

**Notice of City Council  
AGENDA**

**April 09, 2024 at 6:00 PM**

**NOTICE IS HEREBY GIVEN** that a Meeting of the Montgomery City Council will be held on **Tuesday, April 09, 2024, 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**

**ANNOUNCEMENT**

Presentation of a Proclamation in honor of Kelvin Arnsworth, citizen and business owner of City of Montgomery who recently passed away.

**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:**

- 1.** Approval of the following:  
  
City Council Meeting Minutes 03-26-2024

**CONSIDERATION AND POSSIBLE ACTION:**

- 2.** Consideration and possible action on: AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, ORDERING A PUBLIC HEARING CONCERNING AMENDING ARTICLE III, "IMPACT FEES" OF CHAPTER 90 "UTILITIES" OF THE CITY CODE OF ORDINANCES BY ADOPTING NEW IMPACT FEES FOR WATER AND WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE CITY'S PROPOSED WATER AND WASTEWATER IMPACT FEE SERVICE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING OPEN MEETING AND EFFECTIVE DATE PROVISIONS; AND PROVIDING FOR RELATED MATTERS.
- 3.** Consideration and possible action on calling a Public Hearing related to a Special Use Permit application for an event venue at 504 Caroline Street.
- 4.** City Alcoholic Beverage Permit for Lupe Tortilla Mexican Restaurant, located at 20269 Eva Street, Montgomery, Texas, 77356.

5. Public Hearing on amending Chapter 90, utilities, Article II, Water and Sewer Service, Division 2, Service rates and charges, section 90-57 – Returned Check charge; AND amending Section 90-61 and 90-62 discontinuation or refusal of water service for failure to pay bills and discontinuance of water service upon request of consumer.
6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 90, UTILITIES, ARTICLE II, WATER AND SEWER SERVICE, DIVISION 2, SERVICE RATES AND CHARGES, SECTION 90-57, RETURNED CHECK CHARGE; AND AMENDING SECTION 90-61 AND 90-62, DISCONTINUATION OR REFUSAL OF WATER SERVICE FOR FAILURE TO PAY BILLS AND DISCONTINUANCE OF WATER SERVICE UPON REQUEST OF CONSUMER, RESPECTIVELY, OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE UPON PUBLICATION AND APPROVAL BY CITY COUNCIL.
7. Consideration and possible action on award of the construction contract for the 2023 Sanitary Sewer Rehabilitation Phase 2 project.
8. Consideration and possible action on approval of the Final Plat for Montgomery Bend Section Two (Dev. No. 2203).
9. Consideration and possible action on acceptance of a Feasibility Study for a proposed 56-acre single family residential development by Taylor Morrison of Texas, Inc. (Dev. No. 2404).
10. Consideration and Possible Action on a Lease of Real Property, The Bandstand and Related Parking Area, Located at the NE Corner of College Street and McCown
11. Consideration and Approval of Adding a Volunteer Water Operations Advisory Position to the Organizational Chart
12. Consideration and Possible Action on Adding a Finance Technician Position to the City Organizational Chart.

**EXECUTIVE SESSION:**

Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code of the State of Texas.

**Sections 551.074** (personnel matters), City Secretary Position.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

**COUNCIL INQUIRY:**

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

**ADJOURNMENT**

/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 Friday, April 5, 2024 at 5:00 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  
MINUTES**

**March 26, 2024 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
	Sara Countryman	City Council Place #3
	Cheryl Fox	City Council Place #4
	Stan Donaldson	City Council Place #5

Also Present:	Gary Palmer	City Administrator
	Dave McCorquodale	Assistant City Administrator
	Caleb Villarreal	City Attorney
	Chris Roznovsky	City Engineer
	Diana Titus	Deputy City Secretary

**INVOCATION**

Councilmember Stan Donaldson provided the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Mr. Tom Beiter of 255 Little Dog Drive said his concern is in regard to item #2 on the agenda. He stated he is not in favor of it. The customary thing to do is for the contractor to accept the costs of putting the pipeline across the property.

Mr. Beiter continued and said he is not exactly sure what a landscaping variance is and what it means for them to ask for a landscape variance. He said the acreage they were working on they clear cut it, then root raked it, dug up holes and then brought in dirt and filled in the holes. He said in his humble opinion they need to replace a lot of trees.

**CONSENT AGENDA:**

1. Approval of the following:
  - (a) City Council Workshop Minutes 02-26-2024.
  - (b) City Council Meeting Minutes 03-12-2024.

Councilmember Casey Olson moved to accept the Consent Agenda. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

**CONSIDERATION AND POSSIBLE ACTION:****2. Consideration And Possible Action on A Proposed Cost Share with MISD for the CTE Center Waterline Extension**

Mr. Palmer said as you may recall from the February 27<sup>th</sup> workshop MISD representatives were here to discuss this and the landscape variance. In your packets is a breakdown of the complete cost of the waterline extension. They are asking the City to cover 50 percent of that cost, which is \$112,176.94. If you are in agreement with this cost share the motion will be to ask the City Attorney to draft the Cost Share Agreement which they would then execute with MISD.

Councilmember Sara Countryman said to Mr. Beiter she would typically agree with him on what he stated about the cost share but the ISD was not told about the waterline until after the fact. Council found that out when they had their workshop.

Councilmember Casey Olson said he is going to correct Councilmember Sara Countryman on that. He was told in August and in September because he was privy to that from staff. They knew full well they had to bring it out there. They fought our engineers at every turn from April because he read the email all the way to their workshop about what they wanted to do and what they were allowed to do.

Councilmember Sara Countryman asked did they know they could get a variance as there was an option for a variance because that is what she was told they were not aware of.

Councilmember Casey Olson said they were not interested in a variance. They wanted it their way and that is all they would present and is all they still have presented.

Mayor Sanford said there was that correspondence from August to October in which staff went back and forth. He said it seems they knew what the deal was. He did make the point in the workshop and he will reiterate they do not have at this time a consideration for a fellow governmental unit. To his knowledge this might be a first and does not know what has happened in the past with ISD, but they are a governmental unit and Mr. Palmer did point out that there could be provisions moving forward that they could treat those governmental entities particularly if it was used by both entities he could see that cost share. Otherwise, there is no precedent for cost share. If they make this move and even though his heart wants to do it, you are setting a precedent. His recommendation for the City is to have something to be able to do that but it has to be something that is defined and clear. He is sorry they thought one thing but on the other hand they clearly thought and knew what the deal was. Going forward is there a way to be able to have this for the ISD because they have an enormous bond and responsibility to tax payers as we would if we were in that situation. He said this is where his heart is but his mind is saying do not set this precedent.

Mr. Caleb Villarreal, City Attorney said this is up to Council and he does not think they are setting that precedent by entering into a Cost Sharing Agreement. This can be considered on a case by case basis. The next time you are in a position for a request for the next portion from the City of Montgomery that they want you to contribute you can consider at that time, but by no means are you locked into cost sharing on everything they do.

Mayor Sanford said certainly you can say given so many renovations and other costs coming forth with the school district if they do this then they are inclined to continue to do that and that concerns him unless they have some sort of policy. If it is the school district now it will be the County next.

Mr. Villarreal said they are required to provide water and sewer service but they are not required to pay for it.

Mayor Sanford said that is the standard with developers and the developer takes the cost and the impact fees which is the standard way but he hates to vary from that.

Mr. Villarreal said it is up to Council as it is their decision.

Councilmember Cheryl Fox asked if they did not go in with the cost sharing how long would it delay the process of the building being built. She thinks it is a tremendous asset to our community to have that building. She understands Mr. Beiter's concern because she has been over there and seen it and it does not look good at all.

Mr. Palmer asked Councilmember Cheryl Fox if she is asking if they were to delay a decision on this what would the impact be on the project.

Councilmember Cheryl Fox responded yes because all of this is taxpayer money.

Mr. Palmer asked if they are waiting on a response on this particular issue to move forward.

Mr. Chris Roznovsky, City Engineer said it is his understanding this project is still going full speed. The latest plans they sent them included the waterline and the full route, however, the plans have not been approved yet.

Councilmember Sara Countryman said she understands the City asked Mr. Roznovsky to extend the waterline to the furthest most western point of the property. She asked if that is going to be a dead head and are they really going to have someone bore underneath Town Creek to get to the other side to go to Plez Morgan.

Mr. Roznovsky said closing the loop yes, but going underneath would not be his recommendation. He said closing the loop is a key component. They have a waterline at Plez Morgan and a waterline at Plez Morgan on the west side and closing those will connect three lines together and the allocation to close two additional loops.

Mayor Sanford asked what are the ramifications of that.

Mr. Roznovsky said it is all about pressure and redundancy. He said take Kroger for example. Water for Kroger goes down FM 1097 and Buffalo Springs and all the way around or it goes all the way through downtown and around. Closing that loop provides a redundancy for the apartment complex and the other developments on Plez Morgan, but also for the school district because they have the dual feed to their property versus it all coming from FM 1097.

Mayor Sanford asked if the staff still believes from an engineering standpoint it puts undue stress on their ability to meet the needs now and especially to the future.

Mr. Roznovsky said to not have that line, yes. He said that line is needed. He said for example if something were to happen at FM 1097 or Buffalo Springs where the water line is that was damaged, in order to get water all the way back around to the school site it would go down by Kroger and make its way back. There is not a waterline that connects Buffalo Springs and there is not a waterline at CB Stewart so they would go from FM 1097 down FM 149, down SH 105, and Lone Star Parkway and back up and around to the school site.

Councilmember Sara Countryman said Mr. LaFavre was here talking about two entry points. He said that would help negate needing to go the furthest west.

Mr. Roznovsky said he was at the meeting. He recalls Mr. LaFavre mentioning a study and agreement but that was before his time with the City. He said ever since the 2015 Master Plan was done those loops have been on the system. The waterline crossing the bridge they just did

was part of the agreement back in 2010 between Mr. Steve Bowen and the City. He said as far as the two entry points he does not have a position on what Councilmember Sara Countryman is referring to.

Mayor Sanford said although he sees Councilmember Sara Countryman's point because he is very much in favor of vocational education and we are all glad it is there; procedures would appear were followed and staff recommendation both administratively and engineering wise is to not share the cost. He thinks that would be the wise way to go.

Mr. Villarreal said he thinks at the last workshop they talked about a sub provision of the Texas Education Code that requires the City to contribute. He said they are not under any law that requires them to participate in any type of cost sharing. He said in fact they have numerous agreements with school districts in Harris County and none of them are cost sharing. All of them are required to contribute to their infrastructure.

Mayor Sanford said he remembers that being said somewhere along the line and this would be in a sense a precedent that you do not see anywhere else and he would be careful to be the one out there that is doing that.

Councilmember Casey Olson said he is in agreement with Councilmember Cheryl Fox. He said it is not that he does not want it but what really upsets him about the whole process is how they approached us and how they treated us. He said we were all in the workshop and listened as he made his threats about exactly what Mr. Villarreal just said, which was baseless. He stood up in front of MISD and threw rocks at us and never gave us a chance before that time.

Councilmember Cheryl Fox said she agrees it was not the best presentation but on the hand as a City they should always have a good working relationship with the school district.

Councilmember Casey Olson said he agrees but being bullied is not something he agrees with.

Mayor Sanford said he tends to feel the same way and he expressed that to them as well. He said methodology does matter to him.

Councilmember Stan Donaldson said he does not think it is a good policy to refuse their request. He does not like the way they presented their case either but regardless they need to promote some type of unity and even if they have to bite the bullet even though it could have been their fault and even though there could have been miscommunication on the City's side as well as their side. He said he thinks for the goodwill of the community they should just bite the bullet and pay it if they have the money. He agrees with Councilmember Casey Olson that it was not a good presentation and they do not like to be threatened, which happens quite often but they need to contribute.

Councilmember Sara Countryman said it was going to be \$65.00 per taxpayer.

Councilmember Casey Olson said based off the numbers presented, the \$112,000 which is lower than the original estimate, with the population at 2,350 he believes it is \$48.00 a person or \$90.00 per household.

Councilmember Cheryl Fox moved to approve the proposed cost sharing with MISD for the CTE Center waterline extension as presented.

Mayor Sanford asked where the money would come from.

Mr. Palmer said he would need to discuss with the Maryann Carl, Finance Director.

Councilmember Carol Langley said she is not for the 50 percent but she is for helping them out because she has always felt that the school has helped the City out in ways that few of us probably do not know on our hand what they really are. She said she is not for the 50 percent and asked if they could lower the percentage would they take it.

Mr. Palmer said when they had the workshop they never talked about percentage. He said he asked them directly the next day and they are requesting 50 percent.

Councilmember Cheryl Fox asked if they are going to do a percentage or an amount.

Councilmember Stan Donaldson seconded the motion.

Councilmember Sara Countryman agreed with Councilmember Carol Langley. She said she is okay with giving an amount.

Councilmember Carol Langley said she does not want it to come back and it be more and they are still doing 30 or 40 percent.

Councilmember Cheryl Fox said no, she wants an amount.

Mayor Sanford said this is understood to be a single thing and they know how we feel at this point so we are trying to help them out but to what extent. The motion is full and asked if anyone would like to make an amendment to it.

Councilmember Cheryl Fox said she would like to make an amendment that they not exceed \$75,000. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

3. Consideration and possible action on: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, APPROVING AN AGREEMENT FOR A LOCAL ON-SYSTEM IMPROVEMENT PROJECT IN ACCORDANCE WITH SECTION 222.052 OF THE TEXAS TRANSPORTATION CODE.

Mr. Roznovsky said this is the signal project at Buffalo Springs and SH 105. He said since it is an infrastructure project it will be accepted and maintained by TxDOT and as a reminder Home Depot is covering all the construction costs. The additional estimated costs to the project are \$1,067.20 by the State for their administrative costs. Mr. Roznovsky said this agreement states that the City agrees to turn the facility over to TxDOT once built.

Councilmember Casey Olson asked if this was for the stop light only.

Mr. Roznovsky said that is correct. The only work within the TxDOT right-of-way is the replacement of asphalt and concrete. This is just on the facilities of the City.

Councilmember Casey Olson asked when will that take effect.

Mr. Roznovsky said after completion of the project. The project will be completed and during construction TxDOT is involved and once cleared, accepted, and paid, TxDOT will take over the maintenance and operation of it going forward.

Mayor Sanford said it seemed when he read it that July and August is when the roadway was coming in and then the light was coming behind it in September.



Mr. Roznovsky said that is correct but the process does not necessarily change. He said the City will use escrow funds by Home Depot, the electricity is being set up in TxDOT's name, power is to be installed in May or June, and the equipment for the signal will be delivered in July.

Mayor Sanford asked what is the indirect cost of \$1,067.20.

Mr. Roznovsky said on page 43 in the packet it is a calculation the State comes up with for estimation of construction costs for their processing inspection.

Councilmember Casey Olson asked how did the stop light that was originally quoted to them go from \$400,000 to \$594,000.

Mr. Roznovsky said this was all based off of estimates when they put this together and is not based on the actual contract amount. He said this is not an agreement to pay \$594,000. This is just their calculation of what is the value of the infrastructure.

Councilmember Stan Donaldson asked when will they know what that number is.

Mr. Roznovsky said the \$400,000 amount Home Depot has funded and the \$1,067.20 may drop some.

Councilmember Sara Countryman moved to accept the resolution of the City Council of the City of Montgomery, Texas, approving an agreement for a local on-system improvement project in accordance with section 222.052 of the Texas Transportation Code. Councilmember Cheryl Fox seconded the motion. **Motion Passed (5-0).**

4. Consideration and possible action on the reappointment of Dan Walker to the MEDC Board of Directors.

Mr. Dave McCorquodale said Mr. Walker had intended to step down this year after serving two terms on MEDC, however he will be in the area now and he is asking for reappointment.

Councilmember Sara Countryman moved to reappoint Dan Walker to MEDC Board of Directors. Councilmember Carol Langley seconded the motion. **Motion Passed (5-0).**

5. Consideration and possible action regarding award and execution of construction contract for the Buffalo Springs Drive Roadway Improvements project.

Mr. Roznovsky said on March 15<sup>th</sup> they accepted bids for the Roadway Improvements Project which is tied to the Home Depot project. He said they received five bids at the time. A copy of the bid tabulation is on page 50 in the packet. One of the two alternates was to pass the turn lane into the Home Depot parking lot and one was up to the northern property boundary (27:56) The low bid came in at \$663,116.25.

Mr. Roznovsky stated on page 52 in the packet at the top is a table. The whole Home Depot bid had a \$2 million cap for all the improvements so this is a calculation of all those costs to date with construction costs in that cap. He said between the Roadway Improvements Project which includes a 15 percent construction contingency on top is at \$922,083 and the signal improvement is the same thing with a 15 percent contingency at \$515,611 for a total of \$1.43 million of the \$2 million cap.

Councilmember Casey Olson asked if their original estimate was around \$1.6 million.

Mr. Roznovsky said that is correct. The contractor who submitted the low bid they have not worked with directly but he is a spinoff from another firm they have worked with a lot and are

currently working with on other projects. They would recommend this contractor. This has been sent to Home Depot as well and they also agree with awarding the contract.

Mayor Sanford asked if they agree tonight would 100 calendar days be at the end of June.

Mr. Roznovsky said 100 calendar days would be once funds are deposited. They have already sent the letter to Home Depot. After the award tonight they will send the official request for the deposit letter and the account is already set up. He would expect they will be able to proceed in the middle of April.

Councilmember Sara Countryman asked what Mr. Roznovsky meant by a spinoff.

Mr. Roznovsky said it was a family business and the brothers went their separate ways.

Councilmember Sara Countryman asked if a background check and references were done.

Mr. Roznovsky said yes.

Councilmember Carol Langley asked where they are from.

Mr. Roznovsky said on the north side of town possibly Magnolia.

Councilmember Casey Olson moved to award the Buffalo Springs Drive Roadway Improvements Project to Scythe Construction, LLC to include the base bid and Alternate No. 1 in the amount of \$663,116.25 and 100 calendar days to achieve final completion. Councilmember Sara Countryman seconded the motion. **Motion Passed (5-0).**

6. Consideration and possible action on approval of construction plans for Redbird Meadows Phase 1A.

Mr. Roznovsky said they have the construction plans for Phase 1A for Redbird Meadows development. He said as a reminder there are three phases. Phase 1 is broken up into three pieces, 1A, 1B, and 1C and this is the Phase 1A portion of the project. He said they reviewed the plans and address all of the comments. Prior to this they also submitted their drainage impact analysis.

Mr. Roznovsky said one question that came up from the Historical Commission was the cemetery on Womack. He said that was identified during their environmental impact and is being set aside as Phase 1B as a separate reserve.

Mr. Roznovsky said some of the highlights of the construction plan project are they have the shared use path and the additional right-of-way shown on Old Plantersville which is part of the development agreement. The lot lines are shown on the plat but these plans are based on the average 15 feet between the homes which is 20 percent that was decided upon in the agreement. He said the landscaping package will be in a separate bid set or around the detention ponds and other green spaces.

Mayor Sanford asked if each phase, Phase 1, 2, and 3 have a detention pond.

Mr. Roznovsky said there are multiple ponds on site. There are five total across the entire project.

Mayor Sanford said there are three phases and five detention ponds. This phase has one.

Mr. Roznovsky said two.

Councilmember Sara Countryman asked when they approve this tonight when will they get started.

A representative from Redbird Meadows said May.

Councilmember Casey Olson asked if this is just Phase 1.

Mr. Roznovsky said just Phase 1A. He said there is still Phase 1B and 1C plus Phase 2 and Phase 3.

Mayor Sanford said originally they had some concerns of the right-of-way on Phase 3. He asked if they had any particular concerns about the right-of-way in the Phase 1 area.

Mr. Roznovsky said no this is not that portion of the project.

Councilmember Casey Olson moved to accept item #6 as presented. Councilmember Stan Donaldson seconded the motion. **Motion Passed (5-0).**

7. Consideration and possible action regarding entering into a Right of Entry Agreement with Montgomery County MUD No. 160 to allow for access for potential emergency repairs to a City sanitary sewer line.

Mr. Roznovsky said in the report on page 133 is a copy of a memo and an aerial showing the erosion issues with Town Creek. It heads up FM 1097 between Plez Morgan and Buffalo Springs. He said there is a sewer line and a water line there existing that have both been previously cased by the City. He said with the recent erosion that has become very exposed and the sanitary manhole is now a couple feet from the bank. This is in preparation for the potential failure. They reached out to the MUD district and this property is owned by MUD 160 which covers Town Creek Crossing. They have prepared the agreement and the City Attorney has also reviewed it along with staff. They have no issues with it. This just gives the City the right to go across their property so they do not have to be trying to fit within 15 foot easements to do these repairs. They are working on and with a few contractors on some long-term solutions.

Councilmember Sara Countryman asked if they identified it or was it the City.

Mr. Roznovsky said Mr. Mike Muckleroy did.

Councilmember Casey Olson asked if there is an outline of where our easement will go.

Mr. Roznovsky said they have a 15 foot that overlaps where the utilities are. This is a blanket of the entire reserve which is everything in and around the area and the creek.

Councilmember Casey Olson asked once they take that on as a utility easement, will all that erosion be their problem.

Mr. Roznovsky said this is only a temporary right of access for emergency repairs. It is not for the permanent relocation of facilities. The concept right now as we move everything closer to FM 1097 there might be an easement there it might be official but it would be by separate instrument not this one. This is more for if it fails for quick bypass pumping or hauling so they are not limited to a small area.

Councilmember Stan Donaldson asked if this is not similar to the situation where back in May they had an emergency boring job underneath one of the creeks because of an exposed line. This does not warrant that.

Mr. Roznovsky said the issue here is that this is a gravity line and that was a pressurized pipe so they could bore underneath and pressure was going to push back up. This is by gravity so they cannot just drop it below the creek without a new pump station, which they do not want to do. They would rather bring it closer to TxDOT. They have been in contact with TxDOT on trying to stabilize the area to cover the utilities so the erosion is occurring downstream.

Mayor Sanford said it is strictly for right-of-way access in case they need to get in and fix something. He said it really does not have much to do with erosion other than the fact that it has increased in awareness of it and we need to get ahead of it. Staff is already working on a long-term solution.

Mr. Roznovsky said correct.

Councilmember Sara Countryman moved to accept item #7 as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

### **DEPARTMENTAL REPORTS:**

#### 8. Public Works Report

Mr. Mike Muckleroy, Public Works Director provided his monthly report, and stated in regard to the discussion that Chris was saying, he said that they do have a plan in place should that go down and provided an explanation of the plan.

He informed the Council they have his report in front of them and he would be happy to answer any questions they may have.

Councilmember Sara Countryman stated that he, herself, and Julie Davis were on a text about a leak that was reported in February, then three weeks later it was addressed, what took so long.

Mr. Muckleroy said it was not our leak, it was private.

Councilmember Sara Countryman asked if it is up to us to report this to the owner.

Mr. Muckleroy responded yes.

Councilmember Sara Countryman continued and said so it took them that long then.

Mr. Muckleroy responded yes, they were having issues with the plumbing, the park owner had a plumber come out multiple times and could not identify the leak for whatever reason, but they could not find it. Julie Davis did text him a couple of times about it and he immediately notified the park owner. The last day Ms. Davis texted him is the day the leak blew loose, going from a small leak to an all-out break.

Mayor Bryon Sanford said he received that text.

Mr. Muckleroy said at the end of the day when he received the third message on this, he sent his foreman over there to find where in the line the leak was so he could report it back. He went there and within a couple of minutes said it was at a force post, looks like they set a post in the line so he marked it and then Mr. Muckleroy then called the park owner again suggesting she get a different plumber and he received an email at 11:23 p.m. that night which stated that it was all fixed.

Councilmember Sara Countryman stated that she knows they have talked about this in the past, about what to do after business hours to get in contact with you. This is another great example of how does one get in touch with you as you get a stipend from the City for the phone, should they call you on that.

Mr. Muckleroy responded that the main number to call for any water issues is to call the main City Hall number and the after hours service takes over and they contact Hays Utilities or him.

Mayor Byron Sanford said that was good to know.

Councilmember Sara Countryman stated at the last Council meeting she had asked about the fence which is not a fence as Mr. McCorquodale sent out the email it is a handrail. Yet we talked about ADA compliance in the park with handrails, and that particular handrail, she looked it up is NOT ADA compliant, it is in the middle of our town, ADA compliance says you cannot have a 2x4 and height is not ADA compliant, the materials are not rounded on the end, so she did not know if they should put in an ADA compliant handrail there since the City or somebody deemed it necessary to have it.

Mr. Muckleroy stated that Ms. Patti Campuzano received the concern about it, she did not tell us to do it, we had an onsite meeting with Ms. Campuzano, Mr. Palmer, and himself as the story he heard was that a lady had tripped and fell off on the sidewalk, and we saw the need to do this fix to prevent people from stepping off the sidewalk in the dark and injuring themselves. Should it be ADA compliant, yes, but we will check that out and see what the requirements are on that.

Councilmember Sara Countryman said the height should be 42.7 and as pictures she took today, ADA says 36-38, and the material is usually metal pipe, but when you see a wooden handrail like that they have a pipe around it. I can show you where I found it. I just wanted to clarify as if it is a true handrail then we need to make sure it is ADA compliant.

Mr. Muckleroy, Mayor Sanford, Councilmember Sara Countryman, and Councilmember Cheryl Fox all spoke at the same time. Mic did not decipher one voice.

Councilmember Cheryl Fox said why ADA.

Councilmember Sara Countryman stated because it is a handrail.

Councilmember Cheryl Fox stated no it is a barrier.

Councilmember Casey Olson said it is a handrail so it should be ADA compliant.

Mayor Sanford said he feels it is a barrier.

Mr. Muckleroy stated it is a barrier.

Councilmember Sara Countryman stated that Kevin Barnes building, she told Mr. Muckleroy that he did a great job and painting around the community center and knows he painted the bumper, the white really stands out, can we do that in front of Kevin Barnes building as it is public parking. She knows that there was a lady who broke her ankle there and about five people who have face planted.

Mr. Palmer stated that he had asked Mr. Muckleroy to make a template and was going to bring it to a workshop to discuss other areas to do this in other public parking areas.

Mayor Sanford said he did not feel a workshop would be necessary, Council all likes the look and coloring in his opinion. Council agreed.

#### 9. Utility Operations Report

Phillip with Hays Utility gave the report. He stated they had a plant pumpage of 9,734,750 gallons this last month, the flow average was 231,000 gallons to the plant and you are in compliance with your discharge from the State. Our plan worked and we are planning on maintaining it in compliance with the State.

Councilmember Casey Olson said he sees their accountability is five percent lower than what they are used to.

Phillip said one of the things is that they do a lot of flushing and that number that he put in there for 500,000 gallons is an estimate. When he is looking at those numbers he is kind of pulling a number out of mid air a little bit. He said he can get a little closer maybe if we try doing some meters and things like that. It would be a little extra expensive but he figures we are over 90 percent and we are doing pretty good.

Mr. Muckleroy said when they send a water accountability sheet to Phillip once a month they go to Beacon and they compare the water sold to the water pump. They account for our flushing numbers and then they send that number to Phillip which he adds to on his flushing. He said what he has noticed is the last handful of months our (the City's) accountability number has been lower than what it used to be before we sent it to the operator. His administrative assistant brought this to him and said their numbers are dropping and exactly what he told her he just said this is a sign of more flushing. It could be more loss but it is a sign of more flushing that they (Hays Utility) is doing which is a good thing. He said he can say their number of water quality complaint calls have gone way down. They are not getting them like they were.

Councilmember Casey Olson asked with continued flushing the smell that appeared in the water will it go away because it does not smell good right now.

Phillip asked if they were experiencing issues right now.

Councilmember Casey Olson said yes probably the last three or four days. It is not chlorine but he wished it was chlorine.

Phillip asked if this is his personal residence.

Councilmember Casey Olson said yes.

Phillip said he is going to get with Mr. Muckleroy and figure out exactly where that is at.

Councilmember Sara Countryman said it is not discolored like it has been. It just smells.

Phillip said that is interesting.

Phillip asked how you would describe the smell.

Councilmember Casey Olson said sulfur and rotten eggs.

Phillip said that could be a combination of various things. It could be where you are at with your chemical right now when you are talking about your residual of chlorine in the water or it could just be water age which is a flushing thing. He said he would look into both of those and see they can figure out on that but with the large diameter mains that you have right now that go throughout the whole system and essentially you have been planning for the future. You have had big mains installed and those big mains increase your water age because you do not use as much as what you normally use on those. If you are planning for the future you have big growth coming all around including that loop that was talked about. That is a big part of water quality with that loop in there. He said it is something they are always needing to monitor and that extra flushing is something that is critically important for this particular water system at this moment. When this City grows and you get bigger it will be a lot less necessary.

10. City Engineer's Report

Mr. Roznovsky said regarding Water Plant No. 2 improvements that design will be complete within the next few weeks. He received the final plans earlier this week for his final review.

Mr. Roznovsky said with the Lone Star Groundwater District they are still working with them going back and forth a couple times a week on getting new permits in place.

He said the 2023 Sanitary Sewer Rehabilitation Phase I project on the pipe bursting work they discussed a few weeks ago will start likely next week as they are getting final details from the contractor.

Mr. Roznovsky said the Phase II Rehabilitation project bids tomorrow and they will have the bid results at the April 9<sup>th</sup> meeting.

For the Lift Station No. 10 Improvements project they had the reconstruction meeting last week and a second one on site this morning and issued the notice to proceed so that one will get started next week dependent on material delivery.

Mr. Roznovsky said for the TPDES Permit Amendment they expect to have that final in April with the final permit in by July.

Mr. Roznovsky said the waste expansion request for qualifications have been received, reviewed, and scored. They are doing a final recommendation with staff which they will also bring to you at the next April meeting for your review.

Mr. Roznovsky said there are a lot of feasibility studies in the works. One that is not yet is HEB and they are waiting on their deposit.

Mr. Roznovsky said the plan reviews are all listed. They did have a call with MISD to discuss drainage which he mentioned earlier. He said related to that is Montgomery Bend Atkins Creek Improvements for erosion. They have bid that project and they are wanting to proceed with construction within the next few weeks. They are working through some final design considerations and get a couple additional sets of eyes to make sure that it is going to be a long-term solution.

Mr. Roznovsky said they did return comments to the MISD Fuel Center and Hills of Town Creek Sec. 5 earlier this week so those are back in the developers court.

He continued plats are listed and the next P&Z meeting which is next week they expect to have the primary plat for the Lone Star Parkway Project which is the Taylor Morrison development as well as the final plat for Montgomery Bend Section 2. This is the one where they pay impact fees at plotting so they would expect another large impact fee check within the next few weeks once that is processed and recorded.

Mr. Roznovsky said they presented a final draft report to the last CIAC meeting and will probably have to go through the timeline with them next week and then it will be on Council's next agenda or the following to start holding those public hearings that are required to make sure you are in compliance. Generally it works out to being about a \$300 increase, which is about eight percent over a five year time period.

Mr. Roznovsky said on page 147 in the packet you will see the updated development map. This is everything that is going on in the City currently and what stage it is in.

Councilmember Sara Countryman said HEB Texas brand, home San Antonio, they are building on the home place of Charles B. Stewart. She wants to get ahead of them in making sure that this HEB honors that we are the birthplace of the Texas flag and honors that is his home place. If they could have something different than any other HEB, she knows it is an ask but she that is what she wants to ask. She does not know if it is like a hundred huge flags leaning over it, she does not know but something, a Charles B. Stewart statue out front. She would like to ask them before they get through deciding.

Mr. Roznovsky said there is the feasibility study and there is already the utility extensions required which typically turns into a development agreement so that vehicle for having those discussions and the consideration of modification like was done with the HEB project when they put in those public utilities and negotiated the sign that is there from the bank. He said there is going to be an agreement that that could be discussed.

Councilmember Cheryl Fox said she thinks HEB is very cognizant of the fact of history and in the places that they are.

Councilmember Sara Countryman said she just wants to make sure that it is in front because she thinks it is important.

Mayor Sanford said since they have already gotten those inquiries it is good to know that publicly staff is aware of such things in the negotiations.

Councilmember Carol Langley asked Mr. McCorquodale to make sure Mr. Roznovsky gets the email from Mr. Larry Forester that they received over the weekend.

Mr. McCorquodale said yes.

11. Finance Report, including Utility/Permit and Sales Tax

Ms. Maryann Carl stated that tonight the utility and billing report is under finance section, and as far as the financial report there are no further concerns , they will see a different component which is the pooled cash report which replaces the cash analysis report; She went on to explain that this new format shows cash and bank account balances. There are two reports, which is the regular general fund and the pooled cash for the investment accounts. She then referred them to page 154 of the packet which is a report showing all the Tex Pool Accounts.

Councilmember Sara Countryman asked about page 152, which is claim on cash – the hotel occupancy fund. The beginning balance \$4395.00 with activity of \$22,965 with a balance of \$27000.00.

Ms. Maryann Carl explained that pooled cash just went into place in February, it is probably going to take until next month or the following to have a pattern in there.

12. February 2024 Court Report

The month of February citations were at 139, collections was \$32,997.00. They also ran their amnesty program which is still running through April 23<sup>rd</sup> and would like to thank the Police Department, Police Chief and Sergeant Voytko as they allowed their VIP's as they come in help us make more from the phone calls.

Councilmemembr Sara Countryman asked if they had more payments onsite or right then on the call, due to their help?

Ms. Kimberly Duckett responded, yes and in fact the offer was if they paid right then, they got their warrant fees waived.

13. Police and Code Enforcement Report

The Police Chief stated they had his report and if the council had any questions he would answer them, however, in front of them they had a packet of papers. He explained that the Texas



Department of Emergency Management are requiring a three-hour course, for elected officials. The Chief recommended that they attend as it is wise as an elected body to know the phases when an emergency does occur.

Councilmembers inquired what day the course is held, time, cost and location and do they sign up through him?

The Chief responded that no they register themselves and the paperwork is there for them.

Councilmember Sara Countryman asked Chief about a lady that was on the news recently that was sex trafficked and held against her will who was found in Fredericksburg, was she a resident of our town?

The Chief responded that it was actually just outside of Montgomery. She was kidnapped by someone known to her.

Councilmember Casey Olson said on a more positive note, they had the Mudbug festival this weekend and he visited with several officers, and it appeared to go well.

The Chief responded that he had a short briefing on Monday, and there were some things they would like to see changed, but that is going to be on the promoter.

Councilmember Sara Countryman asked Mr. Palmer if we still have someone pursuing the missed revenues from Airbnb's.

Ms. Maryann Carl responded that they are having another meeting with Asvar. Her problem with that she has with the program they want the city to sign up for to identify those locations, is the projected revenues....they want us to pay 40%.

Councilmember Sara Countryman asked if there was anyone else other than SRI / Asvar as we voted them in, we have more and more Airbnb's and nothing is done or in return.

Ms. Carl responded she is definitely looking into that.

Councilmember Casey Olson said he had a couple of questions. It looks as if our fiscal year is 50% over at the end of this month and only 28.5% through our budget.

Ms. Carl responded yes that is correct, we are doing really well.

Councilmember Casey Olson said then he is asking what are the big spends that he is not seeing but are coming.

Ms. Carl says she spent some time looking at some of the things that she can project that are coming.

Mayor Byron Sanford asked to what degree is our favor that we are seeing a matter of impact fees, timeliness impact fees that are not coming in that are not pulling from our capital, our big enchiladas, is that have anything to do with how we are doing so well?

Ms. Carl responded council must remember the capital projects are not seen in the operational budget.

Councilmember Carol Langley moved to accept the department reports as presented.  
Councilmember Casey Olson seconded the motion. **Motion Passed (5-0).**

**EXECUTIVE SESSION:**

Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code of the State of Texas.

NO executive session items at time of publication.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

**COUNCIL INQUIRY:**

Councilmember Stan Donaldson said he wants to thank Simmons Bank for finally coming in compliance about our Texas flag.

Councilmember Sara Countryman said at one point they talked about changing their terms and asked where they are on that.

Mr. Palmer stated he knows that with a general rule city it is a maximum of four years and it may need to go through some sort of process.

Councilmember Sara Countryman asked if it has to be on the ballot.

Mr. Villarreal said he does not believe it has to be on the ballot but he will follow up on that.

Councilmember Sara Countryman said she thinks they talked about going for a three-year term. She said she did not know what the next steps were.

Councilmember Casey Olson said with the Home Depot cost down about \$200,000 from estimate that should put them to about 18 months on that no interest loan. On every \$40,000 you save it knocks a month off of that.

Mr. Roznovsky said it is \$150,000 in contingencies.

Councilmember Casey Olson said they could ultimately fairly easily be at 12 months and that is fantastic.

Councilmember Sara Countryman asked if there are any bites on Prairie Street.

Mr. Palmer said he would like to get it off this Friday. There are people that are interested and they have to go through the bid process.

Councilmember Sara Countryman asked how it will be listed.

Mr. Palmer said in our newspapers.

**ADJOURNMENT**

Councilmember Sara Countryman moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. Motion Passed (5-0).

**The meeting was adjourned at 7:27 P.M.**

Submitted by: \_\_\_\_\_  
Diana Titus, Deputy City Secretary

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

Reviewed by: \_\_\_\_\_  
Nici Browe, City Secretary. TRMC

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Mayor, Byron Sanford

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 9, 2024	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on: AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, ORDERING A PUBLIC HEARING CONCERNING AMENDING ARTICLE III, "IMPACT FEES" OF CHAPTER 90 "UTILITIES" OF THE CITY CODE OF ORDINANCES BY ADOPTING NEW IMPACT FEES FOR WATER AND WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE CITY'S PROPOSED WATER AND WASTEWATER IMPACT FEE SERVICE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING OPEN MEETING AND EFFECTIVE DATE PROVISIONS; AND PROVIDING FOR RELATED MATTERS.

**Recommendation**

Staff recommends a motion to adopt the Ordinance as presented.

**Discussion**

**Issue:**

One of the required steps in updating the city's impact fees is a Public Hearing. In this case, state law requires the Public Hearing to be called by adoption of an order (ordinance).

**Regulations:**

Chapter 395 of the Texas Local Government Code:

**Sec. 395.053.** HEARING ON UPDATED LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. The governing body of the political subdivision shall, within 60 days after the date it receives the update of the land use assumptions and the capital improvements plan, adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan.

**Sec. 395.054.** HEARING ON AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE. A public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution amending land use assumptions, the capital improvements plan, or the impact fee. On or before the date of the first publication of the notice of the hearing on the amendments, the land use assumptions and the capital improvements plan, including the amount of any proposed amended impact fee per service unit, shall be made available to the public.

**Analysis & Conclusion:**

Staff recommends adoption of the Ordinance calling for a Public Hearing to be held on June 11, 2024 at 6:00pm at Montgomery City Hall to discuss and review proposed updates to the Capital Improvement Plan and Land Use Assumptions.

**Approved By**

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 04/04/2024
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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, ORDERING A PUBLIC HEARING CONCERNING AMENDING ARTICLE III, "IMPACT FEES" OF CHAPTER 90 "UTILITIES" OF THE CITY CODE OF ORDINANCES BY ADOPTING NEW IMPACT FEES FOR WATER AND WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE CITY'S PROPOSED WATER AND WASTEWATER IMPACT FEE SERVICE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING OPEN MEETING AND EFFECTIVE DATE PROVISIONS; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, pursuant to Chapter 395 of the Texas Local Government Code, the City Council (the "Council") of the City of Montgomery, Texas (the "City") adopted Ordinance No. 2016-21, which approved the Capital Improvement Plan, Exhibit "C" to the Ordinance, and the Land Use Assumptions, Exhibit "C" to the Ordinance, presently in Article III, Impact Fees, Chapter 90, Utilities, City's Code of Ordinances and established water and wastewater impact fees for connection to the City's water and wastewater system; and

**WHEREAS**, pursuant to Section 395.054 of the Texas Local Government Code, the City Council held a public hearing on November 14, 2017 to review and discuss the Capital Improvement Advisory Committee's comments and suggestions concerning the City's Land Use Assumptions and Capital Improvement Plan; and

**WHEREAS**, the City Council approved an amendment to the City's Capital Improvement Plan based on the Capital Improvement Advisory Committee's recommendation, described in the Capital Improvement Advisory Committee's report, dated October 25, 2017, set out in Exhibit "A," to Ordinance No. 2018-06; and

**WHEREAS**, the City has undertaken to update the Capital Improvement Plan and the Land Use Assumptions to determine whether any amendments are advisable and determine whether the impact fees should be amended pursuant to Sec. 395.052 of the Texas Local Government Code; and

**WHEREAS**, pursuant to Secs. 395.053 and 395.054 of the Texas Local Government Code, the City must adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan, assumptions and/or impact fees.

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

**Section 1. Findings.** The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the City Council, and made a part hereof for all purposes as findings of fact.

**Section 2. Order.** The City Council of the City of Montgomery hereby orders a public hearing to discuss and review the updates to the Capital Improvement Plan and the Land Use Assumptions and determine whether to amend the plan and if so, what amendments to the Capital Improvement Plan, Land Use Assumptions and/or Impact Fees to be set for June 11, 2024 and to cause such notices of such public hearing to be given as required by Secs. 395.053, 395.054 and 395.055, of the Texas Local Government Code.

**Section 3. Capital Improvement Advisory Committee.** The City Council of the City of Montgomery requests that the Capital Improvement Advisory Committee review and file its written comments on the proposed amendments to the Land Use Assumptions, Capital Improvements Plan, and Impact Fees before the fifth business day before the date of the public hearing on the amendments.

**Section 4. Effective Date.** This ordinance shall take effect immediately upon its passage and adoption.

**Section 5. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was passed 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, Texas Government Code.

**PASSED AND APPROVED** on this the \_\_\_\_ April, 2024.

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

\_\_\_\_\_  
Nici Browe, City Secretary

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 9, 2024	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on calling a Public Hearing related to a Special Use Permit application for an event venue at 504 Caroline Street.

**Recommendation**

Staff recommends a motion to call the Public Hearing for May 14, 2024 at 6:00 pm to be held at Montgomery City Hall.

**Discussion**

**Issue:**

The owner of the recently renovated 504 Caroline Street property proposes to use the property as a event venue available to rent to the public.

**Regulations:**

The property is zoned B – Commercial. Land use is regulated by Chapter 98 – Zoning of the City Code of Ordinances. Uses allowed by right in each zoning district are found in **Section 98-88(a)** Table of Permitted Uses and Special Uses. Event venue is not a land use permitted by right in commercial zoning districts. City Code provides a process for proposed uses not found in the table:

**Section 98-88(b)** Any use not specifically permitted in this table or in the use regulations of each district set out below, shall require a special use permit (see Section 98-27, Special Use Permits).

**Section 98-27(a).** The City Council, by an affirmative four-fifths vote, may by ordinance grant a special permit for special uses in any district, for those uses listed under "CC" in the Table of Permitted Uses in Section 98-88, or which are otherwise not expressly permitted by this chapter, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect property and property values in the neighborhood. A Special Use Permit may be revoked or canceled by the City Council upon violation of any permit granted. Before authorization of any of such special uses, the request therefor shall be referred to the Planning and Zoning Commission for study and report concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood. A Public Hearing shall be held in relation thereto before the City Council, and notice and publication of the time and place for which shall conform to the procedure prescribed in subsection (b) of this section.

**Section 98-27(b).** A public hearing shall be held by the city council before adopting any proposed special use permit. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the city stating the time and place of hearing, which time shall not be earlier than 15 days from the date of publication.

Montgomery City Council  
**AGENDA REPORT**

**Analysis & Conclusion:**

The first step for City Council is to call a Public Hearing on the request. Deliberation of the request is not appropriate at this time, but clarification questions or minor details can be requested. The only formal action to take at this time is to call the Public Hearing. P&Z will study and make a report at their next meeting. To comply with posting timeline requirements, staff recommends calling the Public Hearing for the City Council's first regular meeting in May which is May 14, 2024.

**Approved By**

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 04/03/2024



# Special Use Permit

City of Montgomery 101

Old Plantersville Road  
Montgomery, Texas  
77316 (936) 597-6434

Item 3.

**Upon completion return application to [dmccorquodale@ci.montgomery.tx.us](mailto:dmccorquodale@ci.montgomery.tx.us)**

## Contact Information

Property Owner(s): Tom D Cox Jr

Address: 148 McKinley Landing Ln

Zip Code: 77384

Phone: 281-787-6548

Email Address: tcx@gracepointhomes.com

Applicants: Giorgio Romero, Madeline Cox Romero

Address: 7 N Timber Top Dr

Zip Code: 77380 Phone: 281-236-8530

Email Address:

## Parcel Information

Type of Business: Rental Space

Legal Description:

Street Address or Location: 504 Caroline St

## Special Use Permit Request

Description of request: Requesting ability to rent highlighted space attached.

## Submission Information

This application is to be submitted to the City of Montgomery Director of Planning & Development:

**City of Montgomery**  
**101 Old Plantersville Road**  
**Montgomery, Texas 77316**

**Additional Information**

Date Application received by the City of Montgomery:

Owner(s) of record for the above described parcel:

Owner(s) of record for the above described parcel:

Signature:\_Date:

Signature:\_Date:

Signature:\_Date:

*Note: Signatures are required for all owners of record for the property proposed for Special Use Permit. Attach additional signatures on a separate sheet of paper.*

<p style="text-align: center;"><b>Date Received</b> <i>Office Use</i></p>	
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## **\*Public Hearings\***

Parties in interest and citizens shall have an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and the City Council before any amendment to a district regulation, restriction, or boundary shall become effective. Regularly scheduled meetings are as follows and will be held accordingly unless public notice has been given of a change of dates:

Planning and Zoning Commission: **1<sup>st</sup> Tuesday of every month at 6:00 p.m.**

City Council: **2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month at 6:00 p.m.**

## **\*Protests\***

If a protest against a proposed zoning change including PDD and SUP requests has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those owners of property immediately adjacent to the subject property and extending two hundred feet (200) there from, such zoning change shall not become effective except by a three-fourths (3/4) vote of governing body in accordance with the provisions of Section 211.006 of the Texas Local Government Code.

## **\*Resubmission\***

Rezoning requests which have been heard and decided by the Council of the City of Montgomery may not be re-filed with the city for six (6) months after the date of such decision by the Council, absent a change in circumstances.

Rezoning requests for the same property to a different classification than the denied request may be re-filed prior to the expiration of six (6) months.

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 9, 2024	<b>Budgeted Amount:</b> NONE
<b>Department:</b> Administration	<b>Prepared By:</b> Nici Browe

**Subject**

City Alcoholic Beverage Permit for Lupe Tortilla Mexican Restaurant, located at 20269 Eva Street, Montgomery, Texas, 77356.

**Recommendation**

Applicant has complied with ordinance, recommend approval.

**Discussion**

The under-construction Lupe Tortilla Mexican Restaurant has submitted for their TABC Mixed Beverage and Food Permit with the State of Texas. The City of Montgomery also requires any business serving alcohol to apply for approval from the City Council and obtain a city permit. The city permit is only issued when the city is in receipt of the TABC approved license.

The applicant has submitted all documentation as required by City Ordinance. The City Secretary also signed the applicants TABC permit as required by State Law.

**Approved By**

City Secretary	Nici Browe	Date: 04-01-2024



**City of Montgomery**  
**Alcohol Beverage License Application**

**APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE**

Date Received by the City: 04/01/2024 RB

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: **Portion of Reserves A,B,&C being a 2.04 acre outparcel of Amended plat 3 The Shoppes at Montgomery Section 2, Montgomery, Texas**)

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: Tres Habaneros/Montgomery, Ltd. Phone: 713-861-4173 (Jeremy Levine, attorney-in-fact)

Address: 20269 Eva Street, Montgomery, Texas 77356

Home Address: 11111 Katy Freeway, Suite 400, Houston, Texas 77079 Phone: \_\_\_\_\_

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: Montgomery SH 105 Associates, LLC Phone: \_\_\_\_\_

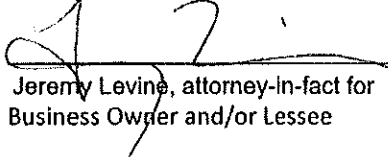
Address: 149 Colonial Road, Manchester, Connecticut 06042

10. Business Partners: RDM, Inc. (general partner) Phone: \_\_\_\_\_

Address: 11111 Katy Freeway, Suite 400, Houston, Texas 77079

Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_

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

 \_\_\_\_\_ or \_\_\_\_\_  
Jeremy Levine, attorney-in-fact for 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.*

**AFFIDAVIT**

STATE OF TEXAS }

COUNTY OF HARRIS}

BEFORE ME, the undersigned authority, on this day appeared Jeremy Levine, personally known to me, and after being duly sworn, deposes, and says as follows:

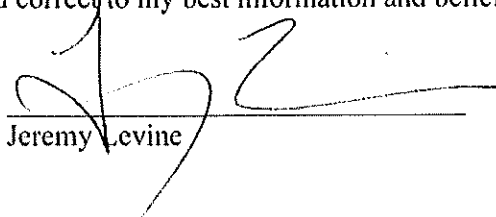
“I, Jeremy Levine, am an attorney duly licensed by the State of Texas with offices in Houston, Harris County, Texas. I represent Tres Habaneros/Montgomery, Ltd., a Texas limited partnership, applicant of Mixed Beverage Permit and Food and Beverage Certificate, for operations under the trade name “Lupe Tortilla Mexican Restaurant” to be located at 20269 Eva Street, Montgomery, Montgomery County, Texas 77356 (the “Applicant”).

The purpose of this affidavit is pursuant to the City of Montgomery Alcohol Beverage License Application.

The Applicant will operate as a full service restaurant, including the sale and service of malt beverages, wine and distilled spirits, primarily for on-premises consumption.

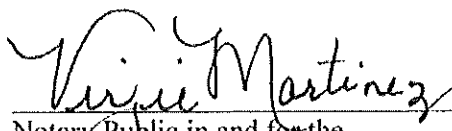
Furthermore, the property and building is not within three hundred (300) feet of a church, school or hospital. Additionally, the building, when construction is complete and prior to opening to the general public, is in compliance with the requirements of this chapter for separate and adequate toilet facilities for men and women.

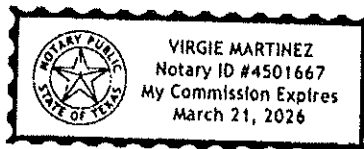
The foregoing information is true and correct to my best information and belief.”

  
Jeremy Levine

SUBSCRIBED AND SWORN to before me, this the 1 day of April 2024.

My Commission Expires:  
March 21, 2026

  
Notary Public in and for the  
State of Texas





Lupe Tortilla Mexican Restaurants

11111 Katy Freeway, Suite 400  
Houston, TX 77079  
Telephone: (832) 772-6301

March 15<sup>th</sup>, 2024

City of Montgomery  
Attn: City Secretary  
101 Old Plantersville Rd.  
Montgomery, Texas 77316

Re: Tres Habaneros/Montgomery, Ltd. dba "Lupe Tortilla Mexican Restaurant"  
20269 Eva Street, Montgomery, Montgomery County, Texas 77356  
Mixed Beverage Permit Applicant, with FB  
My File #

To Whom It May Concern:

This letter is provided with the enclosed City of Montgomery Alcohol Beverage License Application being filed for the above-referenced company at 20269 Eva Street in Montgomery, Texas.

The applicant intends to operate a full-service restaurant, including the sale and service of beer, wine and distilled spirits primarily for on-premises consumption. The operations will be a Tex-Mex style sit down restaurant serving guests and patrons fresh made and cooked food and poured beverages and cocktails. Our family restaurant will be open for brunch, lunch and dinner until 9:00pm (Sunday-Thursday), and 10:00pm (Friday-Saturday).

The applicant is a limited partnership, whose general partner is RDM, Inc.

The property is owned by Montgomery SH 105 Associates, LLC, which is leasing the property to the applicant through its general partner.

Please call me if you have any questions concerning this correspondence.

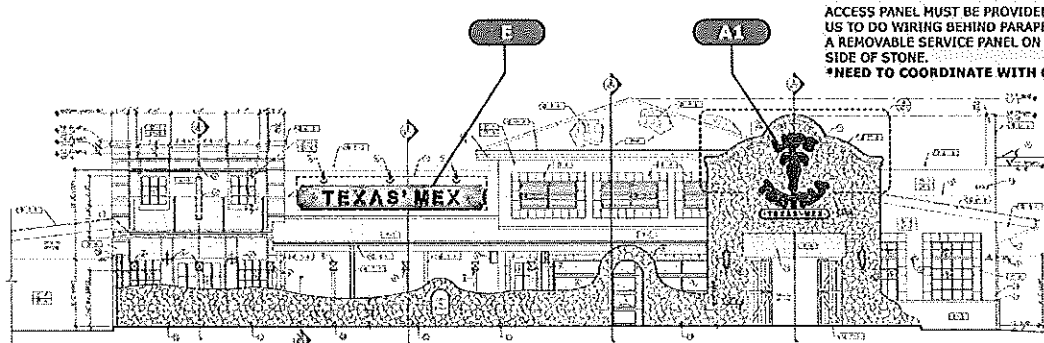
Sincerely,

Peter Holt  
Chief Development Officer/Partner

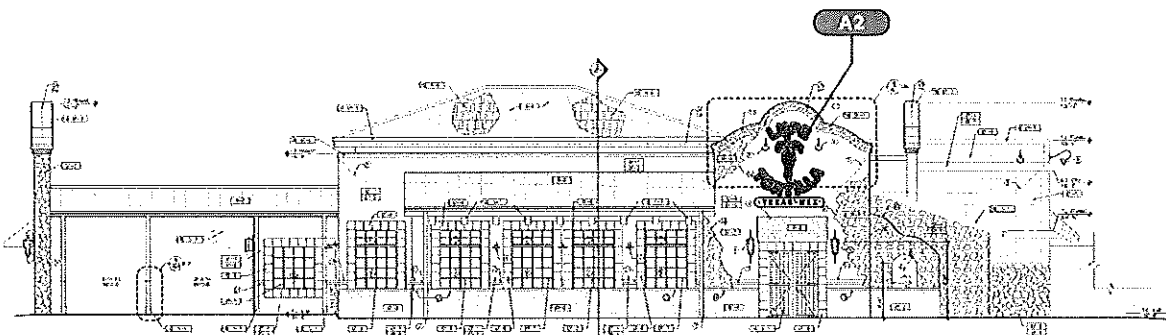
Encl: City Alcohol Beverage License Application







PROPOSED • FRONT ELEVATION • SCALE: 3/32" = 1'-0"



PROPOSED • RIGHT ELEVATION • SCALE: 3/32" = 1'-0"

CUSTOMER APPROVAL

APPROVED BY: \_\_\_\_\_

DATE: 12/28/23

© 2013 Connet Equip

Job Name:



Proposal Drawing  
 Final Drawing

Client: Lupe Tortilla  
 Location:  
 20269 Eva St.  
 Houston, TX 77356  
 Salesperson: Rand Huffaker  
 Pd. Name: Candy White  
 Date: 09/18/2023  
 Designer: Michael Reta  
 File Name: 76650 R3 Lupe  
 Tortilla\_Exterior\_Conce-  
 TX.cdr

Proposal #: 76650-R3  
 Job #: n/a

Revisions  
 R1: 12/28/23 DM: 3/4/23  
 R2: 12/28/23 ML: 3/4/23  
 R3: 12/28/23 ML: 3/4/23  
 R4: 12/28/23 ML: 3/4/23

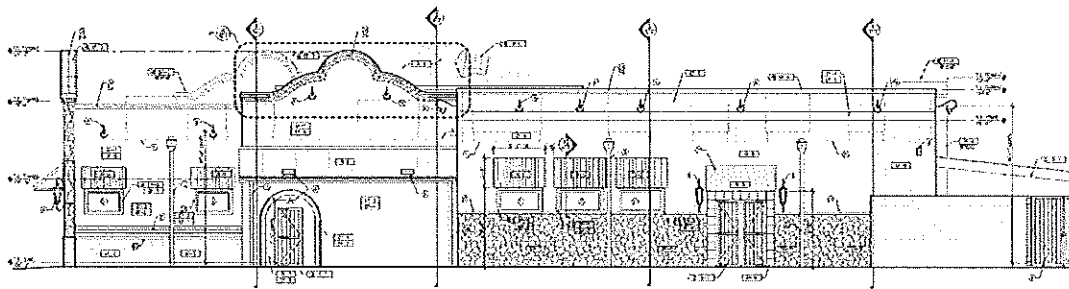


A CONNET COMPANY

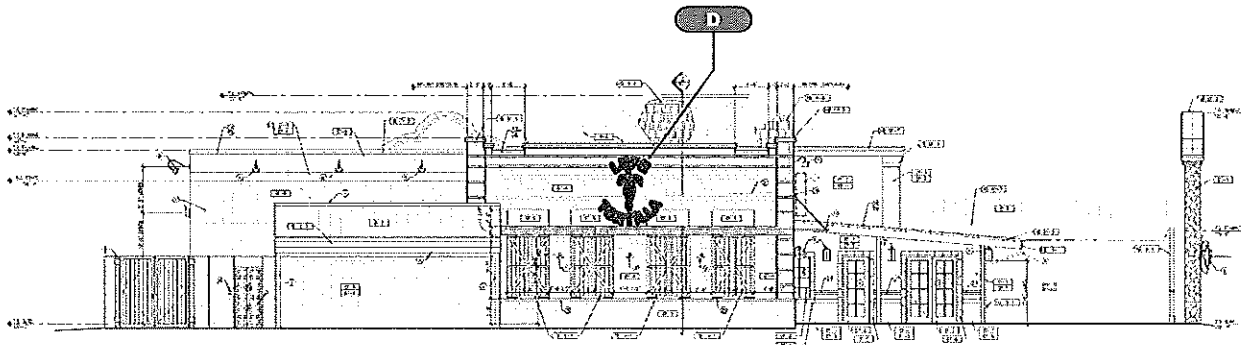
TOLL #: 18010  
 NET #: 8133766  
 7630 Hansen Road  
 Houston, TX 77058  
 (713) 943-1801

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PROPOSED • REAR ELEVATION • SCALE: 3/32" = 1'-0"



PROPOSED • LEFT ELEVATION • SCALE: 3/32" = 1'-0"

Job Name:



Proposal Drawing  
 Final Drawing

Client: Lupe Torva's  
Location:  
20269 Eva St.  
Montgomery, TX 77356  
Salesperson: Nani Huffater  
Est. Name: Candy White  
Date: 09/18/2023  
Designer: Michael Reta  
File Name: 76650 R3 Lupe  
Torva's (exterior), Conroe-  
TX.cdr  
Proposal #: 76650-R3  
Job #: n/a

Revisions  
1: 8/15/23 12:04 PM: Various  
2: 8/22/23 9:48 AM: Sign 'D' will be  
revised option.  
3: 8/22/23 10:44 AM: Del. Sign 'C'; Add  
rows to 'A1', 'A2' & 'A3'



A **Coastal** COMPANY  
TOLL #: 18010  
MET #: E113766  
7410 Hansen Road  
Houston, TX 77061  
(713) 843-1921

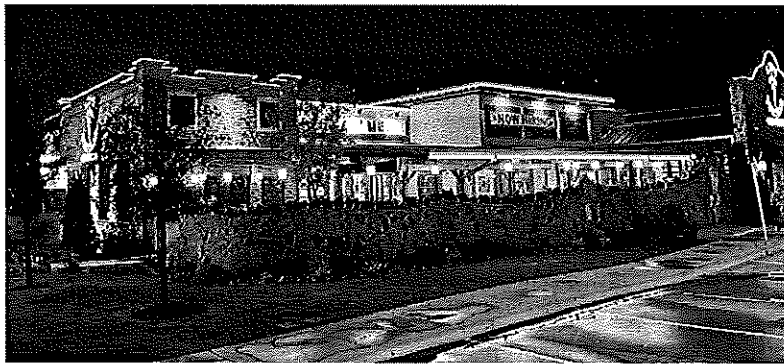
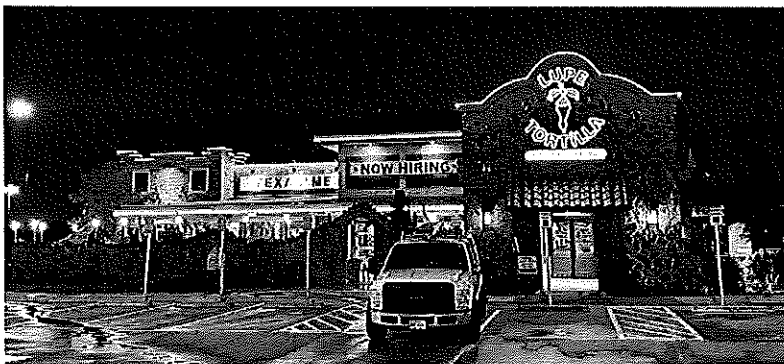
W&A  
This drawing is the property of Coastal Signs and is not to be reproduced or used in any way without the written consent of Coastal Signs. The client is responsible for obtaining all necessary permits and approvals for this project. Coastal Signs is not responsible for any errors or omissions in this drawing. Coastal Signs is not responsible for any damage to property or injury to persons resulting from the use of this drawing. Coastal Signs is not responsible for any other matters not specifically mentioned in this drawing. Coastal Signs is not responsible for any other matters not specifically mentioned in this drawing.

CUSTOMER APPROVAL  
APPROVED BY:

12 26 23

DATE: / /

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### NEON EXAMPLE

CUSTOMER APPROVAL  
APPROVED BY: \_\_\_\_\_

DATE: 12 / 28 / 23

Job Name:



Proposal Drawing  
 Final Drawing

Client: Lupa Tortilla  
Location:  
20269 Eya St.  
Montgomery, TX 77356  
Salesperson: Rami Huffaker  
Est. Person: Candy White  
Date: 09/18/2023  
Designer: Michael Reta  
File Name: 76650\_R3\_Lupa  
Tortilla\_Exterior\_Conroc-  
TX.cdr  
Proposal #: 76650-R3  
Job #: N/A

Revisions  
Note:  
R1: 12/23/23 PM: Various  
R2: 12/23/23 PM: Sign "O" will be  
placed first.  
R3: 12/23/23 PM: Add Sign "C"; Add  
color to "A"; correct path

**STATE SIGN**  
A COMET COMPANY

TDLR #: 18310  
NET # : E113766  
7410 Hansen Road  
Houston, TX 77061  
(713) 943-1831

NSA

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5 of 12

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Job Name:



Proposal Drawing  
 Final Drawing

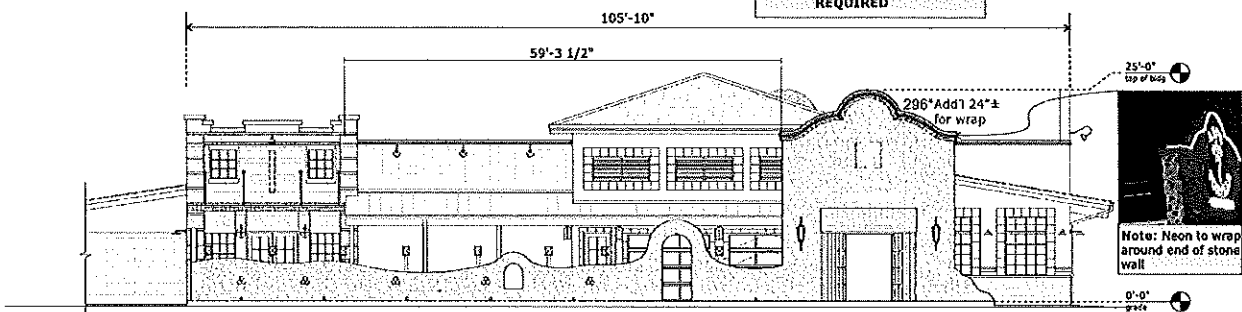
Client: Luca Tortia  
 Location:  
 20269 Eva St.  
 Houston, TX 77356  
 Salesperson: Russ Huffaker  
 Est. Mgr.: Candy White  
 Date: 09/18/2023  
 Designer: Michael Reta  
 File Name: 76650 R3 Lupa  
 Tortia (exterior). Concor-  
 TX.cdr  
 Proposal #: 76650-R3  
 Job #: n/a

Revisions  
 Note:  
 R1: 10/23/23 04:14:10  
 R2: 10/23/23 04:14:10  
 R3: 10/23/23 04:14:10  
 Add notes to R1, correct text



A Coastal Sign Company  
 TDLR #: 18010  
 MET #: E113766  
 7630 Hansen Road  
 Houston, TX 77061  
 (713) 943-1811  
 WEA  
 THE DRAWING IS THE SOLE PROPERTY OF COASTAL SIGN AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS TO BE KEPT IN CONFIDENCE AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

NOTE: PATTERN FOR ARCHES REQUIRED

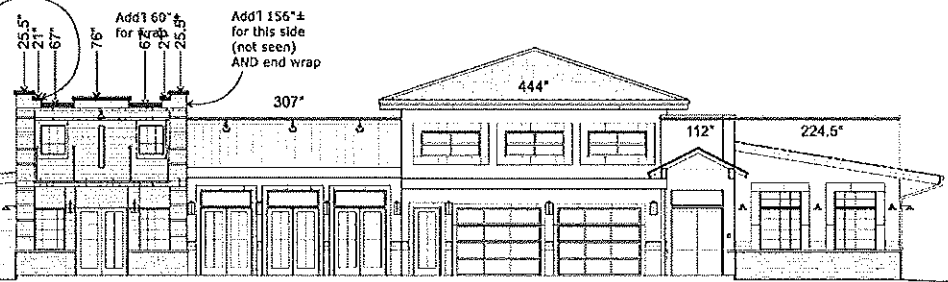


FRONT ELEVATION

Scale: 3/32" = 1'-0"



Note: Neon is to wrap around end faces of bldg. corner brick embellishments



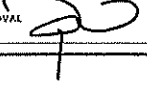
FRONT ELEVATION - BEHIND COURTYARD WALL

Scale: 3/32" = 1'-0"

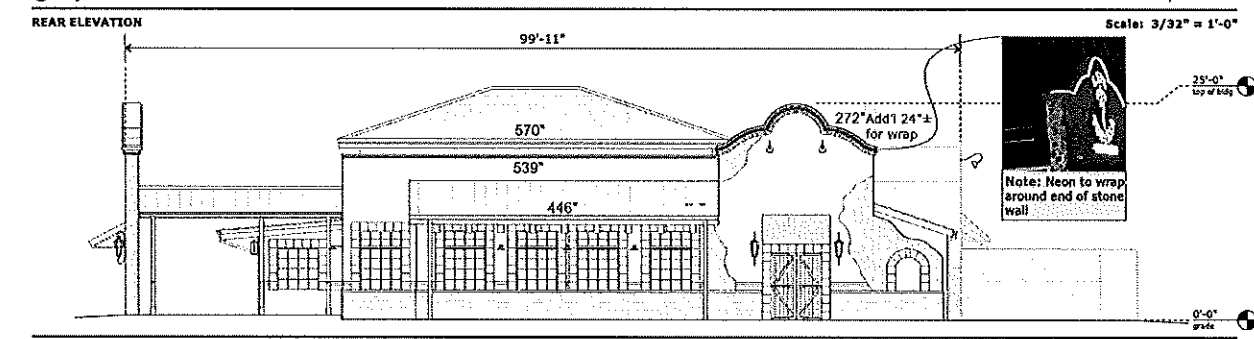
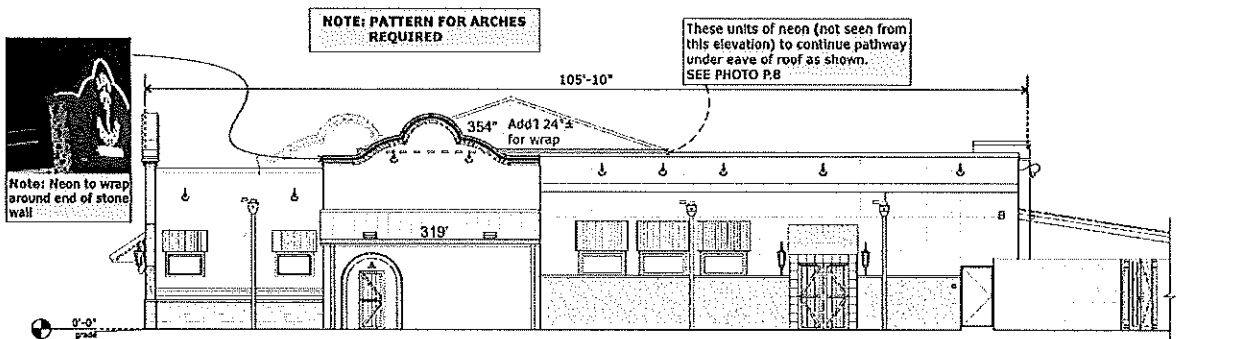
SCOPE OF WORK:  
 FURNISH YELLOW, GREEN, WHITE AND RED SKELETAL NEON AS SHOWN ON PAGES 2, 3 & 4 OF DRAWING SET.

- 15MM CLEAR GOLD 2
- 15MM CLEAR RED
- 15MM 6500K WHITE
- 15MM STD. GREEN

- YELLOW
- GREEN
- WHITE
- RED

CUSTOMER APPROVAL  
 APPROVED BY:  DATE: 12, 29, 23

© 2022 Comet Signs



Job Name:  
  
 Proposal Drawing  
 Final Drawing

Client: Lupe Tortola  
 Location:  
 20269 Eva St.  
 Montgomery, TX 77356  
 Salesperson: Rand Huffaker  
 P.O. Mgr.: Candy White  
 Date: 09/19/2022  
 Designer: Michael Rala  
 File Name: 26650 R3 Lupe  
 Tortola (exterior), Conroe,  
 TX.csr  
 Proposal #: 76650-R3  
 Job #: n/a

Revisions:  
 01: 11/03/22 DM: various  
 02: 11/27/22 MR: Sign '0' will be  
 placed below  
 03: 11/27/22 MR: Add Sign 'C' Add  
 notes to 'A', correct from

**STATE SIGN**  
 A Comet Company  
 YDIR #: 18010  
 NET #: F113766  
 7630 Hansen Road  
 Houston, TX 77061  
 (713) 943-1931  
 THE COMPANY IS THE PROPERTY  
 OF STATE SIGN AND IS NOT TO BE  
 REPRODUCED OR TRANSMITTED IN  
 ANY FORM OR BY ANY MEANS  
 WITHOUT THE WRITTEN PERMISSION  
 OF STATE SIGN COMPANY, INC.

**SCOPE OF WORK:**  
 FURNISH YELLOW, GREEN, WHITE AND RED SKELETAL NEON AS SHOWN ON PAGES 2, 3 & 4 OF DRAWING SET.

- 15MM CLEAR GOLD 2
- 15MM CLEAR RED
- 15MM 6500K WHITE
- 15MM STD. GREEN

- YELLOW
- GREEN
- WHITE
- RED

CUSTOMER APPROVAL:   
 APPROVED BY: \_\_\_\_\_ DATE: 12/28/22







© 2013 Camel Sign

Job Name:



Proposal Drawing  
 Final Drawing

Client: Luca Tortilla  
 Location: 20269 Eva St. Montgomery, TX 77356  
 Salesperson: Rand Huffaker  
 Pri. Mgr.: Candy White  
 Date: 09/18/2023  
 Designer: Michael Rata  
 File Name: 76650 R3 Lupe Tortilla [exterior], Conco-TX.cdr

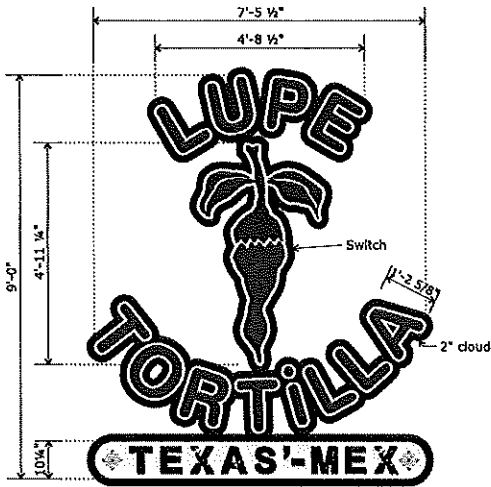
Proposal #: 76650-R3  
 Job #: n/a

Revisions:  
 Note: R1: 10/23/23 PM, replace R2: 11/7/23 PM, Spot 1" will be shaded caps. R3: 12/12/23 PM, Col. Sign "C", Add notes to "A1", update path.

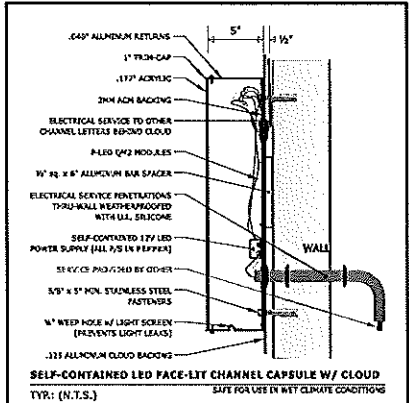
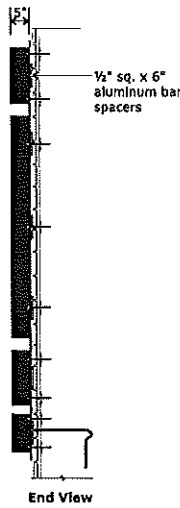


A STATE COMPANY  
 TDRA #: 18010  
 MET #: E113766  
 7430 Hansen Road  
 Houston, TX 77061  
 (713) 943-1831  
 WSA  
 THE SIGNAGE OF THE FUTURE  
 10 of 12

Wireway and conduits to be located inside parapet.



NOTE: USE STOCK COIL - TO BE PAINTED



ELECTRICAL LOAD	
No. Circuits: One (1) 120V/20A	120V
AMPS: 6.6	KVA: .792
MET # E113766	

Scope of Work:  
 Manufacture and install TWO (2) sets of internally illuminated channel letters and logo.  
 (Install as shown on elevation drawings.)  
 NOTE: Power supplies to be located in Chile Pepper.

- .040" x 5" Aluminum returns ptd. to match (P1).
- .118" Thk. #2146 Ivory faces w/ 1st surface vinyl (V1) and (V2); Subcopy capsule face w/ digital print.
- 1" Jewelite trim-caps ptd to match (P1)
- 3mm ACM cloud backer panel ptd. to match (P1).
- White P-LED QM2 illumination w/ 12V power supplies in pepper.
- All paint to be matte finish.

Colors:

#2146 Ivory Acrylic	Orscal 8800-348 Scarlet Red	Orscal 8800-348 Scarlet Red	SW 6468 Hunt Club

**1** CUSTOM FABRICATED CHANNEL LETTERS 25 FT<sup>2</sup>  
 QTY: TWO (2) Scale: 1/4" = 1'-0"

CUSTOMER APPROVAL:   
 APPROVED BY: \_\_\_\_\_ DATE: 12/28/23 FIELD SURVEY REQUIRED PRIOR TO PRODUCTION.

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Job Name:

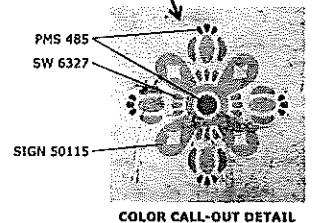
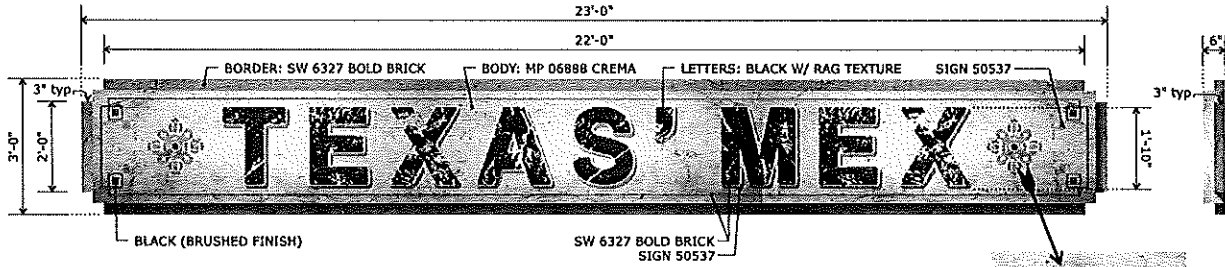


Proposal Drawing  
 Final Drawing

Client: Lupe Tortifa  
 Location:  
 20269 Eva St.  
 Houston, TX 77356  
 Salesperson: Rand Huffaker  
 Pri. Mgr.: Candy White  
 Date: 02/16/2023  
 Designer: Michael Reta  
 File Name: 76650 R3 Lupe  
 Tortifa (exterior). Concep-  
 TX.cdr  
 Proposal #: 76650-R3  
 Job #: n/a

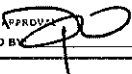
Revisions  
 Note:  
 R1: 02/16/23 AM: verify  
 R2: 02/17/23 AM: R3: 1" will be  
 spaced apart.  
 R3: 02/17/23 AM: Out. Sign "C"; Add  
 notes to "A1", update path

**STATE SIGN**  
 A Camel COMPANY  
 TOLL #: 18010  
 MET #: E113766  
 7430 Hansen Road  
 Houston, TX 77061  
 (713) 943-1831  
 WSA  
 THE SIGNAGE OF THE FUTURE  
 IS HERE NOW!  
 11 of 12



- Scope of Work:**  
 Manufacture and install one (1) s/f non-illuminated stepped pan-panel sign.
- .063" Aluminum face w/ 6" returns; .063" Aluminum steps w/ 3" returns.
  - Fabricated stepped pieces to be mechanically fastened flush to main face returns.
  - Sign to have custom paint to give distressed/aged look or appearance. [NO DIGITAL PRINTS!]

**CUSTOM FABRICATED PAN-TYPE SIGN** 59 FT<sup>2</sup>  
 QTY: ONE (1) Scale: 1/4" = 1'-0"

CUSTOMER APPROVED:   
 APPROVED BY: \_\_\_\_\_ DATE: 12.28.22 FIELD SURVEY REQUIRED PRIOR TO PRODUCTION.

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**Scope of Work:**  
Manufacture and install d/f internally illuminated ground sign.

- Fabricated aluminum sign ptd. [P2]; w/ fabricated cap ptd. [P1].
- #7328 White poly-carbonate face w/ vinyl overlay.
- White LED illumination.
- White vinyl address (street side).
- End Accent: Clad w/ fiber cement panels
- [Nichia Vintagewood Color: Cedar]
- Brick Base: Aluminum frame w/ Durock, 1/2" Thk. [ThinBrik Acme Brick Mushroom Brown].

P1	P2		
5" x 7133 ALUMINUM BRICK #C-000 P-001	313 DARK BRONZE		
V1	V2	V3	V4
OPACAL 800-458 W/BLK	OPACAL 800-348 SCARLET RED	75% PMS 1226 OVC	OPACAL 731-010 WHITE

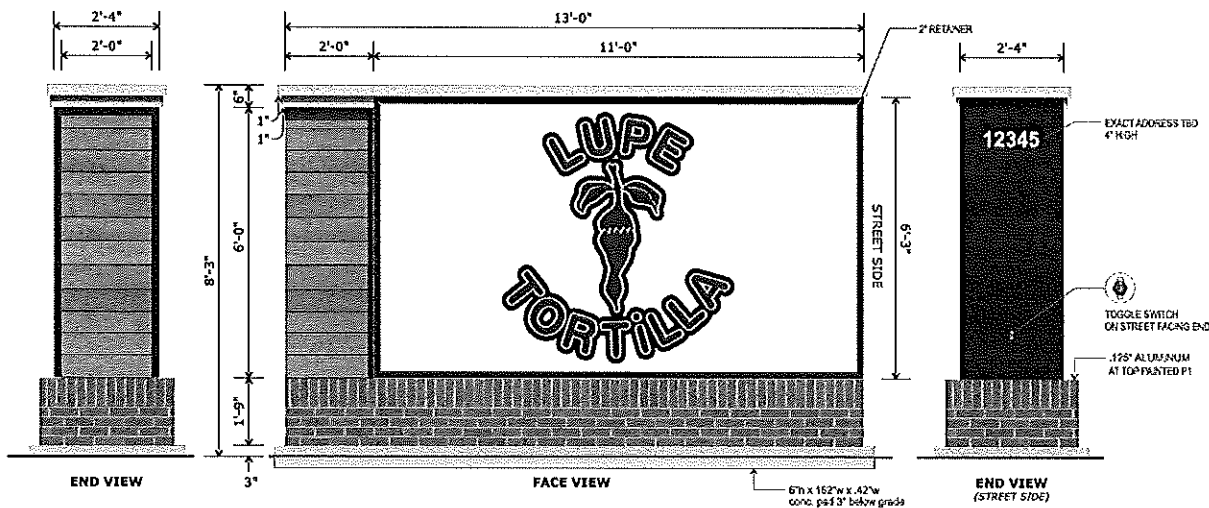
Job Name:



Proposal Drawing  
 Final Drawing

Client: Lupe, Troy & Sr  
Location:  
20269 Eva St.  
Montgomery, TX 77356  
Salesperson: Rand Huffaker  
Pri. Mgr.: Candy White  
Date: 02/18/2023  
Designer: Michael Reta  
File Name: 76650 RJ Lupe  
Torifa (exterior), Conne-  
TX.cdr  
Proposal #: 76650-R3  
Job #: n/a

Revisions  
Note:  
R1: 10/23/23 PM: update  
R2: 12/12/23 ML: Sign 1" will be  
stacked option.  
R3: 12/12/23 ML: Add Sign "C", Add  
notes to "A1", update path



**ILLUMINATED D/F MONUMENT** 69.75 FT<sup>2</sup>  
QTY: ONE (1) SCALE: 1/4" = 1'-0"

CUSTOMER APPROVAL  
APPROVED BY: DATE: 12 28 23

**STATE SIGN**  
A Connet COMPANY  
TDLA #: 18010  
MET #: E113766  
7630 Hansen Road  
Houston, TX 77061  
(713) 943-1831  
WMA  
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**12 of 12**



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 9, 2024	<b>Budgeted Amount:</b> NONE
<b>Department:</b> Administration	<b>Prepared By:</b> Nici Browe

**Subject**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 90, UTILITIES, ARTICLE II, WATER AND SEWER SERVICE, DIVISION 2, SERVICE RATES AND CHARGES, SECTION 90-57, RETURNED CHECK CHARGE; AND AMENDING SECTION 90-61 AND 90-62, DISCONTINUATION OR REFUSAL OF WATER SERVICE FOR FAILURE TO PAY BILLS AND DISCONTINUANCE OF WATER SERVICE UPON REQUEST OF CONSUMER, RESPECTIVELY, OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE UPON PUBLICATION AND APPROVAL BY CITY COUNCIL.**

**Recommendation**

Approve the Ordinance as presented.

**Discussion**

This is a housekeeping item, that brings the City’s Code of Ordinances into compliance with the State. The State has a cap on fees charged to consumers for a returned check item of \$30.00. Our current ordinance (2014) is set at \$50.00. Additionally, the States mandated fee for discontinuation of water service is \$50.00. Our current ordinance (2014) is set at \$75.00.

Language has also been amended in relation to a customer temporarily or permanently abandoning the structure and no longer wishes to be provided with water service.

The public hearing notice was published in the Conroe Courier on March 23, 2024.

**Approved By**

City Secretary	Nici Browe	Date: 04-02-2024

Montgomery City Council  
**AGENDA REPORT**

--	--	--

**ORDINANCE NO. 2024 - \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 90, UTILITIES, ARTICLE II, WATER AND SEWER SERVICE, DIVISION 2, SERVICE RATES AND CHARGES, SECTION 90-57, RETURNED CHECK CHARGE; AND AMENDING SECTION 90-61 AND 90-62, DISCONTINUATION OR REFUSAL OF WATER SERVICE FOR FAILURE TO PAY BILLS AND DISCONTINUANCE OF WATER SERVICE UPON REQUEST OF CONSUMER, RESPECTIVELY, OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE UPON PUBLICATION AND APPROVAL BY CITY COUNCIL.**

**WHEREAS**, Amending Section 90-57, Returned Check Charge, of the Code of Ordinances of the City of Montgomery, Texas ("City Code"), by reducing the returned check charge from \$50.00 to \$30.00; and

**WHEREAS**, Amending and restating in its entirety Section 90-61, Discontinuation or Refusal of Water Service for Failure to Pay Bills, of City Code, by reducing the restoration fee, from \$75.00 to \$50.00; and

**WHEREAS**, Amending and restating in its entirety Section 90-62, Discontinuance of Water Service upon Request of Consumer; and

**WHEREAS**, the City Secretary caused to be posted a notice of public bearing on this matter; and

**WHEREAS**, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard for and against the reduced fees, on 9<sup>th</sup> day of April, 2024.

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

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

**Section 2.** City Code, Chapter 90 "Utilities," Article II, Water and Sewer Service, Division 2, Service Rates and Charges, Section 90-57, Returned Check Charge, is hereby amended by reducing the returned check charge from \$50.00 to \$30.00.

**Section 3.** City Code, Chapter 90 "Utilities," Article II, Water and Sewer Service, Division 2, Service Rates and Charges, Section 90-61, Disconnection or Refusal of Water Service for Failure to Pay, is hereby amended by reducing the restoration fee, from \$75.00 to \$50.00.

**Section 4.** City Code, Chapter 90 "Utilities," Article II, Water and Sewer Service, Division 2, Service Rates and Charges, Section 90-61, Discontinuation or Refusal of Water Service for Failure to Pay Bills, and Section 90-62, Discontinuance of Water Service upon Request of

Consumer shall be amended and restated in their entirety, respectively, as follows:

Section 90-61, shall be amended and restated in its entirety to read:

"The city, through its designated agent, shall have the right to discontinue service and cut off the supply of water to a consumer at any time after such bill becomes delinquent. A charge established by ordinance of the city council, to be paid by check or cash, will be made for restoring water service where such service has been discontinued because of the consumer's failure to pay a bill before it becomes delinquent. The amount of such charge shall be kept on file in the city secretary's office. The city shall have the right to refuse service to any customer with a delinquent bill for standby charges and/or for interest on such charges until all outstanding amounts owed by the consumer are paid in full, whether such amounts are owed with respect to the tract for which such consumer is requesting service or otherwise."

Section 90-62, shall be amended and restated in its entirety to read:

"Whenever a consumer of city water temporarily or permanently abandons the structure being served and no longer wishes to be furnished with water service, he shall notify the city's operator at least two days prior to the time he desires such service discontinued. A charge, established by ordinance of the city council, shall be made for discontinuing and for restoring water service where such service is discontinued or restored at the request of the consumer, and he is not delinquent in the payment of any bill at the time of either request. The amount of such charge shall be kept on file in the city secretary's office."

**Section 4.** All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 5.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 6.** The City Council officially finds, determines, and declares that a sufficient written notice of the date, hour, place, and subject of each meeting at which this Ordinance was discussed, considered, or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

**Section 7.** This Ordinance shall be effective immediately upon publication, passage and adoption by City Council.



**PASSED AND APPROVED** on the \_\_\_\_ day of \_\_\_\_\_, 2024.

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

**ATTEST:**

\_\_\_\_\_  
Nici Browe, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Petrov, City Attorney

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 9, 2024	<b>Budgeted Amount:</b> \$0 – CO funding
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on award of the construction contract for the 2023 Sanitary Sewer Rehabilitation Phase 2 project.

**Recommendation**

Staff recommends a motion to award the 2023 Sanitary Sewer Rehabilitation Phase 2 project to Bull-G Construction, LLC in the amount of \$119,871.00 and 35 calendar days to achieve final completion.

**Discussion**

The city engineer’s memo and supporting documents are attached. As you will recall, this phase of the project includes the portion of sewer line under and near SH105. This scope of work was originally included as part of the larger 2023 Sanitary Sewer Rehabilitation project and was carved out of that project to allow the larger project to begin due to TxDOT permitting for the portion of the project within TxDOT right-of-way. The project area and scope will increase the sewer line size via pipe bursting from the south side of SH105/Eva Street at City Hall to Caroline Street to the north.

<b>Approved By</b>		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 04/03/2024



March 28, 2024

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

Re: 2023 Sanitary Sewer Rehabilitation – Phase 2  
 City of Montgomery  
 TIN No. 74-2063592

Dear Mayor and Council,

We received bids for the referenced project for the City of Montgomery at Ward, Getz & Associates, PLLC, March 27, 2024, at 10:00 am. Bids were publicly opened and read at that time. Five (5) bid proposals were received. For your convenience, a summary of the bid tabulation is enclosed. Bull-G Construction, LLC submitted the lowest base bid proposal in the amount of \$119,871.00 and 35 calendar days to achieve final completion.

We have worked with Bull-G Construction, LLC and find them to be an acceptable contractor. We recommend the referenced project be awarded to Bull-G Construction, LLC based on their base bid amount of \$119,871.00 and 35 calendar days to achieve final completion.

Upon your approval, we will prepare the appropriate contract documents for execution. Should you have any questions or require any additional information, please call me at 713-789-1900.

Sincerely,

Chris Roznovsky, PE  
 City Engineer

Z:\00574 (City of Montgomery)\011 2023 Sanitary Sewer Rehabilitation\Docs\CA - Phase 2\2. Bids & Bid Tab\Bid Summary & Bid Tab\00574-011-00 - ROA Pending Signature.docx

Enclosure: Bid Tabulation Summary

cc (via email): Mr. Gary Palmer – City of Montgomery, City Administrator  
 Ms. Nici Browe – City of Montgomery, City Secretary  
 Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney  
 Sulema Gonzalez-Diaz – Bull-G Construction, LLC., Contractor



Bid Opener Name: \_\_\_\_\_

Signature: \_\_\_\_\_

**BID SUMMARY**

**2023 SANITARY SEWER REHABILITATION - PHASE 2**

**FOR**

**CITY OF MONTGOMERY**

**PROJECT NO.: 00574-011-00**

**DATE: 03/27/2024 @ 10:00 AM**

	Bidder	Total Base Bid	Contract Days	Qualification Statement	Bid Form Signature Page	Bid Security	1295 Form	Addendum No. 1
1	Bull-G Construction, LLC	\$119,871.00	35	Yes	Yes	Yes	Yes	Yes
2	Ram Rod Utilities, LLC	\$200,896.00	N/A	Yes	Yes	Yes	Yes	Yes
3	Texas Pride Utilities, LLC	\$218,820.00	90	No	Yes	Yes	Yes	Yes
4	AR Turnkey Construction Co., Inc.	\$306,299.00	90	No	Yes	Yes	Yes	Yes
5	T Construction LLC	\$308,537.00	65	Yes	Yes	Yes	Yes	Yes
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

Denotes mathematical error/discrepancy in calculation and/or missing requirement(s).

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 9, 2024	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on approval of the Final Plat for Montgomery Bend Section Two (Dev. No. 2203).

**Recommendation**

Staff recommends a motion to approve the Montgomery Bend Section Two Final Plat as submitted.

**Discussion**

**Issue:**  
The Final Plat for Montgomery Bend Section Two has been reviewed by the city engineer, whose memo is attached along with the plat document.

**Regulations:**  
Chapter 78 of the City Code of Ordinances, the Development Agreement between the City of Montgomery, Texas and Pulte Homes of Texas dated September 13, 2022, and D.A. Amendment No. 1 dated February 14, 2023.

**Analysis & Conclusion:**  
The design meets the city’s requirements and reflects the lot size, lot area, and side setback requirements found in the approved Development Agreement and Amendment No. 1. The city is required to approve items that are found to meet applicable regulations. These types of actions are known as ministerial approvals. An informative blog post by a Houston law firm explains the subject well:  
  
<https://www.randlelawoffice.com/local-governmental-entities/ministerial-acts/>

Staff recommends approval of the Final Plat for Montgomery Bend Section Two as submitted. The P&Z Commission will act on the Final Plat at a special meeting Monday 4/8/24.

<b>Approved By</b>		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 04/03/2024



March 27, 2024

The Planning and Zoning Commission  
City of Montgomery  
101 Old Plantersville Rd.  
Montgomery, Texas 77316

Re: Submission of Final Plat  
Montgomery Bend, Section 2 (Dev. No. 2203)  
City of Montgomery

Dear Commission:

We reviewed the Final Plat submission for Montgomery Bend Section 2, owned by Pulte Homes of Texas, LP. (“the Owner”), on behalf of the City of Montgomery. The Owner has requested platting of the tract for the development of 88 single-family residential lots and 5 reserves.

Our review was based on The City of Montgomery’s Code of Ordinances, Chapter 78, Section 60 and any other applicable chapters. We offer no objection to the plat and recommend the Commission approve the plat as submitted.

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

Sincerely,

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

Chris Roznovsky, PE  
City Engineer

CVR/akg

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2024\2024.03.25 MEMO to P&Z RE Montgomery Bend Section 2 Final Plat.docx

Enclosures: Final Plat

Cc (via email): The Honorable Mayor and City Council – City of Montgomery  
Mr. Gary Palmer – City of Montgomery, City Administrator  
Ms. Nici Browe – City of Montgomery, City Secretary  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney  
Mr. Garret Duhon, PE – Elevation Land Solutions

Block 1 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	7308.00	0.1678
2	5875.15	0.1349
3	5928.48	0.1361
4	5979.06	0.1373
5	7961.30	0.1828

Block 4 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	6617.49	0.1519
2	5400.00	0.1240
3	5400.00	0.1240
4	5400.00	0.1240
5	5400.00	0.1240
6	5400.00	0.1240
7	5400.00	0.1240
8	5492.20	0.1261
9	5533.77	0.1270
10	5554.77	0.1275
11	6857.58	0.1574

Line Table		
Line #	Length	Direction
L1	125.00'	N03°04'57"E
L2	13.92'	S86°55'03"E
L3	60.00'	N03°04'57"E
L4	102.67'	N04°18'01"W
L5	60.00'	N75°29'52"E
L6	27.98'	N07°49'33"W
L7	105.59'	N26°03'45"W
L8	4.67'	S03°48'06"E
L9	120.00'	N86°11'54"E
L10	41.20'	N03°48'06"W
L11	120.00'	N86°11'54"E
L12	11.67'	N03°48'06"W
L13	60.00'	N86°11'54"E
L14	60.00'	S03°48'06"E
L15	95.00'	N86°11'54"E
L16	13.27'	N86°11'54"E
L17	60.00'	N86°11'54"E
L18	27.50'	S03°48'06"E
L19	68.27'	N86°11'54"E
L20	20.00'	N86°11'54"E
L21	21.80'	N03°04'57"E
L22	55.00'	N86°11'54"E
L23	58.69'	N03°04'57"E
L24	46.14'	N00°44'12"W

Line Table		
Line #	Length	Direction
L25	46.09'	N02°41'23"W
L26	115.00'	N86°11'54"E
L27	115.00'	N86°11'54"E
L28	14.14'	N41°11'54"E
L29	14.14'	N48°48'06"W
L30	25.00'	N48°05'56"E
L31	25.00'	N86°55'03"W
L32	125.00'	N03°04'57"E
L33	125.00'	N03°04'57"E
L34	25.00'	N86°55'03"W
L35	25.00'	N86°55'03"W
L36	125.00'	N03°04'57"E
L37	125.00'	N03°04'57"E
L38	25.00'	N86°55'03"W
L39	25.00'	N86°55'03"W
L40	125.00'	N03°04'57"E
L41	125.00'	N03°04'57"E
L42	25.00'	N86°55'03"W
L43	20.00'	N03°48'06"W
L44	18.28'	N41°11'54"E
L45	25.00'	N86°11'54"E
L46	25.00'	N00°40'57"E
L47	18.28'	N48°48'06"W

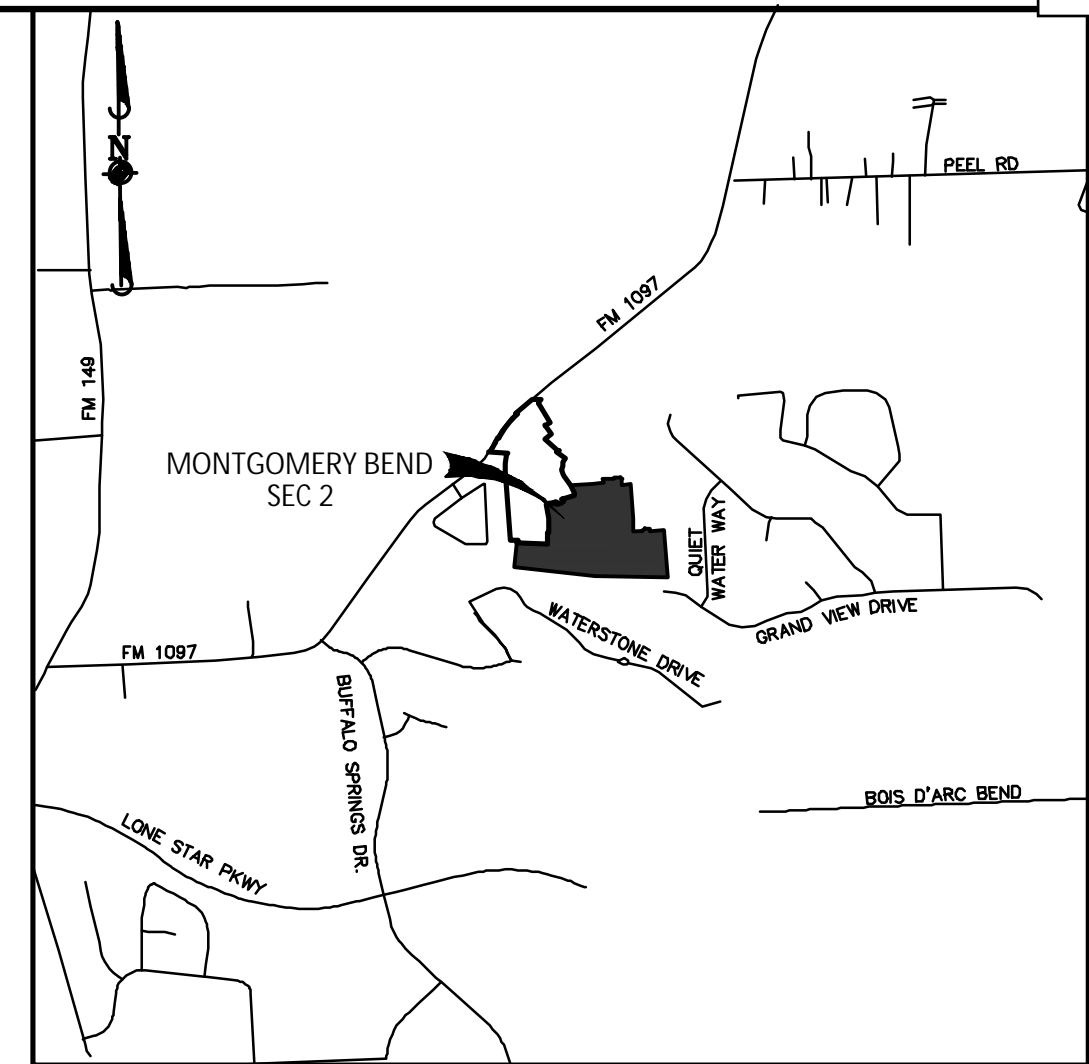
Curve Table					
Curve #	Length	Radius	Delta	CHORD LENGTH	CHORD BEARING
C1	93.68'	630.00'	008°31'13"	93.60'	N80°33'56"E
C2	38.92'	25.00'	089°11'33"	35.11'	S59°05'54"E
C3	32.40'	1030.00'	001°48'08"	32.40'	N15°24'12"W
C4	39.27'	25.00'	090°00'00"	35.36'	S48°48'06"E
C5	87.88'	1470.00'	003°25'31"	87.87'	N87°54'40"E
C6	39.27'	25.00'	090°00'00"	35.36'	N41°11'54"E
C7	180.23'	1500.00'	006°53'03"	180.12'	N89°38'26"E
C8	306.91'	1000.00'	017°35'05"	305.71'	N05°42'35"W
C9	216.27'	1800.00'	006°53'03"	216.14'	N00°21'34"W
C10	180.23'	1500.00'	006°53'03"	180.12'	N00°21'34"W
C11	40.73'	25.00'	093°20'12"	36.37'	N46°24'52"E
C12	37.97'	25.00'	087°00'42"	34.42'	S43°24'42"E
C13	40.06'	25.00'	091°48'22"	35.91'	N47°10'46"E
C14	38.53'	25.00'	088°18'03"	34.83'	S42°46'01"E
C15	39.84'	25.00'	091°18'59"	35.76'	N47°25'28"E
C16	38.74'	25.00'	088°46'36"	34.98'	S42°31'45"E
C17	39.27'	25.00'	090°00'00"	35.36'	N48°48'06"W
C18	27.13'	25.00'	062°10'55"	25.82'	N27°17'22"E
C19	211.34'	50.00'	242°10'55"	85.63'	S62°42'38"E
C20	39.27'	25.00'	090°00'00"	35.36'	S41°11'54"W

Block 2 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	7101.53	0.1630
2	6834.53	0.1569
3	6677.15	0.1533
4	6561.53	0.1506
5	6337.88	0.1455
6	6204.57	0.1424
7	7869.79	0.1807
8	8152.12	0.1871
9	6365.29	0.1461
10	6341.65	0.1456
11	6356.54	0.1459
12	6435.71	0.1477
13	6603.66	0.1516
14	6771.62	0.1555
15	6939.57	0.1593
16	7512.15	0.1725
17	8489.34	0.1949

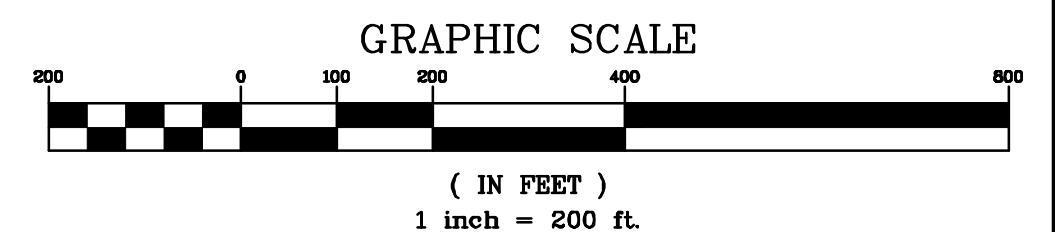
Block 5 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	5625.00	0.1291
2	5625.00	0.1291
3	5625.00	0.1291
4	5575.00	0.1280
5	5575.00	0.1280
6	5625.00	0.1291
7	8970.34	0.2059
8	13500.13	0.3099
9	8250.44	0.1894
10	6319.99	0.1451
11	7236.41	0.1661
12	5929.33	0.1361
13	5926.26	0.1360
14	5812.08	0.1334
15	5725.66	0.1314
16	5625.00	0.1291
17	5625.00	0.1291
18	5625.00	0.1291
19	5625.00	0.1291
20	5625.00	0.1291
21	5625.00	0.1291
22	5625.00	0.1291
23	5625.00	0.1291
24	5625.00	0.1291
25	5625.00	0.1291
26	5625.00	0.1291
27	5625.00	0.1291
28	5625.00	0.1291
29	5625.00	0.1291
30	5625.00	0.1291
31	5625.00	0.1291
32	5625.00	0.1291

Block 3 Parcel Table		
Parcel #	Area (S.F.)	Area (Ac)
1	5400.00	0.1240
2	5400.00	0.1240
3	5400.00	0.1240
4	5400.00	0.1240
5	5520.00	0.1267
6	5640.00	0.1295
7	5672.22	0.1302
8	5510.76	0.1265
9	5548.68	0.1274
10	5583.70	0.1282
11	7087.47	0.1627
12	7323.94	0.1681
13	5789.73	0.1329
14	5798.95	0.1331
15	5640.00	0.1295
16	5640.00	0.1295
17	5640.00	0.1295
18	5640.00	0.1295
19	5640.00	0.1295
20	5400.00	0.1240
21	5400.00	0.1240
22	5400.00	0.1240
23	5400.00	0.1240

Reserve Area Table				
Reserve Letter	Area (Sq Ft)	Area (Ac)	Usage Restricted To	
A	27,247.47	0.6255	DRAINAGE, LANDSCAPE, OPEN SPACE AND UTILITIES	
B	430,615.98	9.886	DRAINAGE, LANDSCAPE, OPEN SPACE AND UTILITIES	
C	3,125.00	0.0717	DRAINAGE, LANDSCAPE, OPEN SPACE AND UTILITIES	
D	3,125.00	0.0717	DRAINAGE, LANDSCAPE, OPEN SPACE AND UTILITIES	
E	3,125.00	0.0717	DRAINAGE, LANDSCAPE, OPEN SPACE AND UTILITIES	
TOTAL	467,238.45	10.73		



VICINITY MAP  
MONTGOMERY COUNTY  
KEY MAPS: 123L  
NOT TO SCALE

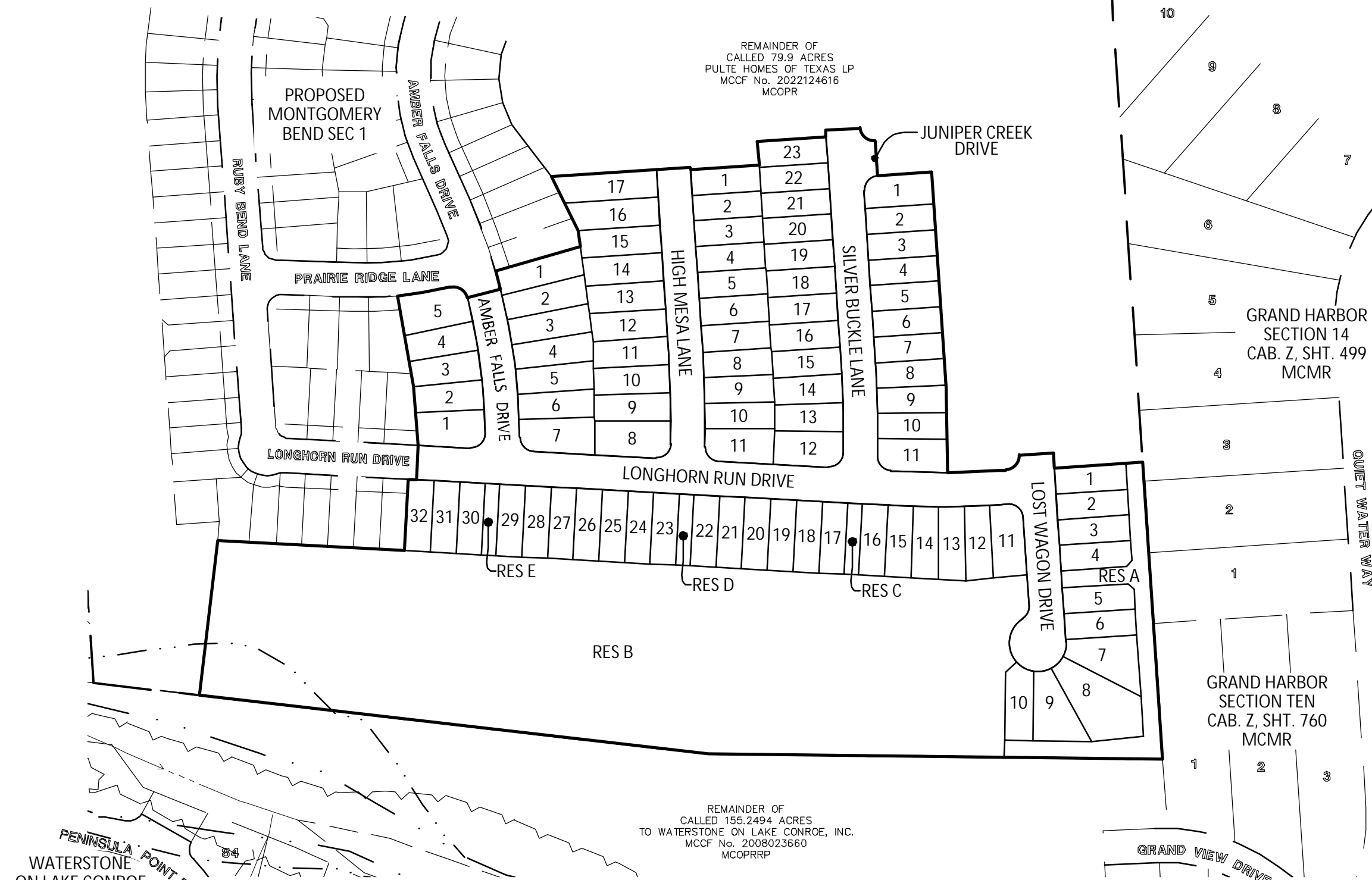


ABBREVIATIONS

- AE= AERIAL EASEMENT
- DE= DRAINAGE EASEMENT
- PAE= PRIVATE ACCESS EASEMENT
- PUE= PUBLIC UTILITY EASEMENT
- SSE= SANITARY SEWER EASEMENT
- SSM SE= STORM SEWER EASEMENT
- UVE= UNOBSTRUCTED VISIBILITY EASEMENT
- UE= UTILITY EASEMENT
- WLE= WATER LINE EASEMENT
- BL= BUILDING LINE
- ROW= RIGHT-OF-WAY
- MCDR= MONTGOMERY COUNTY DEED RECORDS
- MCMR= MONTGOMERY COUNTY MAP RECORDS
- MCCF= MONTGOMERY COUNTY CLERK'S FILE
- MCCOPR= MONTGOMERY COUNTY OFFICIAL PUBLIC RECORDS
- MCCOPRRP= MONTGOMERY COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
- CAB= CABINET
- VOL., PG.= VOLUME, PAGE
- FND= FOUND
- IR= IRON ROD
- SET 5/8" IRON ROD W/ CAP (UNLESS OTHERWISE NOTED)
- ↔ STREET NAME CHANGE

FINAL PLAT NOTES:

- The Coordinates shown hereon are Texas Central Zone No. 4203 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor of 1.00003.
- All distances shown are SURFACE distances.
- Survey monuments shall be set to the standards of the Texas Society of Professional Land Surveying Practices Act and the General Rules of Procedure and Practices of the Texas Board of Land Surveying and shall bear reference caps as indicated.
- All interior monuments shall be set after construction of utilities and pavement, and after lots are properly graded. Lot corners will be set 5/8" iron rods with plastic caps stamped "ELS".
- Benchmark shown hereon are based on National Geodetic Survey Monument Designation HGCS8 81, PID No. AJ6405 having published information as follows:  
Elevation: 212.4 feet, NAVD88
- According to Map No. 48339C0200G of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Montgomery County, Texas, dated August 18, 2014, this tract of land lies within Unshaded Zone "X"; defined as areas determined to be outside the 0.2% annual chance floodplain, and Zone "AE"; defined as special flood hazard areas (SFHAs) subject to inundation by the 1% annual chance flood with Base Flood Elevations determined.
- Each lot shall be restricted to a Single-Family Residential Uses; such uses may be more restrictively defined by private restrictions recorded in the real property records.
- All building lines (BL) along the right-of-way are as shown hereon.
- In addition to the building lines shown, all lots shall have a minimum 5' side yard and 10' rear yard setback unless otherwise noted. The City of Montgomery City Council approved these variances on February 14, 2023.
- All easements are centered on lot lines unless shown otherwise.
- There are no pipelines or pipeline easements through this subdivision.
- One foot reserve dedicated to the public in fee as a buffer separation between the side or ends of streets where such streets abut adjacent property, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat the one foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns, or successors.
- The subject tract is hereby granted the following variance listed within the executed Development Agreement, dated September 13, 2022. A variance for lot size to be a minimum of 45 feet wide and 120 feet long and an area of 5,400 square feet.



Published Coordinates - Montgomery City Control				
Point #	Northing (grid)	Easting (grid)	Elevation	Description
MONT 1	10,135,441.475	3,763,481.913	239.70	3" Brass Cap in Conc.
MONT 2	10,131,532.695	3,757,800.740	301.87	3" Brass Cap in Conc.
MONT 3	10,135,296.374	3,753,373.590	268.73	3" Brass Cap in Conc.
MONT 4	10,139,200.353	3,752,878.057	285.97	3" Brass Cap in Conc.
MONT 7	10,135,557.537	3,758,356.460	291.77	3" Brass Cap in Conc.

Observed Coordinates - Elevation Land Solutions			
Point #	Northing (grid)	Easting (grid)	Elevation
1	10,135,441.371	3,763,481.958	239.89
2	10,131,535.767	3,757,800.807	301.72
3	10,135,296.519	3,753,373.658	268.23
4	10,139,200.404	3,752,878.122	285.89
7	10,135,557.584	3,758,356.516	291.21

FINAL PLAT  
MONTGOMERY BEND  
SEC 2

A SUBDIVISION OF 27.15 ACRES OF LAND  
OUT OF THE  
OWEN SHANNON SURVEY, A-36  
MONTGOMERY COUNTY, TEXAS

88 LOTS      5 RESERVES      5 BLOCKS  
MARCH 2024

OWNER/  
DEVELOPER:      PULTE HOMES OF TEXAS  
1311 BROADFIELD BLVD., SUITE 100  
HOUSTON, TX 77084  
281-749-8000

ENGINEER/  
SURVEYOR:  **ELEVATION**  
land solutions  
TBPE REGISTRATION NUMBER F-22671  
9709 LAKESIDE BLVD, SUITE 200  
THE WOODLANDS, TX 77381 832-823-2200  
TBPS REGISTRATION NUMBER 10194692

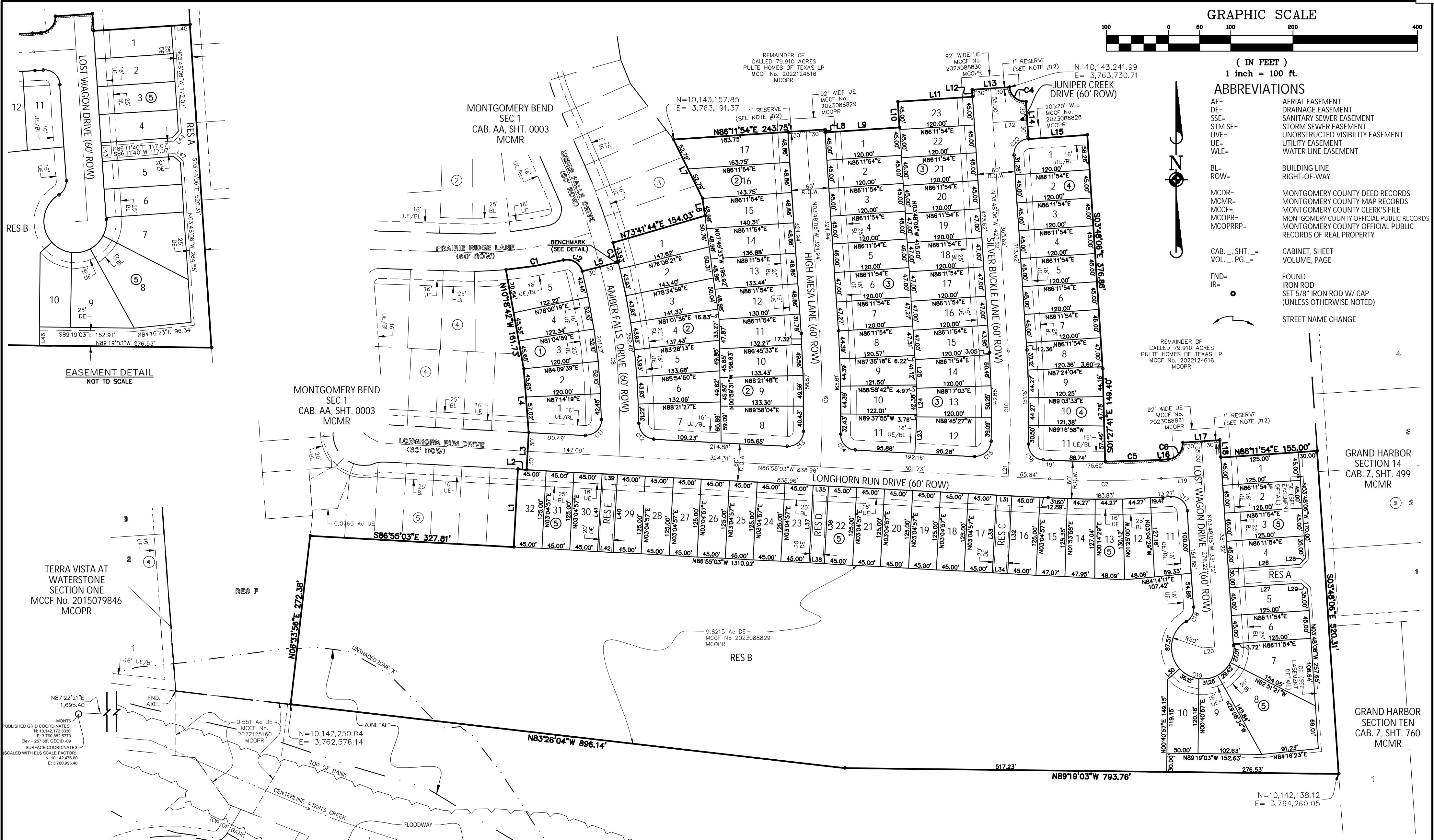
GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

ABBREVIATIONS

- AE= AERIAL EASEMENT
- DE= DRAINAGE EASEMENT
- SSE= SANITARY SEWER EASEMENT
- STM SE= STORM SEWER EASEMENT
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- FND= FOUND
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- SET 5/8" IRON ROD W/ CAP (UNLESS OTHERWISE NOTED)
- STREET NAME CHANGE



EASEMENT DETAIL  
NOT TO SCALE

TERRA VISTA AT  
WATERSTONE  
SECTION ONE  
MCCF No. 2015079846  
MCOPR

PUBLISHED GRID COORDINATES:  
N= 10,142,173.330  
E= 3,760,882.570  
Elev= 259.86, GEOID 09  
SURFACE COORDINATES  
(SCALED WITH ELS SCALE FACTOR):  
N= 10,142,476.80  
E= 3,760,995.40

0.551 Ac DE  
MCCF No. 2022125160  
MCOPR

WATERSTONE  
ON LAKE CONROE  
SECTION TWO  
MCCF No. 2015079383  
MCOPR

PUBLISHED GRID COORDINATES:  
N= 10,135,441.4753  
E= 3,763,481.9122  
Elev= 259.70, GEOID 09  
SURFACE COORDINATES  
(SCALED WITH ELS SCALE FACTOR):  
N= 10,135,745.54  
E= 3,763,594.82

REMAINDER OF  
CALLED 155.2454 ACRES  
TO WATERSTONE ON LAKE CONROE, INC.  
MCCF No. 2008023660  
MCOPRRP

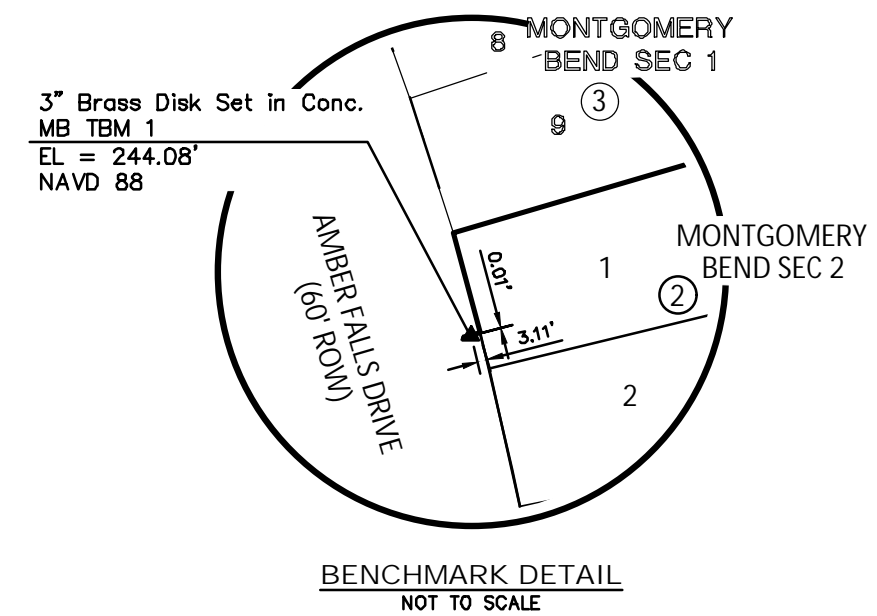
# FINAL PLAT MONTGOMERY BEND SEC 2

A SUBDIVISION OF 27.15 ACRES OF LAND  
OUT OF THE  
OWEN SHANNON SURVEY, A-36  
MONTGOMERY COUNTY, TEXAS  
88 LOTS    5 RESERVES    5 BLOCKS  
MARCH 2024

**OWNER/  
DEVELOPER:**  
PULTE HOMES OF TEXAS  
1311 BROADFIELD BLVD., SUITE 100  
HOUSTON, TX 77084  
281-749-8000

**ENGINEER/  
SURVEYOR:**

**ELEVATION**  
land solutions  
TBPE REGISTRATION NUMBER F-22671  
7909 LAKESIDE BLVD, SUITE 200  
THE WOODLANDS, TX 77381 832-823-2200  
TBPS REGISTRATION NUMBER 10194692



BENCHMARK DETAIL  
NOT TO SCALE

GRAND HARBOR  
SECTION 14  
CAB. Z, SHT. 499  
MCMR

GRAND HARBOR  
SECTION TEN  
CAB. Z, SHT. 760  
MCMR



STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

That Pulte Homes of Texas, L.P., a Texas Limited Partnership, acting by and through BRIAN WILLIAMS of PULTE NEVADA I, LLC, its general partner, herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designating the herein described real property as the MONTGOMERY BEND Sec 2 Subdivision, and does hereby make subdivision of said property according to the lines, streets, alleys, parks, and easements therein shown, and dedicate to public use forever all areas shown on this plat as streets, alleys, parks, and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the city, and that a rough proportionality exists between the dedications, improvements, and exactions required under such regulations and the projected impact of the subdivision.

IN TESTIMONY WHEREOF, Owner, has caused these presents to be signed by BRIAN WILLIAMS, VICE PRESIDENT, of Pulte Nevada I, LLC, as the act of Pulte Homes of Texas, L.P., Pulte Nevada I, LLC, hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

PULTE HOMES OF TEXAS, L.P.,  
a Texas limited partnership

By: PULTE NEVADA I, LLC,  
a Texas limited liability company  
Its General Partner

By: \_\_\_\_\_  
BRIAN WILLIAMS  
VICE PRESIDENT

KNOW ALL MEN BY THESE PRESENTS:

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

\_\_\_\_\_  
Paul R. Bretherton  
Texas Registration No. 5977

I, L. Brandon Steinmann, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock, \_\_M., and duly recorded on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock, \_\_M., in cabinet \_\_\_\_\_ sheet \_\_\_\_\_, of record of \_\_\_\_\_ for said county.

Witness my hand and seal of office, at Conroe, Montgomery County, Texas, the day and date last above written

\_\_\_\_\_  
L. Brandon Steinmann, Clerk, County Court,  
Montgomery County, Texas

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

I, Chris Roznovsky, Engineer for the City of Montgomery, Texas, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the city as to which his approval is required.

\_\_\_\_\_  
Chris Roznovsky, P.E.  
City Engineer - City of Montgomery

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_  
William Simpson, Chairman  
Planning and Zoning Commission

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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

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

STATE OF TEXAS §  
COUNTY OF MONTGOMERY §

Before me, notary public in and for the State of \_\_\_\_\_, on this day personally appeared LUNDY OLIVA, DIVISION PRESIDENT, of Pulte Nevada I, LLC, a Delaware Limited Liability Company, known to me to be the person(s) whose names are subscribed to the foregoing instrument and acknowledged to me that the same is the act of Pulte Homes of Texas, L.P., a Texas Limited Partnership, and that they executed the same as and as the act of such limited partnership and for the purposes and considerations therein expressed in the foregoing instrument.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this  
\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

My Commission expires \_\_\_\_\_

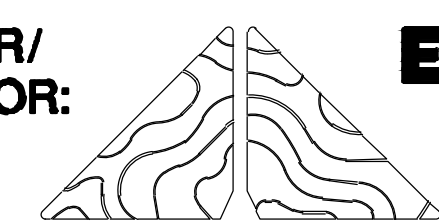
# FINAL PLAT MONTGOMERY BEND SEC 2

A SUBDIVISION OF 27.15 ACRES OF LAND  
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88 LOTS      5 RESERVES      5 BLOCKS  
MARCH 2024

**OWNER/  
DEVELOPER:** PULTE HOMES OF TEXAS  
1311 BROADFIELD BLVD., SUITE 100  
HOUSTON, TX 77084  
281-749-8000

**ENGINEER/  
SURVEYOR:**



**ELEVATION**  
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TBPE REGISTRATION NUMBER F-22671  
9709 LAKESIDE BLVD, SUITE 200  
THE WOODLANDS, TX 77381 832-823-2200  
TBPS REGISTRATION NUMBER 10194692

P:\610126 Mabey and Faulkner Tract\006\_Sec 2\final\final\montgomery\band sec2 final\plat.dwg, 3/4/2024 4:09:56 PM, mbrnrcjy

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 9, 2024	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on acceptance of a Feasibility Study for a proposed 56-acre single family residential development by Taylor Morrison of Texas, Inc. (Dev. No. 2404).

**Recommendation**

Accept the Feasibility Study as presented.

**Discussion**

City Council authorized the city engineer to prepare an update to the original Feasibility Study for this proposed 56-acre single family residential development on September 13th. The Study is attached for review and the engineer will be in attendance to present the results to City Council.

As a reminder, acceptance of the Feasibility Study does not constitute acceptance or approval of the project. Acceptance of the Study means the City Council believes the Study was prepared in accordance with good engineering practices and based on accurate data.

<b>Approved By</b>		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 04/03/2024



April 3, 2024

City Council  
City of Montgomery  
101 Old Plantersville Rd.  
Montgomery, Texas 77316

Re: Utility and Economic Feasibility Study  
±56.7-AC Taylor Morrison Tract (Dev. No. 2404)  
City of Montgomery

Dear Mayor and Council:

As you are aware, as authorized by Council at the March 12<sup>th</sup>, 2024 meeting, WGA completed an update to the Utility and Economic Feasibility Study previously presented at the October 2022 Council meeting for the “Summer Wind” tract. The updates mainly consist of the size of the development changing from 211 to 190 single family lots and the associated scope and timing of utility improvements.

The preliminary land use plan provided by Taylor Morrison of Texas Inc. (the “Developer”) indicates the intentions to subdivide the Tract into approximately 190 50-foot wide single-family lots. This variance for lot width and area was approved by City Council on March 12<sup>th</sup>, 2024. As a reminder, this Tract is located within the boundary of Montgomery County MUD No. 179 but will receive water and sanitary sewer service from the City. Our analysis shows that City will have capacity to serve the Tract at full build out with the planned improvements to both the water and wastewater treatment facilities.

As a reminder, as shown in the original study, sanitary sewer is provided via gravity to the City’s Lift Station No. 10. The Developer will be responsible for depositing funds for the design and subsequent construction of Phase II Improvements to the City’s sanitary Lift Station No. 10. The project will expand the lift station’s capacity from 180,000 gpd to 220,000 gpd by adding a third submersible pump. This allows the City to provide sufficient sanitary service to the proposed Development.

The onsite storm sewer system will be designated public and accepted by the City upon completion of the development. However, detention ponds will remain the responsibility of the Developer. Additionally, the proposed streets are to be designated public and be accepted by the City upon completion of the Development.

Based on the estimated total A.V., the in-city development would generate approximately \$100,605.00 per year in debt service revenue, and approximately \$184,395.00 per year in operations and maintenance revenue. These estimates are based on the City’s \$0.1412/\$100 valuation debt service tax rate and the \$0.2588/\$100 valuation Operations & Maintenance (O&M) tax rate.



The estimated total costs that will be associated with the development are:

Lift Station No. 10 Improvements	\$314,000
Water Impact Fee	\$214,000
Wastewater Impact Fee	\$477,500
<b>Total Estimated Costs</b>	<b>\$1,005,500</b>

In addition to the costs above, the Developer will be responsible for depositing funds for plan reviews and inspections of the all projects within the proposed development.

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



Sincerely,

Chris Roznovsky, PE  
City Engineer

CVR/akg

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2024\2024.04.02 MEMO to Council RE Taylor Morrison Feasibility Study.docx

- Enclosures: Preliminary Land Use Plan  
Boundary & Utility Exhibit  
EOPC - Lift Station No. 10 Improvements Phase II  
October 2022 Summer Wind Feasibility Study
- 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




a schematic development plan for  
**LONESTAR PKWY**  
**± 56.7 ACRES OF LAND**  
 prepared for  
**CORPORATE STRATEGIES LLC**

**META** PLANNING + DESIGN  
 24275 Katy Freeway, Ste. 200  
 Katy, Texas 77494  
 Tel: 281-810-1422

SCALE  
 0 100 200 400

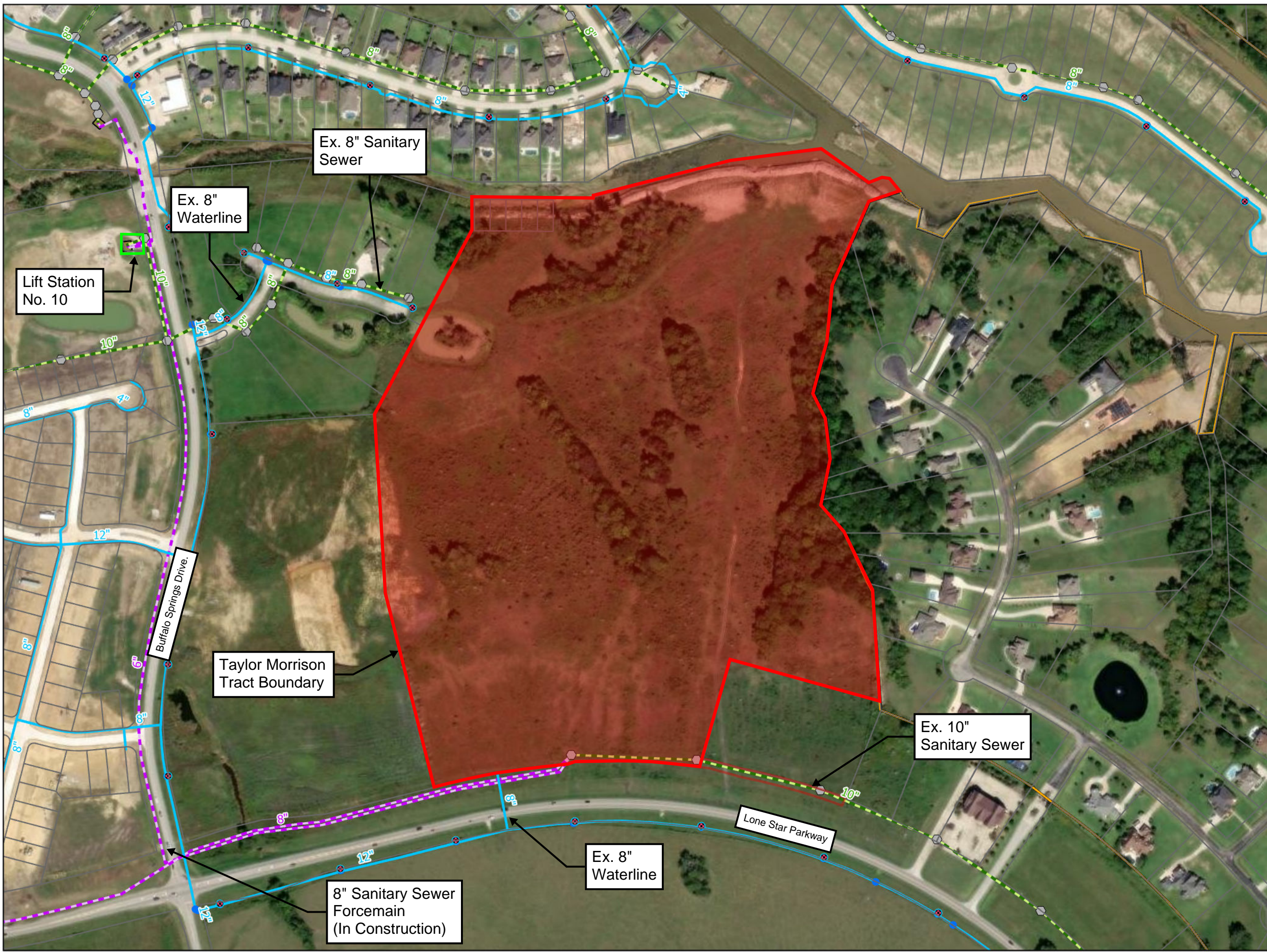
MTA-1-765  
 AUGUST 8, 2022

**LOT SUMMARY**

	50' x 120'	190 LOTS	100%
<b>TOTAL</b>		<b>190 LOTS</b>	

 **Approximate Tree Mass Areas**

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. SAID DRAWING IS A SCANNED IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING + DESIGN MAY OR MAY NOT INTEGRATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE TOPICS OF ENGINEERING AND DRAINAGE, FLOODPLAINS, AND/OR ENVIRONMENTAL ISSUES AS THEY RELATE TO THIS DRAWING. NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



- Legend**
- █ Taylor Morrison Tract
  - █ City ETJ
  - City Limits
  - Tax Parcel
- Water Infrastructure**
- Hydrant
  - Water Main Valves
  - Water Main
  - █ Water Plant Facility
- Sanitary Sewer Infrastructure**
- Sanitary Sewer Manhole
  - Sanitary Sewer CCTV
  - - - Sanitary Sewer Gravity Main
  - - - Sanitary Sewer Lateral
  - - - Sanitary Sewer Pressurized Main
  - █ Sanitary Sewer Water Treatment Plant

## Taylor Morrison Tract

### Feasibility Study



Disclaimer: This product is offered for graphical purposes only and may not be suitable for legal, engineering, or surveying purposes. The information shown on this exhibit represents the approximate location of property, municipal boundaries or facilities.





**Preliminary Cost Estimate**  
**FOR**  
**LIFT STATION NO. 10 IMPROVEMENTS PHASE II**  
4/3/2024

Item No.	Description	Quantity	Unit	Unit Price	Cost
<u>General</u>					
1	Mobilization, Bonds & Insurance	1	LS	\$ 12,000	\$ 12,000
2	Bypass Pumping	1	LS	30,000	30,000
<u>Pump Station and Piping</u>					
3	Submersible Pump (520GPM @ 84 TDH, 25 HP)	1	LS	37,500	37,500
4	Misc. Piping Improvements	2	EA	1,750	5,000
<u>Electrical</u>					
5	75 kW Natural Gas Generator including Pad	1	LS	95,545	95,545
6	Electrical Improvements	1	LS	31,250	31,250
				<b>Construction Subtotal</b>	\$ 211,295
				<b>Contingencies (20%)</b>	\$ 43,000
				<b>Engineering, Construction Admin, Inspection</b>	\$ 50,000
				<b>Reimbursables</b>	\$ 10,000
				<b>Total</b>	\$ <b>314,000</b>

## Notes:

- 1 All values rounded up to the nearest thousand.
- 2 This estimate is based on my best judgement as a design professional familiar with the construction industry. We cannot and do not guarantee that bids will not vary from this cost estimate.
- 3 This includes geotechnical investigation, construction materials testing, review fees, reproduction, advertising expenses, and other miscellaneous reimbursable costs.
- 4 This is not a proposal and should be used for planning purposes only.

**SUMMER WIND  
FEASIBILITY STUDY  
(Dev. No. 2211)**

**FOR**

**THE CITY OF MONTGOMERY**

**WGA PROJECT NO. 00574-121**

**OCTOBER 2022**

**PREPARED BY**

**WGA**

---

CONSULTING ENGINEERS

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## OVERVIEW

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- 1 Executive Summary
- 2 Introduction
- 3 Analysis

**Exhibits:**

- A: Tract Boundary
- B: Preliminary Site Plan
- C: Water and Wastewater Usage Projection
- D: Escrow Calculation
- E: Preliminary Cost Estimate

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## 1 EXECUTIVE SUMMARY

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Montage Partners, LLC (the “Developer”) has requested the City of Montgomery (the “City”) to perform a feasibility study for the City to serve a future single family development on a 56.7 acre tract along Lone Star Parkway, also referred to as the Summer Wind tract. The tract is located within City limits.

The development falls with Montgomery County Municipal Utility District No. 179. MUD No. 179 does not provide its own water or wastewater so the development would receive water and wastewater services from the City.

This development would consist of approximately 211 single family lots for in-city service at full build out. The final land plan may affect the estimated costs of and revenues associated with the development.

The analysis shows that after the completion of the City’s Water Plant No. 3 Improvements project currently in construction the City will have the water capacity to serve the development, and existing developments, for the next few years but will need additional water plant capacity to serve all existing and proposed developments at full build out.

The analysis shows that based on sanitary sewer capacity of Lift Station No. 10, the lift station will need additional capacity to serve all existing and proposed developments at full build out. There is an opportunity of some cost sharing for Lift Station No. 10 improvements with the Developer of the Mabry Tract. All coordination on any potential cost sharing is the responsibility of the Developer. The analysis also shows that the City will have the wastewater treatment plant capacity to serve the development and existing developments for the next couple of years but will need additional sanitary sewer plant capacity to serve all existing and proposed developments at full build out.

The estimated total costs that will be associated with the development are:

Escrow Account	\$33,000
Lift Station No. 10 Improvements*	\$379,000
<b>Total Estimated Costs</b>	<b>\$412,000</b>

*\*total cost to of improvements to serve this development and the Pulte development*

Based on information provided by the Developer the estimated a total assessed valuation for the development would be approximately \$82,875,000 at full build out. Based on the City’s estimated current tax rate (\$0.1050 debt service and \$0.2950 for operations and maintenance) financially, the development will bring in approximate tax revenues as shown below:

Operations and Maintenance	\$244,481.25
Debt Service	\$ 87,018.75
<b>Total Estimated Annual Tax Revenue</b>	<b>\$331,500.00</b>

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## 2 INTRODUCTION

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This undeveloped tract is located along Lone Star Parkway just east of Buffalo Springs Drive, and falls completely within the City Limits. An exhibit showing the Tract's boundary in relation to the City's boundary is enclosed as **Exhibit A**. A preliminary site plan is enclosed as **Exhibit B** and indicates the Developer's intentions to subdivide the Tract into approximately 211 – 45' wide single family lots.

The Tract is currently zoned as Planned Development as part of the LeFevre Development Agreement. The Planned Development zoning allows for a mixed use of the development which includes single family as proposed in this development.

Based on information from the Developer, construction of the development is planned to be complete in 2026. The estimates included in this feasibility are based on the anticipated land use provided by the developer at the time of the study. The final land plan may affect the estimated costs and revenues associated with the development. The Tract is currently located within the boundary of Montgomery County MUD No. 179.

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### 3 ANALYSIS

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#### Water Production and Distribution

The Tract is located within the City and would not need to be annexed into the City before receiving service. The City has three (3) active water wells and two existing water plants with a capacity of 875 connections or 568,000 gallons per day per Texas Commission on Environmental Quality (“TCEQ”) requirements. The City is nearing completion of a water plant improvements project at the existing Water Plant No. 3 to increase the capacity of the City’s water system to 2,500 connections while holding the same average daily flow capacity.

The current average daily flow (“ADF”) in the City is approximately 434,400 gpd. Inclusive of existing connections, ultimate future projected connections within current platted developments, and developments that are currently in design, the City has committed approximately 583,365 gpd and 1,696 connections. A copy of the updated water usage projections is included as **Exhibit C**. Once the Water Plant No. 3 Improvements Project is complete, the City will have committed approximately 103% of the total ADF capacity and 68% of the connection capacity. The City is not expected to hit these numbers or exceed the current average daily flow capacity until 2024. The addition of a booster pump would increase the ADF capacity to approximately 730,000 gpd.

The proposed development falls within Montgomery County Municipal Utility District No. 179 (“MUD No. 179”). MUD No. 179 does not intend to provide separate water service so the Development will receive water from the City. Based on information provided by the Developer the Tract is estimated water usage is 79,560 gpd. However, based on historical data from similar developments in the City, the Tract’s estimated water capacity requirement is approximately 47,475 gpd. Inclusive of existing connections, platted developments, developments currently underway, other developments in feasibility, and this development, the City will have committed approximately 934,170 gpd or 164% of the total ADF capacity and 136% of the connection capacity at full build out. Based on the projections shown in **Exhibit C**, the City would need additional water plant capacity around 2024.

Upon completion of the proposed improvements and based on the projected ADF, including this Tract, the City is projected to have sufficient water production capacity to meet the demand of the development within the City for the next couple of years. As the existing and upcoming developments build out, the City should be prepared to expand their water production and distribution capacity.

City records indicate that there is an existing 8-inch waterline that stubs at the frontage of the Tract, which will be able to serve the development as shown in **Exhibit A**. This will need to be verified by the Developer. The Developer should also connect to the existing 8-inch waterline that stubs at the end of Peel Point Dr. to provide a looped waterline system throughout the development. The Developer will be responsible for all costs associated with the waterline extension and required easements.

The ultimate alignment of waterlines interior to the Tract will depend on the final land plan of the proposed development. These waterlines will need to be placed in public utility easements located along the public ROW or placed within public ROW interior to the development and constructed per all applicable City and

TCEQ design criteria. The developer is responsible for all costs associated with easement acquisitions and recordation.

The Developer is responsible for providing engineered plans and specifications for the water distribution system interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required Planning and Zoning Commission, City Council and development approvals and permits.

### **Sanitary Sewer Collection and Treatment**

The City's existing wastewater facilities include 18 public lift stations and two (2) wastewater treatment plants (one of which is currently decommissioned). The Stewart Creek Wastewater Treatment Plant (TPDES Permit No. WQ0011521001) has a permitted capacity of 400,000 gpd. The current ADF at the Stewart Creek Wastewater Treatment Plant is 184,330 gpd or 46%.

Inclusive of existing connections, platted developments, and developments which are in design or under construction, the City has committed approximately 342,900 gpd or 86% of existing permitted capacity at full build out. A copy of the wastewater usage projections is included as **Exhibit C**.

The proposed development falls within Montgomery County Municipal Utility District No. 179 ("MUD No. 179"). MUD No. 179 does not intend to provide separate sanitary sewer service so the Development will receive sanitary sewer service from the City. Based on information from the Developer the Tract's estimated sanitary sewer usage is 55,250. However, based on the City's historical usage for similar types of development and information from the Developer, the Tract's estimated sanitary sewer capacity requirement is 27,430 gpd (822,900 gallons per month) at full build out. Inclusive of existing connections, platted developments, developments currently underway, other developments in feasibility, and this development, the City will have committed 564,467 gpd or 141% of existing permitted capacity.

The TCEQ requires the City to initiate design of a wastewater treatment capacity expansion when the ADF exceeds 75% of the City's 400,000 gpd permitted capacity for 3 consecutive months. The ADF for the City, including these Tracts and other tracts under design/feasibility, is not expected to exceed 75% of the permitted capacity (300,000 gpd) until around the first quarter of 2024. Additionally, the TCEQ requires the commencement of the construction phase of the expansion after 3 consecutive months of ADF exceeding 90% of the permitted capacity (360,000 gpd). This is expected to occur around third quarter of 2024. (Note: We are expecting the construction of Nantucket Apartments, consisting of 385 units. The development will account for 50,000 gpd at full build out. We are not anticipating all units to be filled within 2024 but are accounting for it in these calculations.)

There is an existing public sanitary sewer manhole at the end of Peel Point Dr. that can serve as the point of connection for the proposed development. This is based on as-built information for the existing sanitary sewer line and LIDAR elevations for the Tract, and should be verified by the Developer after a topographic survey is completed. The Developer will be responsible for constructing a gravity line to serve the development, as shown in **Exhibit A**. The Developer will be responsible for all costs associated with the sanitary sewer gravity line, and required easements. The final land plan, and grading plan may affect the estimated costs and design associated with the development.

The proposed sanitary sewer capacity of the Development will cause the City's Lift Station No. 10 to exceed capacity at full buildout and will need to be upsized from approximately 350 gpm to 550 gpm. There is an opportunity for cost sharing of these expenses with the Mabry Tract development. The estimated preliminary cost for the improvements is approximately \$379,000 as shown in **Exhibit E**. However, an additional inspection and analysis of Lift Station No. 10 will need to be performed to prepare a final estimated cost of improvements.

The ultimate alignment of sanitary sewer lines interior to the Tract will depend on the final land plan of the proposed development. These sanitary sewer lines will need to be placed within public utility easements located along the public ROW or placed within the public ROW interior to the development and constructed per all applicable City and TCEQ design criteria.

The Developer is responsible for providing engineering plans and specifications for the sanitary sewer conveyance system interior to the development, to the City Engineer for review and approval prior to commencing construction. The Developer is also responsible for obtaining all Planning and Zoning Commission, City Council, and development approvals and required permits.

The Developer will need to coordinate the installation of sanitary sewer tap(s) into the public system with the City's department of Public Works and will be responsible for all costs associated with said work.

### **Drainage**

The onsite storm sewer system will be designated public and accepted by the City upon completion of the development. Any detention ponds will remain the responsibility of the Developer. All drainage and detention improvements must be designed per the city's Code of Ordinances requiring compliance with the City's floodplain regulations and all applicable Montgomery County Drainage Criteria Manual Standards. Failure to design and construct the drainage facilities per Montgomery County Criteria potentially jeopardizes eligibility for acceptance by the City. The Developer will also be required to perform and submit a drainage study showing the development ultimately has no impact on the drainage downstream of the Tract and on adjacent properties. The drainage study must be submitted to the City for review and approval prior to approval of the construction plans.

The Developer is responsible for providing engineering plans and specifications for the drainage and detention system interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required Planning and Zoning Commission, City Council, and development approvals and permits.

### **Paving and Traffic**

Per the preliminary land plan submitted by the Developer, the streets are proposed to be public and accepted by the City. The Developer is responsible for providing engineered plans and specifications for the roads interior to the development to the City Engineer for review and approval prior to commencing construction, and to obtain all required Planning and Zoning Commission, City Council, and development approvals and permits.

Currently, the preliminary land plan, combined with existing infrastructure, provides for one (1) proposed access point along Lone Star Parkway to provide access to the entire 211-home subdivision. The Developer Per the City and Montgomery County’s most recently adopted thoroughfare plan, there are no conflicts with the current land plan. The Developer is responsible for Montgomery County approval for the proposed access point onto Lonestar Parkway. The Developer will need to add a stub-out street adjacent to the western boundary to allow for future access through the adjacent property.

**Development Costs**

The Developer will need to engineer and construct the on-site water, sanitary sewer, paving, and drainage facilities to serve the proposed Tract.

The Developer will not need to pay water and wastewater impact fees to the City. Tap fees will be based on cost of the tap plus 200%, and will be determined by Public Works at the time the tap is requested.

An escrow agreement has been entered into between the Developer and the City and funds have been deposited to cover the cost of this feasibility study. An estimated additional \$33,000 will be required to cover the City’s remaining expenses for the development, which includes administrative costs, legal fees, plan reviews, developer and construction coordination, construction inspection, and one year warranty expenses. The fees calculation can be seen in **Exhibit D**. These additional funds must be deposited into the escrow prior to any work being completed by the City.

Below is a summary of the estimated costs associated with the development:

Escrow Account	\$33,000
Lift Station No. 10 Improvements*	\$379,000
<b>Total Estimated Costs</b>	<b>\$412,000</b>

*\*total cost of improvements to serve this development and the Pulte development*

These estimates are based on the projected water and wastewater usage provided by the developer. The actual costs will depend on the final land plan, final design, and actual construction costs.

This report is our engineering evaluation of the funds required to complete the anticipated future capital improvement for this Tracts and of the potential increase in tax revenue to the City. This report is not intended to be used for the issuance of municipal financial products or the issuance of municipal securities. The City’s Financial Advisor(s) can address potential recommendations related to the issuance of municipal financial products and securities.

**Financial Feasibility**

The Developer estimates the total assessed value (A.V.) at full development to be approximately \$82,875,000.00. Based on the estimated total A.V., the in-city development would generate approximately \$87,018.75 per year in debt service revenue, and approximately \$244,481.25 per year in operations and

maintenance revenue. These estimates are based on the City's \$0.1050/\$100 valuation debt service tax rate and the \$0.2950/\$100 valuation Operations & Maintenance (O&M) tax rate.

This report is our engineering evaluation of the funds required to complete the anticipated future capital improvement for this Tract and of the potential increase in tax revenue to the City. This report is not intended to be used for the issuance of municipal financial products or the issuance of municipal securities. The City's Financial Advisor(s) can address potential recommendations related to the issuance of municipal financial products and securities.

Thank you for the opportunity to complete this feasibility study and offer our recommendations. Please contact me or Ms. Katherine Vu should you have any questions.

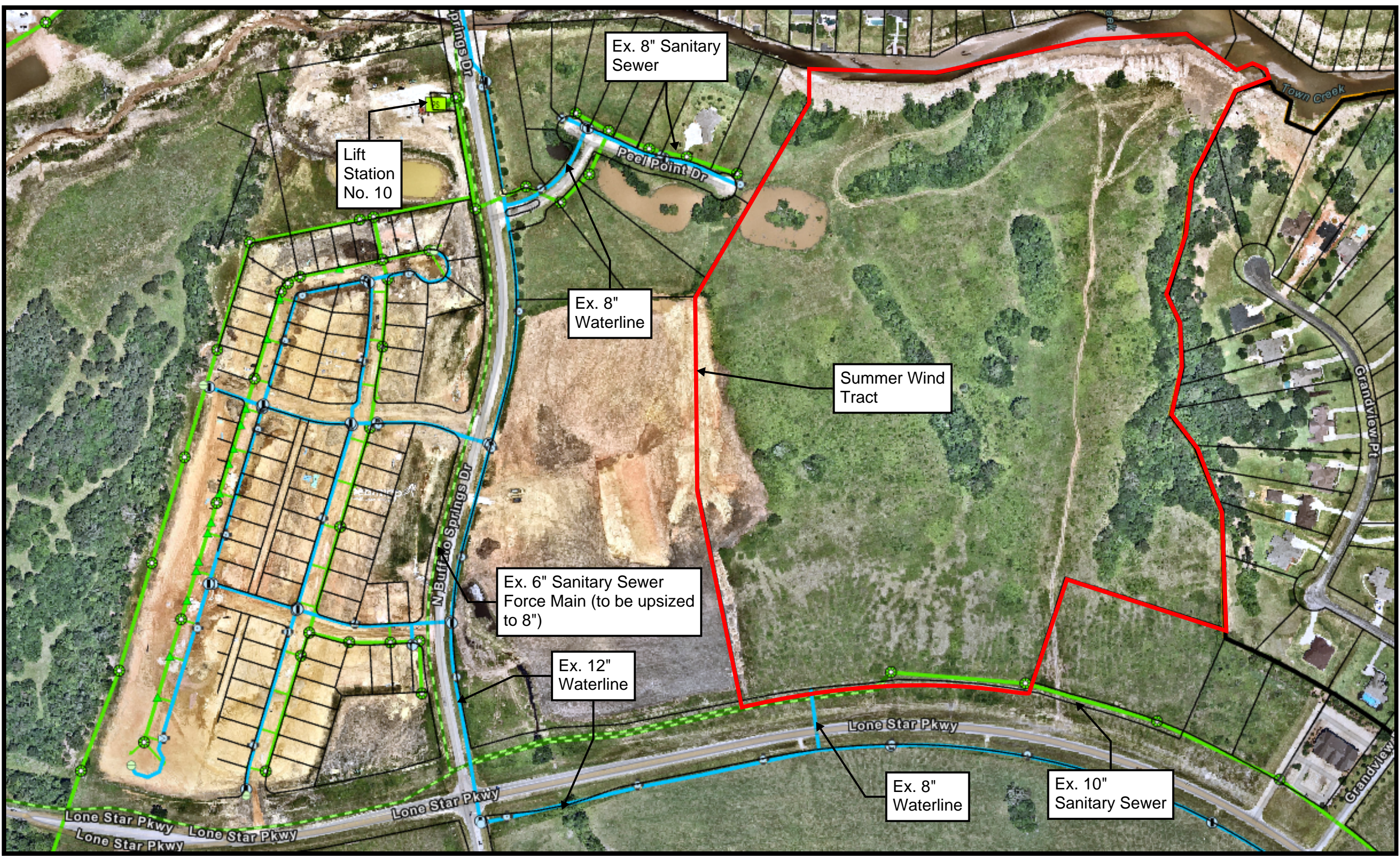


Sincerely,

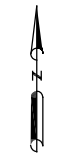
Chris Roznovsky, PE  
Engineer for the City

CVR/kv:zlg





TRACT BOUNDARY  
 SUMMER WIND FEASIBILITY STUDY



SHEET  
 EXHIBIT  
 A



a schematic development plan for  
**LONESTAR PKWY**  
 ±56.7 ACRES OF LAND  
 prepared for  
**CORPORATE STRATEGIES LLC**

**LOT SUMMARY**

	45'x120'	211 LOTS	100 %
<b>TOTAL</b>		<b>211 LOTS</b>	

**META** 24275 Katy Freeway, Ste. 200  
 Katy, Texas 77494  
 Tel: 281-810-1422

SCALE 0 100 200 400

MTA-1-763  
 JULY 26, 2022

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR CONSTRUCTION OR CONSTRUCTION PURPOSES. SAID DRAWING IS A SCANNED IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING + DESIGN MAY OR MAY NOT INTEGRATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE TOPIC OF ENGINEERING AND DRAINAGE, FLOODPLAIN, AND/OR ENVIRONMENTAL ISSUES AS THEY RELATE TO THIS DRAWING. NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.







**Table 1.1 September 2017 ESFC Table for Commonly Used Meters**

<b>Meter Size</b>	<b>Maximum Continuous Operating Capacity (GPM)</b>	<b>Equivalent Single Family Home (ESFC)</b>	<b>Maximum Assessable Water Fee (\$)</b>	<b>Maximum Assessable Waste Water Fee (\$)</b>	<b>Maximum Assessable Fee (\$)</b>
5/8"	15	1.00	1,126	\$2,513	\$3,639
3/4"	25	1.67	1,881	\$4,198	\$6,079
1"	40	2.67	3,001	\$6,711	\$9,712
1 1/2"	120	8.00	9,006	\$20,103	\$29,112
2"	170	11.33	12,755	\$28,471	\$41,226
3"	350	23.33	26,264	\$58,626	\$84,890
4"	600	40.00	44,942	\$100,517	\$145,429
6"	1,200	80.00	90,064	\$201,035	\$291,099
8"	1,800	120.00	135,096	\$301,552	\$436,648

**ESCROW AGREEMENT, SECTION 2.03 ATTACHMENT**

**BY AND BETWEEN**

**THE CITY OF MONTGOMERY, TEXAS,**

**AND**

**Summer Wind**

**Dev. No. 2211**

THE STATE OF TEXAS                    ⊃

COUNTY OF MONTGOMERY            ⊃

As per section 2.03, the Feasibility Study completed an estimate of the additional escrow amount, which was determined for administration costs, legal fees, plan and drainage report reviews, developer coordination, construction coordination, construction inspection, and warranty of services. The required additional amount is below:

Administration	\$ 3,000
City Attorney	\$ 3,000
City Engineer	\$ 27,000
<hr/>	
TOTAL	\$ 33,000



**Preliminary Cost Estimate**  
**FOR**  
**LIFT STATION NO. 10 IMPROVEMENTS**  
**Summer Wind**  
**9/28/2022**

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
1	Mobilization, Bonds & Insurance	1	LS	\$ 25,000	\$ 25,000
2	Submersible Pumps & Accessories	1	LS	89,700	90,000
3	Piping, Valves, Supports, etc.	1	LS	66,671	67,000
4	Lift Station Electrical & Controls	1	LS	71,563	72,000
5	Bypass Pumping	1	LS	25,000	25,000
6	Stormwater Pollution Protection Plan	1	LS	1,000	1,000
7	Misc. Metals	1	LS	8,000	8,000
				<b>Construction Subtotal</b>	<b>\$ 288,000</b>
				<b>Contingencies (15%)</b>	<b>\$ 44,000</b>
				<b>Engineering</b>	<b>\$ 28,000</b>
				<b>Construction Phase Services</b>	<b>\$ 19,000</b>
				<b>Total</b>	<b>\$ 379,000</b>

## Notes:

- 1 All values rounded up to the nearest thousand.
- 2 This estimate is based on my best judgement as a design professional familiar with the construction industry. We cannot and do not guarantee that bids will not vary from this cost estimate.
- 3 This includes geotechnical investigation, construction materials testing, review fees, reproduction, advertising expenses, and other miscellaneous reimbursable costs.



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 09, 2024	<b>Fiscal Impact:</b> ~\$1,600/annually
<b>Department:</b> Administration	<b>Prepared By:</b> G. Palmer

**Subject**

Consideration and Possible Action on a Lease of Real Property, The Bandstand and Related Parking Area, Located at the NE Corner of College Street and McCown

**Recommendation**

Approve as proposed

**Discussion**

The City has successfully leased the subject property for many years. The lease expired last Spring. We discussed renewal with Larry Jacobs who is asking the City cover the ad valorem taxes during the term of the lease. Last year, the tax bill was \$1,600 for both lots.

**Approved By**

City Administrator	Gary Palmer	Date: April 01, 2024

**LEASE AGREEMENT BETWEEN**  
**CITY OF MONTGOMERY, TEXAS**  
**AND L.D. JACOBS, TRUSTEE**

**DATE:** \_\_\_\_\_, 2024

**LANDLORD:** L.D. Jacobs, Trustee, and his heirs, administrators, and successors

**Landlord's Address:**

P.O. Box 1370  
Montgomery, Tx. 77316-9260

**Tenant:** CITY OF MONTGOMERY, TEXAS

**Tenant's Address:**

City of Montgomery  
101 Old Plantersville Rd  
Montgomery, TX 77316

**Premises:** Being two tracts of land situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas. Exhibit "A" is the McCown Street Parcel and Exhibit "B" is the Liberty Street Parcel. Exhibit "C" is a map of the parcels described in Exhibit "A" and "B".

**Term:** Five (5) years

**Commencement Date:** \_\_\_\_\_, 2024

**Termination Date:** \_\_\_\_\_, 2029

**Early Termination:** Notwithstanding anything herein to the contrary, either Landlord or Tenant may terminate this agreement upon thirty (30) days written notice to the other party.

**Rent:** Tenant shall annually pay to Landlord the amount of \$1.00 which shall be paid in the month of February of each year of the 5-year term or any extended term of the lease. Tenant shall remit payment without invoices from the Landlord. Tenant may pay the rent amount for any, or all, of the years of the term of this Agreement. **Tenant shall pay the annual ad valorem taxes for the Premises for each year this Agreement is in place; such payment shall be made prior to the taxes becoming delinquent.** SEE Exhibit D for 2023 Tax Statements.

**Permitted Use of Premises:**

1. Tenant and its authorized agents and/or permittees may use the Premises at any time for any Tenant-authorized event to include event parking, at no additional cost to the Tenant.
2. Tenant shall be permitted to construct, install, maintain, utilize and operate a parking lot and stage gazebo on the Premises, along with related appurtenances, including but not limited to, overhead and/or underground lighting and electricity, fencing, benches, gazebos and other improvements necessary to promote public use for public events. Tenant may use of the Premises as an overflow parking area and events area for the City of Montgomery and the public.

**Clauses and Covenants**

**A. Tenant agrees to:**

1. Lease the Premises for the entire Term beginning on the Commencement Date and ending on the Termination Date.
2. Accept the Premises in its present condition "AS IS," the Premises being currently suitable for the Permitted Use.
3. Obey (a) all laws relating to Tenant's use, maintenance of the condition, and occupancy of the Premises and Tenant's use of any common areas and (b) any requirements imposed by utility companies serving or insurance companies covering the Premises.
4. Obtain and pay for all utility services used by Tenant and not provided by Landlord.
5. Allow Landlord to enter the Premises to perform Landlord's obligations, inspect the Premises, and show the Premises to prospective purchasers.
6. Repair, replace and maintain any part of the Premises that Landlord is not obligated to repair, replace, or maintain, normal wear excepted.
7. Vacate the Premises on the last day of the Term.
8. Maintain a liability insurance policy covering the Premises in an amount not less than \$1,000,000 per occurrence and provide Landlord certificates of insurance or other proof of said insurance on request. The liability policy must be endorsed to name Landlord as additional insured.

9. Maintain the Premises in a neat and attractive condition, and reasonably mowed and maintained.

**B. Tenant agrees not to:**

1. Use the Premises for any purpose other than the Permitted Use.
2. Create a nuisance.
3. Permit any waste.
4. Allow a lien to be placed on the Premises.
5. Assign this lease or sublease any portion of the Premises without Landlord's written consent.
6. Construct any improvements to the Premises except with Landlord's written consent.

**C. Landlord agrees to:**

1. Lease to Tenant the Premises subject to the Term and Termination Date provisions.
2. Obey all laws relating to Landlord's operation of the Premises.

**D. Landlord agrees not to:**

1. Interfere with Tenant's possession of the Premises as long as Tenant is not in default.

**E. Landlord and Tenant agree to the following:**

1. *Alterations.* Any physical additions or improvements to the Premises made by Tenant will become the property of Landlord. Landlord may require in writing that Tenant, at the end of the Term and at Tenant's expense, remove any physical additions and improvements, repair any alterations, and restore the Premises to the condition existing at the Commencement Date, normal wear excepted.
2. *Abatement.* Tenant's covenant to pay Rent and Landlord's covenants are independent. Except as otherwise provided, Tenant will not be entitled to abate Rent for any reason.

3. *Default by Landlord/Event.* Defaults by Landlord are failing to comply with any provision of this lease within thirty days after written notice.
4. *Default by Landlord/Tenant's Remedies.* Tenant's sole remedy for Landlord's default is to terminate the lease.
5. *Default by Tenant/Events.* Defaults by Tenant are (a) failing to pay timely Rent after being given thirty (30) day's written notice by Landlord; (b) abandoning or vacating a substantial portion of the Premises, and (c) failing to comply within ten days after written notice with any provision of this lease other than the defaults set forth in (a) and (b).
6. *Default by Tenant/Landlord's Remedies.* Landlord's remedies for Tenant's default are to terminate this lease by written notice and sue for damages.
7. *Default/Waiver/Mitigation.* It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this lease does not preclude pursuit of other remedies in this lease or provided by applicable law. Landlord and Tenant have a duty to mitigate damages.
8. *Holdover.* If Tenant does not vacate the Premises following termination of this lease, Tenant will become a tenant-at-will and must vacate the Premises on receipt of written notice from Landlord. No holding over by Tenant, whether with or without the consent of Landlord, will extend this Term.
9. *Alternative Dispute Resolution.* Landlord and Tenant agree to mediate in good faith before filing a suit for damages.
10. *Attorney's Fees.* If either party retains an attorney to enforce this lease, the party prevailing in litigation is entitled to recover reasonable attorney's fees and other fees and court and other costs.
11. *Venue.* Exclusive venue is in Montgomery County, Texas.
12. *Entire Agreement.* This lease constitutes the entire agreement of the parties concerning the lease of the Premises by Landlord to Tenant. There are no representations, warranties, agreements, or promises pertaining to the lease of the Premises by Landlord to Tenant that are not in this lease.
13. *Amendment of Lease.* This lease may be amended only by an instrument in

writing signed by Landlord and Tenant.

14. *Limitation of Warranties.* THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY, OF FITNESS FOR A PARTICULAR PURPOSE, OR OF ANY OTHER KIND ARISING OUT OF THIS LEASE, AND THERE ARE NO WARRANTIES THAT EXTEND BEYOND THOSE EXPRESSLY STATED IN THIS LEASE.
15. *Notices.* Any notice required or permitted under this lease must be in writing. Any notice required by this lease will be deemed to be delivered (whether received or not when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this lease. Notice may also be given by regular mail, person delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when received. Any address for notice may be changed by written notice delivered as provided herein.
16. *Abandoned Property.* Landlord may retain, destroy or dispose of any property left on the Premises at the end of the Term.
17. *Binding on Successors.* This lease shall be binding on the parties' heirs, administrators, successors and assigns.
18. *Recording the Lease Agreement.* Landlord and Tenant agree that this lease Agreement may be recorded in the Real Property Records of the County Clerk of Montgomery, County.

[EXECUTION PAGE FOLLOWS]

**LANDLORD:**

---

L.D. Jacobs, Trustee

**TENANT:**

**CITY OF MONTGOMERY, TEXAS**

---

Byron Sanford, Mayor

**ATTEST:**

---

Nici Browe, City Secretary



After Recording Return To:

City of Montgomery  
101 Old Plantersville Rd  
Montgomery, TX 77316

# EXHIBIT "A"

TRACT ONE:

Property | 123953 2023 Maps

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**General Info** Status: Certified

ACCOUNT		OWNER	
Property ID:	123953	Name:	JACOBS, L D TRUSTEE
Geographic ID:	7280-02-01300	Secondary Name:	
Type:	R	Mailing Address:	PO BOX 1370 MONTGOMERY TX USA 77356-1370
Legal:	MONTGOMERY TOWNSITE 02, TR 13,15 AREA B, ACRES 0.127	Owner ID:	78988
Description:		% Ownership:	100.00 %
Property Use:	600	Exemptions:	
		State Code:	F1

LOCATION	
Address:	MCCOWAN ST, MONTGOMERY TX 77356
Market Area:	
Market Area CD:	1102.C
Map ID:	
Zoning:	



# EXHIBIT "B"

TRACT TWO:

Property | 123954 2023 Maps Print

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**General Info** Status: **Certified**

ACCOUNT	OWNER
Property ID: <b>123954</b> Agent:	Name: <b>ROSE, LESTER R &amp; BETTY J</b>
Geographic ID: <b>7280-02-01400</b>	Secondary Name:
Type: <b>R</b>	Mailing Address: <b>PO BOX 512 MONTGOMERY TX USA 77356-0512</b>
Legal: <b>S728002 - Montgomery Townsite 02, Lot 14, 3025 SQUARE FEET</b>	Owner ID: <b>85519</b>
Description:	% Ownership: <b>100.00 %</b>
Property Use: <b>600</b>	Exemptions:
	State Code: <b>F1</b>

LOCATION
Address: <b>LIBERTY ST, MONTGOMERY TX 77356</b>
Market Area:
Market Area CD: <b>1102.C</b>
Map ID:
Zoning:

Resolution: 0.08

EXHIBIT "C"

Leased Area - Combined Exhibits A&B



EXHIBIT "D"

2023 YEAR TAX STATEMENT



TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
400 N. SAN JACINTO
CONROE, TX 77301-2823
PHONE NO. (936) 539-7897

Mail To:
JACOBS L D TRUSTEE
PO BOX 1370
MONTGOMERY, TX 77356-1370

Legal Description:
MONTGOMERY TOWNSITE 02, TR. 13,15 AREA
B, ACRES 0.127

Account No: 00.7280.02.01300
CAD No: R123953

As of Date: 03/26/2024

Legal Acres: .1270
Parcel Address: MCCOWAN ST
Print Date: 03/26/2024

Table with 7 columns: Market Value (Land, Improvement), Appraised Value, Assessed Value, Capped Value, Homesite Value, AG/TIM Market Value, Non-Qualifying Value.

Table with 6 columns: Taxing Unit, Assessed Value (100%), Exemptions (Code, Value), Taxable Value, Tax Rate, Tax.

Total 2023 Tax: \$942.13
Total 2023 Levy Paid To Date: \$942.13
2023 Levy Due: \$0.00
Total 2023 Due: \$0.00

Exemptions:

Table with 6 columns: AMOUNT DUE IF PAID BY THE END OF: 04/01/2024 9%, 04/30/2024 11%, 05/31/2024 13%, 07/01/2024 15%, 07/31/2024 18 + 20%, 09/03/2024 19 + 20%

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

School Information:
MONTGOMERY ISD 2023 M&O .67440000 I&S .37430000 Total 1.0487000 2022 M&O .85460000 I&S .37430000 Total 1.2289000

TO PAY BY CREDIT CARD PLEASE CALL 1-800-351-7929 AND USE BUREAU CODE 7898505 OR VISIT WWW.MCTOTX.ORG

Table with 6 columns: AMOUNT DUE IF PAID BY THE END OF: 04/01/2024 9%, 04/30/2024 11%, 05/31/2024 13%, 07/01/2024 15%, 07/31/2024 18 + 20%, 09/03/2024 19 + 20%

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

MONTGOMERY COUNTY TAX OFFICE
TAMMY J. MCRAE
400 N San Jacinto
CONROE, TX 77301-2823



00.7280.02.01300
JACOBS L D TRUSTEE
PO BOX 1370
MONTGOMERY, TX 77356-1370

AMOUNT PAID:
\$ \_\_\_\_\_

000000R123953 000000000000 000000000000 3

2023 YEAR TAX STATEMENT



TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
400 N. SAN JACINTO
CONROE, TX 77301-2823
PHONE NO. (936) 539-7897

Mail To:
ROSE LESTER R & BETTY J
PO BOX 512
MONTGOMERY, TX 77356-0512

Legal Description:
5728002 - MONTGOMERY TOWNSITE 02, LOT
14, 3025 SQUARE FEET

Account No: 00.7280.02.01400
CAD No: R123954

As of Date: 03/26/2024

Legal Acres: .0000
Parcel Address: LIBERTY ST
Print Date: 03/26/2024

Table with 7 columns: Market Value (Land, Improvement), Appraised Value, Assessed Value, Capped Value, Homesite Value, AG/TIM Market Value, Non-Qualifying Value.

Table with 7 columns: Taxing Unit, Assessed Value (100%), Exemptions (Code, Value), Taxable Value, Tax Rate, Tax.

Total 2023 Tax: \$604.21
Total 2023 Levy Paid To Date: \$0.00
2023 Levy Due: \$604.21
Total 2023 Due: \$658.59

Exemptions:

Table showing AMOUNT DUE IF PAID BY THE END OF: Taxes become delinquent on February 01, 2024. Columns for dates and percentages with corresponding amounts.

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

School Information :

MONTGOMERY ISD 2023 M&O .67440000 I&S .37430000 Total 1.0487000 2022 M&O .85460000 I&S .37430000 Total 1.2289000

TO PAY BY CREDIT CARD PLEASE CALL 1-800-351-7929 AND USE BUREAU CODE 7898505 OR VISIT WWW.MCTOTX.ORG

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

7.1.59

AMOUNT DUE IF PAID BY THE END OF:

Print Date: 03/26/2024

Table with 6 columns for payment dates and percentages, with corresponding amounts.

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

MONTGOMERY COUNTY TAX OFFICE
TAMMY J. MCRAE
400 N San Jacinto
CONROE, TX 77301-2823



00.7280.02.01400
ROSE LESTER R & BETTY J
PO BOX 512
MONTGOMERY, TX 77356-0512

AMOUNT PAID:
\$ \_\_\_\_\_

000000R123954 000000065859 000000067067 1

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 09, 2024	<b>Fiscal Impact:</b> ~\$1,600/annually
<b>Department:</b> Administration	<b>Prepared By:</b> G. Palmer

**Subject**

Consideration and Possible Action on a Lease of Real Property, The Bandstand and Related Parking Area, Located at the NE Corner of College Street and McCown

**Recommendation**

Approve as proposed

**Discussion**

The City has successfully leased the subject property for many years. The lease expired last Spring. We discussed renewal with Larry Jacobs who is asking the City cover the ad valorem taxes during the term of the lease. Last year, the tax bill was \$1,600 for both lots.

**Approved By**

City Administrator	Gary Palmer	Date: April 01, 2024

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 09, 2024	<b>Fiscal Impact:</b> \$0
<b>Department:</b> Administration	<b>Prepared By:</b> G. Palmer

**Subject**

Consideration and Approval of Adding a Volunteer Water Operations Advisory Position to the Organizational Chart

**Recommendation**

Approve as proposed

**Discussion**

This was discussed at your March workshop and agreed to move forward for formal consideration.

This is a volunteer, unpaid position that will not have access to sensitive/protected data.

**Approved By**

City Administrator	Gary Palmer	Date: April 01, 2024

**Position Title:** Water Operations Advisor

**Department:** Administration

**Location:** City of Montgomery, Texas

**Position Type:** Volunteer

**Position Summary:**

The City of Montgomery, Texas is seeking a resident-volunteer to serve as Water Operations Advisor. This position will provide recommendations to the City Administrator regarding the efficient and effective operation of the municipal water supply and distribution systems. This position requires a deep understanding of data analysis, water fees, water distribution best practices, the ability to work within a team and the ability to provide sound technical assistance and recommendations to enhance operational efficiency.

This is a volunteer position appointed by majority vote of the City Council and under the general supervision of the City Administrator or his/her designee. Upon recommendation of the City Administrator, this position will be re-appointed annually around October by the City Council.

**Key Responsibilities:**

1. **Data Analysis:** Utilizing customer data and water distribution data, this position may provide recommendations to the city administrator regarding water distribution, staff operations, and distribution systems, including water source management, treatment processes, and distribution network maintenance.
2. **Efficiency Improvement:** Identify opportunities for operational improvements, cost savings, and resource optimization within the water operations. Identify best practices to enhance system performance.
3. **Emergency Response:** Play a key role in emergency response planning, preparedness, and response during water-related crises, including natural disasters, equipment failures, or contamination incidents.
4. **Team Collaboration:** Collaborate and maintain positive relationships with the Water Operations team, engineers, and external stakeholders.
5. **Report Generation:** Assist in the preparation of reports and presentations on system performance, compliance status, and improvement initiatives for city management and regulatory agencies.

**Qualifications:**

- City of Montgomery Texas resident
- Education and background in Environmental Engineering, Civil Engineering, Environmental Science, or a related field
- Professional Engineer (PE) license is preferred
- Experience in water operations, treatment, and distribution, including a strong understanding of regulatory requirements
- Comprehensive knowledge of water treatment processes, distribution systems, and water quality management
- Strong problem-solving skills and the ability to make data-driven decisions.
- Excellent communication skills, both written and verbal
- Knowledge of emergency response protocols and procedures



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> April 9, 2024	<b>Budgeted Amount:</b> See below
<b>Department:</b> Administration	<b>Prepared By:</b> Maryann Carl

**Subject**

Consideration and Possible Action on Adding a Finance Technician Position to the City Organizational Chart.

**Recommendation**

Approve the addition of the Finance Technician position.

**Discussion**

The role of Finance Technician is essential for the continued success of the Finance functions at the City and a job description for this position is attached. Based on feedback during the Council Workshop on March 25<sup>th</sup>, we will be seeking to fill this position with a starting range of \$22-\$23/hour, \$45,760-\$47,840/annually, estimated cost including taxes and benefits, \$59,488-\$62,192.

Considering we would not have someone in this position until sometime in May, the impact to FY2024 budget would be \$24,786-\$35,913, including taxes and benefits.

**Approved By**

Finance Director	Maryann Carl	Date: 4/2/2024
City Administrator	Gary Palmer	Date: 4/2/2024

**CITY OF MONTGOMERY, TEXAS - Job Description – FINANCE TECHNICIAN**

---

**April 9, 2024**

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**Identification:**

**Position Title:** Finance Technician  
**Department:** Administration/Finance  
**Immediate Supervisor:** Finance Director  
**FLSA:** Non - Exempt  
**Pay Grade:** \$45,760 - \$47,840

**SUMMARY:**

Performs the accounts payable and payroll activities, as well as workers compensation, property and liability, and unemployment insurance related activities. Performs a variety of clerical and cashier duties and ensures accurate and efficient handling of billings, cash receipts, and clerical and customer relations services.

Uses/requires office skills to handle: customer service/communications (internal and external), file organization and management, computer skills including data entry, word processing, spreadsheets, data bases, and graphics software, mathematical computations, report and letter preparation, and decisions making within scope of responsibility.

Attendance is an essential function of this position. The City reserves the right to require an employee in this position to work overtime. This position services or performs duties for the benefit of the general public during emergency situations. These may include services or duties different from those performed in the usual course and scope of your job. In the event of an evacuation, the incumbent in this position may be required to remain to perform needed services.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

The duties described below are indicative of what the Finance Technician may be asked to perform; other duties may be assigned:

**Accounting and Clerical**

- Processes vendor payments and ensures proper coding of department invoices.
- Prepares payroll and updates payroll files.
- Assists with resolving discrepancies with vendors.
- Performs vendor set-up in financial software.
- Maintains vendor files and scans invoices into financial software.
- Sorts and distributes mail.
- Orders supplies.

- Performs all other duties as assigned.

**QUALIFICATIONS, EXPERIENCE, AND/OR CERTIFICATION REQUIREMENTS:**

To perform this job successfully, an individual must be able to perform each duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and /or ability required at the time of hire or for the continuation of employment.

**EDUCATION AND/OR EXPERIENCE**

- High school diploma or equivalent (GED).
- 1-year relevant course work beyond high school from junior college or technical school, or 1-year relevant experience.

**Work Environment**

Employees work under typical office conditions, and the noise level is usually moderately quiet.

This position description has been prepared to assist in defining job responsibilities, physical demands, and skills needed. It is not intended as a complete list of job duties, responsibilities, and/or essential functions. This description is not intended to limit or modify the right of any supervisor to assign, direct, and control the work of employees under supervision. The City of Montgomery retains and reserves any or all rights to change, modify, amend, add to or delete, form any section of this document as it deems, in its judgment, to be proper.