In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.*

*The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will provide periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.*

### **U.S. Department of Agriculture (USDA)**

On April 19, the USDA began accepting applications for \$20 million in broadband technical assistance funding to support developing broadband cooperatives in rural communities. The [Broadband Technical Assistance](#) (BTA) program seeks to provide funding for rural communities through cooperative agreements with the USDA's Rural Utilities Service (RUS). The BTA defines rural communities as "any area not located in a city, town, or incorporated area with a population greater than 20,000 or an urbanized area next to a city, town, or incorporated area with a population greater than 50,000 people."

Eligible applicants include state and local governments. Eligible projects include:

- Identifying and planning for delivering broadband service to eligible rural areas.
- Identifying resources to finance rural broadband facilities.
- Preparing feasibility studies, financial forecasts, market surveys, environmental studies, and technical design information to support broadband services.
- Analyzing and improving broadband facilities operations.

Applications must be submitted by **10:59 PM CST on June 20, 2023**. More information about the BTA program can be found [here](#).

**Reminder for Upcoming Deadlines**

Applications for the Department of Transportation (DOT) Charging and Fueling Infrastructure Discretionary Grant Program (CFI) for electric vehicle (EV) charging and alternative-fueling infrastructure projects are due by **May 30, 2023**. The CFI program will provide funding over five years to cities and other governmental entities to strategically deploy EV charging and other alternative vehicle-fueling infrastructure projects in publicly accessible locations in urban and rural communities across the county.

More information about the CFI program can be found [here](#).

**City Officials Testify**

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this session. If we missed your testimony let us know by an email to [alyssa@tml.org](mailto:alyssa@tml.org), and we'll recognize you in next week's edition.

- Lance Arnold, Assistant City Manager, City of Weatherford
- Maj. General Juan Ayala, Director of Military & Veteran Affairs, City of San Antonio
- Sally Bakko, Director of Policy and Governmental Relations, City of Galveston
- Rick Carmona, Mayor, City of Terrell
- Don Doering, City Administrator, City of Magnolia
- Harry Hardman, Councilmember, City of Conroe
- Stephanie Fisher, Councilmember, City of Johnson City
- Trey Fletcher, City Administrator, City of West Lake Hills
- Ron Nirenberg, Mayor, City of San Antonio
- Christopher Sparks, Chief Sanitarian, City of Houston

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