

**Notice of City Council Meeting  
AGENDA**

**December 14, 2021 at 6:00 PM**

**NOTICE TO THE PUBLIC IS HEREBY GIVEN** the Montgomery City Council will conduct its City Council Meeting scheduled for **6:00 PM on Tuesday, December 14, 2021**, at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City's website [www.montgomerytexas.gov](http://www.montgomerytexas.gov) under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The Meeting Agenda Pack will be posted online at [www.montgomerytexas.gov](http://www.montgomerytexas.gov). The meeting will be recorded and uploaded to the City's website.

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. City Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

**CONSENT AGENDA:**

- 1.** Matters related to the approval of minutes of the August 26, 2021, Budget Workshop, September 11, 2021, Retreat Meeting, September 28, 2021, Workshop Meeting, and November 9, 2021, Regular Meeting.
- 2.** Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Halle Properties, LLC for a proposed Discount Tire store (Dev. No. 2104).
- 3.** Consideration and possible action regarding approval of an Escrow Agreement by and between the City of Montgomery, Texas and Christopher Landis, Sr. for the proposed Montgomery Brewing Company Development (Dev. No. 2105) and authorizing the city engineer to prepare a Feasibility Study for the project.
- 4.** Consideration and possible action regarding an Encroachment and Maintenance Agreement between the City of Montgomery and Troy Tep for a proposed monument sign at 22453 W. FM 1097, Montgomery, Texas 77356.
- 5.** Consideration and possible action regarding the annual HUD-Code Manufactured Homes Park renewal application for Cedar Crest Mobile Home Park.

**CONSIDERATION AND POSSIBLE ACTION:**

- 6.** Presentation of a proposed business plan for The Caroline House Bed & Breakfast located at 811 College Street as submitted by DH BROW, LLC.

- [7.](#) Discussion on relocating a historic home to City of Montgomery property.
- [8.](#) Consideration and possible action regarding Board Appointments to the Montgomery Economic Development Corporation Board for a two-year term beginning January 1, 2022.
- [9.](#) Consideration and possible action to authorize amending the ByLaws of the Montgomery Economic Development Corporation.
- [10.](#) Consideration and possible action on calling a Public Hearing for January 11, 2022 at 6:00 p.m. related to a Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.
- [11.](#) Consideration and possible action regarding calling a Public Hearing for a rezoning request from R1—Single-Family Residential to B—Commercial for 14855 N. Liberty Street, Montgomery, Texas.
- [12.](#) Consideration and possible action regarding calling a Public Hearing for a rezoning request from B—Commercial to R1—Single-Family Residential for Hills of Town Creek Section Five.
- [13.](#) Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following zoning variance requests for Hills of Town Creek Section Five:
  - a. Lot width less than 75-feet,
  - b. Side yard setback less than 10-feet, and
  - c. Lot size less than 9,000 square feet.
- [14.](#) Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following zoning variance requests for Porter Farms single-family residential development:
  - a. Lot width less than 75-feet,
  - b. Side yard setback less than 10-feet, and
  - c. Lot size less than 9,000 square feet.
- [15.](#) Consideration and possible action regarding authorization of City Council to participate in the cost of upsizing approximately 870 linear feet of a planned 8-inch waterline to a 12-inch waterline in Town Creek Crossing Section One in accordance with Section 90-106 (7) of the City Code of Ordinances.
- [16.](#) Consideration and possible action regarding final acceptance and completion of the one-year warranty period for public infrastructure included in Hills of Town Creek Section Three (Dev. No. 1019).
- [17.](#) Consideration and possible action regarding approval of a proposal for additional environmental and survey work for the Anders Branch Drainage Improvements Project.
- [18.](#) Consideration and possible action on construction of Clepper Drive Sidewalk Improvements.



- [19.](#) Consideration and possible action regarding adoption of the following Ordinance: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, ESTABLISHING A MAXIMUM PRIMA FACIE SPEED LIMIT ALONG FM 1097 (ALL LANES) FROM THE EASTERN RIGHT-OF-WAY OF FM 149 TO THE NORTHEAST CITY LIMIT OF THE CITY; AT 45 MILES PER HOUR; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.
- [20.](#) Consideration and possible action regarding adoption of the following Resolution: RESOLUTION CASTING VOTE(S) FOR CANDIDATE(S) FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.
- [21.](#) Consideration and possible action regarding the proposed code enforcement officer position.
- [22.](#) Consideration adoption of a resolution in support of a matching funds grant for the Montgomery Police Department.

**DEPARTMENTAL REPORTS:**

- [23.](#) City Administrator's Report
- [24.](#) Sales Tax Report
- [25.](#) Public Works Departmental Report
- [26.](#) Police Report
- [27.](#) Court Report
- [28.](#) Utility Report
- [29.](#) Water Report
- [30.](#) Finance and Quarterly Investment Report
- [31.](#) City Engineer Report

**EXECUTIVE SESSION:**

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

- [32.](#) Adjourn into Closed Executive Session as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code, in accordance with the authority contained in the following: a) Section 551.071 (consultation with attorney) and Section 551.072 (deliberation regarding real property).
- [33.](#) Reconvene into Open Session.

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

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

**COUNCIL INQUIRY:**

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

Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on December 10, 2021 at 5:00 p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

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**MINUTES OF BUDGET WORKSHOP MEETING**

**August 26, 2021**

**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

Mayor Sara Countryman called the Workshop Meeting to order at 1:14 p.m.

Present:	Sara Countryman	Mayor
	Kevin Lacy	Place #2
	Julie Davis	Place #4
	Byron Sanford	Place #5

Absent:	Carol Langley	Place #1
	T.J. Wilkerson	Place #3

Also Present:	Richard Tramm	City Administrator
	Dave McCorquodale	Assistant City Administrator
	Susan Hensley	City Secretary and Director of Administrative Services
	Anthony Lasky	Senior Accounting Clerk
	Kimberly Duckett	Court Administrator
	Anthony Solomon	Police Chief
	Joe Belmares	Police Lieutenant
	Mike Muckleroy	Director of Public Works

**CALL TO ORDER**

**INVOCATION**

Byron Sanford gave the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**BUDGET WORKSHOP:**

Discussion of the following items related to the City of Montgomery 2021-2022 FY Proposed Budget:

1. Summary – Mr. Tramm reviewed the budget summary information for 2021-2022 with City Council.
2. General Fund Revenue and Expenses – Mr. Tramm advised the General Fund budget summary overview with City Council. Mr. Tramm explained the following sections for each department would provide detailed information for the budget. Mr. Tramm noted the Interfund Transfer - proposed for 2021-2022 is \$57,500, which is the administrative transfer from MEDC to cover costs for administrative purposes.

Mr. Tramm said the Net Income amount shows \$131,506, and at the time this document was prepared that amount of money was projected income but not yet tasked, but will have two items that will be addressed. One being a part-time person for the Court for \$20,800 and today they found out about a Public Works road paving project that Precinct 1 was going to do, will be extended to the new fiscal year instead of this current budget year, in the amount of \$90,000, leaving \$40,000.

Mayor Countryman pointed out a wonderful job by the Court and Kimberly Duckett, Court Administrator. Mayor Countryman said they projected the Court would collect \$275,000 and to date, the Court has collected \$285,990 and was proposing \$381,000 for the next year. Mayor Countryman asked if that was a conservative number. Mrs. Duckett stated she was being conservative.

Byron Sanford advised they were coming out of a conservative COVID budget year. Mr. Tramm said that was correct and in some of the categories they projected low, thinking of where they were a year ago, stating there is still a lot of unknown as to how that will affect us going forward. Mr. Tramm said staff had to look at the expense of going into the next fiscal year.

Mayor Countryman asked if there was a time frame the City has to use the American Rescue Plan Funds. Mr. Tramm said they received the first phase of the funds and will receive the second part in June of next year. Mr. Tramm said the City has to allocate the funds by December 31, 2024, and expend them by December 31, 2026. Mr. Tramm advised those funds would be set up in a separate account to allow them to track those funds. Mr. Lasky advised the account had been set up today with the bank. Mr. Tramm said they will have to make reports to the federal government regarding those funds. Mr. Tramm said the easiest thing to do would be to

spend the funds at one time on one large ticket item, and said with both water and infrastructure needs targeting those funds will be possible.

Julie Davis asked whether the franchise tax amount was correct for the year. Mr. Tramm advised they received the payment from Entergy in late August or September and it is the largest payment they receive late in the year.

Mr. Tramm advised the sales tax amount has jumped 46.7% from last year's budget and said that he felt his estimate was realistic and conservative.

Mr. Tramm said building permits revenue will depend on when the permitting takes place for the Estates of Town Creek Crossing.

Mr. Tramm stated this year the County had some HOME Grant funds and they expect them to apply for them next year. Mr. Tramm said the City residents are also County residents and they will help direct them there.

Mr. Tramm said the City has a proposed budget of almost \$5.2 million prior to the MEDC contribution, after the MEDC contribution and Court Security funds it is a total proposed budget of \$5,247,715.00, which would be a 34.5% increase from last year.

3. General Fund – Administration – Mr. Tramm reviewed the Administration budget with City Council. Mr. Tramm advised they have not yet received the health insurance rates for next year, which the City's term begins January 1, 2022.

Mayor Countryman asked if the \$45,000 for insurance was based on the current employees. Mr. Tramm said it is adding one person in administration and will apply in the wages. Mr. Tramm said last year they were planning on the addition of one administrative person in the front office, which they did not do during COVID. Mr. Tramm said they did bring a second person in from a contract agency, which is the position they are discussing.

Mr. Tramm said he is proposing this year if he gets City Council concurrence, a 3% merit increase pool, and a 2% cost of living adjustment. Mr. Tramm said if City Council is opposed to the cost of living adjustment they could roll that back into the merit pool as they have done before. Mr. Tramm said he has also included additional money for education and training incentives, which if City Council is supportive of that they will bring to a future City Council

Meeting to present the details. Mr. Tramm said this has been discussed in the past to help retain and attract staff.

Julie Davis asked if Mr. Tramm had looked at the cost of living increase nationwide because next year they are proposing it to be 6.2%. Mr. Tramm said he had not seen that figure but had seen several local governments that were at 2%. Mr. Tramm asked Julie Davis to send him her data so he can look at it because it is different from what he has seen. Byron Sanford said the other consideration is how the City stands in comparison to other areas. Mayor Countryman said the City pays well. Mr. Tramm said he feels the City pays well but not extravagant, but in the target range. Mr. Tramm said there are some things they can do for personnel that accentuates that, such as education and training certifications.

Mr. Tramm said the administrative department does not have a real need for overtime. Mr. Tramm said the retirement line item shows an increase because near the end of the year City Council approved additional retirement benefits, which can be adjusted through a budget adjustment. Mr. Tramm noted that MASA is a staff-funded program for air and ground ambulance services.

Mr. Tramm stated dependent coverage is what has been discussed for additional health care coverage, stating he was asking to cover 50% of the cost for staff's dependent coverage. Mr. Tramm advised family coverage currently costs \$1,203.10, spouse coverage \$635.48, and child-only coverage at \$468.92. Mayor Countryman said it is the officers that are the ones that would like to participate in our health insurance and they have not been able to do so. Mayor Countryman asked the Chief if the 50% is enough because they need to make sure we take care of our officers. Chief Solomon said he felt that was a really good amount. Chief Solomon said he was surprised that a lot of the officers did not carry health insurance. Mayor Countryman asked if this was enough to retain the good talent that we have because she knew the insurance was almost a deal-breaker last year. Chief Solomon said this will make a huge difference.

Mr. Tramm said the other part he was proposing for staff that does not have dependent coverage is a \$300 health savings account for those employees, which is separate from the dependent coverage and could be considered separately. Julie Davis asked if they don't use the funds in the savings account by the end of the year would they lose the funds. Mr. Tramm said no it would roll over to the next year. Mayor Countryman said \$300 per month was stout. Mr. Tramm said they could put in a lower number, and said he thought anything would be welcomed by the staff so they could put in half that amount at \$150. Julie Davis asked if the

dependent coverage was just for the dependents and they were not talking about the dependents and spouse. Mr. Tramm said it would depend on the employee and whether they have family, spouse, or child coverage. Mayor Countryman said the City pays for the employee's coverage and the employee would pay for their spouse and dependent coverage. Mayor Countryman said the dependent coverage would be at 50 percent and the spouse would be at full price. Mr. Tramm said this would cover 50 percent of any of the categories for coverage. Mayor Countryman said with the officer being covered by the City, the spouse is probably covered at their employer and so the children would be at half price. Mayor Countryman said a majority of the officers were not on the City's coverage because it was not favorable and now they could join. Mr. Tramm said the next item was the employee assistance program for mental health supplemental coverage which is available at no cost to the employee.

Mr. Tramm reviewed the general consultant fees advising that everyone knows that City Hall is at maximum capacity and he would like to get an architectural or staffing consultant in to help them figure out what is a more appropriate amount of space and usage and whether a new City Hall would be appropriate. Mr. Tramm advised he was planning on moving sales tax tracking to an in-house function this year. Julie Davis advised Tuesday she asked about the percentage of sales tax revenue that comes from our businesses inside the City, such as Amazon, etc., and she would like to know how much of the City sales tax is coming from those businesses physically located inside the City. Mr. Tramm said it would take them some time to organize but he knew the consultants could produce that information.

Mayor Countryman asked why permits and inspections went from zero to \$195,000. Mr. McCorquodale advised previously the inspections were managed by the previous Public Works Director in 2015 and since then the City Administrator took over and they never moved the funds. Mr. McCorquodale said this would take the funds and move them from public works to the administration budget. Kevin Lacy asked about Code Enforcement for \$30,000. Mr. Tramm advised that was for the City to hire a contracted part-time position to specifically act on Code Enforcement duties, with no benefits. Byron Sanford said as far as code enforcement they need to make sure they are enforcing the code every time. Mr. Tramm said code enforcement would be things like signs, historic downtown, and other ordinance violations, which would not be something law enforcement would handle. Mr. Tramm said they expect to hire someone who is from law enforcement somewhere else, but they will not be law enforcement here.

Mr. Tramm put the amount for audit based on what the audit proposal for this year was and hopefully the RFQ's will come in less. Mr. Tramm advised the finance consulting costs have been reduced with the hiring of Mr. Lasky. Mayor Countryman asked when the financial consultant contract expires. Mr. Tramm said it was either a 30 or 60-day cancellation notice. Mayor Countryman asked if that line item would go to zero when they cancel the contract. Mr. Tramm said they are in the process of upgrading the City's bookkeeping software which will be part of several steps to offset that item. Mr. Tramm said they rely on the bookkeeping company to track capital assets and have the proper credentials to manage the City's investment services.

Mr. Tramm advised computer technology has computer upgrades and software updates. Mayor Countryman asked what software updates were they going to be doing. Ms. Hensley advised that was the financial software. Mr. Tramm said this software is part of a system that was usable across multiple departments. Mr. Tramm said one of the software packages handles the meeting books and produces the agenda packs. Mr. Tramm noted they now have two categories for travel and training to separate City Council expenses at \$5,000 from staff expenses at \$10,000. Mr. Tramm said last year staff did not get to go to a lot of training because, due to COVID, there was not a lot offered.

Mr. Tramm advised the Adams property lease is for the property where the City's electronic sign is located at FM 149 and SH 105 and goes up to Caroline around the Nat Davis Museum. Mr. Tramm advised for the City's use of the property the City pays the annual property tax, which is approximately \$1,000.

Mr. Tramm advised the transfer to capital projects fund infrastructure investment for \$168,494 is the American Rescue Plan money the City will be receiving in the next fiscal year around June. Mr. Tramm said the money will be received by the City and transferred out to the capital projects fund for capital projects.

Mr. Tramm said the sales tax rebatement is related to two primary agreements. Mr. Tramm advised one is a 15-year agreement with Milestone Development/Kroger which comes from the sales tax generated within that block of development in the Kroger Center, including taxable sales at the gas station. Mr. Tramm said in addition to getting a rebate with their ad valorem tax, they get the majority of the sales tax for the length of the agreement. Mr. Tramm said there is a maximum payout for the agreement and he thought that it was unlikely they will hit the maximum before the contract runs out. Mr. Tramm said Kroger was their number one sales



tax generator who was just recently replaced by McCoy's. Mr. Tramm advised that McCoy's was not a part of a reimbursement agreement. Mr. Tramm stated the other sales tax agreement is with The Shoppes of Montgomery, which includes Chick Fil A, the strip center, and Auto Zone, and we are in the second year of a ten-year agreement and it is not as generous as the Kroger agreement.

4. General Fund - Police Department

Chief Solomon said he spoke to Mr. Lasky this morning and the wages were about \$20,000 too high and should be \$945,000. Chief Solomon advised they were asking for a 20% raise over the next three years, which would be about 6.6% per year to get the police salaries in line by 2023. Chief Solomon said they were also proposing the start out salary to go from \$51,200 to \$54,000. Chief Solomon said overtime is showing \$50,000. Chief Solomon said some of that overtime money last year was used on private events that people had in the City. Chief Solomon said he felt the people having the events should be paying for the police costs. Mayor Countryman said they had some officers out during COVID so they have some overtime to cover shifts. Chief Solomon said they also needed to hire two officers, so their wages increased after they hired those officers in addition to COVID. Mayor Countryman asked if the increase for the next three years was enough to keep the officers we currently have, in addition to the insurance. Chief Solomon said it was because if they increase the salaries over the three years and they can add in the cost of living increases. Kevin Lacy asked if they had a cost per officer that would cover all their expenses, training and benefits, etc. necessary to hire an officer. Chief Solomon advised they could get that information from Mr. Lasky. Chief Solomon stated the \$62,000 put in the budget for dependent insurance coverage will also be a good benefit for the officers. Mayor Countryman asked if that was an estimate because she wanted to make sure that it was not too low. Chief Solomon said they discussed it with the officers and that was a pretty good estimate. Mr. Tramm said this was an estimate and they are more likely to be high versus low.

Julie Davis asked about the number of administrative staff that were employed. Mr. Tramm advised there were four administrative employees and two in the front, with 15 employees in the Police Department, with a total of 29 employees.

Chief Solomon said the repairs and maintenance on the contract services, gas costs have increased, but auto repairs have increased dramatically. Chief Solomon said they have been checking various places to get repairs done for a better price. Chief Solomon said they have put

\$27,000 for just equipment repairs. Mr. Tramm said even though they are getting several new police vehicles, there is a long waiting period to get the new vehicles. Chief Solomon said on the vehicles they are replacing they spend about \$7,717 on the vehicles themselves.

Mayor Countryman asked about the computer technology where you only have \$10,000 and asked if this is another line item they overpaid in previous years. Chief Solomon said on some of that they found they were not getting the services out of the ones they used so they dropped some of them.

Mayor Countryman asked about the radios for \$21,902, and while she knows they are police-grade, she asked the Chief to explain this item. Chief Solomon advised that two of the radios are hand-held and two are car radios. Chief Solomon said Montgomery County switched frequencies this year, and when they switched frequencies the Police Department had to have all their radios reprogrammed which cost money. Chief Solomon said two of the hand-held radios need to be replaced. Chief Solomon said they need to be informed a lot more by the Sheriff when they make a change because it affects their dispatch service.

Chief Solomon said the Lieutenant had found a better company to provide uniforms for cost savings. Chief Solomon said they are looking at purchasing stop sticks and stinger flashlights because none of their current officers have that emergency equipment. Byron Sanford asked about the officers and their protective gear. Chief Solomon said the \$7,000 gets reimbursed through a grant for ballistic vests.

Julie Davis asked why there were no police vehicles listed in the new budget. Chief Solomon said they have ordered the three vehicles that City Council approved in last year's budget. Julie Davis said she would like to see a vehicle in the budget for next year that way they are constantly working ahead versus scrambling to buy three or four at one time and asked why they are not putting that in the budget. Richard Tramm said they can put the funds in the budget and then if they don't need the vehicle they would spend the funds. Chief Solomon said they are thinking they will have the one vehicle that is being repaired through insurance. Mayor Countryman said they will have that information before the budget is final so they can add that in if necessary.

Byron Sanford asked if they are watching the growth in the area. Chief Solomon said absolutely, which is why they do not need any staff this year, their officers are on 12-hour shifts and their Sergeants are working 12-hour shifts as well to coincide with their officers. Chief Solomon said on a daily basis and especially at night, they have two officers and a Sergeant on a shift.

Kevin Lacy asked if the \$7,000 for protective gear was for ballistic vests and under capital outlay, there is another \$14,000 for ballistic vests and shields. Chief Solomon said the ballistic vests and shields are actually ballistic helmets and shields which will cover two officers. Mr. Tramm said they will rename that item to reflect the correct information.

Chief Solomon said the investigative and testing equipment was increased to \$6,500 for crime scene equipment for the officers that are in crime scene schools now and will include crime scene cameras. Chief Solomon said you cannot use just any camera for crime scenes, and they usually cost around \$1,400 - \$1,500. Chief Solomon said they also need accident scene reconstruction equipment as a part of that line item. Kevin Lacy asked how many crime scenes they work per year. Chief Solomon said this year they have worked five crime scenes and said they just never know how many they will have. Chief Solomon said he knew they had to do something different when they had two men shot at the park, and said they did an excellent job for what they were doing, and if they had not had a veteran detective along with the officers doing a really good job, he did not know if they would have ever been able to find out what had happened. Chief Solomon said this is just an advancement and where they need to go.

Julie Davis asked to clarify that if something is in the budget clearly earmarked, then it does not require City Council approval to purchase it during the fiscal year. Mr. Tramm said that is not necessarily true, if it is a high dollar amount, such as \$100,000 for a single item, they would bring that back to City Council, but items that are below the bidding threshold will not be brought back. Julie Davis said she would like to see a car in the next budget so that it does not feel like it is a surprise when it comes up because it feels like there is going to be another need coming up and she would rather be proactive rather than reactive. Mr. Tramm said if City Council would like to see it there, they can put it there, and if it is not needed then it won't be spent. Byron Sanford said it could be out of capital outlay, just like if you have to replace equipment. Mr. Tramm asked the Chief if he were to purchase a vehicle, what would the cost be. Chief Solomon advised it would be \$40,000. Chief Solomon said once City Council approved his three patrol vehicles he said they would work with that. Chief Solomon explained that the \$15,000 vehicle replacement fee was when a vehicle is wrecked and replaced. Mr. Tramm said they will add the vehicle in.

Chief Solomon said they have been having some rifle malfunctions, so they are going to trade those rifles in for new ones and the cost will be \$4,000 versus \$12,000. Chief Solomon said the ammunition is estimated at \$7,826 and is taking forever to purchase.

Lt. Joe Belmares discussed the Flock camera traffic surveillance equipment that will help with their investigations. Chief Solomon said he has had the Lieutenant researching this information for about a year and he has been to several meetings and everything in investigations is done by surveillance. Lt. Belmares advised that Conroe Police Department uses the system, which will allow them to tie into other agencies. Lt. Belmares advised they have surveyed the City and they have produced 10 camera locations throughout the City that would intercept any vehicle that comes into the City limits. Lt. Belmares advised the system can be searched for up to 30 days by vehicle make, model, color, and if there are stickers on the vehicle or missing parts because it is a very accurate and detailed system that would help with investigations. Lt. Belmares said they would have control over their system, and they would be able to connect with other agencies that have a system to get data to help with investigations. Mayor Countryman asked if they have been able to solve about 70% more crimes due to their systems. Lt. Belmares said that Memorial Village recovered \$1.5 million in stolen property in 2020 and recovered a lot of stolen vehicles, the City of Fulshear states that this system, even though there is not an officer at the location, can get the information to assist with the investigation. Lt. Belmares said they are not always at the location at the right time but the cameras would be there picking up and receiving information. Lt. Belmares said if a vehicle is stolen or under an amber, blue or silver alert the system will send out a notification to the officers by text and email. Lt. Belmares said when the officers get the text or email they will be able to respond and start in that direction so they can make a stop. Chief Solomon said if the officer is responding to a call and they say a red vehicle was at the scene, they can search the system for all red vehicles that left the City during the time of the call. Chief Solomon advised there would be a recurring cost with the system, with a two-year contract and the recurring cost will be \$25,000 per year. Chief Solomon said they feel it is a really good system for the City. Lt. Belmares said there were a couple of camera locations that they would be moving on FM 1097 so they get more coverage of the vehicles coming into the City. Julie Davis asked if they needed two on SH 105 due to the width of the road. Chief Solomon said the camera placements can be moved and adjusted as needed. Lt. Belmares said the system will capture vehicles moving up to 100 mph. Lt. Belmares said the initial upfront cost for the cameras and installation is \$27,500, and the following year it will be \$25,000. Lt. Belmares advised the cameras are solar-powered and the company will come out and erect the cameras that are run off of LTE, they have a maintenance warranty, and should a camera get run over they will replace one and after that, it is \$500 per camera. Julie Davis asked if more than one camera is destroyed in an accident. Mr. Tramm advised as City-owned equipment it could be covered on our liability insurance. Julie Davis said she assumed they would update City Council on the results of the system. Chief

Solomon said they will definitely keep City Council updated. Mayor Countryman said she knew of a neighborhood that had these cameras and it cut down on the malicious activity. Lt. Belmares said those neighborhoods grant law enforcement access to their cameras. Kevin Lacy asked if they needed to put signs up stating they have cameras. Chief Solomon said a lot of the neighborhoods that have the cameras do have signage.

5. General Fund – Court

Kimberly Duckett, Court Administrator reviewed her budget and advised they would be adding a part-time person for the court nights and the day of court. Kevin Lacy asked if there was a need for a full-time person instead of a part-time person. Mrs. Duckett advised with the warrant officer and the addition of a part-time person they could sustain, and then as the City grows and the citations grow they could implement adding extra hours. Ms. Duckett said she wants someone with court experience. Julie Davis said she was not sure they have room for another employee in that area. Ms. Duckett said that cost will add to item 16600-Wages the amount of \$20,800 for about 25 hours per week. Ms. Duckett said the Judge's fee was reduced since he lowered his monthly fee.

Kevin Lacy asked when the agreement with Documation was up. Mayor Countryman said they just redid the contract a couple of years ago. Ms. Hensley advised Documation is scheduled to be coming in to audit the printers and copiers. Mr. Tramm said he could loop Kevin Lacy in on the renewal when the time comes. Ms. Duckett advised under technology they are wanting to update the court system to Incode 10, which would put everyone on the same system. Ms. Duckett said she has spoken to several courts and they use Incode 10 and it will make her job a lot easier. Ms. Duckett said with Incode 10 they will be able to save postage and instead send out electronic notices. Ms. Duckett said the new system will allow them to be able to see a photo of the person that was issued the citation for identification purposes.

6. General Fund - Public Works

Mike Muckleroy, Director of Public Works presented his budget advising that he would be adding an administrative assistant to his staff, with the salary being split between the public works fund and water/sewer fund. Julie Davis pointed out the 2019-2020 wages show \$20,429 and the proposed budget shows \$155,800. Mr. Muckleroy advised before the start of last year they did switch some things around as to who was paid out of which fund. Mr. Lasky said they will also see a larger number on the water/sewer side. Mayor Countryman asked if the overtime

would be less due to the events coordinator managing the events, so they will be paid for work on the events by the people having the events versus the City. Mr. Muckleroy said that was correct and noted they also have a line item under the water/sewer fund for heavy trash events and things like that. Mr. Muckleroy said the community relations item is they would like to kick off the Open House event for National Public Works Week. Mr. Muckleroy advised mowing went up three percent as was approved by City Council for fuel surcharge. Mayor Countryman asked about the contractor's feedback. Mr. Muckleroy said it was still great and they have no issues with his service. Mr. Muckleroy advised permits and inspections have been moved to administration.

Mr. Muckleroy advised street repairs were budgeted for \$20,000. Mayor Countryman asked which streets were being repaired. Mr. Muckleroy stated this was a smaller line item and not the contract labor streets. Mr. Muckleroy said this item is being used today to fix several issues on Buffalo Springs and cut out the base plate and re-asphalt the road. Kevin Lacy asked if they thought they were only going to spend \$1,000 on this line item. Mr. Muckleroy said they just authorized a combined total of about \$12,000 for the Buffalo Springs area. Mr. Muckleroy said next year they are also going to take out of this item the paving of the Community Center parking lot on the north side because it needs gravel repair and we do not want to deal with gravel. Mr. Muckleroy advised the preventative maintenance item is the crack sealing that they do annually, renting the machine, and purchasing two pallets of material. Mr. Muckleroy advised at the end of last year they elected to purchase all of the supplies they needed for the next year with the surplus of funds they received from COVID.

Mr. Muckleroy stated the culvert expense line item was new, which they started this year and it is a reimbursable item, where the customer wants to get a culvert set, they pay the City \$500 and the City pays the \$500 on materials. Mr. Muckleroy said it was an exact cost in and out.

Kevin Lacy asked if they needed to correct the number for item 16375-street repairs. Mr. Tramm advised they would correct that information.

Mr. Muckleroy gave an overview of the maintenance items and advised the Rotary Club had paid \$15,734 for the year on Memory Park, which helps and they provided free labor. Mr. Muckleroy said he wanted to do a lot of interior repairs to the Simonton building at Fernland Park. Mr. Muckleroy said the exterior painting of that building has already been approved for this year. Mr. Muckleroy said they are coming and replacing all of the rotten wood, caulking,

priming, and painting the entire building. Mr. Muckleroy said the contractor said they would like to wait until the weather cools off a little and after the dedication ceremony.

Mr. Muckleroy said they have \$25,000 for Cedar Brake Park maintenance because they have a lot of sidewalk repairs that need to be done and they want to add a couple of barbeque grills. Mr. Muckleroy said they budgeted \$20,000 for a parameter sidewalk for a walkway, which was addressed on the survey. Julie Davis said they are doing sidewalk repairs at Cedar Brake Park and asked if they are considering widening the sidewalk since it is not handicap assessable and does not meet ADA compliance. Mr. Muckleroy said he would have to get back to Julie Davis with the information, regarding bumpouts every so often versus the full walkway to meet the compliance. Julie Davis said she would like to see the City doing that, and she knew that she had talked to Mr. Tramm about possibly selling pavers to the sides of the path. Julie Davis said there are several wheelchairs and moms with strollers that do not fit on the path. Julie Davis said if one wheel goes off the path the whole chair turns over and it is a big issue, and while they have ramps going to the playground equipment the path is not wide enough for a wheelchair.

Mr. Muckleroy said they are going to replace one of the trailers for \$7,000 that the Rotary Club uses because the current one is in bad condition.

Mr. Muckleroy stated improvements are for a three-room used office trailer for the amount of \$18,000 - \$20,000, to be placed on the back of the property, and then if plans change they can turn around and sell it. Mr. Muckleroy said their current office would be turned into the breakroom. Mr. Muckleroy said the rest of the funds would be used for the preparation and installation of the building.

Mr. Muckleroy said they need to do some drainage culvert work on Pond Street. Mr. Muckleroy said their large item contract-labor streets they started this year in February talking about the County doing the paving. Mr. Muckleroy said they did the Resolution and sent it to the County, and since then the County has contacted us to update the Interlocal Agreement, which they did and then the County finally came out and looked at the work, and gave the City a preliminary price. Mr. Muckleroy said he met with the County yesterday and they are telling him the work will not be able to be done two months from now, so it will roll over into the next budget year. Mr. Muckleroy said after discussing this with Mr. Tramm and Mr. Lasky they are suggesting carrying over \$70,000 from this year into next year so they are not using all that money immediately, which would make the line item 16356- contract labor streets \$220,000.

City Council took a break at 3:25 pm and reconvened the meeting at 3:35 p.m.

7. Debt Service Fund

Mr. Tramm reviewed the debt service fund advising that since the debt service fund had accumulated funds over the last several years they transferred less tax money in there and used some of that surplus to pay the debt services, which they are doing again this year but at a lesser rate. Mr. Tramm advised the adopted amount for transfers out—use of surplus was \$300,627 and this year it is budgeted to be \$135,660. Mr. Tramm said that will allow them to carry over about \$60,000 forward to next year. Mr. Tramm advised they have \$485,090 in ad valorem tax. Mr. Tramm said the total cost for debt service is \$623,250 for the current debt.

Julie Davis asked if there was any benefit to paying down the debt faster instead of transferring the surplus out and just making more payments. Mr. Tramm advised the City is contracted to pay the debt at a certain rate and some come with prepayment penalties.

8. Water & Sewer Fund

Mr. Muckleroy reviewed the revenues and expenditures for water and sewer. Mayor Countryman said she was impressed with the proposed total amount for total charges for service at \$2.1 million and asked if that was a conservative amount or is it aggressive as a 25% increase. Mr. Tramm said the largest amount is the water fees and they did not even have a drought year and said the amount was realistic and not overly conservative. Mr. Muckleroy noted that half of the new administrative assistant's salary was included in the wages.

Mr. Muckleroy said he will be bringing a proposal to the next City Council Meeting for endpoints because 522 of their endpoints are reading on the old technology and will no longer work after January 2023. Mr. Muckleroy advised the endpoint is the brain of the meter that sticks out of the top of the meter box and stores and sends the data for the meter reads.

Mr. Muckleroy said the increase in the operator item is the old contract for last year at \$40,000 which was for basic services, and the new contract was built where the basic services include all of the preventative maintenance items at all of the facilities. Mr. Muckleroy said they used to pay for those items separately it is now included in the basic services; they are still paying the same amount it is just under one line item so they will have a reduction in the other item.



Mr. Muckleroy advised they increased sludge hauling to \$34,000 by reducing the \$5,000 in postage to \$1,000 and moving that \$4,000 to sludge hauling. Kevin Lacy asked what was sludge hauling. Mr. Muckleroy advised it was the waste from the sewer plant that remains and is dewatered and removed by a tanker truck. Mr. Muckleroy advised their telephone costs should go down this year since they went from Consolidated to Verizon and cut the costs for each lift station per month in half, from \$40 per month to \$20 per month.

Mr. Muckleroy said under water sewer maintenance they have \$10,000 for the office build-out. Mr. Muckleroy said they want to do some driveway work at the sewer plant because they have a gravel driveway that is always requiring work. Mayor Countryman asked if they should pave the driveway. Mr. Muckleroy said he did not want to pave the driveway because they have 80,000-pound trucks that use that driveway. Mr. Muckleroy said if they ever do anything they would have to do concrete and he would like to look at doing it from the main road to the gate next year and then start working on the rest on the inside.

Mr. Muckleroy said the utility projects' preventative maintenance includes the surplus funds and includes anything that comes up unplanned throughout the year. Mr. Muckleroy stated the transfers out construction will be discussed by the City Engineers.

Julie Davis asked Mr. Tramm regarding the insurance line items for the dependent insurance, whether that was including the \$300 per month, or whether it was grouped together. Mr. Tramm said it was grouped together, which they could break that out as a sub-item to identify the cost for the lowered amount of \$150 per month, or they could leave it to know they have the additional coverage if it is needed. Julie Davis asked what the need was for the \$150. Mr. Tramm said they have staff members who do not need dependent coverage and that would be something for them should they have additional medical coverage needs. Mr. Tramm said that was why he presented that to City Council as two different items. Julie Davis said she just felt the issue was that we were not serving our police officers and that was the issue they were trying to cover. Julie Davis said she feels like there is a hidden agenda with the \$150 or \$300 and she would like to see the two pulled apart. Mr. Tramm said they can easily break those apart into two sub-categories. Mr. Tramm said the benefit is not just for the police department but across all the City.

Kevin Lacy left the meeting at 3:54 p.m.

9. Special Funds - Capital Projects Fund

Mr. Chris Roznovsky, City Engineer, reviewed Capital Projects Fund sources of funding for \$2.28 million in GLO grant proceeds. Mr. Roznovsky advised there were already funds that were going to be spent out of this fiscal year for the engineering and grant administration.

Mr. Roznovsky said the proposal for the transfer from MEDC at \$160,000 is an option for a sewer line on SH 105. Mr. Roznovsky said this option is two-fold, one being currently the Solomon Electric Building is served off of a small lift station that the City has to maintain with service and electricity. Mr. Roznovsky said this project would take the service that is an existing 8-inch line by the Heritage House and would extend it out to SH 105 to eliminate the lift station. Mr. Roznovsky said at the same time it opens up for development because there would be water and sewer service. Mr. Roznovsky said it is slated to MEDC since it is economic development driven for the food truck park development. Mr. Roznovsky said the City has 17 lift stations, due to the way the City was developed.

Mr. Roznovsky said the Utility GRP Transfer of \$628,469 is the Water Plant 3 Improvement Project for next year. Mr. Roznovsky said the Lift Station 3 project is still on hold. Mr. Roznovsky said the CDBG Block Grant – Baja is the project that has been completed for 14 months and they are still waiting for the reimbursement to come back.

Mr. Roznovsky said the Impact Fees big driver for what will be paid into that will be Hills of Town Creek Four at approximately \$3,800 per house. Mr. Roznovsky said the LeFevre development does not apply to this cost, but the Kammerer tract will pay into this, and anything else new would come in. Mayor Countryman asked if the economically affordable homes would fall under the impact fees. Mr. McCorquodale advised the current residential water and sewer tap is very close to what the impact fee is, but what changes is what they can spend that revenue on. Mr. Roznovsky said they are coming up on the due date for the update on the five-year plan.

Mr. Tramm advised the transfer from the general fund to police vehicles are funds that are historically transferred for future vehicle purchases. Mr. Tramm said the infrastructure investment is transferred from the general fund.

Mayor Countryman asked Mr. Roznovsky if he sees anything in the budget with any big items that they need to start looking at, such as the water tower out west. Mr. Roznovsky said on the heels of the impact fee update is an update of the Master Plan and the biggest component of those is the sewer plant because of the time and steps involved. Mayor Countryman said the

City has the property purchased and they know where it will be located. Mr. Roznovsky said it is FM 149 just south of Lone Star Parkway where the old plant is located. Mr. Roznovsky said with the Kammerer tract coming in and Hills of Town Creek, and the growth patterns in the last five years, it does not make much sense to take the sewer from the Kammerer property to Chick Fil A versus stopping halfway and not utilizing the line capacity. Mr. Roznovsky said the cost of that new facility is going to be in the range of \$8 million. Mr. Tramm said it will serve the City for years to come. Mayor Countryman asked what the life expectancy is for the 2024 sewer plant. Mr. Roznovsky said as long as the plant is kept up and maintained, they have had facilities that are 50 years old. Mr. Tramm said easily 50 plus years.

Mr. Roznovsky said they would look at Lift Station 1 at the Stewart Creek Plant, where the pumps are sized for today, but the structure was sized for double today. Mr. Roznovsky said they could add the second plant and switch up some pumps and piping and they do not have to get into the structure itself. Mr. Roznovsky said it would be the same thing at this plant with Lift Station 2 would get replaced because it is old and problematic and the pumps sized for today, but the structure would be large enough to go forward.

Byron Sanford asked to confirm that an above-ground water source is not needed for drinking water. Mr. Roznovsky said the drinking water is the next item, advising there are two ways to look at the water, one is based on capacity and the number of connections, but what is different is the physical locations of where the connections are occurring. Mr. Roznovsky said the Kammerer tract is about as far away from the plant as you can get, and if they go forward with their development, and Hills of Town Creek Section Five, the need for a plant facility out by the Hills of Town Creek makes more sense because now they can produce water locally and we are only having to go a half-mile versus two miles.

Mayor Countryman asked what was the cost today for a water plant. Mr. Roznovsky said in 2015, the elevated structure and control building was estimated at \$2.7 million. Mr. Roznovsky said what would need to be looked at will be the concept of putting another well on that side of town and would be a good potential to have that ability to produce water on that side and not just rely on the tank to fill up from the system. Mayor Countryman asked what that cost would be if they put in a Catahoula Well. Mr. Roznovsky said that cost would be a couple of million dollars since that is a deep well.

Mr. Roznovsky said one of the things that you can do with the impact fees is pay for the projects outright, but you can also pay debt service out of impact fees, such as the waterline project

downtown, which is on the list. Mr. Roznovsky said as they pay the TWDB loan, they can use impact fees for that debt service. Mayor Countryman said she was looking at about \$15 million to be safe. Mr. Roznovsky said yes.

Julie Davis asked what is the timeline for all these projects. Mr. Roznovsky said if development continues like it is, then in the next five years. Mr. Roznovsky said based on their projections they are looking at 70-80 homes per year, and that is before the Kammerer tract develops. Mayor Countryman asked if that was five years to start or five years to be completed. Mr. Roznovsky said the sewer plant would need to be completed, which is why they have to get their plans updated.

Julie Davis said she had asked about needing fire hydrants along Womack Cemetery Road when Kammerer builds because that is the only way she will get water to her home. Mr. Tramm said the water will be included.

Mr. Roznovsky reviewed the Engineering 43890, stating that Water Plant 3 was \$34,000, Downtown SH 105 Improvements carried over \$15,000, Engineering for all GLO projects is \$175,000, and the Liquid Bleach Conversion from chlorine gas for \$50,000. Mr. Tramm said the switch from chlorine gas is not only a safety factor for staff but residents that may move into the area.

Mr. Roznovsky said the Water Plant 3 System Generator – GLO is budgeted at \$501,000, Downtown Waterline Improvements at \$91,300 for the final items, Water Plant 3 Improvements at \$996,550 and is starting this month, CDBG-Baja final payout for the grant at \$38,000, and the Bleach Conversion at \$311,000.

Mr. Roznovsky advised the \$508,000 for streets and sidewalks is for the TxDOT sidewalk project that will be submitted for a grant, so this is a placeholder. Mr. Roznovsky said they should know in October the results as to whether the City will get the funding. Mayor Countryman asked if that was Bessie Price Owens and MLK. Mr. Tramm said that would be an 80/20 matching grant where the City has to fund the whole project upfront and then get reimbursed. Mr. Tramm said they do not have the compensating income line in the budget because they do not know when they will receive the income, because they won't receive the income until the project is complete and it will be a future fiscal year. Mayor Countryman said it was good to have it included.

Mr. Roznovsky said item 48002-Utility Project/Preventative Maintenance includes reevaluating and making repairs to the sewer system, as the City has done in the past. Mr. Roznovsky reviewed a report regarding what would be looked at this year, which includes historic downtown, the older lines in the City, up FM 1097, through Lone Star Estates, and by the High School. Mr. Roznovsky said in 2022-2023 they move to the newer items and the large line along Lone Star Parkway, which most of the flow of the City goes through that line. Mayor Countryman said this will answer Mrs. Stewart's issues. Mr. Roznovsky said yes, they will televise that line and the results of that will come back and detail the issues and their locations. Mr. Roznovsky said they are proposing to do 50% this fiscal year and 50% the following year. Mr. Roznovsky said there is also information regarding what was done in 2017 and said some of the items have been handled, but some that were more long-term maintenance are still outstanding. Mr. Roznovsky said all of the work including the lining of some of those pipes is in this line item. Mr. Roznovsky said the thought is going into the next fiscal year any repairs that can wait in the blue can be put in that budget, and then analyzed in the next section. Mayor Countryman said this is a sound and reasonable plan. Byron Sanford concurred it was a plan.

Mr. Muckleroy stated it includes all manholes that will be inspected by a City operator. Mr. Muckleroy said they have never done this annually and they have never done every manhole in the City. Mr. Muckleroy said H2O should be starting the first round of manhole inspections next week. Mr. Muckleroy said they would be doing one-quarter of the manholes every quarter of the year, which will end up with every manhole in the City being inspected annually. Mayor Countryman said half of the manholes needed repairs last time according to this map and 50% were good and 50% were bad, so it sounds like they definitely need to keep their eyes on them. Mr. Roznovsky said with the annual inspections of the manholes it will help prevent new construction from covering them up. Mr. Muckleroy said each manhole is on a map and has GPS coordinates and they can locate them. Mr. Roznovsky said the MLK/Baja area Community Center Drive is in the GLO project to be looked at so all the home lines in the City will get looked at this year.

Mayor Countryman asked to confirm that for the amount of \$205,000 the City will have every manhole looked at and will know what all of our pipes look like and they will be clean and repaired. Mr. Roznovsky said that is only for the inspection portion. Mr. Roznovsky said due to the age of Waterstone and Hills of Town Creek is about ten years too early to spend the money to send a camera through those lines, but it is worthwhile to have the manholes checked.

Byron Sanford asked, other than the \$160,000 from MEDC is there anything that MEDC can do to help for this next fiscal year. Mr. Roznovsky said he and Mr. Muckleroy looked at a handful of items and that item was the one they felt was the most beneficial that they could truly tie to an economic development function and a City function. Mr. Tramm said during this fiscal year MEDC paid toward the cost of the waterline upgrade in town and the MEDC has funds that are dedicated to smaller improvements that in the past have gone to specific business areas and that money is still going to be in their budget as other needs come up and are identified later.

10. Special Funds - Court Security Fund – covered under Court Budget.
11. Special Funds - Court Technology Fund– covered under Court Budget.
12. Special Funds - Hotel Occupancy Tax Fund

Mayor Countryman said she knows the City is missing out on hotel taxes and she knows that Mr. Tramm is looking into where those funds are being deposited. Mr. Tramm said just this week the City Attorney reviewed a contract with a company to do that work and should be ready to be on the next City Council Agenda for approval.

Mr. Tramm reviewed the Hotel Occupancy budget stating he had increased the Hotel Occupancy collections to \$12,500 because he does not really know what to expect, and certainly they would be expecting more. Mr. Tramm said he had \$4,700 for contract services that would be both the start-up fee, and after that they only get paid two ways; one is they receive a nominal fee when hotels make a reporting, and two when they find non-payers they receive a commission. Mr. Tramm said if they manage to collect back taxes they also get a commission off of those fees, but the City is still collecting 78% of something they would not have collected. Mayor Countryman said she would love it if the City would collect this money because she knows that Tom Cronin has properties he is receiving and not paying taxes on and then Jeff Angelo also, she has not seen him show up and his rooms seem to be busy. Mayor Countryman said Mr. Lasky said only the Magnolia House is the one reporting and paying so we are missing out. Mr. Tramm said this company will also establish a portal to pay, so if they should get a regular hotel or additional establishments it would not be a staff function. Mr. Tramm said he expects there will be more money found. Mr. Tramm said he did budget some of that money to be used for tourism-related expenditures for \$7,800.

13. Special Funds - Police Assets and Forfeitures

Mr. Tramm said this was an as-needed fund. Chief Solomon said they tried to keep it there for specific needs. Mr. Tramm said the last thing they discussed a while back is if there is something urgent that comes up that they cannot otherwise budget they have the funds there. Chief Solomon said it has become more difficult to seize vehicles.

14. Special Funds - Montgomery Economic Development Corporation

Mayor Countryman asked what the removal of blight is under the quality of life category. Mr. Tramm said that has been used in the past to help clean up some private properties that might have a lot of junk and debris at the entry corridors on FM 149 to give a better look for people coming into the City. Mr. Tramm said he thought it had been used in prior years a bit more liberally than the current MEDC Board looks at it.

Mr. Tramm said the projected income for the fund is \$1 million and the projections were done a month before the City budget so there is probably some upward room for that. Mr. Tramm said the MEDC only gets its revenue from sales tax. Mr. Tramm advised the downtown improvements amount to \$172,250, \$40,000 on streets and sidewalks, \$50,000 utility extensions, and \$160,000 for City Capital Projects.

Mr. Tramm advised the line item sales tax reimbursement is the component portion of the reimbursement agreements the City has. Mr. Tramm stated the economic development program is an application-based program by local businesses to MEDC.

Mr. Tramm said under Category III – Category of Life, you see events with zeros and some with dollar amounts. Mr. Tramm said the ones with dollar amounts are City and MEDC based events for which they have a working budget; the ones with zeros are entities that either in the past or will request MEDC funds and the \$40,000 at the top is available should they come forward. Mr. Tramm said one that MEDC is currently working with for the next fiscal year is Charlie Diggs with the October Fall Festival. Mr. Tramm said part of the potential agreement is based on ticket sales, money would be returned to MEDC. Mr. Tramm said the MEDC Board saw the draft contract and gave its tentative okay and it is in the hands of Charlie Diggs and his people at the moment. Mr. Tramm said based on the attendance the MEDC could receive part or all of its funds back with an additional amount. Mr. Tramm said there is an increase to the Christmas Parade, which the City has taken over, the Quilt Walk is a new event, the Antiques Festival is now a City event and any revenue will return to the MEDC for future events. Mr. Tramm said the Fernland Dedication on September 25<sup>th</sup> is a ten-year anniversary in the current year.

Julie Davis said this is a lot of events, and they had just talked about the police doing overtime, so if MEDC is going to be making money on these events, are we asking them to include a line item for police staff. Mr. Tramm advised that the MEDC sponsorship does include that. Mr. Tramm said since MEDC is providing the funds for the events, some strings can only be provided for certain items and one of those very specifically is police security. Mr. Tramm said some of these events are large enough that they require a health component at the event, such as EMT's and can be up to \$2,000.

Mr. Tramm said for the record the MEDC is statutorily limited that it can spend no more than 10% of its income on marketing and tourism items and it does not come close to spending that.

Mr. Tramm reviewed the remaining administration budget. Julie Davis asked how many were on the MEDC Board. Mr. Tramm advised there were seven members, two being on City Council. Julie Davis said the travel and training budget is double what City Council has. Mr. Tramm advised he knew that some of their training is more expensive.

Mr. Tramm asked Mr. Lasky for the balance remaining in surplus following the changes in the General Fund. Mr. Lasky advised they had \$706.00 remaining.

Julie Davis asked about the Capital Improvements that were discussed earlier for the \$15 million for infrastructure in the next five years. Julie Davis asked if they were talking about borrowing those funds or a bond election. Mr. Tramm said the process for that begins in fall and winter with doing an analysis of the City's needs because you do not want to have too much or too little capacity. Mr. Tramm said at that point they will develop a cost component and then they will talk to their financial consultant on how to best obtain those funds. Mayor Countryman said first they need to look at the Comprehensive Plan and see what they are going to do and then find the funding source to fund it. Mr. Tramm said they are looking at late winter or early spring of next year. Mr. Tramm said some of the laws have changed and they may require elections for the funding. Julie Davis said her biggest concern is that MISD is looking at a bond election for this next election, so if we are discussing a bond it would be going back to our constituents and saying we need this, and then a year later the City comes and says they need this. Mayor Countryman said that is the aches and pains of a growing area, your schools are growing at a rapid rate and our footprint and service area are growing. Mr. Roznovsky said when the impact fee and costs get updated it shows the projects for the next ten years with the



costs and the growth that is driving those projects. Mr. Roznovsky said our impact fee is not set up as a prepayment, they pay as they develop and request meters and permits. Mr. Tramm said they do need to be cognizant of other events going on and the timing of them. Mr. Tramm said they have impact fees coming and some funds set aside so they can do some of the preliminary work before they would take the step of borrowing money, which could extend the timeline for borrowing money. Mr. Roznovsky said with a lot of the developments having agreements with the City, they can help front some of the costs in lieu of impact fees, because they have the ability to not access the impact fees. Mayor Countryman said they need to go out and find grants.

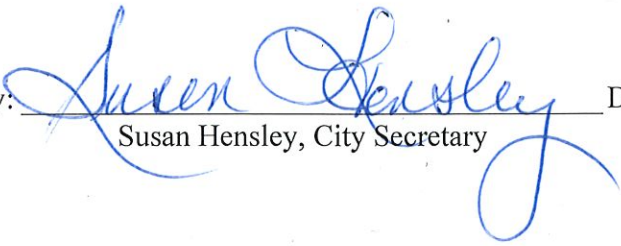
Mayor Countryman said she had to say when she reviewed the budget, she did not feel like she had to hunt around to find where department heads were needing money and felt it was an exceptionally clean and straightforward budget. Mayor Countryman said thank you for all the hard work to make it that way because historically that has not been the case. Mayor Countryman said Mr. Tramm has been working hard letting the old stuff fall off and now she feels like it is finally a clean budget and an excellent job because they started with a painful mess. Mr. Tramm said from the staff's point of view, we realize you as elected officials take time out of your day to work on this and he appreciates staff for putting in hours of work on this. Mr. Tramm said we all appreciate the opportunity to present the information to City Council and to have the interaction with City Council so we can understand your priorities. Mayor Countryman asked that next year they start earlier so that if there is some back and forth there is time. Mr. Tramm said he already has it scheduled for next June.

Byron Sanford said he knows when they make these long-range plans you cannot give a whole lot of detail, but he thinks it helps our cause to educate the public, so we could do a good job to get out the plan and be proactive and get the message out that your streets are going to be fixed and the manholes and lines are going to be inspected. Mayor Countryman said you have to adopt the budget before that is stated. Byron Sanford said the plan is no good unless they can clearly articulate it to the public in a consistent manner, which is what he was hoping for and said thank you for that.

15. Discussion 2021 Tax Rate – There was no discussion regarding this item.

## ADJOURNMENT

Mayor Countryman adjourned the Workshop Meeting at 4:53 p.m.

Submitted by:  Date Approved: \_\_\_\_\_  
Susan Hensley, City Secretary

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

## MINUTES OF RETREAT MEETING

September 11, 2021

### MONTGOMERY CITY COUNCIL

#### CALL TO ORDER

Mayor Sara Countryman called the Retreat Meeting to order at 8:27 a.m.

Present:	Sara Countryman	Mayor
	Carol Langley	Place #1
	Kevin Lacy	Place #2
	T.J. Wilkerson	Place #3
	Julie Davis	Place #4
	Byron Sanford	Place #5

Absent:

Also Present: Richard Tramm      City Administrator

#### CALL TO ORDER

1. Retreat on Governance, Planning and Goal Setting to be conducted by Ron Cox.

Byron Sanford gave the Invocation at the start of the Retreat.

- 10:33 a.m. City Council took a break.
- T.J. Wilkerson left the meeting at 10:33 a.m.
- 10:41 a.m. City Council reconvened the Retreat.
- 12:07 p.m. City Council took a break for lunch.
- 12:45 p.m. City Council reconvened the Retreat.

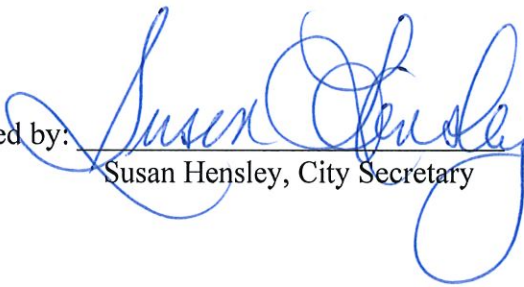
The following staff joined the Retreat for the afternoon session:

- Assistant City Administrator Dave McCorquodale
- City Secretary and Director of Administrative Services Susan Hensley
- Director of Public Works Mike Muckleroy
- Police Chief Anthony Solomon.

The City Council established their governance model for leadership, communications, and expectations. The City Council discussed and began the work of defining their vision and mission for the City, and finally worked to develop a strategic plan for the next 2-5 years, setting goals and objectives for Council and staff.

**ADJOURNMENT**

Carol Langley moved to adjourn the meeting at 3:10 p.m. Julie Davis seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: \_\_\_\_\_  
Susan Hensley, City Secretary

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

**MINUTES OF WORKSHOP MEETING**  
**September 30, 2021**  
**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

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

Present:	Sara Countryman	Mayor
	Carol Langley	City Council Place # 1
	Kevin Lacy	City Council Place # 2
	T.J. Wilkerson	City Council Place # 3
	Julie Davis	City Council Place # 4
	Byron Sanford	City Council Place # 5

Absent:

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

**INVOCATION**

T.J. Wilkerson gave the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Kathryn Jenkins, 14809 Lake Mount Pleasant Road, Montgomery, Texas, representing Wilderlove Coffee said they follow all the County's health department rules and the City of Montgomery's rules. Mrs. Jenkins said they collect sales tax like any other restaurant and coffee shop in town. Mrs. Jenkins said they pay taxes quarterly and the same 8.25 percent as everyone else, with two percent going directly to the City. Mrs. Jenkins said they have a restroom on their unit. Mrs. Jenkins said the lot they are parked on is private property and is not public parking for the Historic District. Mrs. Jenkins said they have an agreement with their landlord and the landlord has electricity running to the parking lot, which the City does not pay for. Mrs. Jenkins said the landlord takes care of the area, not the City.

Mrs. Jenkins said in Mr. Tramm's letter he stated for people to visit 403 EATS in Tomball and Deacon Baldy's in Magnolia instead of coming to visit the food trucks in our City. Mrs. Jenkins said unfortunately many of the people in the room have not come to visit their coffee trailer or even talked with them face-to-face. Mrs. Jenkins asked how can you vote on something when there has been no due diligence done to evaluate and get to know the people in businesses whose lives are affected. Mrs. Jenkins asked how can you vote on rules for all food trucks in Montgomery if you have not visited those food trucks.

Ms. Alice Coker, 104 Quiet Wind, April Sound, Montgomery, Texas, said she is not a resident of Montgomery but spends her money here. Ms. Coker said she has known about food trucks for a while and was excited to see food trucks here. Ms. Coker said one of her favorite places to entertain is Hodge Podge Lodge.

Ms. Coker said she was online today on Next Door and the topic of conversation was the food trucks. Ms. Coker said Bentwater, Walden, all these places have said they come to Montgomery just to get a good latte or coffee. Ms. Coker said Montgomery is a small, wonderful town, but the future is here and we have to accept some things. Ms. Coker said if someone wants to have a business to serve the people we need to allow them to do so.

Mr. Nick Haddad, 102 Anna Springs Lane, Montgomery, Texas, said he sent an email yesterday regarding the situation but would like to address a few points.

Mr. Haddad said he saw a post on social media today where eight people emailed the City opposing the two food trucks at 404 Caroline. Mr. Haddad asked are these the same individuals that wrote the

City in opposition to building in MEDC and if so are those credible testimonies. Mr. Haddad said everyone had the first right of refusal of the purchase for 404 Caroline Street, but all of you declined. Mr. Haddad said now all of a sudden there is an interest. Mr. Haddad said he would like to use the remainder of his time to take a moment of silence to honor the brave men and women who fought for the freedom you are trying to take away.

Mr. Bill Clevenger, 388 Berkley Drive, Montgomery, Texas, said he wanted to thank those who came out to support him and his family and the Jenkins family, but more than that, to support the City of Montgomery.

Mr. Clevenger said Texas Twist and Shakes has had the pleasure of serving 1,776 people as of yesterday. Mr. Clevenger said for 51 days his establishment has generated over \$1,000 in sales tax revenue and as the property owner at 404 Caroline Street they pay their fair share of property taxes.

Mr. Clevenger said he is making it his mission to bring Austin to Montgomery. Mr. Clevenger said he has been in contact with the Attorney General's office. Mr. Clevenger said for all of those who have a past, their attorneys and the Attorney General's office are going to go through each of them. Mr. Clevenger said to all the employees and staff of the City, be prepared for personal interviews and depositions. Mr. Clevenger said the employees have the opportunity to stand up and do the right thing by having the courage to come forth without having the fear of one person's intimidation and threatening of their positions and careers. Mr. Clevenger said the time has come for the Mayor to put an end to all this from the Buffalo Springs HOA to the MEDC and its manipulations of public monies, and the intimidations at City Hall. Mr. Clevenger said it all ends tonight or begins tonight. Mr. Clevenger said he would like to define what a squatter is for Councilman Sanford. Mr. Clevenger said a squatter is a person who settles in or occupies a piece of property with no legal claim to that property. Mr. Clevenger said he would like to make it known to the residents of Montgomery that he is announcing his candidacy for the office of Mayor.

Kade Jenkins, 14809 Lake Mount Pleasant Road, Montgomery, Texas, said he is asking that Montgomery not be another city that only allows food trucks to operate in food truck parks. Mr. Jenkins said food truck parks charge a lot of money for rent. Mr. Jenkins said, however, for a coffee trailer their peak hours are 7:00 a.m. to 11:00 a.m. and they are closed in the evening. Mr. Jenkins said if they were confined to a food truck park they would have to pay a large amount for rent without any of the

benefits of that agreement. Mr. Jenkins said they would open in the morning surrounded by closed businesses and take a spot in the evening surrounded by businesses that they would not be able to benefit from. Mr. Jenkins said food truck parks are not one-size-fits-all.

Mr. Jenkins said they are a coffee shop that is currently not allowed to sell coffee before 9:00 a.m. Mr. Jenkins said he is asking the City to update the ordinance on the time restriction for food trucks. Mr. Jenkins said one can get coffee at Starbucks at 5:30 a. m. and at 9:00 p.m. Mr. Jenkins said not to hold the small businesses to a different standard than Starbucks.

Mr. Jenkins asked for the City to consider changing the verbiage on the rule that no food truck can operate within 50-feet from any intersection or crosswalk. Mr. Jenkins said he believes the wording of this was intended to create safe driving conditions and prevent roadside vendors from parking in a manner that would impede traffic. Mr. Jenkins said since they are on a privately owned parking lot that is raised above the actual road and if they were to move 20-feet over, which they currently cannot do under the current ordinance, they do not believe they would create any kind of safety hazard or impede traffic.

Mr. Jenkins asked City Council to consider the intent and purpose behind each ordinance. Mr. Jenkins said to please make sure all of the ordinances are beneficial to improving our City as a whole and is asking that City Council make them so they do not hurt some of the people who are trying to start and run small businesses here.

Mrs. Brandi Chrisenberry, 18913 Bethel Road, Richards, Texas, said she has been in Montgomery for four years and became involved through talking with all the local businesses. Mrs. Chrisenberry said she began to hear shop gossip of petty drama and politics and people going in and making decisions and creating rules for them such as some people being allowed to obtain permits and others not allowed. Mrs. Chrisenberry said there were inexplicable reasons behind a lot of things that were happening, there was unnecessary licensing, permit rules and regulations, rules about signs, and personal vendettas.

Mrs. Chrisenberry said as a fellow business owner she owns a business in Conroe. Mrs. Chrisenberry said she and her husband are owners of Agape Farms and Agape Farms Ministries north of town. Mrs. Chrisenberry said as a business owner she knows this is a very complicated situation. Mrs.



Chrisenberry said on top of normal operations as a business owner, there are the hiring and firing, accounting, expenses, inventory, profit and loss statements, margin analysis, and advertising and promo items needing to be dealt with on a day-to-day basis. Mrs. Chrisenberry said there is also marketing, social media, regulatory licensing, maintaining the building, equipment, and personal relationships, becoming a system expert in Blue Commerce. Mrs. Chrisenberry said there is a lot of torture when it comes to being a business owner and as a business owner she wants to be an advocate for these businesses to say why not allow these businesses to operate their businesses as they feel best to create revenue for the City. Mrs. Chrisenberry said from a business owner's perspective this is an opportunity to let a potential revenue stream and a local family thrive. Mrs. Chrisenberry said to please allow them to run their business with as much support, guidance, assistance, and encouragement.

Mr. Canon Chrisenberry, 18913 Bethel Road, Richards, Texas, said he came to the meeting to speak on behalf of Mr. Clevenger and Mr. Jenkins. Mr. Chrisenberry said he personally loves them and thinks they are some of the nicest people he knows and his friends can agree with him on that. Mr. Chrisenberry said he loves going into town with his mom and dad to get coffee or ice cream. Mr. Chrisenberry said he would love for them to stay here.

#### **WORKSHOP MEETING:**

##### 1. Discussion regarding Food Trucks in the City of Montgomery.

Mayor Countryman said they did receive some emails from August that need to be read, so they are on the record.

Mr. Kevin Barnes, August 9, 2021, 10:01 a.m. said he does not think food trucks should use parking spots in the downtown area. Mr. Barnes said if a lot of owners wish to let them use their lot they should operate there. Mr. Barnes said generally he does not think they should operate in downtown Montgomery except for during festivals when parking is not an issue. Mr. Barnes said Jim's Hardware is an exception since they have plenty of parking space. Mr. Barnes said they should focus on Historic District structures and use them more.

The Modern Skein, August 9, 2021, 11:45 a.m. said they are all for food trucks, the more the merrier and absolutely they need to be in the Historic District. The Modern Skein said putting them outside the district completely misses the point of having the district be a walkable, inviting area for locals and outsiders. The Modern Skein said of course they should follow the

Health Department rules and pay rent to the area they are parked at but they should be allowed to stay permanently if they wish, i.e. long-term owned land they are parked on, etc. The Modern Skein said to have each truck provide a trash can and dump at the City dumpster or have it picked up by the City and seating shade in their allotted area. The Modern Skein said eating hours should be normal eating hours subjected to the owners of the food truck. The Modern Skein said a sandwich food truck could have lunch and dinner hours, whereas a bagel food truck could open at 8:00 a.m. The Modern Skein said the argument that they just cannot afford a location or should just rent a building is ridiculous because frankly there is zero space downtown to rent that is decent and to buy you have to be a millionaire to be able to afford what is on the market and know the right person in town. The Modern Skein said they do agree that Montgomery is becoming a great destination and place for small businesses, but frankly, it has been us small business owners advertising, pushing events, and drawing in crowds.

Mr. Lloyd Ashbaker, August 9, 2021, 9:21 a.m. said food trucks do not belong in the Historic District. Mr. Ashbaker said they should have a designated area of the City for their placement and not scattered throughout the area.

Ms. Susan Stripling, Farmhouse, August 9, 2021, 12:50 p.m. said she is not a fan of having permanent food trucks. Ms. Stripling said parking is limited in the downtown area and they would be occupying valuable parking space. Ms. Stripling said she believes in keeping the Historical District looking historical and quaint. Ms. Stripling said customers who buy food, etc. will then need a place to sit, therefore less parking available. Ms. Stripling said she is not a fan of customers bringing food and drinks into her shop. Ms. Stripling said she thinks this will increase the probability of this happening. Ms. Stripling said this will increase the amount of trash left lying around downtown and will definitely be a problem and is. Ms. Stripling said if they walk, eat, and drink and there are not enough trash receptacles it will be left for someone to pick up from porches, potted plants, etc. Ms. Stripling said she sees it often now. Ms. Stripling said thanks for asking.

Mrs. Susan Fauss, Spirit Industries, said she loves food trucks and love that they bring a variety of food offerings into an area that is usually under-served and it fulfills the American dream of owning your own small business and being able to work for yourself with a small overhead. Mrs. Fauss said there are several concerns she has with allowing the food trucks in the zoned

Historical District of Montgomery. Mrs. Fauss said she knows that many spent a great deal of time getting this Historical designation and intent of this area to honor our rich heritage. Mrs. Fauss said any permanent building new or old must adhere to strict permitting relations and approvals even down to the paint colors to use. Mrs. Fauss said if it is important enough to subject property owners to these regulations, it should be important enough to expect strict regulation on anything that tries to become permanent. Mrs. Fauss said food trucks pay no property tax and they have to be cleaned out as they are not connected to the sewer. Mrs. Fauss said having no facilities for restrooms and handwashing, they have to depend on other businesses. Mrs. Fauss said trash generated from food trucks is another concern. Mrs. Fauss said also parking needs to be a consideration as the City already needs more parking. Mrs. Fauss asked if food trucks pay a permitting fee for the days they are in the City limits operating. Mrs. Fauss said as they will generate more traffic and trash, more City services will be required to keep up with the additional visitors. Mrs. Fauss said the current location of the two food trucks also concerns her because of traffic and parking and pedestrians are sharing parking lot areas to stand, wait, and eat, not to mention walking around and through parked cars that are constantly moving and parking. Mrs. Fauss said food trucks need their own area if this is to be an option for Montgomery and they need a separate place to be with their own parking in her opinion. Mrs. Fauss said thanks for the opportunity to express her opinion.

Mr. Damond Haines, Kids Free Ice Cream, said some food truck employees are using his only restroom. Mr. Haines said he is open seven days a week and most restaurants are closed Sunday and Monday. Mr. Haines said he has a video showing employees crossing the street and entering his restaurant on Sunday just to use his restroom. Mr. Haines said he was not very happy about it so he reached out to the owner of the food truck to confirm his employee and he received no response.

Mrs. Cheryl Fox, Fox Insurance, August 19, 2021, 3:49 p.m. said several friends and business owners in downtown Montgomery have asked her to voice her opinion on the food truck issue. Mrs. Fox said she likes food trucks but does not like them downtown permanently with wheels still attached. Mrs. Fox said that is not what a food truck is unless it is in a designated “food truck park”

such as the one on FM 1488. Mrs. Fox said most food truck parks have public restrooms and a place to sit down to eat. Mrs. Fox said when they are at certain downtown events she

understands that is not the case, but they are only there for a limited time. Mrs. Fox said she feels the trucks that are now parked in the Historic District of Montgomery do not do our town any favors by being there 24/7 and not sure what their hours are. Mrs. Fox said she understands this has caused some unhappy people on both sides and it would be in the best interest of the City to have a fair restriction on food trucks with attached wheels that would limit the amount of time they could be parked within the Historic District of the City. Mrs. Fox said she is sure that other cities have good food truck ordinances to review to be able to see what works for our City. Mrs. Fox said the fact that the mobile food trucks do not pay property tax also leaves an advantage to the mobile unit over a “brick and mortar business.”

Ms. Brenda Ryland, August 20, 2021, 3:55 p.m. said thank you for bringing this very important topic to the attention of the Montgomery Historical District community. Ms. Ryland said she has three main topics of concern. Ms. Ryland said as a Historic District there are specific regulations that must be maintained and met to preserve the historical integrity of the district such as paint color, tax, type of structure, signage, etc. which are some of the things we as small business owners have to comply with in order to be a part of this historic business community. Ms. Ryland said food trucks that are permanent fixtures in the district do not comply with the regulations put forth by the City of Montgomery and thus should not be allowed to permanently set up business in the Historic District.

Ms. Ryland said she is very concerned about the sanitation associated with these food trucks. Mrs. Ryland said the running water these food trucks use to provide products to their customers is provided via a garden hose, not a hose that is deemed FDA drinking water safe. Ms. Ryland said the power used to provide electricity to these trucks is via an electrical cord strung from a light pole and plugged into a truck. Ms. Ryland asked when and where are they dumping their gray water. Ms. Ryland said she believes they are supposed to dump their gray water every 48-hours per the Health Department but she never sees these trucks move so where is the gray water going. Ms. Ryland said there are no restrooms and no sinks for the public associating with these trucks and even if other local establishments want to accommodate the public, those purchasing products from these trucks the other establishments do not keep the same business hours or business days as these trucks, so how are they able to maintain sanitary conditions. Ms. Ryland said as a business owner she is seeing more trash scattered around the district. Ms. Ryland said she is picking up napkins and cups that appear to be blowing across

the street and into her retail space. Ms. Ryland said much of this trash appears to be coming from the food trucks.

Ms. Ryland said the safety of the general public is a big concern. Ms. Ryland said the trucks are located on a very busy corner of Caroline Street and FM 149. Ms. Ryland said traffic on FM 149 is extremely dangerous and as most of us in the district know, people driving dump trucks, heavy haulers, and many cars do not obey the speed limit on FM 149. Ms. Ryland said it is quite common to see vehicles traveling at speeds of appearing to be 40 mph on FM 149. Ms. Ryland said this poses a significant danger to pedestrians crossing the streets to get to these trucks. Ms. Ryland said also these food trucks are located in a parking lot and there are no barriers between the pedestrian traffic on the food trucks and the general public parking in the parking lot. Ms. Ryland said there is a significant chance that a pedestrian/automobile accident could result as a matter of logistics in this parking lot and it does not even consider the parking lot is adjacent to a facility that serves alcohol. Ms. Ryland said think of all the children running around to get ice cream, this is a recipe for disaster. Ms. Ryland said she is a fan of food trucks let me make that clear and there are many locations within the limits of the City of Montgomery that could accommodate these food trucks and many more. Ms. Ryland said she does not feel these trucks comply with many other regulations be it the Historical City, County, or State thus she would like to see them removed. Ms. Ryland said in her opinion the City should have never allowed them to set up in the first place. Ms. Ryland said there is a Planning and Zoning Committee, a City Administrator, Mayor, and City Council, and all of these entities should have raised red flags when it became apparent these trucks were coming into the community. Ms. Ryland said if that had happened then this all would have all been avoided and our Historic District would continue to be the beautiful welcoming community that it is known to be. Ms. Ryland said let us develop a strict plan to allow these trucks to visit our community or festivals and other specific events that limit their time to set up to the time of the event and no longer than 48-hours at a time. Ms. Ryland said to make the events associated with these trucks ones that are registered with the City of Montgomery so as not to allow vague verbiage that could be used as an event for food trucks set up and have their trucks comply with safety and health regulations that are specific to their types of business.

Ms. Kristy Schroeder, September 8, 2021, said she would like to voice her opinion on the food trucks and Historic Montgomery. Ms. Schroeder said she sees food trucks as a very good thing

in Historic Montgomery as they bring people to our town and our downtown shops, not to mention it is very nice to have them during weekend events. Ms. Schroeder said she would like them to be able to permanently stay where they are. Mrs. Schroeder said in her eyes it is a win-win situation having them here and where they currently are located. Ms. Schroeder said there is not a lot to choose from in Historic Montgomery and believes that the coffee trailer and ice cream trailer have added value to our town. Ms. Schroeder said she would like to see more of them set up throughout downtown Montgomery, however, she does not feel that setting up a food truck park is a good thing for the City and does not think it is a good thing for the food trucks either. Ms. Schroeder said she loves to get her coffee earlier than 9:00 a.m. and would much rather give her business to small business owners in the community than take her business to Starbucks. Ms. Schroeder said if a food truck park was set up then she would not be able to get her coffee early in the morning. Ms. Schroeder said food truck parks are set up to cater to the lunch and dinner crowds. Ms. Schroeder asked how her favorite coffee trailer would even be able to stay open like that. Ms. Schroeder said that is not fair to them and it is not fair to her as a customer. Ms. Schroeder said she has grown to love getting her coffee in Historic Montgomery at the coffee trailer. Ms. Schroeder said if they were forced to have to go into some type of food truck park the overhead would most likely be too much for them, their business peak hours, or early in the morning. Ms. Schroeder said she thinks they are great where they are and hopes they can open earlier soon. Ms. Schroeder said please take all she has said into consideration and please do not make it impossible for them to be able to stay here and serve our community. Ms. Schroeder said she would much prefer to keep her business there at the coffee trailer and in our community than to take her business to a chain that has no contribution to our community. Ms. Schroeder said the coffee trailer and food trucks are bringing people to our community in more ways than one.

Mrs. Katy Jenkins, September 8, 2021, 9:37 p.m., said she knows her husband Kade was able to speak with Mr. Dave McCorquodale about the food truck ordinances, but she wanted to also share her point of view. Mrs. Jenkins said they love being able to serve the community specifically coffee and we love our town. Mrs. Jenkins said she is writing this because she is concerned that in Mr. Tramm's letter his focus was that people should visit Deacon Baldy's or at 403 Eats which are both food truck parks, but there is no mention of visiting anywhere where the food trucks are thriving outside of a food truck park. Mrs. Jenkins said food truck parks can be great and are a neat idea, however, if you confine us to a food truck park our

business will not survive. Mrs. Jenkins said food truck parks rely on the idea that businesses pay a steep rent in exchange for the high traffic of people coming to eat lunch or dinner and then the food truck getting exposure and hopefully more sales. Mrs. Jenkins said it also allows them to have access to whatever amenities like seating, restroom, and bar, etc., and more exposure from food truck park truck events. Mrs. Jenkins said this is great for some but is not a one-size-fits-all. Mrs. Jenkins said as a coffee trailer, our business thrives off of mornings. Mrs. Jenkins said no other food trucks are open in the morning, no events at the food truck park are in the morning, no one is coming because it is a food truck park, and then deciding they will choose us. Mrs. Jenkins said the only people that would be coming are because they already know about them from marketing and word of mouth. Mrs. Jenkins said they will not benefit as a food truck would at a food truck park but they would still have to pay the high price of rent and to be there. Mrs. Jenkins said plus this is about more than just them. Mrs. Jenkins said there are Mexican food trucks up and down SH 105 and even on FM 1097 and a food truck park is not going to let five Mexican food trucks all park there. Mrs. Jenkins said they will be forced to take their customers, business, and tax dollars elsewhere. Mrs. Jenkins said their community deserves to have small businesses and new start-ups and not be put in a box and also not to be run out of the City because they are unable to thrive here. Mrs. Jenkins said they love their City and this is where they want to be. Mrs. Jenkins said they chose Montgomery. Mrs. Jenkins said she understands that many of you do not like them being in Historic Montgomery and can be objective and hear those viewpoints and if that is what it comes down to, eventually they will respectfully comply. Mrs. Jenkins said to please not confine them to a food truck park for the sake of getting them out of downtown Montgomery. Mrs. Jenkins said she hopes they consider getting rid of the time constraints on when a food truck can open as they want to be able to serve their town before they go to work and school. Mrs. Jenkins said their town should be able to get coffee from a local business in the morning instead of resorting to a big chain because it is the only thing open. Mrs. Jenkins said they have to turn away many people or tell them they are sorry they cannot open sooner. Mrs. Jenkins said she hopes they will objectively consider the great addition they have been to the downtown area even if you did not like it from the start. Mrs. Jenkins said they are supportive of everything that goes on downtown and like and share about all of the events happening downtown and they truly want to see it thrive and become the tourist hot spot they know it can be. Mrs. Jenkins said she hopes they have been able to see the number of customers they are bringing into the town who previously have not visited. Mrs. Jenkins said they get customers

from Houston and Huntsville, as well as many from Conroe. Mrs. Jenkins said many people come to them saying they did not even know all the shops were down here. Mrs. Jenkins said they are bringing in people who have a drink, stroll the town, and hopefully spend more money in the shops. Mrs. Jenkins said they also have many of the local business owners in Montgomery who come every day to their trailer as well as many of the workers from area shops who visit them regularly. Mrs. Jenkins said they truly feel like they are part of the community and believe the community loves having them here. Mrs. Jenkins said they are also bringing in a younger demographic that the downtown area is lacking in and who may not have visited their town to begin with because it is most likely marketed toward the older generation. Mrs. Jenkins said she hopes you will truly consider the people of Montgomery and what they want even if it is not what you want. Mrs. Jenkins said she believes in fairness, truth, and justice and hopes that every voice is heard and the right decision representing the majority truly happens. Mrs. Jenkins said she believes in Montgomery and thank you for the time and consideration.

Ms. Tracy Graupe, September 28, 2021, 10:26 p.m., said it is a pleasure to write and say what a wonderful town we live in. Ms. Graupe said she enjoys working and living in the small town of Montgomery and has enjoyed the recent addition of the Wilderlove Coffee truck and the ice cream food truck and especially loves Wilderlove's Coffee amazing drinks and friendly service they provide. Ms. Graupe said she would love to see them stay right where they are. Mrs. Graupe said she would love it even more if you would allow them to open before she has to go to work at 8:00 a.m., so she can get a coffee in the morning before work. Ms. Graupe said she believes in supporting small business owners, but it makes it difficult when they are not allowed to open until 9:00 a.m. Ms. Graupe said she has heard there may be a possibility that food trucks in Montgomery will have to be located in a food truck court. Ms. Graupe said that would not be good for all food trucks, as it would only be ideal for those who serve lunch and dinner and those who cater to the party atmosphere. Ms. Graupe said coffee trailers such as Wilderlove would not thrive in this atmosphere and they would not be open in the evening when the crowds are there as they cater to the morning bunch. Ms. Graupe said the rent in a food truck court would be much higher as well.

Ms. Graupe said to please consider Katy and Kade Jenkins of Wilderlove Coffee and the benefits they have brought to Montgomery, Texas. Ms. Graupe said they not only bring a



delicious third-way coffee drink, but they also bring customers from other areas of our town to shop and cultivate our small town. Ms. Graupe said she often sees them complimenting other businesses in town and promoting them to other customers. Ms. Graupe said let us do what we can do to keep them in Montgomery and not force them out.

Ms. Jennifer Skinner, Montgomery Original Snoballs, September 29, 2021, 9:06 a.m., Ms. Skinner said she is a proponent of small business and mobile food trucks coming and going from our City as it gives us more reasons like a small event to come to Montgomery. Ms. Skinner said her business and Jim's Hardware were one of the first to start having mobile food trucks regularly at our businesses. Ms. Skinner said having a variety of shops and restaurants is vital for our City and no one should only eat at Snoballs. Ms. Skinner said the mini-golf course, Longview Greens, offers soft serve and snow cones and they are a permanent establishment even though not in Historic Montgomery, it is tasteful and compliments our community bringing more people to our City. Ms. Skinner said scooped ice cream in Historic Montgomery adds value. Ms. Skinner said the type of mobile food vendor is irrelevant to this ordinance rewrite. Ms. Skinner said the current age of the mobile food vendor ordinance needs to be updated as most cities surrounding Montgomery have done within the last five years to respond to the food truck trend. Ms. Skinner said the following are her suggestions to consider. Ms. Skinner said have limits on the time frame a truck may be parked within a certain distance or inside the Historic District. Ms. Skinner said she believes by having permanently parked food trucks amidst our historical buildings we are degrading our historical appeal and rich history which so many before us have fought to preserve. Ms. Skinner said also permanently parked food trucks devalue the commercial real estate market for quality businesses. Ms. Skinner said typically a food truck is an option for a business owner who lacks the capital to have a brick and mortar business. Ms. Skinner said the tradeoff for food truck owners not having the capital to establish a brick and mortar is the mobile aspect. Ms. Skinner said most food truck owners would love to have a brick and mortar and they save money for it because they understand the commercial investment and benefit of being in a fixed location. Ms. Skinner said require a sales tax number and address to help track sales taxes for the City. Ms. Skinner said require the mobile food vendor to park within 300 feet of a public restroom for their employees and customers. Ms. Skinner said no employee should be without a restroom while working. Ms. Skinner said require receipts of the gray water tank disposal cleanup regularly every 72 hours. Ms. Skinner said this ensures that the wastewater inside the truck is

being removed regularly to avoid unsanitary conditions. Ms. Skinner said require a location inspection of the commissary for food storage. Ms. Skinner said this ensures that the food being served has been stored properly. Ms. Skinner said food vendors usually cannot survive with just a truck for their food storage. Ms. Skinner said if plugged in for power, open at 7:00 a.m. and close at 10:00 p.m. Ms. Skinner said if on a generator for power, open at 8:00 a.m. and close at 8:00 p.m. Ms. Skinner said it preserves noise pollution for the downtown residents. Ms. Skinner said thank you to City Council for consideration.

Ms. Kathy Jenkins, Food Trucks of Montgomery, September 29, 2021, 9:27 a.m., said it has come to her attention that there may be some changes made regarding the food trucks in Montgomery. Ms. Jenkins said we as taxpayers for 26 years have the right to voice our opinions and be heard on this matter. Ms. Jenkins said food trucks are a new way to bring visitors and revenue to the City especially food trucks like Wilderlove Coffee in Historic Downtown Montgomery bring people from all over to try their coffee. Ms. Jenkins said they have an attractive trailer that brings new life to the downtown area. Ms. Jenkins said when customers come for coffee Kade and Katy Jenkins tell them about the shops and encourage them to visit them all. Ms. Jenkins said they also promote the surrounding businesses and have built a relationship with them. Ms. Jenkins said the location of the coffee trailer is excellent, however, it would be beneficial if they were allowed to open earlier as they could serve people on their way to work and school. Ms. Jenkins said their heart is to bring more people to the community and in the short time they have been open they have done just that. Ms. Jenkins said food trucks have been successful in the surrounding communities and we need vitalization and growth in our little downtown district. Ms. Jenkins said she has also heard that Montgomery is considering a food truck park and food truck parks are primarily afternoon and evening attractions. Ms. Jenkins said this would not be a good fit for a coffee trailer as food truck parks are very expensive as they offer amenities like a bar, pavilion, entertainment, etc. Ms. Jenkins said the cost to rent at a food truck park is out of reach for those young people trying to start a business. Ms. Jenkins said all food trucks should be treated as an individual business and not forced to be lumped together. Ms. Jenkins said food truck parks are not a solution to all food trucks as each is an individual business. Ms. Jenkins said also regarding creating a new ordinance, everything is great with our existing food trucks as they follow all the rules and bring needed business to our community. Ms. Jenkins said she sincerely asks City Council to think about the intent and do not add the new rules for the sake of adding rules

if the food trucks are doing well. Ms. Jenkins said please know that these are people who live in our community and want to run their business in our hometown. Ms. Jenkins said making unattainable changes can put them out of business. Ms. Jenkins said we need to bring more people to our town, so let us come together and think of ways to help small businesses succeed and thrive. Ms. Jenkins said she applauds these people who are working hard, making sacrifices, trying to support families, and helping our community.

Kambra Drummond, September 29, 2021, 11:59 a.m., said as a business owner in the Historic District of Montgomery I would like to express my opinion on the existence of food trucks in the area. Ms. Drummond said first and foremost we need more businesses in the Historic District with a variety of products bringing more shoppers to town which all would benefit from. Ms. Drummond asked does she think the addition of food trucks on a permanent basis adds to the solution. Ms. Drummond said yes, but not in the current situation. Ms. Drummond said the way the food trucks gain a following is by rotating their location going to many different venues and sharing the product they offer with many communities. Ms. Drummond said this then builds a following and thus brings followers to our area. Ms. Drummond said she does not believe this is the case with the current food trailers we have set up in the middle of town. Ms. Drummond said if there was a location that was set up with restrooms and a safe gathering area for the customers and their children I think that this could benefit, not in the area that is in the middle of a parking lot. Ms. Drummond said as it is now people with families that visit these trailers are not safe from moving vehicles and they also have no readily available restroom facilities. Ms. Drummond said they have no water accessible except through a garden hose stretched across the parking lot and that is completely unsanitary. Ms. Drummond asked where are these trailers dumping their gray water. Ms. Drummond said neither trailer has moved from the area to dump and this is a violation of the Montgomery Health Code for food trucks. Ms. Drummond said if they were set up in a location with all of these things addressed I think they could then be a benefit to the community. Ms. Drummond said also for one, she is tired of picking up empty cups from these businesses that have been left on her porches because there are not enough trash receptacles set up in the area.

Nick Haddad, September 30, 2021, 12:17 p.m., said he found it quite a surprise to learn the meeting scheduled for September 30, 2021, was not going to be an open dialogue with the community to help create a path forward for the food truck debacle that you all have created.

Mr. Haddad said he as well as many others find Texas Twist and Shakes and Wilderlove Coffee to be a great addition to our quaint little community, not to mention the wonderful smiles the ice cream brings to everyone of all ages. Mr. Haddad said he hopes that everyone looks at the existing food truck businesses in place and creates the revised ordinances around them. Mr. Haddad said it is unfortunate these businesses are having to go through so much red tape to operate their business when the City rolls out the red carpet for franchises and big businesses all the while turning their back on our neighbors. Mr. Haddad said a prime example of this is Coffee with the Cops. Mr. Haddad asked why are we holding it at Starbucks as opposed to one of the coffee shops downtown. Mr. Haddad said the City has no issue footing the bill to have snow cones with the Mayor at her dear friend and neighbor's business. Mr. Haddad said we are all aware of previous meetings the ordinance put into place after the fact of the businesses operating ends up pushing them out. Mr. Haddad said they plan to seek legal action against the City. Mr. Haddad said he is not a fan of misappropriating spending of citizen tax dollars to fuel a personal vendetta the Mayor has against one of the owners of the food trucks downtown. Mr. Haddad said if we all have this kind of cash lying around to just throw away why don't you all do something useful and go to Cedar Brake Park and see what equipment needs to be fixed or replaced.

Ms. Kelly Cook, Liberty Bell Antiques, September 30, 2021, 11:51 a.m., said being a historical business district property owner for over 30 years she is concerned about the semi-permanent food trucks set up in the historical area of Montgomery. Ms. Cook said she feels we should be preserving the Historic District and not promoting food trucks that do not add to the charm of the Historical District. Ms. Cook said Montgomery has wonderful restaurants that serve our area so let us help promote local paying tax businesses.

Ms. Rendy Kerr, September 30, 2021, 12:05 p.m., said she likes food trucks in general, but is just not happy with the present setup as it is the first thing you see when you pull into the Historic District. Ms. Kerr said also she feels that being a brick and mortar owner she pays taxes on the building and all of the contents yearly. Ms. Kerr said only the private property these trailers sit on is not the same taxation, not revenue for the City. Ms. Kerr said these businesses are not paying the same for basic utilities that all the other businesses in Montgomery are.

Mayor Countryman said these emails were all received before the cutoff and then they received a stack last night after the cutoff and again today. Mayor Countryman said everyone on City Council received a copy of those emails and while we do not have time tonight to review them, however, they can certainly review those and bring those to the next City Council meeting.

Mayor Countryman said they will begin the Workshop. Mayor Countryman asked City staff how did we get here and what is the policy and procedures to get a food truck permit.

Mr. McCorquodale, Assistant City Administrator said to obtain a mobile food vendor permit in the City you need a County Health Department permit, vehicle insurance, compliance with the County and State laws, no sales on roadways above 30 mph, no mobile food unit shall be parked within 50 feet of a street corner crosswalk or a school during the hours of 9:00 a.m. to 5:00 p.m. and must post the permit somewhere on the unit. Mr. McCorquodale said to obtain the permit from the City you would need insurance, a County permit, a copy of your driver's license, and a permit fee.

Mayor Countryman asked when this ordinance was put in place. Mr. McCorquodale said since 2002. Mr. McCorquodale said staff did revise some sections of the Vendor Ordinance none of which were included in the mobile food vendor permit.

Mr. McCorquodale said on July 13, 2021 staff had proposed to City Council a revision to the Vendor Ordinance which did two things. Mr. McCorquodale said it clarified and changed the definition of what a mobile food vendor was and there was a special use requirement for the Historic District. Mr. McCorquodale said through the weeks and months that followed here we are at the Workshop today.

Mayor Countryman said when someone wants to open a food truck they come to City Hall and there are multiple steps. Mayor Countryman asked if the person needs to tell the City what they are going to do with the property, show a rendering, platting, sewer, and water, and asked if this was correct. Mr. McCorquodale said not for a mobile food vendor. Mr. McCorquodale said yes if it was for commercial development or development within the City. Mr. McCorquodale said for a mobile food vendor permit you need the permit application, the County Health Department permit, insurance, driver's license, and a permit fee.

Mr. McCorquodale said regarding Key Questions for Council we need to provide clarity for what constitutes a mobile part of a mobile food vendor. Mr. McCorquodale said the County says in their requirements that if the wheels are removed from the unit or you cease to be mobile, you would be a food establishment and not a mobile food vendor any longer. Mayor Countryman asked if you chose not to move and there are still wheels on the unit what does that mean. Mr. McCorquodale the County says if you remove the wheels or become stationary you are now classified as a food establishment. Mr. McCorquodale said the County does not require a regular restaurant to have a restroom. Mr. McCorquodale said he knows they have discussed the issue of a 300 feet distance from a restroom. Mr. McCorquodale said for clarity they require restrooms for their employees and there is no healthcare requirement he is aware of that requires a restaurant to provide a restroom for the patrons.

Mayor Countryman asked who is in charge of the permits. Mr. McCorquodale said Ms. Susan Hensley, City Secretary does the permits. Mr. McCorquodale said the front office will give them to Ms. Hensley to review and make sure they all comply.

Mayor Countryman asked if Mr. McCorquodale or Ms. Hensley advised both trailer owners of the City's policies and procedures. Mr. McCorquodale said they talked with them about what it takes to obtain a permit.

Mayor Countryman asked if both of these trailers have permits today. Mr. McCorquodale said they do have permits. Mayor Countryman asked when they expire. Mr. McCorquodale said they both have six-month permits but does not know the expiration date.

Mayor Countryman asked when a person applies for a permit do you need to disclose your location. Mr. McCorquodale said you have to have proof because you are not allowed to operate on other property, meaning streets and right of ways. Mr. McCorquodale said you need to have a letter from the property owner that states the person can be on the property.

Mayor Countryman said she knows there was a rendering submitted, but then a trailer came in to get a permit and did not say where they would be located, and then the trailer opened earlier than the rendering that they received. Mayor Countryman asked how does that all work because now there are two trailers on this property we are discussing. Mayor Countryman asked if that is under the City's ordinances. Mr. McCorquodale said when Mr. Clevenger talked with them a year or two ago he said

he was going to make some changes to the lot he owned that is in Historical Downtown. Mr. McCorquodale said he had a hard time figuring out how to approach it because they normally ask the Planning and Zoning Commission. Mr. McCorquodale said all of their zoning code and all the design criteria for downtown are all written around structures. Mr. McCorquodale said it is not meant to encapsulate something that has a license plate on it. Mr. McCorquodale said Mr. Clevenger said this is what it is today, but I am going to make some changes to it and put a trailer here and put some tables there. Mr. Clevenger brought it to the City, and then it goes to the Planning and Zoning Commission.

Mayor Countryman asked if Mr. McCorquodale agrees that he and the City followed all of the 2002 Ordinance. Mr. McCorquodale said he followed it to the best of his ability and that many cities wrestle with this. Mr. McCorquodale said this is not something new to them. Mr. McCorquodale said their Vendor Ordinance was written for the food truck that is going through a new subdivision and that is why it says you cannot park within 50 feet of a street corner or a crosswalk because they anticipate them stopping on the street in a neighborhood where houses are being built.

Mayor Countryman asked if what Mr. McCorquodale is saying is they did not actually have an ordinance that would fit the needs of these trailers. Mr. McCorquodale said the modern food truck movement was not anticipated.

Mayor Countryman asked what happens if we do not have an ordinance that fits into what a business is asking for. Mayor Countryman asked do they go ahead and get them permitted. Mr. Alan Petrov, City Attorney said if the City feels they reasonably fit in with what the City has then yes, you give them a permit, which he thinks is what was done in this situation. Mr. Petrov said that does not mean that you sit back and do nothing. Mr. Petrov said food trucks are very popular and are increasing everywhere. Mr. Petrov said you do have to update your ordinances to make sure you fit the modern technology and usage of food trucks. Mayor Countryman said the City has failed to do that since 2002. Mr. McCorquodale said they may have but he has not been with the City for 16 years. Mr. McCorquodale said this is regarding an issue that is two years out and would not say they have been decades out of date. Mr. Petrov said he would not call it a failure as the City is like so many other small communities. Mayor Countryman said it is a struggle that is something new for sure. Mr. Petrov said the City is dealing with things all the time like water, sewer, parks, and drainage and when something like this comes up this is another thing that needs to be dealt with.

Mayor Countryman asked Mr. McCorquodale if he thinks they cut corners in approving these permits. Mr. McCorquodale said no not at all.

Mayor Countryman asked what is the time of expiration and what happens when the permit expires. Mr. McCorquodale said they would re-apply and get a new permit and would need to answer the fundamental question of what does mobile mean. Mr. McCorquodale said if we look at the County's requirements it says the term mobile food unit means a vehicle mounted on wheels that is designed to be readily removed and any mobile food unit that removes wheels or becomes stationary will be classified as a food establishment and must meet the criteria of the food establishment. Mr. McCorquodale said one of the things that seems paramount to him, and what he has wrestled with the Planning and Zoning issue is how does a mobile vendor look under an ordinance that is designed for historic preservation buildings.

Mayor Countryman said she thinks that is part of our struggle as no one is opposed to food trucks or small businesses. Mayor Countryman said she does not think that is the problem. Mayor Countryman said the problem is trying to understand what the process was and if there was not something that matched or maybe it did match, it seems there was a miscommunication between the trailer owners and City staff because they thought one thing and City staff thought another thing and it seems to be where this debacle comes from. Mr. McCorquodale said he thinks what the City thought is that the County requirements say you need to move every 48 hours, dump waste, and refill tanks. Mr. McCorquodale said in speaking with the Health Department apparently there are some unwritten workarounds. Mr. McCorquodale said his suggestion for the City would be to encapsulate the County requirements that you think are valid into your ordinance that you can enforce. Mr. McCorquodale said you do not want to get into the health aspect of it with the time and temperature as that is what you would use the County Health Department for. Mr. McCorquodale asked do you want a food truck that has to move or is it okay to be stationary. Mr. McCorquodale said fundamentally to him it seems strange to think about a mobile food vendor permit for someone who is never planning to go anywhere. Mr. McCorquodale said you sell food and do it in various places. Mr. McCorquodale asked how do they want to define mobile. Mr. McCorquodale said that needs to come from City Council to discuss and then staff will then know how to carry it out. Mr. McCorquodale said they will certainly advise City Council and discuss the things they have learned from other cities.



Mayor Countryman asked if we require the City to have any proof of liability outside of vehicular insurance or liability. Mr. McCorquodale said no.

Julie Davis asked how much more different is the mobile food vendor permitting process than it would be for a brick and mortar that is coming to the City. Mr. McCorquodale said some things a normal developer would require is there has to be a certain amount of parking, lighting has to be a certain way, utilities have to be done a certain way and that would include a grease trap for a food establishment, landscape, and preservation requirements, and historic district requirements if that applies. Mr. McCorquodale said when it comes to a mobile food vendor we are not looking at how many parking spaces or if there is a grease trap. Mr. McCorquodale said it is fundamentally a different issue. Mr. McCorquodale said he wants to figure out what constitutes mobile. Mr. McCorquodale asked when are you no longer mobile because the County says when you stop moving, take the wheels off, or just cease to move, you are then a food establishment. Mayor Countryman said we can take the County's rules and make them more specific to the City. Mr. McCorquodale said yes and there is nothing stated whether it is 300 feet to a public restroom for employees. Mr. McCorquodale said as an example Huntsville uses 200 feet. Mr. McCorquodale said you want a convenient place for employees to be able to use the restroom.

Mayor Countryman asked if the County Health Department has been out to the City and do they need to visit the City more regularly. Mr. McCorquodale said he knows they have, but thinks they are understaffed.

Mayor Countryman asked if we adopted some of the County's regulations under the City's ordinance who would regulate that. Mr. McCorquodale said the City would. Mayor Countryman said the Historical District adds another layer of complexities to the ordinance.

Mayor Countryman asked if SPUD N It Up because they are not in the Historic District, had to do anything different from Wilderlove Coffee or Texas Twist & Shakes, or are they all treated equally. Mr. McCorquodale said the process was the same except they did not have to go through the Planning and Zoning Commission. Mayor Countryman asked if Wilderlove Coffee and Texas Twist & Shakes went to the Planning and Zoning Commission. Mr. McCorquodale said Texas Twist & Shakes did but they have not done anything with Wilderlove Coffee as things have been candidly on hold trying to figure out what the next step is and what City Council wants them to do.

Julie Davis said we are not revamping the Historical District rules and regulations, and asked what is permitted for the operation of these mobile trucks within the Historic District. Mr. McCorquodale said he cannot find any relation to the vendor itself, but to the site, there is because once inside the Historical District Planning and Zoning Commission gets involved.

Mr. McCorquodale said regarding food truck parks they use as an example Deacon Baldy's and 403 Eats. Mr. McCorquodale said the thing with the food truck park and the key thing to discuss is that is where they no longer have to be mobile. Mr. McCorquodale said he thinks it is important to think about food truck parks not as we are suggesting something to mimic, but it is the framework. Mr. McCorquodale asked if you want to be somewhere long-term what needs to happen. Mr. McCorquodale said the food truck cannot hook up to a sewer or permanent water line connection and still be a mobile food vendor. Mr. McCorquodale said to think of how these food trucks stay in one place long-term and what is the framework of that.

Mayor Countryman asked what the State calls a food truck and what their parameters are. Mr. McCorquodale said they use the term mobile food units, similar to the County. Mr. McCorquodale said counties and cities with a health department need to look to the County guidelines for answers. Mr. McCorquodale said they follow the County guidelines and the County follows the State guidelines.

Kevin Lacy asked regarding the two mobile food trucks Texas Twist & Shakes and Wilderlove Coffee, what discussions have taken place to find a way to move forward. Mr. McCorquodale said he thinks it is important to consider solving the problem before they dealt with the specific vendors involved. Mr. McCorquodale said they do not want to set a policy that is written around one situation. Mr. McCorquodale said what they want to do is establish the framework and then help the vendors understand how they fit into that.

Mayor Countryman said typically you try and think of every different kind of solicitor and peddler to include. Mayor Countryman said she looked up multiple cities and those cities that have revamped and updated the language. Mayor Countryman said this is not about one particular business owner or one particular trailer. Mayor Countryman said it is about the City growing up and she does not have a vendetta.

Byron Sanford said he has been here four months and two weeks and asked Mr. McCorquodale to clarify when the initial discussions took place for this permitting process. Mr. McCorquodale said he believes it was September 2019. Mr. Clevenger said it was July 2020.

Byron Sanford said he was in Sour Lake and there have been some unfair accusations made, one which was aimed toward him regarding the word squatter. Byron Sanford said in context that was out of a statement he put by request to Mr. Tramm in August. Byron Sanford said he was critical of the policies that Mr. Clevenger had an understanding and he squatted. Byron Sanford said he did not know anything and still does not know anything about the purchase of land. Byron Sanford said after the conversation he had with Mr. Clevenger he told him it was very clear as mud.

Byron Sanford said his recommendation is for moving forward with the mobile vending ordinance. Byron Sanford said in that correspondence in August he made the point that they can see a day when it is going to be more than food. Byron Sanford said for example jewelry. Byron Sanford said he can see a time when a mobile truck can pull up to the Cozy Grape and sell wine and spirits. Byron Sanford said they should consider subjective opinions. Byron Sanford said he recommends these do not taint the process or substance of the ordinance or policies. Byron Sanford said truth is what we are after and can never be found based on the sheer volume of opinions. Byron Sanford said he wants to make decisions based on objective, research-based information by the experts based on a long-range plan to make short-term decisions.

Byron Sanford said an example of subjective opinion is people texted and messaged him and wanted to know his feelings. Byron Sanford replied he did not feel that mobile vending units belong in the Historic District. Byron Sanford said the original subjective viewpoint has now been proven as wise and prudent because as of the past two weeks he has received proper training. Byron Sanford said the information from the Texas Municipal League along with the draft titled City of Montgomery Downtown Design Master Plan. Byron Sanford said he does not make any decisions based on how this person or that person feels. Byron Sanford said he was sent here as a policymaker. Byron Sanford said serving on MEDC and just finishing TML training related to MEDC, he has the clarity he needs to move forward.

Byron Sanford asked what do we know and how do we proceed. Byron Sanford said he firmly believes the problem is education and that we need to inform the people instead of throwing things out there.

Byron Sanford said parking is an issue and he hates dwelling in the past, but with that said, they had a parking lot and it should have stayed a parking lot. Byron Sanford said to follow the Master Plan to “establish a consistent, unique, visual identity for downtown” on page 33 of the Master Plan explicitly and it is implicitly in there dozens of times. Byron Sanford said the City paid Gunda Corporation thousands of dollars to have the best experts tell us what to do for bringing business into town and making it a warm and inviting place for people to enjoy.

Byron Sanford said we see the words heritage, culture, and history specific to your city. Byron Sanford said in this same plan and on the one-hour episode you will hear that mayor along with a well-studied, long-time City Council and MEDC member educate. Byron Sanford said they need to do a better job of informing people.

Byron Sanford said they have clearly stated city goals that match the best practices for city growth. Byron Sanford said they have consistency between their goals and the recommendations of the Gunda Corporation for the revitalization of the Master Plan.

Byron Sanford said he believes in his brief time here, they have highly competent and qualified City personnel, legal assistance, and highly informed, experienced engineering services who are well apprised of our past, present, and future.

Byron Sanford said for his subjective opinion as stated in his August writings, he believes there was an issue with procedures that gave and allowed for misunderstandings which supports why he seconded the motion of Kevin Lacy, whose words were correct that it seems there were mistakes on both sides. Byron Sanford said he seconded and they needed to table it. Byron Sanford said this was due to fallible people making errors on both ends. Byron Sanford said this was also because we are truly in unchartered waters which are growing pains that are very common when you see all the cities that have struggled.

Byron Sanford read from an article dated December 2019 that stated why does Huntsville not allow food trucks. Byron Sanford said this supports their assertion of banning the food trucks from a downtown cultural district but they have food trucks everywhere else.

Byron Sanford said also as recently as today, central to the solution of these issues is enforcement. Byron Sanford said whatever ordinance or policies they set forth will not do any good if they do not have proper enforcement of those policies. Byron Sanford said just this morning the Police Chief was discussing bringing on board someone that needs to be approachable, gets the point across, and resolves issues without creating other issues.

Byron Sanford said they have received a lot of emails which he has read every one of them and they keep coming in. Byron Sanford said to Chief Solomon he does not like to be threatened. Byron Sanford said he is a man of God and sees nothing in the Word of God that tells him to lay down and get run over. Byron Sanford said they have also been threatened verbally.

Byron Sanford said he would like to ask Chief Solomon to help policy-making for which he wanted to be a part, but he is not a politician. Byron Sanford said he has no ax to grind and no money to invest, which is a caveat. Byron Sanford said he thinks things go better in policymaking if you do not have any land or businesses to worry about. Byron Sanford said what he is worried about is City Council making irrational decisions. Byron Sanford said he is a man of compassion and he does not want to see the mobile food trucks runoff. Byron Sanford said if they need to extend the six-month permit then they need to extend it until they get it right.

Julie Davis asked Mr. McCorquodale as the ordinance stands right now, what are your recommendations for one through six regarding things that need to be changed or amended. Mr. McCorquodale said some suggestions he would make if this is important to City Council are requiring restrooms to be within 300-feet, which is the County's requirement. Mr. McCorquodale said City Council can incorporate something similar into their ordinance so they do not have to rely on another entity. Mr. McCorquodale said also, the idea of mobile, which mobile means moving, is the key question.

Byron Sanford asked if Mr. McCorquodale agrees they do have a separate entity that is hard to define which is the food truck park. Byron Sanford said whatever is true for permanent brick and mortar should be true for the mobile food vendors. Julie Davis said Mr. McCorquodale said the food truck park will count as an actual restaurant, a brick and mortar, and are permanent. Byron Sanford said that sounds good.

Kevin Lacy asked if Texas Twist & Shakes and Wilderlove Coffee were to take the wheels off their trailer, would they no longer be mobile. Julie Davis said the minute they detach from a vehicle they are no longer mobile because they do not have an engine or a motor to move on their own.

Julie Davis asked do they need to have different insurance requirements for a trailer versus a mobile unit to have higher liability. Mr. McCorquodale said in the July draft ordinance they changed some definitions to articulate the mobile food unit to include a concession cart or concession trailer. Mr. McCorquodale said the other change was the special use permit in the downtown area. Mr. McCorquodale said if it is not a building and nothing that Planning and Zoning can look at, to him it seems a bit inadequate to be able to properly judge a food truck. Mr. McCorquodale said you need to answer the mobility question before any other one. Mayor Countryman said you cannot be permanent and mobile at the same time and semi-permanent does not work. Mr. McCorquodale said you are either mobile or if you are not mobile, you are now a food establishment and have separate rules.

Kevin Lacy said if you are established and do pull out for a festival it should not matter that much. Mayor Countryman said she thinks that changes the use.

Mayor Countryman said the City of Conroe has a mobile food unit, a mobile food court, a pushcart, a pushcart downtown area, a roadside food vendor which all of these classifications are good. Mayor Countryman said they are only allowed to be there for four hours and cannot be in the downtown business district. Mayor Countryman said there are way more qualifications to get permits done in Conroe. Mayor Countryman said restroom facilities may be provided with a permanent structure and excludes porta potties and trailer toilets, lighting associated with the occupancy shall comply with the Code of Ordinances, a fire lane shall be provided with a mobile food court as required in the city's adopted Fire Code, the placement of the mobile food unit shall not impede traffic nor visually impair any motor vehicle operation within the parking lot, driveway, or street, mobile food units, and related activities must be located in compliance the city's adopted Fire Code standards regarding the storage and dispensing of flammable, combustible, liquid, or gas, and commissaries are onsite. Mayor Countryman said you should have the restroom and commissary onsite as well like a restaurant, especially if you are going to be a permanent food truck and not going back and forth to an offsite commissary.

Mr. McCorquodale said if you are mobile you operate under mobile food vendor regulations. Mr. McCorquodale said if you are somewhere long-term you need to operate as a brick and mortar food establishment.

Mayor Countryman asked if staff did not know the trailers would be staying in the same location for six months. Mr. McCorquodale said he did not know if they were coming in or out. Mayor Countryman asked if they did not ask that question. Mr. McCorquodale said if they are applying for a mobile food vendor permit and they do not plan on being mobile, no they do not ask that question. Mayor Countryman said that is probably something that needs to be asked. Julie Davis said nothing in their current ordinance says they have to move every 48-hours. Mayor Countryman said they did not have to disclose it, and we did not have to ask so she understands where the confusion is most certainly.

Mayor Countryman asked if one trailer had to go to the Planning and Zoning Commission, why would we think the other trailer did not have to go to the Planning and Zoning Commission. Mayor Countryman said the Planning and Zoning Commission approved one sign and there are two signs on that property. Mayor Countryman said per the Sign Ordinance for the Historic District, you cannot have two different signs on that property. Mayor Countryman said since Wilderlove Coffee was there first they complied with that. Mayor Countryman said when Texas Twist & Shakes moved in, then they were out of compliance. Kevin Lacy said Texas Twist & Shakes was physically there first. Mayor Countryman said then what happened was never approved.

Mr. McCorquodale said personally he would rather not ask them if they plan on being mobile when they are applying for the permit, you set a policy for that. Mr. McCorquodale said they ask if you are compliant with this policy now.

Julie Davis asked on the current policy regarding items one through six, what are things that need to leave this current policy. Mr. McCorquodale said item #3 regarding the 50-foot restriction he did not feel they needed that requirement.

Julie Davis asked what happens in a festival-type situation and are they under special rules because it is a festival. Mr. McCorquodale said yes because you have a street closure. Julie Davis said this property is an anomaly in the downtown Historic District and is the only one she knows of that has curbs around it to keep cars in. Julie Davis said this one she could see very clearly it would be

impossible for them to park 50-feet from it and it would not be impossible in a different situation. Julie Davis said what we are writing is a rule that applies to everything and not just this one situation. Julie Davis said she wants to make sure that we are clear with any situation across the entire City we do not need a 50-foot off of any street or corner. Mr. McCorquodale said that is what he believes because, in conjunction with they have to be on private property, we take away the idea they can just stop on the street anywhere they want. Mr. McCorquodale said it is the consistency he cannot get straight.

Julie Davis asked if we need to add a statement that no parking or connectivity be in any public right-of-way. Mr. McCorquodale said where a food truck can operate today is on private property or a City designated public area. Mr. McCorquodale said the City of Dayton has a food truck park and to his understanding, it is the City's food truck park. Mr. McCorquodale said they use one of the vendors as their manager or liaison for the food truck park that way the City can stay out of it. Mr. McCorquodale said it cannot be on any public property unless it is a city-designated location. Mr. McCorquodale said a good definition that ensures a safe situation and gives the police the ability to do their job.

Byron Sanford said he does not know the full story on the time restriction rationales in general. Byron Sanford said it makes more sense for breakfast-oriented people to be able as early as 6:30 a.m. to visit the mobile food trucks. Byron Sanford said he read some research that said 70 plus percent of all retail sales take place on the weekends and after 5:00 p.m. Byron Sanford said the typical historic downtown businesses are restricting themselves when they are open only Monday through Friday and set these business hour restrictions. Byron Sanford said no wonder the businesses struggle. Byron Sanford asked why we have those time restrictions. Mr. McCorquodale said this was designed for a food truck to be able to drive through the neighborhoods. Mayor Countryman agreed hours need to be earlier.

Mr. McCorquodale said if you are operating on a generator hours need to be different, but if the mobile food truck is plugged in why not have the hours be earlier in the morning and later in the evening.

Byron Sanford said that is a good point because generator-operated trucks are very loud and when standing next to them one can hardly hear themselves think.

Mayor Countryman asked if we need to have a Historical District food truck ordinance and one for outside the Historical District. Mayor Countryman said all she has heard from business owners and residents is to preserve history. Mayor Countryman said all City Council members have run on



preserving history. Mayor Countryman said that is one of the things that makes them unique and quaint. Mayor Countryman said there are certainly options to figure it out but historical preservation is key.

Julie Davis said she spent four hours speaking with brick and mortar business owners yesterday and the biggest thing she heard over and over was the restroom issue. Julie Davis said lots of customers come in from both these stores to utilize other private brick-and-mortar restrooms. Julie Davis said her concern is those private brick and mortar businesses pay to have someone or themselves clean the restroom, provide toilet paper, and pay City fees for water and sewage. Julie Davis said that is all coming out of an expense to them while the trailers are making the profit. Julie Davis said there was a concern about the possibility that the Jenkins do not live inside the City limits and whether they are filing their sales and use tax correctly meaning they are filing for the address they are located at or the address they live at determines whether or not that sales and use tax is paid into the City or not. Julie Davis said she does not know if they do or do not.

Julie Davis said the other big concern is they have a mobile food truck coffee shop set up in front of a brick and mortar coffee shop that does pay taxes and high rents, and has staked everything on their business just like the mobile food truck has. Julie Davis said the brick and mortar that was doing a specific number of sales on the weekend has seen a 50-60 percent loss of revenue since they opened for weekend sales.

Julie Davis said she is not a huge fan of 9:00 a.m. to 9:00 p.m. and the times are indifferent to her at this point. Julie Davis said the biggest thing that needs to be defined is "mobile." Julie Davis said when the trailer disconnects from the truck it is no longer mobile.

Kevin Lacy said he has 20 years of experience in sales. Kevin Lacy said if these customers are coming into his business to use the restroom, he is looking at it as a lead. Kevin Lacy said he thinks it is a good thing because that is foot traffic that would not have been there. Kevin Lacy said the owner of the Naughty by Nature coffee shop said sales are up so how are they seeing a 50-60 percent decline when sales have been great for this business. Julie Davis said sales are up due to Wine Fest. Kevin Lacy said no it is not from Wine Fest. Mayor Countryman said she heard the same thing as Julie Davis.

Kevin Lacy said we are putting insinuations out there such as traffic in Montgomery driven by these two food trucks is bad. Kevin Lacy said our goal is to find out how everyone can get along in this situation. Kevin Lacy said there is a stack of emails stating the people love these food trucks in downtown Montgomery and want them to stay. Kevin Lacy said everyone is in compliance with health codes and there are only a handful of people that want them to leave. Kevin Lacy said the Planning and Zoning Commission has already approved Texas Twist & Shakes but has not approved Wilderlove Coffee.

Kevin Lacy asked what part of the ordinance is historic. Kevin Lacy said this situation is what has been the issue. Mayor Countryman said this ordinance is from 1996 and 2002 and nothing applies which is why this needs to be done. Mayor Countryman said all of these different city ordinance themes are the same with different caveats. Mayor Countryman said we need to make sure we have our own. Mayor Countryman said restrooms are an issue. Mayor Countryman said according to the County if you own a mobile truck and are using a restaurant's restroom you have to have the same hours as that restaurant. Mayor Countryman said there has been an employee of the ice cream truck seen running downtown trying to open doors to go to the restroom on a Sunday when everything is closed. Mayor Countryman said a restroom is important and they need to have a way to be able to wash their hands and use the restroom. Kevin Lacy said there is a restroom at Texas Twist and Shakes. Mayor Countryman asked then why are employees of the ice cream trailer going to another restroom because it is an issue that needs to be resolved or have an ordinance to provide guidance.

Mr. McCorquodale asked if they were discussing the customers or employees. Mayor Countryman said all of them. Mr. McCorquodale said should we then hold mobile food units to a different standard than the antique shops for instance that may or may not have a public restroom. Mr. McCorquodale said a restaurant is not required to have a restroom for the public. Julie Davis said the County does not provide a code that regulates you must have a restroom for your employees. Mr. McCorquodale said yes you have to have a restroom for your employees but not your customers. Mr. McCorquodale said what he is asking City Council is do you believe there is a situation involved with food trucks that would require them to have a restroom.

Kevin Lacy said the Health Department has been out more than a dozen times. Kevin Lacy said every time they have come out they have been completely happy with what they have seen from a restroom

perspective to food storage and everything. Kevin Lacy said they get calls from the neighbors downtown and the Health Department has become quite annoyed getting phone calls every other day. Kevin Lacy said at the end of the day they need to figure out how to get this situation taken care of.

Byron Sanford said from a December 2019 article from Huntsville at that point the paper had reported 20 cities that had either brand new or refurbished truck ordinances. Byron Sanford said from a legal standpoint he can envision from all of those newspaper recordings of prior meetings of all these cities going through what the City of Montgomery is going through now, that push back you will get from the brick and mortar versus the pushback you will get from the food truck industry. Byron Sanford asked what is it that the brick and mortar companies consistently can uphold. Byron Sanford said they are talking about issues in many cases, but consistently, he sees this idea that if someone puts a similar product near an already established business playing by a different set of rules, legal counsel typically says that is a no-no. Byron Sanford said whether we agree with the numbers or not, to him common sense tells him that owner A is going to have a problem anywhere in the City if they are stuck and cannot move to where the business is and then someone goes in front of them. Byron Sanford asked is that not supposed to be paramount in their consideration whether we agree with who lost money or not.

Mr. Alan Petrov, City Attorney said generally that is not the issue that becomes the focus. Mr. Petrov said it more often becomes a focus of where in the community are these types of establishments. Byron Sanford asked then if the location is number one. Mr. Petrov said yes. Byron Sanford said he has seen a lot of pushback when you rule this way and then the others come at you as policymakers and say it is not fair and they get their lawyers. Byron Sanford said he would be upset if he put that much sacrifice and he was playing by this set of rules and someone else comes along and places their business in his business's front lot. Byron Sanford asked do you not think that should be a consideration. Mr. Petrov said it certainly can be and he thinks that is why sometimes you see them not permitted near certain business districts, which may have a high number of established restaurants. Mr. Petrov said it is generally not the first issue that cities are looking at. Byron Sanford asked if the first issue was strictly location. Mr. Petrov said yes.

Carol Langley asked Mr. McCorquodale going back to numbers one through six, the only one you were not comfortable with was number three. Mr. McCorquodale said three and five.

Carol Langley asked what his recommendations on the hours were. Mr. McCorquodale said it is up to City Council, but if the mobile food truck is plugged into electricity and not making any external noise then he does not see a difference if he could go to McDonald's at 6:00 a.m. versus seeing Wilderlove Coffee at 6:00 a.m. Carol Langley asked if 9:00 p.m. was adequate and have they had any complaints on 9:00 p.m. being too late or not late enough. Mayor Countryman said she has not heard of anyone wanting later hours and if anything they want earlier hours. Carol Langley asked if on #5 they are going to change it to 6:30 a.m. to 9:00 p.m., with which she is fine. Mayor Countryman said as long as they are self-sufficient with no generators 6:30 a.m. is great. Julie Davis said if they have a generator the hours would be 9:00 a.m. to 9:00 p.m.

Carol Langley said the generator hours will stay 9:00 a.m. to 9:00 p.m., and if not on a generator the hours will be 6:30 a.m. to 9:00 p.m. in the City of Montgomery, historic or anywhere else.

Julie Davis said her concern with 9:00 p.m. is most of the other restaurants close at 9:00 p.m. but when there is a festival such as Wine Fest that ends at 9:00 p.m. there were several businesses that also decided to stay open later. Julie Davis said she could see 9:00 p.m. becoming an issue in the future because one business can stay open until 10:00 p.m. due to the festival, yet the food trucks have to close at 9:00 p.m. Mayor Countryman asked why not have festival hours.

Carol Langley said regarding the Juvenile Curfew Ordinance if the parents are not with their kids at the time the kids are seen downtown then that is when the police department comes in. Carol Langley said 9:00 p.m. is adequate.

Mr. McCorquodale said for the street festivals, the hours do not apply to the mobile food trucks. Mayor Countryman asked if mobile food trucks are not part of the festival, do they allow the trailers to match the times the festival runs. Mayor Countryman said she thinks they should. Julie Davis said every trailer at Wine Fest was required to close at 9:00 p.m. and when the concert was over every vendor closed at 9:00 p.m., but the downtown businesses stayed open an extra hour to capture the people leaving. Mayor Countryman said they were not part of the festival. Mayor Countryman said she thinks if the food truck trailers are self-sufficient and if they want to sell at the festival at 6:30 a.m. then they should be able to as long as there is no generator. Mayor Countryman said however, she thinks they should be able to stay open during the same hours as the festivals.

Mayor Countryman asked if business owners would be able to capture people leaving a festival to visit their business even though they are outside the Historical business. One business owner said they do on Thursday nights due to Sip N' Stroll. Mayor Countryman said she thinks they should allow it to be a possibility and if they do not want to stay open later they do not have to, but they can stay open if they choose to. Julie Davis said maybe for item #5 add in festival hours and have one additional hour to stay open after the festival closes. Byron Sanford asked if there is any way to have a separate section for the festivals to allow for clarity.

Mayor Countryman said Bastrop also has a great food truck ordinance outlining permits, permitting, permitter, a mobile food cart with a concession cart and thinks they need to get specific on what these are so there is no gray area.

Mr. McCorquodale asked City Council what constitutes mobile in mobile food vendor. Kevin Lacy said Julie Davis was spot on when she said mobile is if it is not hooked up and cannot go on its own. Julie Davis said the County's definitions are vague and ambiguous.

Mr. McCorquodale said restricted would mean only buying things that are already prepackaged and you do not cook anything in your trailer. Mr. McCorquodale said an unrestricted trailer is when they can make their food there out of ingredients they have on hand.

Byron Sanford asked what is wrong with saying if you have wheels it is designed to move except for festivals. Byron Sanford said mobile also qualifies as whatever City Council wants to say as far as sitting in a certain location for a certain amount of time and staying with the mobile concept which is an advantage to being mobile.

Mayor Countryman asked what is mobile, is it a trailer, a truck like a FedEx truck. Byron Sanford said it is mobile if it has wheels. Mayor Countryman said that is two different things. Byron said he is talking about vending and wheels. Mr. McCorquodale said he proposes using the term mobile food unit as opposed to a mobile food truck, which would include a concession trailer, a food truck, trailers, trucks, and carts.

T.J. Wilkerson asked if that would include a bicycle. T.J. Wilkerson asked if he obtained a special use permit to sell food as he rides through the festival would he need a special use permit and would he be considered mobile. Mr. McCorquodale said he would be a mobile food vendor.

T.J. Wilkerson asked if the restroom behind the Community Center is open all the time. Kevin Lacy said yes it is. Mr. McCorquodale said it is a public restroom as opposed to a private restroom.

Julie Davis said maybe they need to define this as two separate words. Julie Davis said maybe it needs to be defined as a mobile food unit and a semi-mobile food unit because it would seem in the current definition of mobile that these trailers are not. Julie Davis said they are also not a brick-and-mortar restaurant that needs that much further oversight such as parking lights and specific parking spaces, etc. Julie Davis asked if they could find a middle ground where there is a mobile food unit and a semi-mobile food unit. Carol Langley said on page 55 of the ordinance it lists the term mobile food unit shall include but not be limited to one, two, and three. Carol Langley asked what needs to be clarified. Carol Langley said there is the concession trailer, the concession cart, and the mobile food truck. Julie Davis said because this concession trailer is defined on this ordinance as a concession trailer, a self-contained unit as pulled by a motorized unit and has no power to move on its own. Carol Langley said that is correct and said isn't that what they are. Carol Langley said they are classified as a mobile food unit which is proposed in the definition.

Mr. McCorquodale said we took the outdated terms for food trucks and said this is what a modern landscape looks like with carts, trailers, and trucks but they are all mobile food units.

Carol Langley asked what else needs to be semi-permanent. Julie Davis said those are additions for suggestions on there and asked if these were current. Carol Langley said they are proposed.

Julie Davis said she thinks she was just looking more at the County ordinance and not our actual City ordinance. Julie Davis said the definitions of the County ordinance are vague. Mayor Countryman said Tomball's reads "mobile shall mean being capable of being inactive but not necessarily continuous movement. Mobile food vendors shall mean any business which sells food or beverages from a vehicle or structure which is capable of being moved from place to place. The term shall include but is not limited to a mobile food truck, concession cart, and trailer." Mayor Countryman said some of these definitions are granular. Mayor Countryman said they need to be clear but very concise. Mayor

Countryman said some of these had 12 different definitions. Mayor Countryman said they need to understand if there is a motor what does that mean, if there are wheels on it with a motor, without a motor what does that mean, or if there are no wheels on it and it cannot move by itself. Mayor Countryman said she thinks we need like four, five, or six definitions, but to keep it very clean.

Mr. McCorquodale said if you come to them to obtain a mobile food vendor permit you need to know what mobility looks like which is the fundamental question.

Julie Davis asked why can't they take the proposed City ordinance and marry in the County ordinance so we have both. Julie Davis said the County one regulates how often it has to be moved and pumped. Julie Davis said she does not understand why we have to have an addition to it if they just do not adopt the County one as ours. Julie Davis said if we are the ones going to enforce it any way we might as well have the County one as ours. Byron Sanford said the Health Code comes from the County so it makes sense that the Health Code marries to whatever our policy is. Mr. McCorquodale said he would keep things out in the County's requirements that include items such as monitoring water samples for the Health Department. Mr. McCorquodale said to take those three, four, or five County requirements City Council feels they would like to see and enforce those.

Julie Davis said the last thing they have not discussed that is going to be the straw on the camel's back is the special use permit for the Historic District because that seems to be the last thing that has not been discussed, which is the critical piece. Julie Davis asked what requires a special use permit. Mr. McCorquodale said special use permits can be almost anything you want, which is good and bad. Mr. McCorquodale said obtaining a special use permit is a zoning tool. Mr. McCorquodale said if you give someone a special use permit from a public notice or a legal standpoint you have to follow the same steps as if you were going to rezone that lot. Mr. McCorquodale said he has a hard time tying a special use permit to a vendor but can easily tie a special use permit to a site.

Julie Davis said Mr. McCorquodale already said currently in our Historic District there is no specific regulation that would include or exclude a food truck. Mr. McCorquodale said that is when a special use permit comes in to be able to say in our table of uses that you can have a food truck park, but if that is not in the table of uses that is when you obtain a special use permit. Mr. McCorquodale said their process is you pay the fee, go to Planning and Zoning for a couple of public hearings and come

to City Council for another one. Mr. McCorquodale said you are out the time and money whether or not City Council decides to grant the special use permit.

Byron Sanford asked Mr. McCorquodale up to the special use permit, do you have enough at this point to help City Council to go with these recommendations to have something to review at the next City Council meeting. Mr. McCorquodale said yes he thinks they have enough to work with for the next meeting with the exception of the special use permit.

Byron Sanford said he would like to see something up to the special use permit, then bring it before City Council and maybe some recommendations that would qualify as special use they can then discuss those points at the next meeting. Mr. McCorquodale said yes they can get those thoughts on paper and go from there.

Julie Davis said she would like to know more regarding the zoning requirements and regulations concerning the Historic District and the how, what, and why food trucks require special use permits. Mr. McCorquodale advised he would get together tomorrow with Julie Davis to review information.

Mayor Countryman said she would like to send Mr. McCorquodale the 5-10 things she would like to see, getting an accessory permit, and the definitions, to look at.

Julie Davis said regarding the overall proposed ordinance Carol Langley is referencing on pages 55-57, the only changes they are discussing are removing item #4, and amending item #6 for the hours versus generator or no generator, and adding County regulations.

T.J. Wilkerson asked if they are putting anything in the ordinance about the appearance of what they should look like in the Historic District. Mr. McCorquodale said if there is an exterior change to be made in the Historic District it would be through the Zoning Ordinance, exterior changes go to the Planning and Zoning Commission.

T.J. Wilkerson asked if he brought in an 18-wheeler trailer into the Historic District and made it look like the N.H. Davis building would it be a problem. Mr. McCorquodale said it would still need to have the Planning and Zoning Commission approval.



Julie Davis said she values and appreciates capitalism and it is what built the City and Country. Julie Davis said it continues to allow them to do homestead exemptions, save for capital improvement infrastructure, and generate high sales tax revenue. Julie Davis said she is confident she speaks for everyone on City Council that they value and appreciate capitalism.

Mayor Countryman said something unique to Montgomery is when someone walks into a store downtown there will be the proprietor behind the desk and the food truck is no different. Mayor Countryman said you typically have the proprietor, which is unique and special that you do not get in big cities. Mayor Countryman said she is all for capitalism and small businesses.

Mr. McCorquodale said he wants to bring a draft back to City Council that everyone will be happy with. Mr. McCorquodale said it will not be the final product, but it is that next step and it is a concrete step to make the proposed ordinance solid. Mayor Countryman said it is not one person saying and doing everything, it has been a collaborative effort.

Julie Davis asked for clarification, what is the approximate foot measurement from this property to the restrooms. Mr. McCorquodale said around 350-feet. Julie Davis asked then it is out of the County's requirement of 300-feet. Mr. McCorquodale said yes.

Kevin Lacy asked if Mr. Kade Jenkins's restroom counts. Mr. McCorquodale said yes because the restroom is there. Mr. McCorquodale said distance will be a very important decision for City Council to make.

Julie Davis asked if they are a completely mobile unit like when they come to Snoballs or Live Maine Lobster, the understanding and premise is they have permission from the property owner and access to their facilities. Mr. McCorquodale said they either have a restroom for their employees to use or they use the Community Building restroom. Mayor Countryman said Snoballs sits on a foundation so it is not mobile and is not a trailer. Mayor Countryman said it is actually a house. Mayor Countryman said because they have a sink they are able to allow their employees to wash their hands. Julie Davis said Snoballs has a restroom. Mayor Countryman said just to be clear it is not a mobile unit.

Julie Davis said First Montgomery does their summer and winter fest activities and they have mobile food trucks come in. Julie Davis asked if it is going to fall under a festival permit or not because it is private property. Mayor Countryman said maybe issue a one-day permit for twenty dollars.

Mr. Tramm said work for the festival is covered by the festival. Mayor Countryman said it is not considered a festival because it is held at a church and they do not qualify as a festival just like the school did not qualify as a festival. Mayor Countryman asked if they should get a day permit to cover whatever the cost is. Mr. McCorquodale said it is either a one-month or six-month permit. Mr. McCorquodale said even though it is on private property there are some considerations that both law enforcement and the administration side need to look at. Byron Sanford said another example of one day is the Methodist Church prayer event that was held last Saturday. Byron Sanford said when it was in the planning stages it was discussed to ask a vending unit to come out and they did not think they had time to secure it, but that was another one-day task that created a three-hour window of time. Byron Sanford said that might fall under the special use permit. Mr. Tramm said they can look at what is being discussed here and consider minor qualifications that would cover that as a special event permit.

Julie Davis said she does not want to come back six months from now because someone came in and complained that a church had a festival or Lone Star Cowboy Church had their Halloween festival since they are approaching festival season.

#### **EXECUTIVE SESSION:**

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

There was no Executive Session held.

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

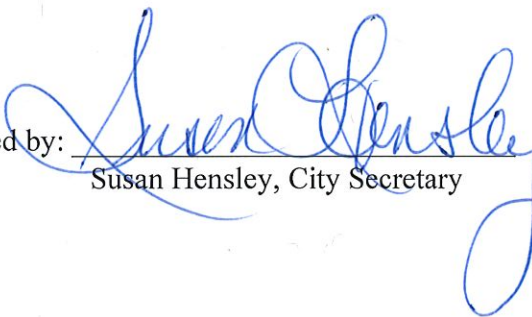
**COUNCIL INQUIRY:**

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.

No inquiries from City Council.

**ADJOURNMENT**

Julie Davis moved to adjourn at 8:29 p.m. Byron Sanford seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date Approved: \_\_\_\_\_  
 Susan Hensley, City Secretary

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

**MINUTES OF REGULAR MEETING**  
**November 9, 2021**  
**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

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

Present: Carol Langley City Council Place # 1  
Kevin Lacy City Council Place # 2  
T.J. Wilkerson City Council Place # 3  
Julie Davis City Council Place # 4  
Byron Sanford City Council Place # 5

Absent:

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

**INVOCATION**

T.J. Wilkerson gave the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Ms. Juanita- Simmons, 21910 Twin Creeks Road, Montgomery, Texas, said she read the new ordinance proposal regarding the food trucks and requested it is changed to allow for food trucks that have been approved by the County to stay for longer than 48 hours in a semi-permanent category.

Ms. Simmons said she also request, that Mayor Countryman recuse herself of any further influence and vote on the changing of this ordinance and this issue be tabled until a new Mayor is elected. Ms. Simmons said this is based on neighbors of the Mayor indicating there is a personal vendetta against the owner of the ice cream truck and a personal relationship between the Mayor and the owner of the sole competitor of the ice cream business. Ms. Simmons says there is also video evidence of how the Mayor is oppressing the opinions of City Council by intimidation, verbal abuse, and using radical social media, untruths, family members to beat down and harass City Council members, as well as the administrators so they are afraid to speak up for the citizens of this City. Ms. Simmons said they are being told they cannot have their opinions.

Ms. Simmons said a small business truck applies for a permit; he gets the permit. Ms. Simmons said it is approved, then unapproved, and then he gets a temporary permit when it becomes obvious the citizens of the City want the ice cream truck. Ms. Simmons said the City officials decide to change the ordinance so the ice cream truck has to leave town.

Ms. Simmons said the citizens want the ice cream truck but some members of City Council have gone on record saying they do not care what the citizens want. Ms. Simmons said we then have a big drama, a big government killing the American dream, power-hungry politicians that do not care what the citizens want. Ms. Simmons said there are neighbors against neighbors, misuse of power, the use of fear, intimidation, threats, harassment, and oppression to control others. Ms. Simmons said a personal vendetta, a politician hiding their criminal past, drama, and lies, all elements for a great movie.

Ms. Simmons said she saw the Mayor yell at and intimidate a City Council member for having an opinion. Ms. Simmons said the police had to get involved to stop the screaming that continued in the parking lot.

Ms. Simmons said every City official she has talked with recently have said they have been a victim or have seen this action done to others. Ms. Simmons said the coffee truck left last night and the ice cream truck is next. Ms. Simmons asked what is going to happen and what is the legal cost going to be

for this City. Ms. Simmons said if you run for any office in the City or this County be aware there are 109 County Precincts that you will need on your side.

Ms. Simmons said she is sorry she cannot continue to be here to see this meeting tonight but she has to attend that County Precinct meeting.

Ms. Susan Pecor, 199 Lake View Circle, Montgomery, Texas, said she would like to express her concerns about the local Kroger store on Eva Street, specifically the checkout process. Ms. Pecor said the process takes far too long and has been going on for an exceptionally long time. Ms. Pecor said she submitted some copies of a blog site Nextdoor that complains about the long lines and the non-responsiveness of management. Ms. Pecor said she has written the Kroger organization in Ohio and has not received any response.

Ms. Pecor said last Thursday she went to the store at 2:10 p.m. and there were two lines open that were going through the aisles. Ms. Pecor said there were people with full carts at the checkout line and that line was to the produce section. Ms. Pecor said she asked two separate employees twice if they could open up another register, along with the manager. Ms. Pecor said to purchase twelve items it took her an hour and 15 minutes.

Ms. Pecor said there were also some comments from parents that were shocked at the treatment their children had received in their first job at that Kroger.

Ms. Pecor said after her last experience she did call the corporate office in Ohio. Ms. Pecor said she was on the phone for 39 minutes. Ms. Pecor said twenty-four of those minutes she was waiting to speak with a supervisor. Ms. Pecor said when the supervisor finally answered he identified himself as "this is Tim." Ms. Pecor said she asked him for his last name and was told he cannot give her his last name. Ms. Pecor said she got his employee identification number. Ms. Pecor said she explained her reason for calling again and his response to her was "thank you for calling Kroger I will forward your comments to the district manager and we will see if there is anything that can be done." Ms. Pecor asked if she could get the contact information and she would do it herself and was told the public cannot contact the district manager.

Ms. Pecor said she is asking City Council to take a look at this because we as a community deserve better.

Mr. Efrain Lucas, Montgomery, Texas, said he cannot provide his personal address for safety and security reasons. Mr. Lucas said the food truck company in the downtown business area which he thought was in the City of Montgomery in the United States of America looks like it is in Cuba that was run by Castro. Mr. Lucas said many people come here for the freedom and opportunities within this Country.

Mr. Tom Cronin, Montgomery, Texas, said on the advice of City Council he cannot provide his personal address for safety and security reasons. Mr. Cronin said until recently he had the honor of serving on City Council with really good, elected individuals such as John Champagne, T.J. Wilkerson, Kevin Lacy, and Julie Davis. Mr. Cronin said he thinks these people get it and they realize they are elected by citizens to represent citizens and taxpayers and to vote for what the local citizens and taxpayers want such as public safety, well-maintained streets and sidewalks, and honest representation.

Mr. Cronin said on the agenda tonight is item #3 regarding the ice cream trailer. Mr. Cronin said they want the ice cream trailer and they do not want new building or restroom requirements. Mr. Cronin said as it stands it benefits many of the downtown businesses and brings additional people and revenue to the Historic District. Mr. Cronin said unfortunately you all know what will happen if you defy the Mayor's directives. Mr. Cronin said she will chastise you as evidenced by what happened at the last two meetings when Kevin Lacy and Julie Davis both voiced their support for the ice cream trailer. Mr. Cronin said Julie Davis was confronted in the parking lot by a confrontational Mayor.

Mr. Cronin asked Carol Langley and Byron Sanford to vote for what the people wanted and not be intimidated.

Mrs. Brandi Chrisenberry, 18913 Bethel Road, Richards, Texas, said not that many months ago this room was filled with citizens showing up to support two local families offering food on wheels. Mrs. Chrisenberry said those citizens were not worried about bureaucratic red tape, ordinances, regulations, restrictions, Planning and Zoning, or MEDC because other cities have been smart enough to figure that part out. Mrs. Chrisenberry said it is not of any concern to them that Montgomery has been labeled historic because chuckwagons were on wheels.

Mrs. Chrisenberry said they do not care about the massive amounts of finger blaming, blame games, name-calling, and personal attacks that are going on. Mrs. Chrisenberry said they just want coffee, ice cream, capitalism, free enterprise, the American dream.

Mrs. Chrisenberry said last month Kevin Lacy held up a stack of printed emails two inches thick in support of Next Door's 300 comments pleading with you to support these businesses. Mrs. Chrisenberry said Ms. Juanita Simmons suggested the solution of a semi-permanent trailer category, an easy solution for the existing businesses and future food trailers.

Mrs. Chrisenberry said the press release the Mayor sent out in the past claiming she had produced a solution for the coffee truck to move to Jim's Hardware was not only disappointing but disingenuous and 100 percent deceptive. Mrs. Chrisenberry said she wished the public had been made aware there is not any infrastructure at that location. Mrs. Chrisenberry said the Mayor's press release was not a solution for them.

Mrs. Chrisenberry said after the Workshop, Mayor Countryman walked over to her and the coffee shop owner and excitedly told them how thrilled she was with the Workshop and was confident City Council would be able to work something out to allow these businesses to continue operating and yet here we are.

Mrs. Chrisenberry said Mayor Countryman also mentioned how frustrated she was with Dave McCorquodale for not falling on the sword and throwing her own City employee under the bus.

Mrs. Chrisenberry said it is on record where Mayor Countryman has called citizens liars and has told City Council members their opinions do not matter. Mrs. Chrisenberry said Mayor Countryman has led this town in building community division, supporting big, not small businesses, creating drama, bullying, name-calling, and general ugliness. Mrs. Chrisenberry said the Mayor serves the best interest of herself, best friends, and her political future. Mrs. Chrisenberry said Mayor Countryman had thoughts of bringing the City together but tore us apart all while smiling at our faces.

Mrs. Chrisenberry said our City and the citizens refuse to be tools to further your agenda. Mrs. Chrisenberry said if you care about your citizens, prove it. Mrs. Chrisenberry said like she told Mayor Countryman she will be here waiting, happy to give credit where it is due.



Mrs. Jenny Stewart, 205 Kings Lane, Montgomery, Texas, said she is here to correct the record which is on record of wrongful statements and accusations made by Mayor Countryman about the last City Council meeting.

Mrs. Stewart read excerpts from their neighborhood text group of nineteen people. Mrs. Stewart read “We have had two water snakes come up from the toilets. Kyle called the City. I hope this will stop this grotesque experience. Well, they said it was from a sewer break somewhere and sent smoke through the lines to find the break which I think they did. The first snake was found in the hallway by their powder room. My cat was batting it around and it went back into the powder room. At the time I had no idea how it got in the house. The second one was in the toilet bowl and its head was at the surface of the water and it was flicking its forked tongue. I could not believe my eyes and I did not think to take a picture. I am terrified of those creatures. That is when we realized where the first one had come from. We had plumbers come out and install some sort of flapper on the sewer line so that the water runs out toward the road and then the flapper closes so nothing can come back through the pipe. So far it seems to be working but I always check.” Mrs. Stewart said there were two other previous incidents at that house with snakes and another one at another house on that road.

Mrs. Stewart said it is beyond pale that a Mayor would publicly call a private citizen a liar in a public recorded City Council meeting.

Mrs. Stewart said she has had to file two TCEQ complaints in the last four years under her leadership. Mrs. Stewart said sending four years of pictures, calling everyone they could think of, and the City, appearing before City Council on several occasions, her husband included, and complaining about the disgusting raw sewage that was coming out over that period was not enough to fix or take action on it. Mrs. Stewart said the State had to come in and cause the City to take action. Mrs. Stewart said a competent Mayor would have handled this immediately.

Mrs. Stewart said stop this vindictive governing by calling her a liar, bullying all these other people, and attacking Mr. Clevenger and his wonderful ice cream truck. Mrs. Stewart said please, all of you, focus on important issues in the City that are being neglected.

Mr. Bill Clevenger, City Resident, Montgomery, Texas, said what is going on and has been for the last five months is nothing short of political and personal revenge by Mayor Countryman and her friends.

Mr. Clevenger said he will share some truth behind those words. Mr. Clevenger said he was provided the all-clear by the City until Mayor Countryman and her friends wanted to run us out of town like they did the owners of Funky Monkey snow cone stand. Mr. Clevenger said shame on Mr. Tramm and Mr. McCorquodale as they stand here meeting after meeting spewing nothing but grade A crap to City Council and the residents of the City because you think you are protecting your jobs. Mr. Clevenger said truthfully you are both weak. Mr. Clevenger said Mr. McCorquodale provides his opinion that the 48-hour rule is etched in stone with the Montgomery County Health Department. Mr. Clevenger said when Texas Twist & Shakes opened its doors on August 6, 2021, there were 96+ days they had been serving ice cream at 404 Caroline Street and within those 96 days were visited by the Montgomery County Health Department several times and inspected thoroughly. Mr. Clevenger asked why did they come out so many times. Mr. Clevenger said because of Mayor Countryman and her friends. Mr. Clevenger said there were no violations or warnings from the Montgomery County Health Department and he has copies of water tests, samples taken each month, and records kept, receipts and wastewater being collected by a registered and licensed septic service by the State and Montgomery County. Mr. Clevenger said both Mr. Tramm and Mr. McCorquodale know this to be true and yet they continue to provide false information to City Council.

Mr. Clevenger said Texas Twist & Shakes and himself have not cut any corners and have done everything legally by the book. Mr. Clevenger said he has spoken with other city leaders and in this situation with all of their approvals they received from the City of Montgomery, Texas, Texas Twist & Shakes would be grandfathered into anything you are trying to pass from this point forward. Mr. Clevenger said anything other than that is political and personal revenge by Mayor Countryman.

Mayor Countryman said for the record she wanted to make sure City Council received the invitation from the Historical Society to the annual Thanksgiving luncheon. Mayor Countryman said the invitations would be in their inbox and if not she has details to get ahold of Mr. Tramm to RSVP.

Byron Sanford moved to take items #1 and #2 of the Consent Agenda individually. Kevin Lacy seconded the motion.

**CONSENT AGENDA:**

1. Matters related to the approval of minutes of the October 26, 2021 Regular Meeting.

Julie Davis moved to approve item #1 as presented. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

2. Consideration and possible action authorizing the City Administrator to execute a Master Intergovernmental Cooperative Purchasing Agreement with Omnia Partners.

Julie Davis said she was curious why the City did not have a contract as it looks like it was lost or has been in dinosaur age for a while. Julie Davis asked if anything is changing from the way it has been to the way it is now. Mr. Tramm said nothing on this is changing from the way it had been. Mr. Tramm said they could not find a copy of an executed agreement. Mr. Tramm said the reason it was being looked at was that Public Works was looking into bringing to City Council purchases related to items that were in the budget and were going to go through this process. Mr. Tramm said neither side had a copy of an executed agreement. Mr. Tramm said that is why this is presented to City Council today so we can move forward with the Intergovernmental Cooperative Purchasing Agreement with Omnia Partners. Mr. Tramm said being a cooperative as an entity they go through and obtain pricing from multiple suppliers of certain products and that is so they do not have to bid each item because if we buy from them it is already pre-bid.

Carol Langley asked if it was another name at one time. Mr. Tramm said not that he is aware.

Kevin Lacy asked how many years have we been dealing with this. Mr. Tramm said to his understanding it has been before he has worked here and he has been with the City two and a half years, so before that, although he does not know how far back it goes.

Kevin Lacy moved to accept the contract as presented. Byron Sanford seconded the motion, the motion carried unanimously. (5-0)

**CONSIDERATION AND POSSIBLE ACTION:**

3. Consideration and possible action regarding adoption of the following Ordinance: AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CITY ORDINANCE NO. 1996-3, DATED JUNE 4, 1996, BY AMENDING CHAPTER 64, "PEDDLERS, SOLICITORS AND VENDORS" OF THE CITY CODE OF ORDINANCES; PROVIDING FOR A PENALTY FOR A VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN

CONFLICT THEREWITH; PROVIDING A SAVING AND SEVERABILITY CLAUSES;  
PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE  
DATE AFTER PUBLICATION.

Mr. McCorquodale said attached are the most recent changes and steps in regulating food trucks in the City. Mr. McCorquodale said he understands the feelings and emotions. Mr. McCorquodale said his thought process is the County has written and verbal regulations.

Bryon Sanford moved to adopt the ordinance as presented. Carol Langley seconded the motion.

Discussion: Kevin Lacy said two City Council meetings ago, he was pounded on for about 20 minutes almost begging him to go with six days without having to move the truck. Kevin Lacy said he finally agreed to six days. Kevin Lacy said at the last City Council meeting it was brought back as two days. Kevin Lacy said when he asked about it he was told in the meantime between that City Council meeting and the other City Council meeting, Mr. McCorquodale was approached by some members on City Council; it was not Julie Davis, T.J. Wilkerson, or himself that said let us go with two days, like the County. Kevin Lacy asked Mr. McCorquodale in between those last two City Council meetings who talked with you about changing to two days. Kevin Lacy asked if it was Mayor Countryman. Mayor Countryman said they were at the last City Council meeting and Kevin Lacy was not there and the discussion was between all of them. Kevin Lacy said he watched it on television and saw the whole meeting.

Mr. McCorquodale said there is a motion on the floor and they need to dispense with that first. Kevin Lacy said he is saying no.

Mayor Countryman asked if either one of these entities has paid taxes and have we seen them on our tax roll. Mr. Tramm said the last tax roll he has is from October and has not seen Texas Twist & Shakes or a variation of that or Wilderlove Coffee.

Julie Davis asked if sales tax rolls were 90 days delayed. Mr. Tramm said 60 days. Julie Davis said according to TML from the training they just received it was 90 days. Julie Davis said in October you would be collecting for June or July.

Mr. Tramm said his understanding is if you are referring to business in June, it is recorded at the end of July so it would show up in September. Mr. Tramm said his report included September and October. Mr. Tramm said he has searched the document for the word "twist" and "shake" and Wilderlove Coffee and they do not appear.

Kevin Lacy asked why Julie Davis' question was answered and not his. Kevin Lacy asked was Mr. McCorquodale approached by anyone sitting at this table in between those two City Council meetings to discuss changing from six days to two days. Mr. McCorquodale said he got feedback from Byron Sanford and Mayor Countryman.

Kevin Lacy said the only two people up here, after everyone agreed to six days, approached Mr. McCorquodale and probably insisted he change it to two days. Kevin Lacy said his point is if you do not think things are going on in the background with people being pressured and bullied you are nuts. Kevin Lacy said these two approached Mr. McCorquodale behind everyone's backs and said you need to do two days or we will make sure you fall on the sword. Kevin Lacy said maybe that did not happen but they did approach Mr. McCorquodale.

Mr. McCorquodale said there was not a consensus for six days from City Council. Mr. McCorquodale said there were several mentioned as two, four, and six days.

Kevin Lacy said the point is that Byron Sanford and Mayor Countryman contacted Mr. McCorquodale to change it to 48 hours. Kevin Lacy said he asked Mr. Petrov, City Attorney if City Council could do whatever they wanted and he said they could. Kevin Lacy said this item needs to be tabled until they have a different Mayor that does not have a political vendetta against a small business in downtown Montgomery.

Mayor Countryman said as she has said before she does not have a vendetta and would love to see the video of her harassing someone. Mayor Countryman said she has seen the video that was asked for and there was no harassment. Mayor Countryman said a City Council member

came toward her rolling up their sleeves and if there is a different video she would like to make a records request.

Byron Sanford said 100 percent of Kevin Lacy's assertions are false. Byron Sanford said all he said was two days and would be willing to go with three and it never got past three. Byron Sanford said his rationale for that was what if they had festivals. Byron Sanford said it came up there are provisions made for festivals. Byron Sanford said bullying and some of the things they are about to put in place as far as protocol will help us proceed with meetings calmly and rationally. Byron Sanford said Kevin Lacy keeps bringing up these types of things and you do not know me if you think I can be bullied and I will not be bullied by anyone. Byron Sanford said he has been on record since the end of August, it is in writing, and he was the only City Council member to put it in writing. Byron Sanford said at no time was he ever convinced that this was a good idea. Byron Sanford said look at the Grand Plan which further enforces the element of safety. Byron Sanford said one gentleman talked about safety. Byron Sanford said let us talk about safety as he was in that parking lot. Byron Sanford said he is also on record as saying he wishes he would have been able to go back and say what is everyone thinking to let go of precious parking space to begin with. Byron Sanford said we can discuss all this forever, but for him, Mr. McCorquodale asked and he went to him after he said two to three days. Byron Sanford said Mayor Countryman did not ask him to do that or asked him to do anything. Byron Sanford said he does what he does because he can think for himself. Byron Sanford said so all your assertions are wrong and when wrong assertions are baseless like that you get into a tizzy and that is what this is. Byron Sanford said and more representation, all these so-called voters in here, did you canvass the ones that are actual voters. Byron Sanford said no you did not. Byron Sanford said he wants to see a record of that. Byron Sanford said, either way, he thinks for himself and he will do what is in the best interest of the City. Kevin Lacy said prove it. Byron Sanford said he is doing it now; he made the motion.

Mayor Countryman said she has said it before we are here for the entire City and not just one business owner. Mayor Countryman said at the end of the day, a good business decision, a bad business decision, buying a parking lot, buying something to put a building on, all different things that they do not control what is purchased. Mayor Countryman said what they do is set ordinances and policies. Mayor Countryman said what they are trying to do is set ordinance and policy on moving forward with this new way of providing food in restaurants since their

ordinance had not been updated since 1996. Mayor Countryman said she is in it for all the citizens and all the businesses from boundary to boundary. Mayor Countryman said she is not here representing just one person and one entity. Mayor Countryman said she challenges you to find anyone that calls her a bully. Mayor Countryman said she is not a bully and just wants it done right and if six people think she is a bully then so be it. Mayor Countryman said outside of that she has a much better reputation and appreciates that.

Mayor Countryman said there is a motion on the table that has been first and seconded and asked if there was any other discussion.

T.J. Wilkerson asked Mr. McCorquodale if there was anything regarding private property in the ordinance. Mr. McCorquodale said you do have to have permission from a private property owner to operate if you are a mobile vendor.

T.J. Wilkerson asked if he owned property and wants to put a trailer on it would he have to get permission for himself. Mr. McCorquodale said no. Mr. McCorquodale said if you want to open a mobile food truck on your property and it is commercial you would need a mobile food vendor kept at your restaurant that comes out at certain times every day and then goes back into the garage or a designated storage area. Mr. McCorquodale said, however, if you want the mobile food truck to be on the property all the time there are needs such as parking, drainage, grease traps, and sitting areas for customers needed and you would need to develop a business plan.

T.J. Wilkerson asked if the County has someone go out and inspect every 48 hours to make sure the mobile food truck has moved. Mr. McCorquodale said they do check some and Mr. Clevenger has had them come out to his business. Mr. McCorquodale said he does not think they are staffed to the point where they can say they have all the resources. T.J. Wilkerson said he went through Willis and FM 1485 going toward Splendora and Frazier Street and none of the vendors moved. Mr. McCorquodale said right now their rules are required to follow the County's rules.

T.J. Wilkerson said he found it written for a permit for Conroe is for one year. Mayor Countryman said the County's current one was just adopted on May 27, 2021, for four or six

hours. Mr. McCorquodale said that is the term of the permit and not how long they are in one place.

T.J. Wilkerson said he could not find anything in the County and even the City of Conroe does not want the mobile food trucks in the historical district. T.J. Wilkerson said he did not find any information where they inspect them and make them move after two days.

Mr. McCorquodale said the City of Conroe has six hours and they have to move.

Byron Sanford asked Mr. McCorquodale if they are responsible for a portion of County rules outside the City. Mr. McCorquodale said if the County is enforcing them, or is there some verbal exception that we are not a party to.

Byron Sanford said they need something enforceable and the code enforcer will have that responsibility. Byron Sanford said they talked about it at the retreat that if they are going to have this are they willing to support it. Byron Sanford said everyone said yes.

T.J. Wilkerson asked with the Comprehensive Plan, does the trailer tie into the downtown area, ribbons, tables, and flags. Mr. McCorquodale said all businesses have a place to go. Mr. McCorquodale said it is a matter of using something that was very clearly never meant to be a permanent business solution because they only give it to the mobile food vendor six months at a time. Mr. McCorquodale said using that as a tool to open a fixed location forever. Mr. McCorquodale said this has been his town for 16 years and it does matter a lot to him. Mr. McCorquodale said they will do what City Council wants them to do. Mr. McCorquodale said if City Council wants them to enforce regulations on food trucks they will. Mr. McCorquodale said if you do not, whether you agree personally or not they will do exactly what you want as long as it is within the boundaries of the law. Mr. McCorquodale said his recommendation would be if you do not have any interest in enforcing food trucks or you are interested in six days or something like that let us not change the ordinance now. Mr. McCorquodale said let us not do something that gives people points of confusion between the City's rules and the County's rules. Mr. McCorquodale said if we are going to adopt the rules he strongly encourages them to keep them consistent with the County to provide clarity and at least make them logically the same.



Kevin Lacy said to clarify what T.J. Wilkerson was talking about, have the food truck design go along with the new Comprehensive Plan.

Kevin Lacy said he understands how it is easy to copy the County and be done with it, but what he is here for is to do what the voters want and they said no and are very upset the Wilderlove Coffee mobile food truck left. Kevin Lacy said the voters want those two mobile food trucks to be left alone downtown, fix drainage and snakes, and everything else the voters want.

Byron Sanford said he strongly recommends they adopt the ordinance as presented. Byron Sanford said they have a motion and a second.

Kevin Lacy said, for the record, he was cut off twice by the Mayor and Byron Sanford when he had the floor. Kevin Lacy said all the City Council members have a duty to the voters to do what the voters want to do and everyone counts.

Mayor Countryman said everyone has an equal say. Mayor Countryman said businesses need to follow ordinances and if you are going to be permanent then you must be platted like a regular restaurant.

The motion failed with the following votes:

Carol Langley – Aye

Kevin Lacy – Nay

Byron Sanford – Aye

T.J. Wilkerson – Nay

Julie Davis – Nay

4. Consideration and possible action to adopt the Downtown Design Master Plan.

Mr. Tramm said the development for this planning has been ongoing for some time. Mr. Tramm said the presentation this evening by White Oak Studios is a result of the MEDC's approval in November 2020. Mr. Tramm said in the previous year's budget City Council authorized this as an MEDC expenditure. Mr. Tramm said the final Downtown Design Master

Plan was approved by the MEDC Board of Directors at the MEDC Special Meeting of November 1, 2021. Mr. Tramm said City Council is being asked to review and adopt the Downtown Design Master Plan. Mr. Tramm said City Council's adoption of the Plan will allow staff greater ability to pursue grant opportunities for expenses related to the elements within the Plan.

Mr. Jim Patterson, Landscape Architect with White Oak Studios said they have been working with the Gunda Corporation. Mr. Patterson said they have a three-part vision that focuses on the businesses downtown and the visitors who need to support those businesses with a three-prong approach of improving the arrival and parking experience, providing public streetscape improvements, and creating a safe enjoyable pedestrian environment.

Mr. Patterson said first is SH 105 with the objective to increase visibility and awareness of Downtown from SH 105, improve pedestrian and driver safety, and make it more beautiful. Mr. Patterson said at Prairie Street they would create a standard-width intersection, beautify the area, make it safer for pedestrians, and provide stacking space for vehicles.

Mr. Patterson said TxDOT will be looking at an Access Management Plan along SH 105 that may include medians and turn lanes. Mr. Patterson said street trees, decorative light poles with banners, and large Texas flags are their recommendations for that area.

Mr. Patterson said McCown Street now comes through to SH 105. Mr. Patterson said TxDOT is interested in limiting intersections as they are close to the intersection of FM 149. Mr. Patterson said this allows the traffic on McCown Street to access the businesses but shuts off access to SH 105. Mr. Patterson said there would be sidewalks and plantings to make it safer and more attractive and also improvements would be made along John A. Butler Street to include parking and landscaping. Mr. Patterson said the driveways to the businesses would be maintained but McCown would be blocked off.

Mr. Patterson said the intersection at Liberty Street would be upgraded and provide for safety and high visibility of Downtown

Mr. Patterson said the Virginia Adams lot at the northeast corner of the FM 149/SH 105 intersection is a very important location with high visibility from lots of traffic. Mr. Patterson said they have suggested two possible approaches for the City to be designed in detail. Mr. Patterson said both of them provide highly visible fun photo-opt images to make downtown Montgomery visible and promote it to visitors. Mr. Patterson said the south Downtown gateway would be arranged with large letters, Texas flags, and backed by a small park Mr. Patterson said an alternate approach might be to move two historic buildings to the property and to have pedestrian and retail hospitality space between those buildings.

Mr. Patterson said at the north end of FM 149, the heart of Historic Downtown, there is also a TxDOT right-of-way 50-feet which is fairly narrow compared to SH 105. Mr. Patterson said this is another opportunity to coordinate with TxDOT when they are going to do upgrades to the street.

Mr. Patterson said the north Downtown gateway beginning at Berkley they would propose an entrance into Downtown that would be welcoming and beautify the entrance, but it would also improve safety by slowing vehicular traffic down as it comes in from the north and would have a roundabout at the intersection with Clepper Street which they were pleasantly surprised to hear great support from TxDOT in terms of safety, vehicular accidents, and pedestrian safety. Mr. Patterson said there would be an opportunity for signs and monumentation to signify to the visitors they are entering Historic Downtown Montgomery.

Mr. Patterson said within the core area of the roundabout south to SH 105 it is the heart of Downtown and they would provide for a safe, walkable, connected shopping district that would emphasize pedestrians spaces and outdoor dining, seating, decorative lighting and banners, and street furniture to provide an attractive pedestrian-oriented environment. Mr. Patterson said all of this to not only facilitate a better environment for businesses to thrive but also to attract customers to those businesses.

Mr. Patterson said one thing that is unique about Montgomery is the history of using both the public right-of-way and adjacent private property for those businesses. Mr. Patterson said the public sidewalk is both on the highway right-of-way and businesses would use the space

behind the right-of-way on private property or amenities that would also cater to pedestrians and visitors.

Mr. Patterson said they looked at several options for parking along Liberty Street and working with TxDOT and representatives of the City's administration concluded it was preferable to focus on off-street parking that is accessed from side streets and not have people pull directly from Liberty Street into parking. Mr. Patterson said there are around 25 parking spaces along Liberty Street in that area. Mr. Patterson said when they looked at what would be required to provide parallel or head-in parking to accomplish that, it took up most of the available space where the urban sidewalk amenities would go. Mr. Patterson said this illustrates a shared approach to Downtown parking and the green spaces where the City would work with the private businesses to provide a shared parking approach.

Mayor Countryman said those are already parking spots and asked if more would be created. Mr. Patterson said they are existing parking spots, some private and some public. Mr. Patterson said they are encouraging a parking plan that would be a cooperative approach to that.

Mr. Patterson said events are very important to the City and just like any business it is not a good idea to design everyday parking spaces for peak capacity. Mr. Patterson said they have identified a couple of locations. Mr. Patterson said one is over at the shopping center south of SH 105 and one at Jim's Hardware that they hope the City could work with those organizations to provide event parking space and then have shuttles or other ways to bring people into downtown.

Mr. Patterson said another important thing is to use pedestrian throughways. Mr. Patterson said there are gaps between buildings that can provide connections for people to walk from Liberty Street to the streets that are parallel like McCown and Pond Street.

Mr. Patterson said they also provided for several 15-minute parking spaces so they are not cutting off parking entirely along Liberty Street.

Mr. Patterson said in the event the City has such great success that it needs more parking, in the future, you might consider other solutions.

Mr. Patterson said one of the exciting projects along McCown between College and Caroline Street is to close a portion of McCown and become a pedestrian space that would still have access for emergency vehicles and deliveries, but would allow cars to circulate to park and maintain the same amount of parking that is along McCown Street now.

Mr. Patterson said adjacent to that is Jacob's lot. Mr. Patterson said they would suggest realigning the parking from College Street and improving the area in front of the pavilion to look at possible improvements or replacement of the pavilion in the future, to provide a festival walk and other amenities that would be used on a day-to-day basis and also during festivals. Mr. Patterson said this is across the street from the Community Center and would provide a great anchor in Historic Downtown for festivals.

Mr. Patterson said Clepper Street is the north boundary of Historic Downtown which extends out of Downtown going toward the east. Mr. Patterson said when the City is ready to upgrade Clepper Street they would enclose the roadside ditches and build storm drainage pipes and build a 28-foot wide curb and gutter road, it would then give you the room to have a wide, almost bike trail on the north side that would accommodate both pedestrians and golf carts. Mr. Patterson said on the south side of the road there would be a five-foot sidewalk with pedestrians and on both sides, you could separate the sidewalks from the street with grass and trees. Mr. Patterson said this might be both in the Downtown area and the sidewalk project could extend eastward as the City decides to develop that street.

Mr. Patterson said Prairie Street is the east boundary of Historic Downtown. Mr. Patterson said it is a very quiet street and they do not see a need for any changes on Prairie Street for the foreseeable future but if in the future Downtown develops adequately where traffic is increased, it could be developed into what is called a traditional neighborhood approach where there are sidewalks, street trees, and low fences along the properties to have a very appropriate, small-town Texas feel.

Mr. Patterson said there are already lights, signs, and benches that have begun to be used as the City's standards. Mr. Patterson said they will select furnishings that are compatible with those to be used throughout Downtown.

Ms. Lori Sanguedolce with Gunda Corporation said regarding utilities in zoning and land use, part of their recommendation is to review the existing overlay districts and the zoning districts in the downtown area and make sure there is a good consistency for the development types the City wants and improvements that it needs.

Ms. Lori Sanguedolce said infrastructure utilities and drainage are important things to look at for a Master Plan for the downtown area so you can make sure you are accommodating for any improvements predevelopment.

Ms. Lori Sanguedolce said you also need to look at the roads and develop typical road sections for the downtown area to make sure there is consistency and always include utilities and drainage as part of the projects. Ms. Lori Sanguedolce said the City does have wayfinding and signage and it is always good to improve on that.

Ms. Lori Sanguedolce said MEDC discussed a collaborative effort with private businesses, non-profit organizations, and governmental entities. Ms. Lori Sanguedolce said they also discussed financial tool/funding mechanisms both for MEDC to fund projects and encourage development and redevelopment not just for downtown, but throughout the City.

Ms. Lori Sanguedolce said the Capital Improvement Plan has three cycles with short-term, long-term, and medium-term projects. Ms. Lori Sanguedolce said the short-term projects are one to three years. Ms. Lori Sanguedolce said the Downtown Master Drainage Plan is \$50,000 which includes developing public and private partnership parking agreements along with staff time and consulting fees as needed. Ms. Lori Sanguedolce said the Downtown Utility Master Plan is \$50,000 and is City-funded not MEDC. Ms. Lori Sanguedolce said McCown Street reconstruction with streetscape is \$1,000,000, and Jacob's lot improvements are \$450,000.

Ms. Lori Sanguedolce said the medium-term projects are three to five years. Ms. Lori Sanguedolce said the Adams Lot Monument and Park are \$500,000, John A. Butler and Prairie intersection reconstruction is \$550,000. Ms. Lori Sanguedolce said the Community Building Property Master Plan is \$50,000, and the Master Plan Implementation is \$350,000, not including the building. Ms. Lori Sanguedolce said Maiden Lane reconstruction with streetscape is \$630,000, Prairie Street reconstruction with streetscape is \$680,000, parking

analysis and recommendations are \$25,000, Wayfinding and Signage Study is \$50,000, Clepper Street reconstruction is \$400,000, and Pond Street improvements is \$700,000.

Ms. Lori Sanguedolce said the long-term projects are five to ten years. Ms. Lori Sanguedolce said the FM 149 reconstruction with the streetscape, not including right-of-way acquisition is \$2,500,000, FM 149 and Liberty Street roundabout, not including right-of-way acquisition is \$1,250,000, and SH 105 improvements and streetscapes are \$2,000,000.

Ms. Lori Sanguedolce said MEDC can fund City construction for private property improvements. Ms. Lori Sanguedolce said private property improvements include McCown Street ramps, decks, etc. are \$500,000, the parking lot at the northeast corner of McCown and Caroline Street is \$150,000, and FM 149 reconstruction with streetscapes is \$370,000.

Ms. Lori Sanguedolce said TxDOT is potentially considering doing a call for projects and it is always good that you have a plan to present to them that shows the City is taking steps to move forward. Ms. Lori Sanguedolce said TxDOT did say that FM 149 with a roundabout would be a great contender for those types of projects.

Mayor Countryman asked if this is something the City can go to HGAC to obtain funding from as well. Ms. Lori Sanguedolce said it goes out through HGAC but it is through TxDOT.

Byron Sanford moved to accept the Downtown Design Master Plan as presented. Kevin Lacy seconded the motion.

Discussion – T.J. Wilkerson asked if the flag on the side in the middle of FM 149 and SH 105 will be metal. Mr. Patterson said they wanted to give some ideas of the scale. Mr. Patterson said City staff would work with a specific design when it is time to do it, but what that idea shows is a metal sculpture made of pieces of metal cut to look like the Texas flag. Mr. Patterson said it might be 15 to 18 feet tall.

T.J. Wilkerson asked if there are any designs on the east side and if there were any on the west side of the City. Mr. Patterson said yes it is the same on the west side of Liberty Street as it is on the east side. T.J. Wilkerson said when they get to that point at the intersection it would be

up to City Council if they want to rename it from Buffalo Springs past City Hall to Flagship Boulevard or something like that. Mr. Patterson said yes.

T.J. Wilkerson asked if there were splash pads and horseshoes included at the Community Center. Mr. Patterson said they did incorporate a splash pad and play area and it would be a place where the whole family would enjoy being.

Mr. Tramm said this is a conceptual plan, which MEDC has adopted and does not go into all the details. Mr. Tramm said when these projects begin they will be given a specific design. Mr. Tramm said City Council's approval to adopt this does not approve any of the work to move forward as all that work has to be individually approved and budgeted.

Mr. Patterson said this is a vision and a Master Plan, and in their experience visions change over time and this is just setting a picture. Mr. Tramm said it is a starting point.

Julie Davis asked if the Virginia Adams lot for \$500,000 includes the purchase of the land or does it just include the monument. Ms. Lori Sanguedolce said nothing includes the purchasing of property. Julie Davis asked if they close McCown Street and add this to the park area, is this also something the City needs to look at purchasing, and how does that work when there is a City maintained road. Ms. Lori Sanguedolce said if the City is still using it for public purposes it is up to City Council's discretion on the use.

Byron Sanford said curbs may have to be moved on McCown Street from that area coming out of the Community Center to allow for turning larger vehicles.

Julie Davis said in the presentation it was mentioned an average cost of \$1,000,000 a City block to bury electric lines. Julie Davis asked what would be the cost to bury all the drainage and what is the average expense to bury a City block of drainage and add a sidewalk or extra parking spots. Ms. Lori Sanguedolce drainage is not like electric and there is not a good average cost to give. Ms. Lori Sanguedolce said if Clepper Street is at the top of the hill it does not have much drainage, but if you get to the bottom of the hill and need a 36-inch pipe you have not accounted for those differences and it throws it off, so there is not an average unless you are doing it to the whole subdivision design.



Byron Sanford asked if given the fact they are going to start the process on sidewalk construction and given the Master Plan recommends ADA considerations along the way, can they just consider that on every sidewalk they do and why would they not do that. Ms. Lori Sanguedolce said it is required by law with any public project for access to be ADA compliant.

Julie Davis asked if there was an ADA compliance you could do for the City and what was that called. Mr. Tramm said it is the ADA Compliance Survey that is something they are keeping on their radar.

T.J. Wilkerson asked if the culture of the City will be incorporated into this plan. Mr. Patterson said when they have done work in other cities they find it very important to communicate the history and culture and there would be ways throughout the City to see and learn about the culture.

The motion carried unanimously. (5-0)

5. Consideration and possible action to adopt City Council Procedures and Decorum Policy.

Mr. Tramm said this item was first heard on September 28, 2021, and October 12, 2021, at City Council meetings. Mr. Tramm said after discussion and input from City Council, the City Attorney has provided an updated draft which is included for review. Mr. Tramm said this policy draft is intended to be a general set of procedures and may be adopted, amended, or expanded by City Council as it finds necessary.

Mayor Countryman said if City Council adopts them we certainly need to adhere to them.

Kevin Lacy moved to adopt the City Council Procedures and Decorum Policy as presented. Byron Sanford seconded the motion, the motion carried unanimously. (5-0)

6. Consideration and possible acceptance of a Proposal for Audit Services.

Mr. Tramm said at the August 24, 2021, City Council meeting, City Council directed the City Administrator to begin a Request for Proposals for Auditing Services. Mr. Tramm said City

staff published an RFP for audit services on September 22, 2021, that was advertised on the City's website and in the Conroe Courier. Mr. Tramm said several firms were contacted directly by City staff to inform them of the RFP for their consideration. Mr. Tramm said proposals were due to the City Secretary by 3:00 p.m., October 28, 2021.

Mr. Tramm said they received one proposal that was submitted by the firm Belt Harris Pechacek LLLP who previously did the City's audit. Mr. Tramm said there was a second firm that did submit late and as per the RFP requirements those were not accepted.

Mr. Tramm said City staff has reviewed the proposal and believes it is worthy to accept and would lock them in for another four years. Mr. Tramm said with the current pressures of the economy, having a four-year agreement may be to their advantage. Mr. Tramm said one advantage of being with the same firm is there will not be a restart process involved.

Mr. Tramm said City Council's options are to accept this or reject it and ask City staff to go out again. Mr. Tramm said if they do go out for an RFP process they will not have time to meet the requirements to have it done on time.

Julie Davis asked who is the second firm that turned in a late proposal. Mr. Tramm said he does not recall that name and set that box aside because according to the RFP guidelines they were not going to accept it because it was received by a member of City staff after our hours. Mr. Tramm said it was an out-of-state firm.

Julie Davis asked who they contacted for additional bids. Mr. Tramm said Mr. Anthony Lasky our Senior Accounting Clerk contacted four firms with names he received from others in his field. Mr. Tramm said he does not have that list of names but could provide it.

Julie Davis said earlier today she googled CPAs that audit cities. Julie Davis said she found the City of Conroe's which is Whitley Penn and contacted them asking if they knew the City of Montgomery had an RFP. Julie Davis said they did not know, but they were very interested in bidding on it. Julie Davis said she also called the Willis ISD audit company and it was the same thing. Julie Davis said those are two local entities that have audits already being

performed by other companies and were very happy to bid on our contract but they did not know it was up for renewal.

Mr. Tramm said they went well beyond what they normally do by contacting other firms. Mr. Tramm said there are a variety of reasons why firms may not have chosen to bid but it was not communicated to City staff.

Julie Davis asked if this is a little over twice what they paid last year for an audit. Mr. Tramm said he thinks it was around \$15,000 last time so it is not quite twice but what they put forth in this engagement letter is a bit above \$2,000 what they originally paid. Mr. Tramm said, however, the engagement letter was two years and this is a four-year engagement.

Byron Sanford moved to accept the Proposal for Audit Services. Carol Langley seconded the motion. The motion was carried with 4-Ayes and a 1-Nay vote by Julie Davis. (4-1)

7. Consideration and possible action regarding acceptance of the Water & Sanitary Sewer Infrastructure for Town Creek Crossing Section One.

Mr. Chris Roznovsky, City Engineer said they are asking for acceptance of the water and sewer so they can allow the homebuilders to begin to make the taps. Mr. Roznovsky said the water and sewer system has been inspected and they have received the maintenance bond for that infrastructure. Mr. Roznovsky said they did a punch list inspection and they are down to two-meter boxes and mostly everything else was completed.

Mr. Roznovsky said what they are asking for is to initially approve this subject to all the items being completed and it does allow them to start home construction without having to wait until the next City Council meeting to accept the infrastructure with what is left.

Mayor Countryman asked if this opens them up for any liability or any issue because of it not being in order. Mr. Roznovsky said this does not change even if they were fully accepting it. Mr. Roznovsky said it is their responsibility to maintain it and it is still in the one-year warranty period. Mr. Roznovsky said this is allowing them to begin home construction. Mr. Roznovsky

said they have made significant progress as 95 percent of the items are complete and the maintenance bond is in place.

Byron Sanford moved to conditionally accept the Water & Sanitary Sewer Infrastructure for Town Creek Crossing, Section One pending the completion of all water and sewer punch list items and receiving all required bonds and documents. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action regarding acceptance of the SH-105 and Buffalo Springs Drive Traffic Signal Warrant Analysis.

Mr. Roznovsky said he would be presenting the study for Jones|Carter's traffic group who were unable to attend.

Mr. Roznovsky said on August 25, 2021 traffic counts were collected and they found peak hours were reached between 6:30-7:30 a.m. and 4:45-5:45 p.m. Mr. Roznovsky said during that day 22,000 vehicles went through that intersection. Mr. Roznovsky said what he found interesting was only 4.2 percent were not passenger cars. Mayor Countryman asked if that was normal. Mr. Roznovsky said with a total of 22,000 there were 416 semi-trucks. Mr. Roznovsky said based on the traffic counts it did not meet the warrant for signalization. Mr. Roznovsky said when they went back and did the review they recommended they include additional developments and see how the projection shows. Mr. Roznovsky said on page 82 the new developments they included in the analysis for Town Creek Crossing, Section One assume 50 percent of the traffic from that development would continue southbound from Buffalo Springs including a tire shop at the corner and connecting the driveway that goes behind the tire shop and over to Kroger, as well as connecting the driveways at Panda Express and Chick-Fil-A. Mr. Roznovsky said it does not include any other development around this area in the future projected condition. Mr. Roznovsky said no other open tracts are being developed.

Mr. Roznovsky said the 2023 conditions did meet the signal analysis for the first two warrants which is an eight-hour and a four-hour volume.

Mr. Roznovsky said they are looking for the acceptance of the study and direction if wanting to move forward and get this in front of TxDOT to start the process. Mr. Roznovsky said based on these numbers, 2023 will be a warrant to the intersection. Mr. Roznovsky said the timeline for Discount Tire and the thorough street for both on the north and south side of those developments will be the first or second quarter of next year.

Julie Davis asked if Shipley's is at that intersection. Mr. Roznovsky said that does not include Shipley's; it is one over, at CB Stewart. Julie Davis asked if they included any of the projected growth from that development in the FM 1097 study. Mr. Roznovsky said they did not and did not have to since it already met with the existing conditions. Julie Davis asked if the standards are that much greater because there are more lanes and more traffic can be on the road and that is why they did not meet it because FM 1097 is two lanes and SH 105 is four lanes. Mr. Roznovsky said when you look at the numbers and how it is broken down it is the amount of traffic that is on Buffalo Springs. Mr. Roznovsky said there is a lot of traffic on SH 105 but when you look at the numbers he believes it was 47 on Buffalo Springs and a total for the day was 114 heading northbound and 499 heading southbound of the total 22,000.

Julie Davis said she does not go to that intersection because it is too dangerous to cross, but it would be interesting to see how much traffic they could alleviate from Lone Star Parkway light or FM 149 light by having another one there. Mr. Roznovsky said he agrees especially since the only option to exit from Kroger is onto Lone Star Parkway from SH 105.

Mayor Countryman said Lone Star Parkway was to alleviate the big trucks from going downtown and the City has that. Mayor Countryman asked when the south loop is coming in. Mayor Countryman said she asked the Commissioner about it and he does not have a timeline. Mayor Countryman said they are at capacity and need to start planning the south loop. Mayor Countryman said they need to include the Commissioner and TxDOT. Mayor Countryman asked what is the timeline on this. Mr. Roznovsky said the first step is the Red Bird development and how they are setting the first quadrant of how it connects to SH 105 on the west side of town and where it will follow through going back to the east. Mr. Roznovsky said the first of the year will be seeing preliminary plats and the rest is developer-driven. Mr. Roznovsky said he believes FM 149 and FM 2854 will be heavily driven by the development of that property. Mr. Roznovsky said there is no definite timeline.

Mayor Countryman said the City is about to be in gridlock with 550 houses coming as well as over 1,000 that were announced for FM 1097 and in the City itself almost 1,000 houses. Mayor Countryman said she spoke with Montgomery ISD and they expect 5,000 more rooftops times two cars are 10,000 more cars and this is in the next three to five years. Mayor Countryman said our infrastructure cannot take this. Mr. Roznovsky said that is correct. Mr. Roznovsky said it is on the County-wide Developer Plan. Mr. Roznovsky said some are in the City limits and some are outside the City limits. Mr. Roznovsky said it is going to take the City and County working together. Mr. Roznovsky said once it is developer-driven it then becomes more County, City driven to go and try to acquire those properties and acquire the right-of-way to close those gaps.

Julie Davis said Red Bird Meadows does not connect to SH 105 unless you are talking about Old Plantersville or Spring Branch. Julie Davis said Lone Star Parkway runs through the lumber mill and if that came through the lumber mill and back around, are you talking about behind the AG barn and just following Red Bird Meadows around. Mr. Roznovsky said the County's latest Thoroughfare Plan goes south around the development, with Spring Branch lining up going east and west.

Mr. Roznovsky said it is definitely time to begin conversations with the County regarding the south loop, the north loop, and extensions of that. Mayor Countryman said it has been two years since Mr. Tramm has been here and asked Mr. Tramm if he has ever had a meeting with Commissioner Charlie Riley. Mr. Tramm said he has had two phone conversations. Mr. Tramm said they are plugged into the Precinct Mobility Studies and he has attended some of those meetings so he has been plugged in with conversations there. Mr. Tramm said they have relayed statements about this in their Mobility Studies.

Mayor Countryman said the concern is the City has rooftops coming north, south, east, and west right now and we have to get with Commissioner Riley. Mayor Countryman said the south loop is going to be imperative to have and what she has seen and been told too is that the County has pushed it off. Mayor Countryman said the south loop was supposed to be here two years ago. Mr. Tramm said the County looked at the growth between SH 105 and FM 1488 and said they would worry about that someday and now so much growth has occurred in

the last 10 years and they are finding they should have worried about it 10 years ago. Mr. Tramm said he is going to reach out and get those conversations going.

Byron Sanford moved to accept the SH-105 and Buffalo Springs Drive Traffic Signal Warrant Analysis as submitted. T.J. Wilkerson seconded the motion.

Discussion – Mayor Countryman said she is concerned about Friday nights and going to the games that the SH 105 traffic is jammed and asked if this is going to help alleviate that. Mr. Roznovsky said it is only going to slow people down. Mr. Roznovsky said it is going to help people on Buffalo Springs get out and it is more of a true alternate route for people to go versus all on SH 105.

Julie Davis said it could push more traffic to Lone Star Parkway and have them go around that way. Julie Davis said she does not think enough people know about the back entrances to the stadium. Mr. Tramm said it might be an opportunity to let people know about all routes. Mr. Tramm said they do have speed issues on the eastern side of town coming in from SH 105. Mr. Tramm said as fast as they are going 55/45 mph into the City there have been several accidents on the traffic crossing at SH 105 and Kroger and the Chick-Fil-A side. Mr. Tramm said another light there is going to help, and also properly timed lights will help with traffic flow. Mayor Countryman asked if that can be controlled from City Hall. Mr. Tramm said that is a TxDOT communication question. Mayor Countryman asked if they could request control at City Hall. Mr. Tramm said they can request. Julie Davis asked if the City of Conroe controls their lights. Mr. Tramm said they do.

The motion carried unanimously. (5-0)

9. Consideration and possible action to cancel City Council Meetings for November 23, 2021, and December 28, 2021, due to City's holiday schedule.

Mr. Tramm said the second meeting of the month for November and December are typically canceled due to holiday scheduling conflicts between both City Council and staff. Mr. Tramm said businesses normally heard during these meetings will be moved to the next City Council meeting.

Carol Langley moved to cancel City Council meetings for November 23, 2021, and December 28, 2021, due to City's holiday schedule. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

**EXECUTIVE SESSION:**

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

There was no Executive Session held.

**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.

Julie Davis asked just to clarify, the budget and monthly departmental reports for November will be presented at the December 14, 2021 meeting. Mr. Tramm said the reports that would normally be presented the second week of the November meeting will be presented at the December 14, 2021, City Council meeting.

Julie Davis asked if the insurance differentials that were to be presented at this meeting will be presented at the December 14, 2021 meeting. Mr. Tramm said they are still in the open enrollment period right now, but will present those final numbers within the next couple of weeks.

Byron Sanford said he would like to request staff by the first or second meeting in January, given these downtown recommendations for what amounts to a series of tax incentives and drawing in businesses



to the downtown area, to give City Council members some options and advice on how to proceed whether that occurs first with MEDC or not.

Byron Sanford said please show some progress in communication with the County. Byron Sanford commented that we have not moved in negotiations to get what we know is going to be some thoroughfare issues.

Mayor Countryman asked for clarification that we have not done any smoke testing yet. Mr. Tramm said that is correct. Mayor Countryman asked if the testing will be done in February. Mr. Roznovsky said yes.

T.J. Wilkerson asked if Mr. Roznovsky knows when the apartments on Plez Morgan will be complete. Mr. Roznovsky said he does not know but said they are working with L Squared.

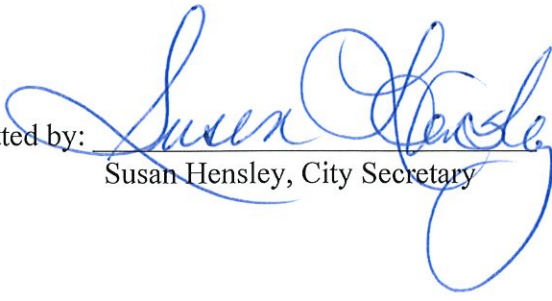
Kevin Lacy said that he wanted it on the record that respectfully disagrees with what was said earlier. Kevin Lacy said he does appreciate Mr. Tramm and Mr. McCorquodale very much for how hard they work and what they do for the City. Kevin Lacy said he knows they have been working under some extenuating circumstances that make things a bit difficult to do their jobs day to day and thanked them for that.

Mayor Countryman said for the record she does not tell them how to do their job; we all agree they can do their job just fine.

T.J. Wilkerson said he is still waiting on the bench for the park. Mayor Countryman asked what the lead time was for benches. Mr. Tramm said it used to be six months but he will check on it tomorrow.

### **ADJOURNMENT**

Kevin Lacy moved to adjourn at 7:47 p.m. Julie Davis seconded the motion, the motion carried unanimously. (5-0)

Submitted by:   
Susan Hensley, City Secretary

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

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

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Halle Properties, LLC for a proposed Discount Tire store (Dev. No. 2104).

**Recommendation**

Approve the Escrow Agreement by and between the City of Montgomery, Texas and Halle Properties, LLC for a proposed Discount Tire store (Dev. No. 2104) as presented.

**Discussion**

Discount Tire is planning to construct a stand-alone store location at the northeast corner of SH105 and Buffalo Springs Drive to the east of Kroger. This site location is part of the same development as Kroger, Blue Wave Express Car Wash, and Burger King.

Escrow Agreements are standard form agreements used by the City to ensure engineering, legal and related costs incurred during the development review process are covered by the developer. Escrow Agreements also simplify the billing process by eliminating monthly invoicing to developers and instead drawing on a pre-estimated sum for project costs. Once approved and the developer deposits funds into their escrow account, the City begins the development review process.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/06/2021
City Administrator	Richard Tramm	Date: 12/06/2021

**ESCROW AGREEMENT**  
**BY AND BETWEEN**  
**THE CITY OF MONTGOMERY, TEXAS,**  
**AND**  
**Halle Properties, LLC**  
**Dev. No. 2104**

THE STATE OF TEXAS            ⓓ  
COUNTY OF MONTGOMERY    ⓓ

This Escrow Agreement, is made and entered into as of the \_\_\_\_\_ day \_\_\_\_\_, 2021 by and between the CITY OF MONTGOMERY, TEXAS, a body politic, and a municipal corporation created and operating under the general laws of the State of Texas (hereinafter called the "City"), and Halle Properties, LLC, a Limited Liability Corporation, (hereinafter called the "Developer").

**RECITALS**

WHEREAS, the Developer desires to acquire and develop all or part of a 1.21-Acre Tract, being comprised of Reserve I2 in Amended Plat of Buffalo Springs Shopping Center Phase 2, sometimes referred to as the Discount Tire Tract, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

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

**AGREEMENT**

ARTICLE I

**SERVICES REQUIRED**

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

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

ARTICLE II

**FINANCING AND SERVICES**

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

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

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

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

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

### ARTICLE III,

#### MISCELLANEOUS

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

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

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

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

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

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

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

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

If to Developer, to: Mr. Matthew Johnson  
Halle Properties, LLC  
20225 N. Scottsdale Road  
Scottsdale, AZ 85255

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

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

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



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

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

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

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

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

CITY OF MONTGOMERY, TEXAS

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

ATTEST:

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

Halle Properties, LLC  
Developer

By:  \_\_\_\_\_  
Matthew Johnson

Title: Agent

STATE OF TEXAS {

COUNTY OF MONTGOMERY {

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

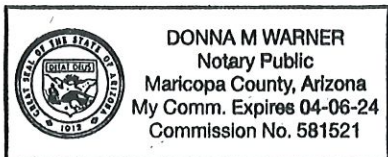
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF ARIZONA {

COUNTY OF MARICOPA {

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Matthew Johnson, Agent of Halle Properties, L.L.C., a Limited Liability Company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated and as the act and deed of said organization.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 17<sup>th</sup> day of November, 2021.



Donna M Warner  
Notary Public, State of Arizona

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding approval of an Escrow Agreement by and between the City of Montgomery, Texas and Christopher Landis, Sr. for the proposed Montgomery Brewing Company Development (Dev. No. 2105) and authorizing the city engineer to prepare a Feasibility Study for the project.

**Recommendation**

Approve the Escrow Agreement by and between the City of Montgomery, Texas and Christopher Landis, Sr. and authorize the city engineer to prepare a Feasibility Study for the proposed Montgomery Brewing Company Development (Dev. No. 2105) as presented.

**Discussion**

Montgomery Brewing Company is a local startup brewery looking to developing a site on Lone Star Parkway on the northwest side of the City. The 16-acre site is partially within and partially outside of the city limits and contains a large amount of floodway and floodplain. Because of the floodplain issues on the property, only several acres along the roadway are developable.

Escrow Agreements are standard form agreements used by the City to ensure engineering, legal and related costs incurred during the development review process are covered by the developer. Escrow Agreements also simplify the billing process by eliminating monthly invoicing to developers and instead drawing on a pre-estimated sum for project costs. Once approved and the developer deposits funds into their escrow account, the City begins the development review process.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/06/2021
City Administrator	Richard Tramm	Date: 12/06/2021

# Montgomery Brewing Company Feasibility Study

## City of Montgomery

**Request:** Council Authorization on December 14, 2021

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

**SCOPE OF WORK**

- *Feasibility Study Report – Preparation of a feasibility study report to analyze the feasibility to serve the 16.384-acre tract located along Lone Star Parkway, west of FM 149. WGA will analyze the City’s water, wastewater, and drainage system and note whether any upgrades need to be made or if any utility extensions will be required to serve the 16.384-acre tract. If any upgrades to the City’s facilities are needed or any utility extensions are required, WGA will prepare a cost estimate to be included in this feasibility study. A preliminary site exhibit showing the extent of the 16.384-acre tract, and any utility extensions/upgrades necessary to serve the tract will be prepared by WGA to be included in this feasibility study.*

**Construction Cost**

There are no construction costs for this report.

**ENGINEERING COST**

The cost to perform the Montgomery Brewing Company Feasibility Study described above is \$5,000, to be billed lump sum.

**SCHEDULE**

Milestone 1: Authorization to Proceed	1	calendar day*
Milestone 2: Kick-off Meeting	1	calendar day
Milestone 3: Report Preparation	30	calendar days
<b>TOTAL DURATION</b>	<b>32</b>	<b>calendar days</b>

\* If approved, the effective start date is the day all required documents, deposits, and authorization to proceed by the Developer are received.



**ESCROW AGREEMENT**  
**BY AND BETWEEN**  
**THE CITY OF MONTGOMERY, TEXAS,**  
**AND**  
**Mr. Christopher Landis, Sr.**  
**Dev. No. 2105**

THE STATE OF TEXAS            ⤵

COUNTY OF MONTGOMERY    ⤵

This Escrow Agreement, is made and entered into as of the 17 day NOVEMBER, 2021 by and between the CITY OF MONTGOMERY, TEXAS, a body politic, and a municipal corporation created and operating under the general laws of the State of Texas (hereinafter called the "City"), and Mr.Christopher Landis, Sr., (hereinafter called the "Developer").

**RECITALS**

WHEREAS, the Developer desires to acquire and develop all or part of a 16.384-Acre Tract sometimes referred to as the Montgomery Brewing Compnay Tract, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

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

**AGREEMENT**

ARTICLE I

**SERVICES REQUIRED**

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

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

ARTICLE II

**FINANCING AND SERVICES**

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

Administrative	\$1,000
City Engineer	\$6,000
Legal	\$1,000
<hr/>	
TOTAL	\$8,000

Section 2.02 Developer agrees to submit payment of the funds for the Utility and Economic Feasibility Study to City no later than ten (10) days after the execution of this Escrow Agreement. No work will begin on the Study until funds have been received and the Study has been authorized by City Council.

Section 2.03 As part of the Study, the estimated additional Escrow Amount will be determined for plan reviews, developer coordination, construction coordination, construction inspection, warranty services, legal expenses, and administrative costs. Developer agrees to submit payment of the Escrow Amount to City no later than thirty (30) days after the acceptance of the Study by City Council. No work outside of the Study will be performed by or on behalf of the City until the Escrow Amount has been deposited.

Section 2.04 The total amount shown above for the Utility and Economic Feasibility Study and the Escrow Amount determined in the Study is intended to be a "Not to Exceed" amount unless extenuating, unexpected fees are needed. Examples of extenuating circumstances created by the developer that may cause additional fees include, but are not limited to, greater than three plan reviews or drainage analysis reviews; revisions to approved plans; extraordinary number of comments on plans; additional meetings at the request of the developer; variance requests; encroachment agreement requests; construction delays and/or issues; failure to coordinate construction with City; failed testing during construction; failing to address punch list items; and/or excessive warranty repair items. If extenuating circumstances arise, the Developer will be informed, in writing by the City, of the additional deposit amount and explanation of extenuating circumstance. The Developer agrees to tender additional sums within 10 days of receipt of request to cover such costs and expenses. If additional funds are not deposited within 10 days all work by or on behalf of the City will stop until funds are deposited. Any funds which may remain after the completion of the development described in this Escrow Agreement will be refunded to Developer.



ARTICLE III,  
MISCELLANEOUS

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

Section 3.02 If either party is rendered unable, wholly or in part, by *force majeure* to carry out any of its obligations under this Escrow Agreement, then the obligations of such party, to the extent affected by such *force majeure* and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided but for no longer period. As soon as reasonably possible after the occurrence of the *force majeure* relied upon, the party whose contractual obligations are affected thereby shall give notice and full particulars of such *force majeure* relied upon to the other party. Such cause, as far as possible, shall be remedied with all reasonable diligence. The term "*force majeure*," as used herein, shall include without limitation of the generality thereof, acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage, or accidents to machinery, which are not within the control of the party claiming such inability, which such party could not have avoided by the exercise of due diligence and care.

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

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

Section 3.05 Any notice, communication, request, reply or advice (hereafter referred to as "notice") herein provided or permitted to be given, made, or accepted by either party to the other (except bills) must be in writing and may be given or be served by depositing the same in the United States mail postpaid and registered or certified and addressed to the party to be notified, with return receipt requested, or by delivering the same to an officer of such party. Notice deposited in the mail in the manner herein above described shall be conclusively deemed to be effective, unless otherwise stated in this Escrow Agreement, from and after the expiration of seven (7) days after it is so deposited. Notice given in any other manner shall be effective only when received by the party to be notified. For the purpose of notice, the addresses of the parties shall, until changed as hereinafter provided, be as follows:

If to City, to:	City Administrator City of Montgomery 101 Old Plantersville Rd. Montgomery, Texas 77356
If to Developer, to:	Mr. Christopher Landis, Sr. Montgomery Brewing Company 1530 Perfection Dr. Montgomery, Texas 77316

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

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

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

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

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

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

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

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

CITY OF MONTGOMERY, TEXAS

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

ATTEST:

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

Mr. Christopher Landis, Sr.  
Developer

By: Christopher Landis Sr.  
Signature

PRESIDENT / OWNER  
Title: \_\_\_\_\_

STATE OF TEXAS {

COUNTY OF MONTGOMERY {

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

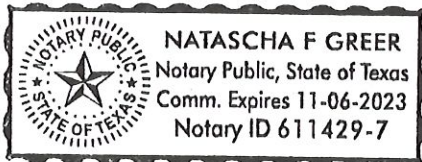
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS {

COUNTY OF Montgomery {

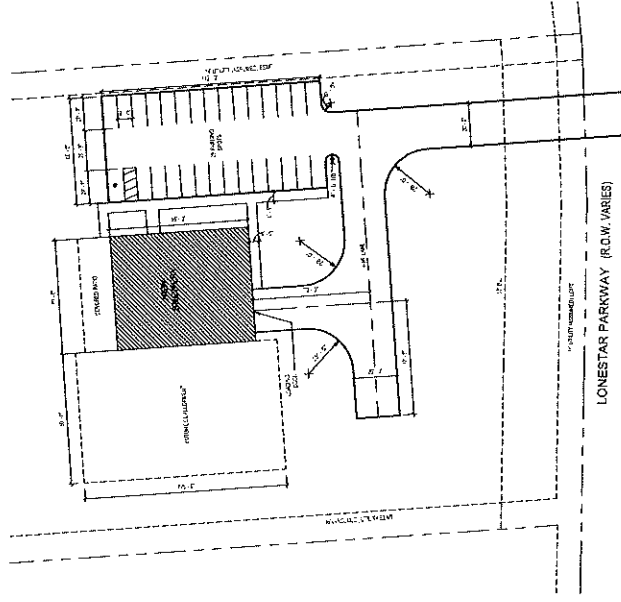
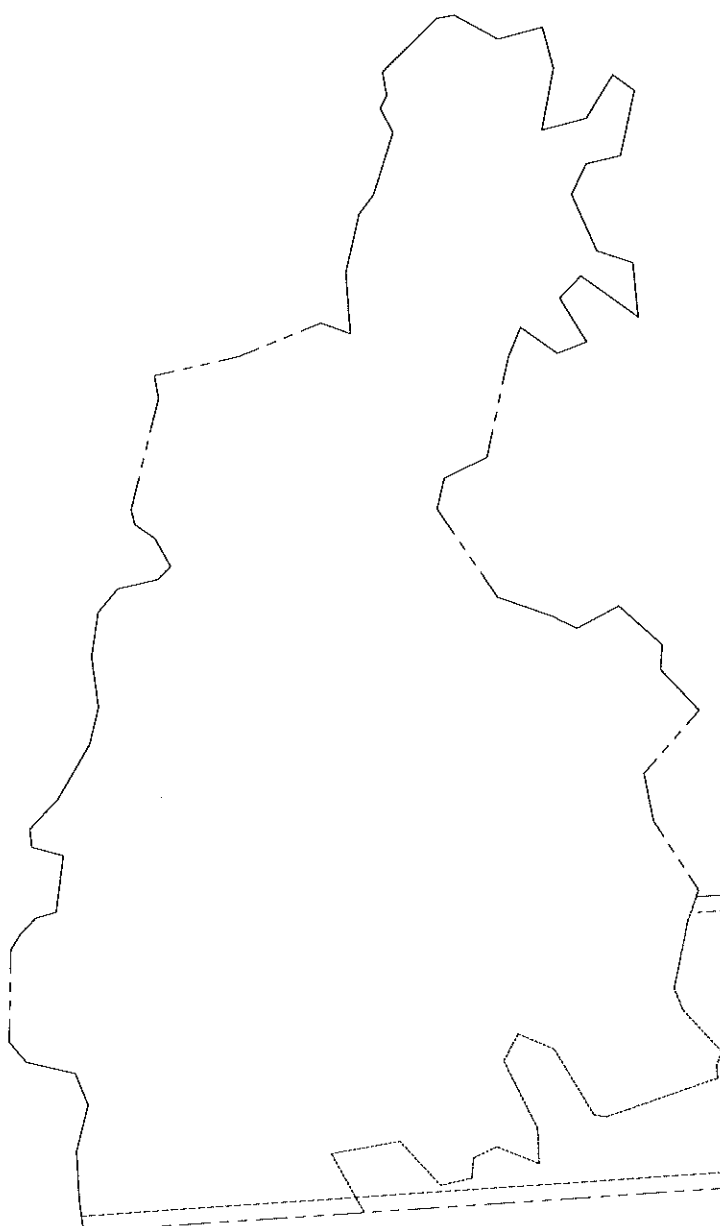
BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared CHRISTOPHER L. LANDIS SR of MONTGOMERY BREWING COMPANY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated and as the act and deed of said organization.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 17<sup>th</sup> day of Nov., 2021.



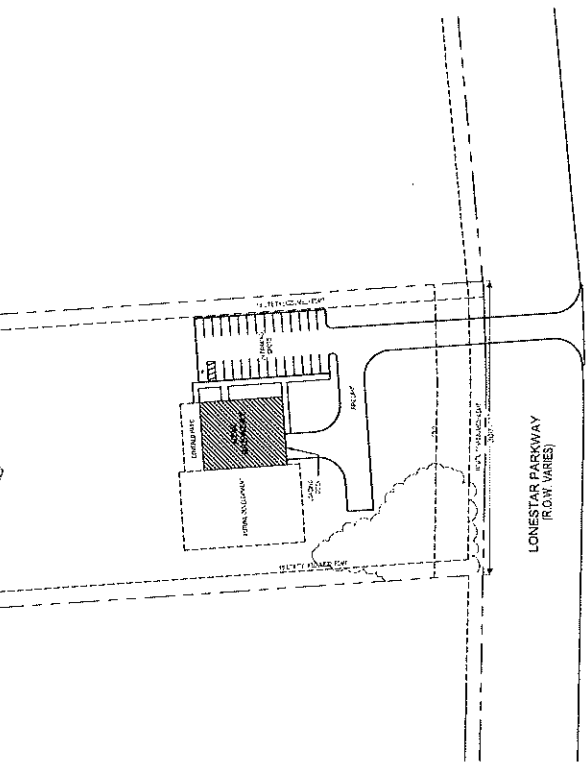
Natascha F Greer  
Notary Public, State of Texas





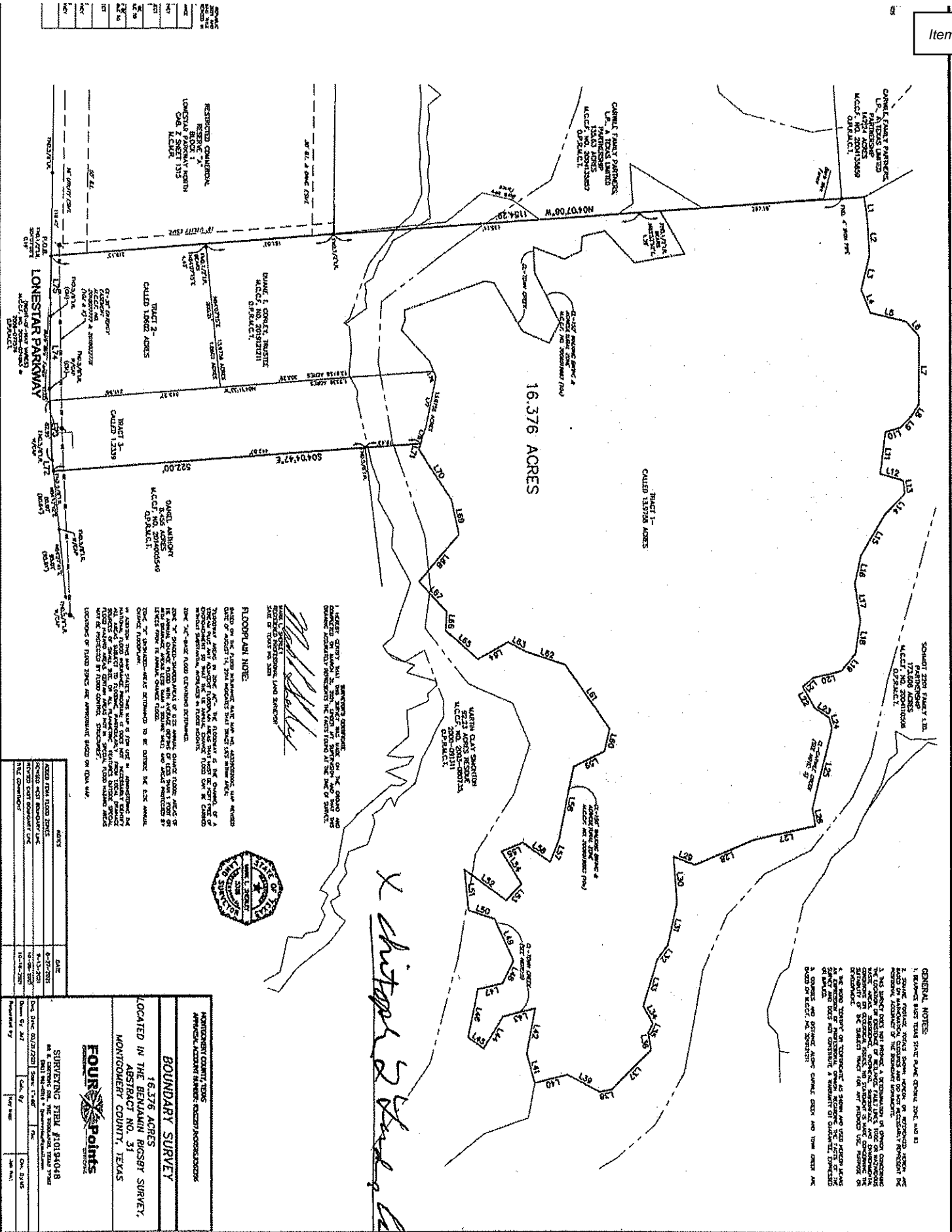
LONESTAR PARKWAY (R.O.W. VARIES)

ARCHITECTURAL - SITE PLAN ENLARGED  
11/11/11



LONESTAR PARKWAY (R.O.W. VARIES)

ARCHITECTURAL - SITE PLAN  
11/11/11



16,376 ACRES

RESTRICTED COVENANTS  
RESERVE 7  
LONESTAR PARKWAY NORTH  
C&A 2 SHEET 1315  
RECORD

TRACT 2-  
CALLED LONESTAR ADRES

TRACT 3-  
CALLED 12339

TRACT 1-  
CALLED 15750 ADRES

TRACT 4-  
CALLED 15750 ADRES

TRACT 5-  
CALLED 15750 ADRES

TRACT 6-  
CALLED 15750 ADRES

TRACT 7-  
CALLED 15750 ADRES

TRACT 8-  
CALLED 15750 ADRES

TRACT 9-  
CALLED 15750 ADRES

*Christina S. ...*



**FLOODPLAIN NOTE:**  
THE FLOODPLAIN INFORMATION SHOWN ON THIS SURVEY IS BASED ON THE FLOODPLAIN MAPS AND DATA PROVIDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY. THE FLOODPLAIN INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE OF ANY KIND. THE FLOODPLAIN INFORMATION IS SUBJECT TO CHANGE WITHOUT NOTICE AND SHOULD BE VERIFIED BY THE USER BEFORE ANY CONSTRUCTION OR DEVELOPMENT IS UNDERTAKEN IN THE FLOODPLAIN AREA.

**GENERAL NOTES:**  
1. BEARING AND DISTANCE ALONG CURVE...  
2. CURVE DATA...  
3. CURVE DATA...  
4. CURVE DATA...  
5. CURVE DATA...

DATE	DESCRIPTION
8-20-2011	FIELD SURVEY
8-23-2011	FIELD SURVEY
8-24-2011	FIELD SURVEY
8-25-2011	FIELD SURVEY
8-26-2011	FIELD SURVEY
8-27-2011	FIELD SURVEY
8-28-2011	FIELD SURVEY
8-29-2011	FIELD SURVEY
8-30-2011	FIELD SURVEY
8-31-2011	FIELD SURVEY

**BOUNDARY SURVEY**  
16,376 ACRES  
LOCATED IN THE BEVANIAN PROSPECT SURVEY,  
MONTGOMERY COUNTY, TEXAS

**FOUR Points**

SUBDIVISION TRIP 41934048  
AS A CONDITION OF THE SURVEY, THE SURVEYOR HAS  
FILED THIS SURVEY WITH THE COUNTY CLERK OF  
MONTGOMERY COUNTY, TEXAS.

Surveyed by: [Name]  
Date: [Date]  
Scale: [Scale]  
Map Date: [Date]





Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding an Encroachment and Maintenance Agreement between the City of Montgomery and Troy Tep for a proposed monument sign at 22453 W. FM 1097, Montgomery, Texas 77356.

**Recommendation**

Approve the Encroachment and Maintenance Agreement by and between the City of Montgomery, Texas and Troy Tep as presented.

**Discussion**

Troy Tep, the owner of Troy's Donuts, would like to construct a multi-tenant monument sign for his new location at 22453 W. FM 1097. As you may recall, this property is a small strip center development next to the Shell gas station at the intersection of FM 1097 & Buffalo Springs Drive. The city engineer's memo is attached and the attorney has reviewed the agreement. Staff has no objections to the Agreement or sign location, which is consistent with other commercial developments in the City.

The overall sign dimensions are shown to be 8' wide x 10' tall, or 80 square feet. This meets the City's sign regulations (maximum 10' height & maximum 100 square feet total area).

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/06/2021
City Administrator	Richard Tramm	Date: 12/06/2021



December 9, 2021

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

Re: Sign Encroachment Agreement  
Troy's Donuts – Development No. 1906  
City of Montgomery

Dear Mayor and Council:

It is our understanding that the developer of the existing Troy's Donuts has requested an encroachment agreement for a proposed sign to be placed within an existing City utility easement. Per the construction plans, the encroachments are proposed to be in close proximity, but not in conflict, with existing public water and sanitary sewer lines.

We recommend the City enter into an encroachment agreement with the developer, Troy Tep, to allow the construction of the proposed improvements within the City's existing utility easement. This agreement will release the City from all responsibility for damages incurred to the improvements (sign) as a result of required maintenance and repairs to the public utilities.

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

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is written in a cursive, flowing style.

Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2021.12.08 MEMO to Council RE Troy's Encroachment Agreement.docx

Enclosures: Sign Exhibit

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney

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

STATE OF TEXAS

COUNTY OF MONTOMERY

**ENCROACHMENT AND MAINTENANCE AGREEMENT**

THIS AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2021, between the **CITY OF MONTGOMERY, TEXAS** (City) and **TROY TEP**, an individual (Owner).

**RECITALS**

Owner is the owner of certain property located at 22453 W FM 1097, Montgomery, Texas 77356 ("Property"), more particularly described in the site plan attached hereto as Exhibit "A," which is being developed by Owner.

Owner is proposing to place a monument sign on the City public utility easement along FM 1097 in connection with the construction and operation of the retail shop on the Property.

Owner has agreed to regularly maintain the monument sign at its sole expense.

City and Owner agree that City may in the future need to make major repairs to the public utility easement on the Property.

If future major repairs to the City's public utilities are required by City, the Owner's monument sign may need to be relocated or disturbed in order for City to perform the necessary repairs.

The monument sign shall be the property of Owner and shall be maintained by Owner. Owner agrees that City shall not incur the expense of maintaining the monument sign or removing the sign or replacing it when any repair work is complete.

City has agreed to the proposed site plan on the Property and Owner's installation of the monument sign on and along the public utility easement, subject to the above recitals and the following terms and conditions agreed by Owner.

**NOW, THEREFORE**, be it mutually agreed by Owner and City as follows:

1. Consent to Encroachment. Subject to the above recitals and the terms of this Agreement, City hereby consents and allows Owner to enter upon the above-described City

easement on the Property for the purpose of installing, placing and maintaining the above-described monument sign within the City public utility easement.

2. Term. This Agreement shall have an indefinite term and shall run with the Property until the City and the Owner, or its successors and assigns, agree to terminate this Agreement.

3. Conditions.

a. Prior to any construction in or along the City public utility easement on the Property, Owner shall obtain all licenses or permits necessary to install the monument sign or any other improvements on the Property.

b. Owner shall be solely responsible for the normal maintenance of the monument sign on the Property and shall maintain them to avoid any damage to or interference with the City facilities, other public utilities or the general right of City to utilize the easement for its intended purpose. City shall be responsible for major repairs to the public utility easement (i.e., any work other than the normal maintenance required by Owner).

c. City shall not be responsible to Owner, its successors, assigns, or any other party for damages to Owner's monument sign or other improvements on or along the City public utility easement on the Property. City may, at any time upon reasonable notice, require the removal of the monument sign along the public utility easement for the purpose of allowing City to make repairs to its public utilities. Owner shall remove and, if desired by Owner, replace such improvements promptly at its sole expense and shall not be entitled to compensation or damages of any kind.

d. Owner shall notify the City in writing of any change in ownership of the Property.

4. Notices. Any notice required or permitted under this Agreement shall be deemed sufficient if delivered in hand or by First Class US Mail addressed to the parties as follows:

CITY

OWNER

City of Montgomery  
ATTN: City Administrator  
101 Old Plantersville Road  
Montgomery, Texas 77316

Troy Tep  
111 Anna Springs Lane  
Montgomery, Texas 77356

5. Indemnity. **OWNER SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS CITY, ITS ELECTED OFFICIALS, OFFICERS AND EMPLOYEES, FROM ANY CLAIMS, SUITS, CAUSES OF ACTION, COSTS OR DAMAGES ARISING FROM OWNER'S ACTION OR INACTION RELATING TO MAINTENANCE OF THE PUBLIC UTILITY EASEMENT BY CITY OR ANY IMPROVEMENTS BY OWNER ON OR ALONG THE PUBLIC UTILITY EASEMENT ON THE PROPERTY.**

6. Entire Agreement. This Agreement contains the entire agreement between the parties hereto. No promise, representation, warranty or covenant not included in this Agreement has been or is relied on by any party hereto.

7. Construction and Venue. This Agreement shall be construed in accordance with the laws of the State of Texas. Exclusive venue over any claim or cause of action arising hereunder shall be in the courts of Montgomery County, Texas.

8. Agreement a Covenant Running With the Land. This Agreement shall be recorded in the Real Property Records of Montgomery County, Texas and shall be a covenant running with the Owner's land and binding upon the Owner's successors and assigns.

**CITY OF MONTGOMERY, TEXAS**

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

ATTEST:

\_\_\_\_\_  
Susan Hensley, City Secretary

State of Texas                    §  
County of Montgomery        §

This instrument was acknowledged before me on \_\_\_\_\_, 2021, by SARA COUNTRYMAN, mayor of and acting on behalf of the City of Montgomery, Texas.

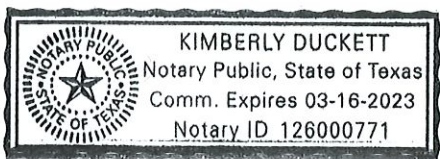
\_\_\_\_\_  
Notary Public, State of Texas

Troy Tep

State of Texas §  
County of Montgomery §

This instrument was acknowledged before me on November 30, 2021, by Troy Tep, in his individual capacity.

Notary Public, State of Texas



**After Recording Return to:**

Susan Hensley City Secretary  
City of Montgomery, Texas  
101 Old Plantersville Road  
Montgomery, Texas 77356



6021 Yale St. Houston, TX 77076  
Phone:713-861-5200  
www.1SourceSignsTexas.com

**Designer: Rene Garcia**

File Path: Comp/Toshiba ext/

**TABLE OF CONTENTS**

PAGE 1	COVER PAGE
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PAGE 3	FABRICATION,INSTALLATION,ELECTRICAL
PAGE 4	SITE PLAN
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PAGE 6	
PAGE 7	

**CUSTOMER**

PROJECT NAME  
TROY'S DONUTS MONUMENT SIGN

CONTACT \_\_\_\_\_

ADDRESS 22453 W FM 1097  
MONGOMERY, TX 77356

PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

**SITE SUMMARY**

FRONT ELEVATION		PYLON #1		WINDOW #1 _____	WINDOW #8 _____
BACK ELEVATON		PYLON #2		WINDOW #2 _____	WINDOW #9 _____
WALL TYPE		MONUMENT #1	NEW	WINDOW #3 _____	WINDOW #10 _____
WALL COLOR		MONUMENT #2		WINDOW #4 _____	DOOR #1 _____
NEW POLE SIGN POINT A to B				WINDOW #5 _____	DOOR #2 _____
NEW POLE SIGN POINT A to C				WINDOW #6 _____	
				WINDOW #7 _____	

**SITE SURVEY DATE** \_\_\_\_\_

**SIGN SUMMARY**

SIGN TYPE	SIZE	MATERIAL	NOTES
(N1) Monument Sign	10'-6"H X 8"W X 24"D	VINYL _____ DIBOND _____ FACES (2) 24"X5' / (8) 18"X5' LEXAN WHITE RETURNS _____ ALUMINUM BLACK .080 TRIM CAP _____ COROPLAST _____ SILLOUETE _____ PVC _____ BACKER PANEL _____ OTHER _____ RACEWAY _____	

**PROOF DATE** \_\_\_\_\_

**ELECTRICAL**

**Electrical Requirements:** Primary Electrical to be customer provided. Signs will be wired for 120-277 VAC. Must be notified if voltage is different prior to sign manufacturing. A clean, dedicated 20A circuit consisting of primary (BLK), Neutral, WHT), & Ground (GRN) are to be provided by customer's licensed electrical contractor. J-BOX must be located within 6ft of sign, with breaker labeled.

UL Installation Requirements. This sign is to be installed in accordance with the requirements of article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

**INSTALLATION**

SINGLE SIDED  DOUBLE SIDED   
(2) 24"X5' / (8) 18"X5'

RACEWAY  FLUSH MOUNTED

OTHER \_\_\_\_\_

**REVISIONS**

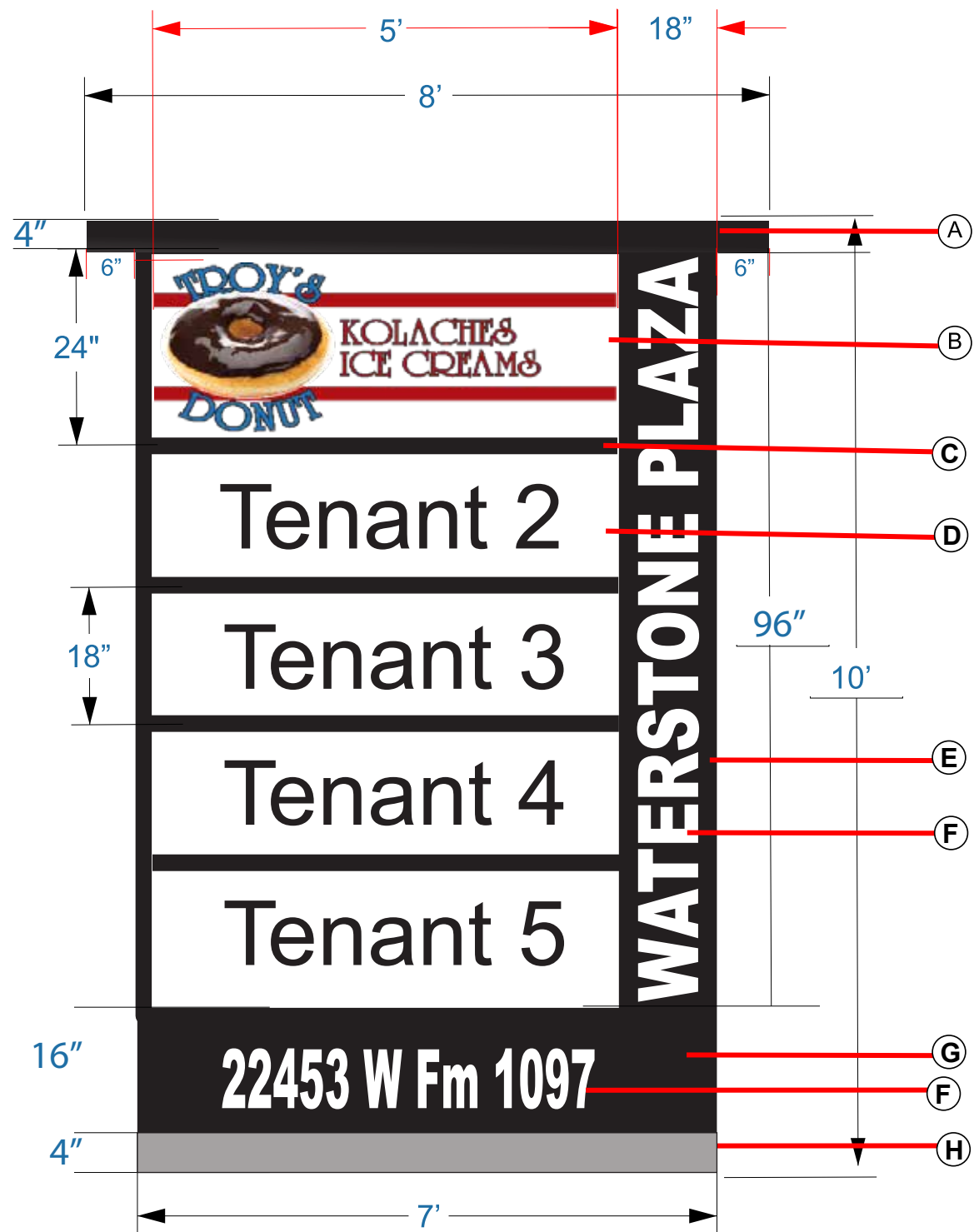
Revised 9-16-2021
Revised 10-11-2021

**We will not be responsible for errors or omissions after your proof is approved.**

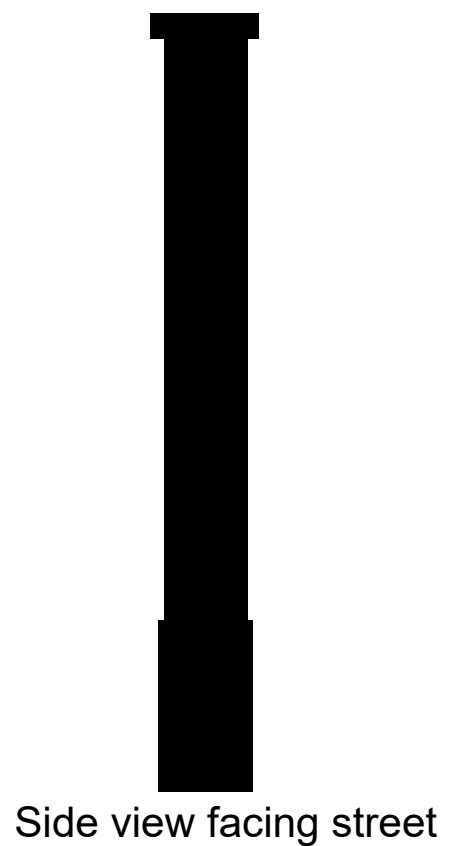
**All conceptual renderings are the property of 1 Source Signs Any reproduction, exhibition or use of this drawing is STRICTLY PROHIBITED.**

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

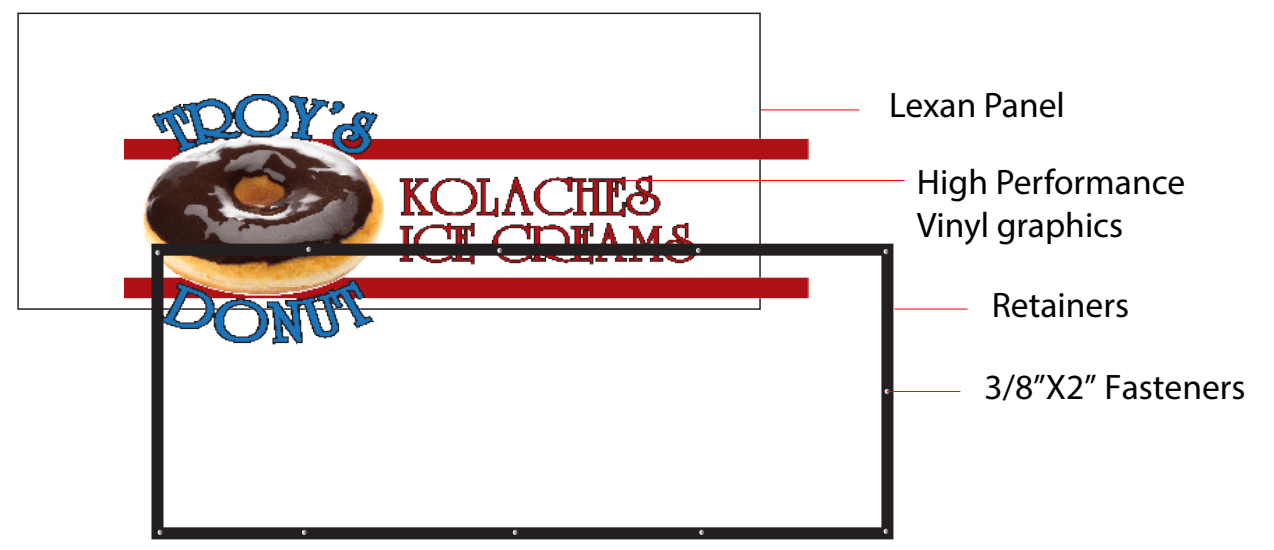




- Ⓐ .063 Aluminum cap top
- Ⓑ Top 2'x5' Lexan panel with high performance vinyl graphics
- Ⓒ Retainers secured using 3/8"X2" Fasteners
- Ⓓ 18"x5' Lexan Panel
- Ⓔ Aluminum Side
- Ⓕ High Performance Vinyl Graphics
- Ⓖ Aluminum Skirt
- Ⓗ 4"Concrete Slab



Lexan Top Faces



# 1SOURCE SIGNS

6021 Yale St. Houston, TX 77076  
 Phone: 713-861-5200  
 www.1SourceSignsTexas.com

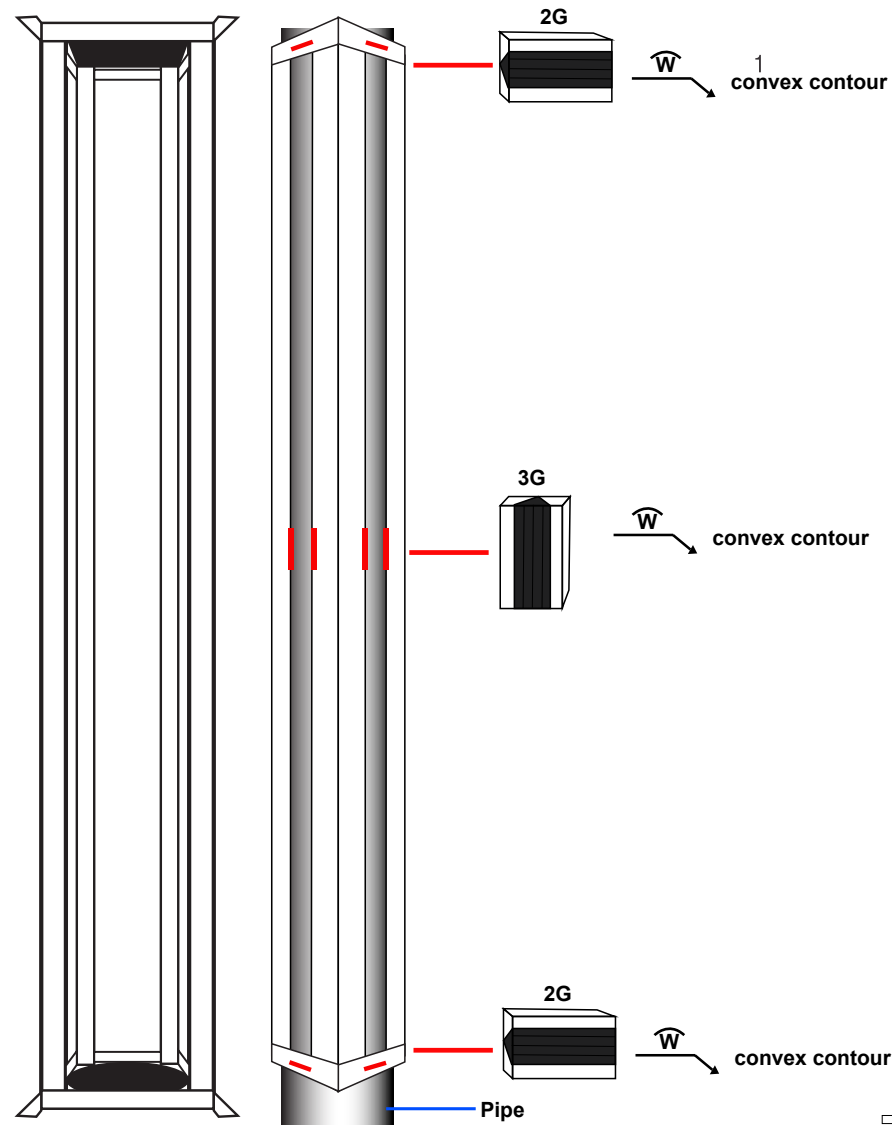
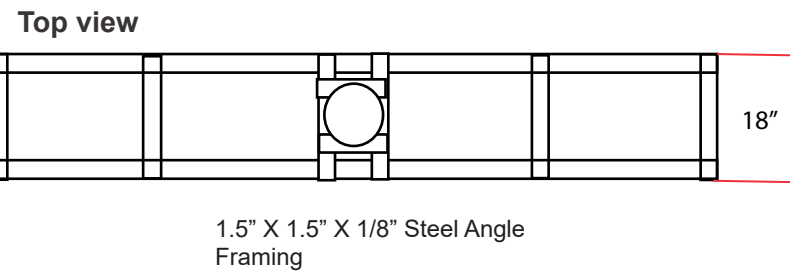
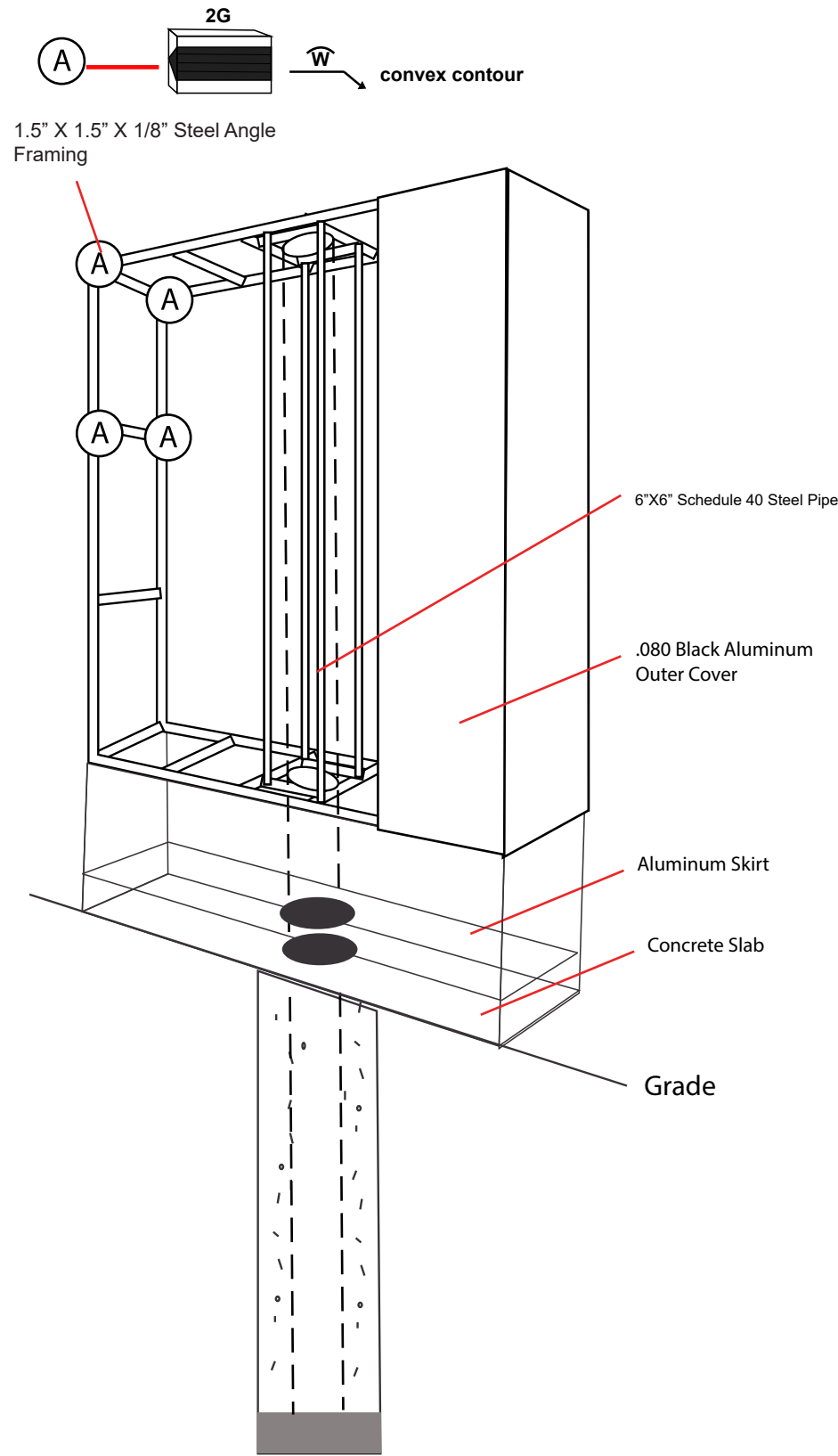
**SIGN**

## Monument Sign

**DESCRIPTION**

10' H x 8' W X 24" D  
 Double Sided LED illuminated  
 1.5"X1.5"X1/8" Steel Angle Frame  
 .080 Black Aluminum Outer Cover  
 with Black .063 Decorative Caps.  
 Top Lexan Face 24"X5'  
 Other Tenants  
 18"X5' Lexan Faces

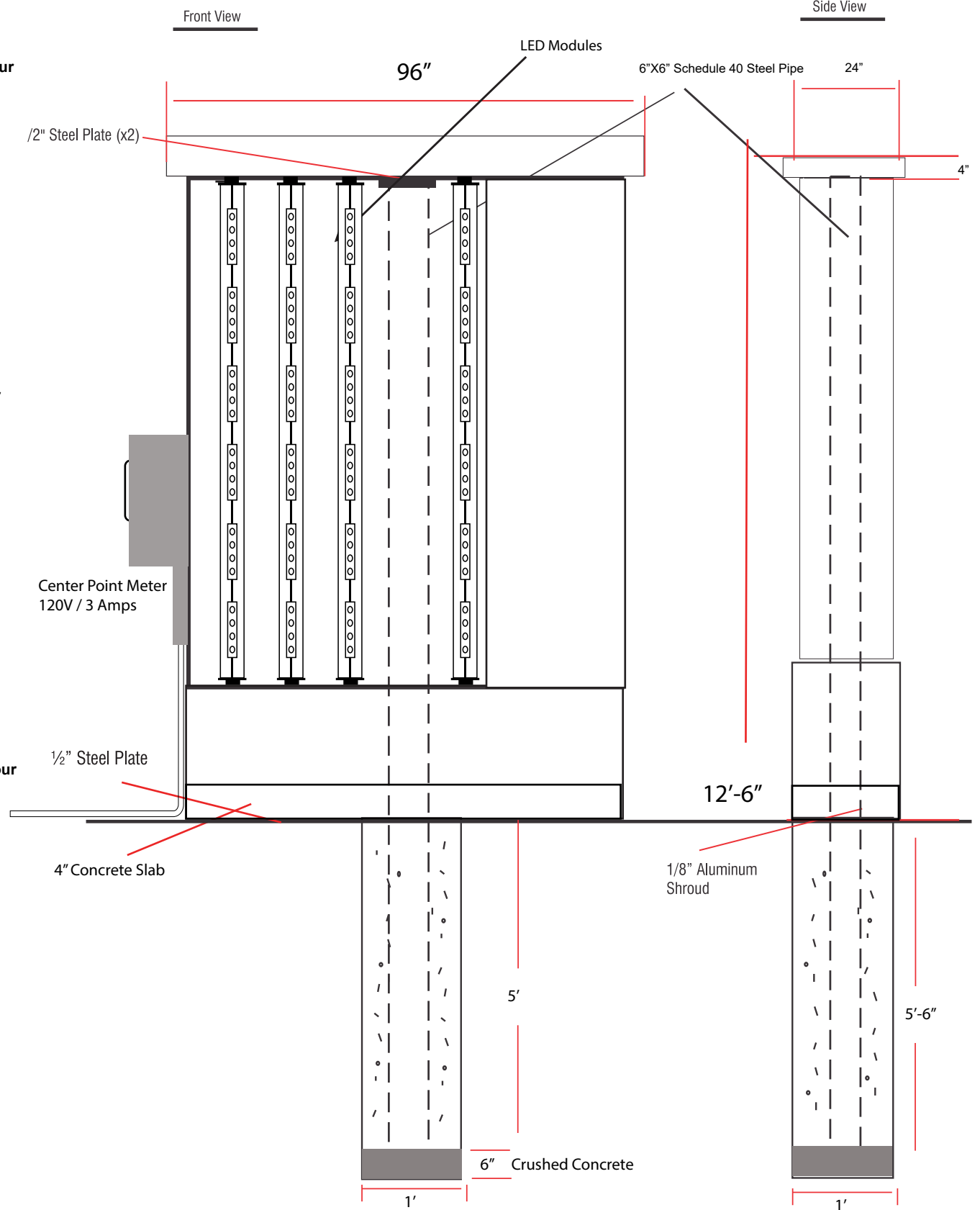
# FABRICATION & INSTALLATION



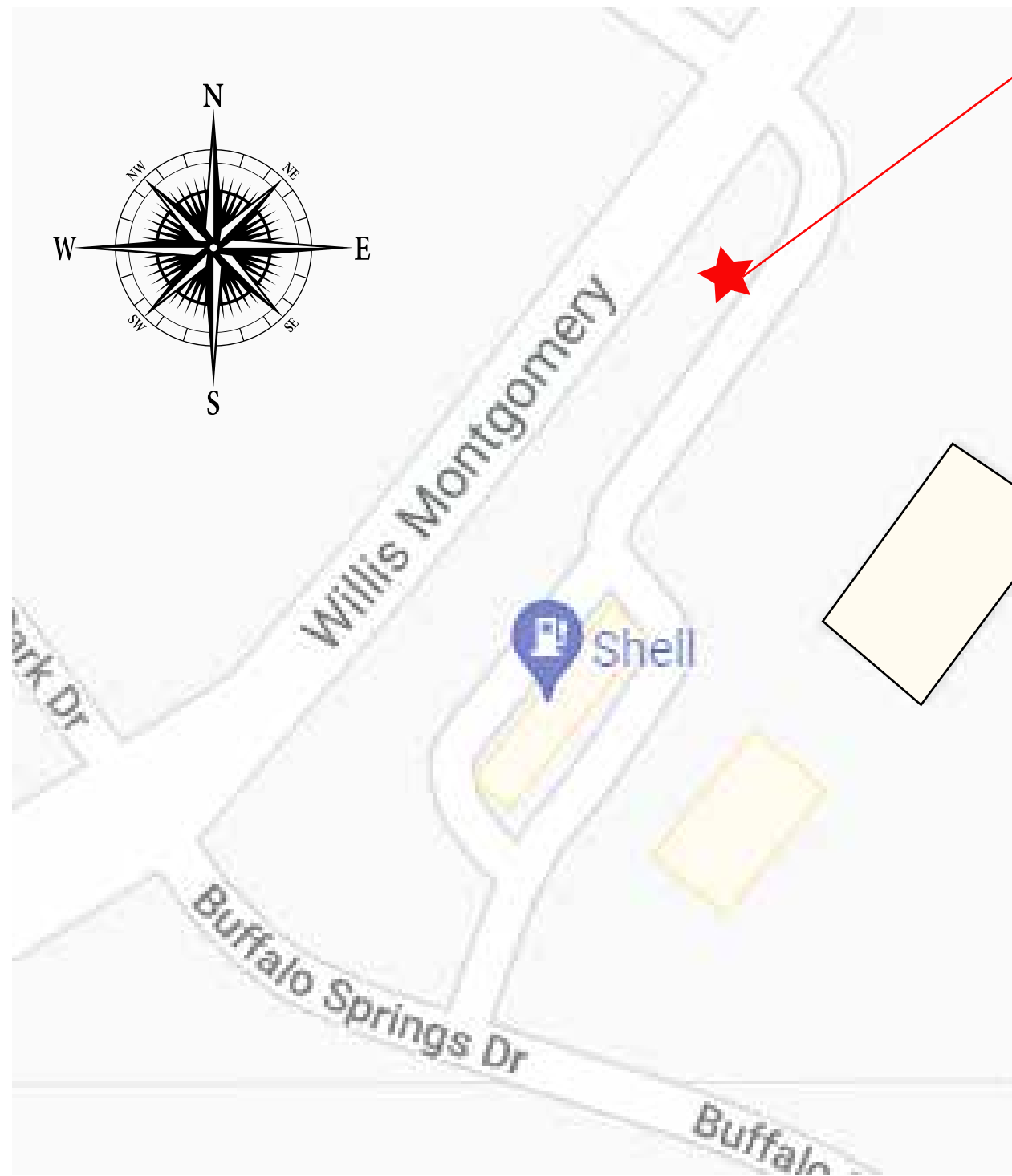
## Details: Pipe to Cabinet Welding

Sign constructed of 1.5"X1.5"X1/8" steel angles framing with .063 BLACK aluminum cover attached using non corrosive fasteners.

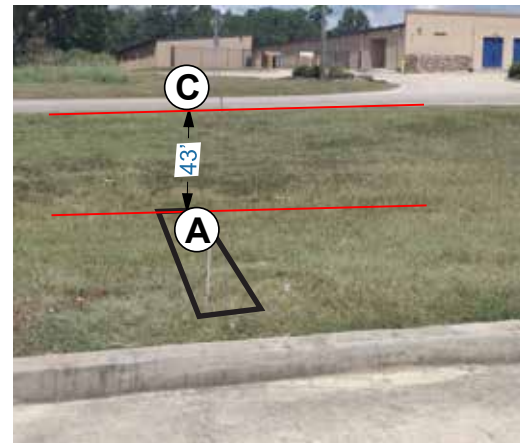
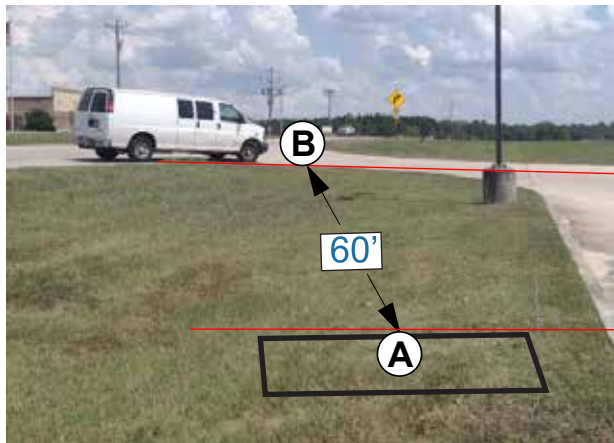
# ELECTRICAL







Monument Item 4.



**22453 W FM 1097 Montgomery, TX 77356**

**(A) Monument Sign to (B) Entrance Curve**

**(A) Monument Sign to (C) Street FM 1097**







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

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

9/2/21  
\_\_\_\_\_  
Date of Application

Lilly Golden  
\_\_\_\_\_  
Printed Name of Applicant

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**

Consideration and possible action regarding the annual HUD-Code Manufactured Homes Park renewal application for Cedar Crest Mobile Home Park.

**Recommendation**

Approve the annual HUD-Code Manufactured Homes Park renewal application for Cedar Crest Mobile Home Park, contingent on the work being completed on the front deck at Unit #7 within the next 30 days.

**Discussion**

City Ordinance requires the annual renewal of the operating permit for manufactured home parks within the City. Currently, Cedar Crest Mobile Home Park is the only such park inside Montgomery City Limits. The park has been in existence for many years but transferred ownership in 2020. City staff notes that the overall maintenance of the property appears to have improved since the change in ownership.

The property was inspected by City Public Works staff with the results relayed to the park ownership on November 24, 2021. The results noted in the inspection were:

1. Several units noting minor skirting damage but nothing requiring attention currently.
2. Unit #7 front deck missing several slats and may be unbalanced. Repair of this item is being coordinated and is expected to be complete during this week.

In reviewing the Cedar Crest Mobile Home Park with the Montgomery Police Department, I was advised there were no calls of concern from the park property.

Permit fee payment of \$50.00 and a roster of residents were also provided to the City, as required as part of the permit application.

**Approved By**

City Administrator	Richard Tramm	Date: December 9, 2021

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Presentation of a proposed business plan for The Caroline House Bed & Breakfast located at 811 College Street as submitted by DH BROW, LLC.

**Recommendation**

Listen to the presentation and provide feedback as you deem appropriate.

**Discussion**

The Caroline House Bed & Breakfast is located on Caroline Street in the Historic Preservation District and has been used as a bed & breakfast for a number of years. The property is listed for sale and prospective owners would like to discuss the idea of continuing the bed & breakfast and holding small (+/- 100 guests) events at the property.

The Caroline House is currently operating with a Special Use Permit which is required of any bed & breakfast in the City. To allow additional uses (like events) on the property, the SUP would need to be amended to include such uses.

The prospective owners presented their plan to P&Z on December 7th and were able to answer questions from the Commission. The primary concerns of P&Z centered around parking availability and the anticipated increase in traffic in the neighborhood. The owners and the Commission discussed several possible solutions such as valet and off-site parking. The Commission was generally supportive of the idea and acknowledged several key details will need to be addressed if the project moves forward.

The intent of tonight's short overview is to introduce the City Council to the prospective owners and to gauge whether the proposed expanded use of the facility would be supported by City Council. The intent is to not work through details of a Special Use Permit tonight. The feedback you provide to the applicant should be aimed at helping the applicants determine next steps for them (i.e. making an offer on the property or knowing the City would not support this type of activity on the property). The prospective owners have provided additional information about their plan for review.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/08/2021
City Administrator	Richard Tramm	Date: 12/08/2021



## 1.0 Executive Summary

The Caroline House  
811 Caroline Street  
Montgomery, Texas 77356

### Introduction

The Caroline House is a one-of-a-kind property located in historic downtown Montgomery, Texas, currently operating as a top-rated Bed & Breakfast since 2006 by Mary Eckhart Sims. The Caroline House is currently on the market for sale as a turnkey Bed & Breakfast business.

### Our Services

There are three homes on the picturesque almost one-acre (.939) property which boasts mature trees and foliage. The main house, known as the Shelton-Smith House, was built in the late 1850s and holds a designation as a historic home with the state of Texas. The main home offers formal living and dining rooms, den, large eat-in kitchen, oversized laundry/mudroom, downstairs primary suite, upstairs primary suite with sitting area and a downstairs guest suite. The property also features an 1,800 sq. ft. three bed/two bath guest house and a 500 sq. ft. one bed/one bath historic slave quarters, known as the Cottage, located behind the main home. The Caroline House offers guests a “home away from home” experience while they explore historic downtown Montgomery or visit the surrounding attractions.

### Financial Considerations

DH BROW is a limited liability company (LLC has been filed and awaiting final approval) seeking the opportunity to purchase The Caroline House.

Upon acquiring the property, DH BROW will continue operating The Caroline House as a Bed & Breakfast offering temporary lodging and aims to uphold The Caroline House’s current reputation. In addition to the Bed & Breakfast, and after obtaining the required permits and city planning approval, DH BROW intends to expand the business model by becoming an event venue for intimate events with a maximum guest count of 100. (Exact guest count will be determined upon approval with an in-person visit by the necessary licensed professional. The guest count of 100 is used throughout this document as an estimated placeholder occupancy of 150 for exterior events, allowing room for staff and vendors) Examples of the proposed intimate events are: weddings, bridal showers, family reunions, memorials, corporate events, etc.

### Mission

DH BROW holds the mission to provide all guests of the property with a comfortable, enjoyable, and memorable experience that will result in guests wanting to return for years to come. The respect, preservation, and rich history of the property is one that will be shared with each guest.

## 2.0 Business Description

The Caroline House is a one-of-a-kind property located in historic downtown Montgomery, currently operating as a top-rated Bed & Breakfast since 2006 by Mary Eckhart Sims.

### 2.1 Location

The Caroline House is located at 811 Caroline Street in the historic district of Montgomery, Texas.



The Caroline House is:

- Walking distance to historic downtown Montgomery
- Walking distance to chain grocery stores and restaurants
- Minutes to popular wedding venues and wineries
- Minutes to Lake Conroe and numerous other recreational opportunities, including Sam Houston National Forest
- 15 minutes to Margaritaville Resort and Conference Center
- Approximately 20 minutes to Conroe
- Approximately 35 minutes to The Woodlands: Waterway Marriot Hotel & Convention Center, Cynthia Woods Mitchell Pavilion, Market Street, and The Woodlands Mall
- Approximately 50 minutes to George bush International Airport
- Approximately 1 hour to downtown Houston



## 2.2 Property History

John E. Shelton, a home builder, who built many of the homes in Montgomery, purchased the land The Caroline House sits on in 1855 for the total sum of \$400.00. In 1858, the property was put up for sale by the Montgomery County Sherriff where it would be purchased by Captain Thomas W. Smith for a total of \$425.00. Smith was a well-known merchant, civil servant, and had even served in the Confederate Army during the Civil War. Records suggest that Smith either added onto the home or built a new home prior to the Civil War. The home was known as the T. W. Smith home until Smith moved to Willis after the Great Northern Railroad company began to lay track that would connect Houston to Chicago in 1870. In 1872, Smith established the Smith & Co. Cigar Manufacturing Company in Willis. Descendants of Captain Smith retained ownership of the property until 1924 when they sold the home to Thomas and Edna Gay. The home was then sold to Ken and Mary Whisenant in 1970. The Whisenant family was successful in petitioning the Texas Historical Commission to designate the Shelton-Smith house as a Historical Marker in 1976.

Mary Eckhart, the current owner, who purchased the property in 2000 is only the fourth family to own the home throughout its history. Ms. Eckhart, an interior designer, has lovingly restored the home and buildings to its former glory. There are four structures on the property. The first being the main house which was originally a one story with three dormer windows and a long porch that spanned the width of the home. Captain Smith's granddaughter, Stella Peynghaus, extensively remodeled the home in 1921. Stella's improvements such as the beaver board walls and the replacement of some of the heart pine flooring with one-inch-thick maple are what continue to provide the home with a unique character. Today, the now two-story home boasts 3,200 square feet of quality living space that includes formal living and dining rooms, cozy den, large eat-in kitchen, two downstairs bedrooms with ensuite baths, an upstairs two-bedroom suite with bath and sitting room, an oversized laundry room, and a sunroom. The main house retains many original features, including heart pine and maple flooring, fireplaces, chimneys, ceilings, hardware, and other fixtures. The second structure is the former slave quarters that was converted into a small guest cottage featuring a living area, bedroom, and full bathroom. The third structure, a large greenhouse that was used to grow orchids for commercial purposes, was built in the 1970s by the Gay family. This was converted into a lodge-style guest house in 2003. This home features an expansive living and dining area, full kitchen, laundry room, two bathrooms, and three spacious bedrooms. The fourth and last structure located on the property is a two-car garage where one bay has been converted into a game room. Each year, the property has been featured in the "Christmas in Historic Montgomery Home Tour". This annual event allows the public to tour many of the historical homes in downtown Montgomery.

## 2.3 Current Property Layout

### Main House – Shelton-Smith House

- Built in 1858
- 3,200 square feet
- 3 bedrooms, 3 full baths/1 powder room
- Formal Living, Formal Dining, Den, and Sunroom
- Kitchen with Dining area
- Oversized laundry/mudroom
- Large front porch and concrete patio



### Guest House

- Build in the 1970s
- 1,800 square feet
- 3 bedrooms, 2 full baths
- Living and Dining areas
- Kitchen with dining area
- Laundry Room
- Large front porch



### Cottage

- Built in the 1850s
- 500 square feet
- 1 bedroom, 1 full bath
- Living and Dining area
- Front Porch



### Grounds

- Guest house has a large storage area that will be converted to onsite living quarters
- Two car garage – one bay has been converted to game room
- Mature trees surrounded by lush landscaping
- Plenty of room for relaxing or to be used for hosting events



## 3.0 Market Analysis

Montgomery, Texas has a population of 1,575 (as of 2019) but pulls visitors and guests from the surrounding areas, such as the city of Houston, which has a population of 2,323,660 (as of 2021).

The lodging industry has the benefit of not being dependent on any single market segment, but instead is able to welcome guests from several.

### 3.1 Segmentation and Target Market

The Caroline House's two major customer segments are those who are looking to "get away" from the city and enjoy a more relaxing lodging experience over the impersonal surroundings of hotels/motels and individuals from the surrounding communities looking for an intimate venue with lodging and charm for various events.

The Caroline House additionally appeals to the following market segments:

- Out of town tourists visiting Montgomery or the surrounding areas.
- Event and festival goers, ranging from events at Margaritaville to guests attending The Texas Renaissance Festival.
- Locals looking for a stay-cation.
- Wine lovers who are enjoying the Texas Bluebonnet Wine Trail or are staying to explore the local wineries at their own pace.
- History buffs who come to experience one of the oldest towns in Texas and the Birthplace of the Texas Flag.
- Brides and Grooms looking for an intimate wedding venue that offers charm, history, and lodging.
- Individuals looking to host an event or luncheon in a one of a kind and charming venue.

As Greater Houston continues to grow, Montgomery becomes an even more desirable destination with its charming downtown and surrounding attractions.

### 3.2 Market Needs

There is an overall need in the Montgomery area for lodging. The Bed & Breakfast industry offers a comfortable lodging option for the ever-increasing group of travelers. Guests are welcomed into a home where they can feel a sense of community while still allowing for as much privacy as they desire to create an enjoyable and relaxing stay.

The Montgomery, Texas official government website lists Cedar Brake Park, Community Building, Memory park, and Hodge Podge Lodge as the only facilities on their "Plan an Event" page. While there are additional event venues in the surrounding area, The Caroline House offers walking distance to historic downtown Montgomery as well as lodging. The Caroline House offers outdoor and indoor space for those looking for a venue space for an intimate sized event.

## 4.0 Services

The Caroline House will be run with authentic Southern hospitality to provide guests with lodging while visiting and experiencing the historic wonders of Montgomery, Texas.

### 4.1 Bed & Breakfast

Guests will be able to choose a traditional Bed & Breakfast room with shared living room and dining room areas where they will be "part of the family" or select a more modern Bed & Breakfast approach and rent the Guest House or Cottage where they will have the house to themselves. Either selection gives guests access



to the relaxing gardens that are surrounded by lush greenery that makes you forget you are in the middle of town.  
need.

**4.2 Events**

Each client will have an Event Manager for planning and day of. There will never be two events booked on the same day, giving guests time to set up, prepare, enjoy, and tear down without the worry of another event on top of them.

Efforts will be taken by The Caroline House to respect the surrounding residence, city operational hours as well as the city noise ordinance.

To allow space for event parking, one option being proposed is converting the west portion of the lawn into event parking. This will consist of adding a gate to the existing fence. The gate and parking area will only be open and used for events held at the Caroline House.



Created by Michelle Plaskett, November 28th, 2021. Source: Tax Parcel View (6/11/2021), ESRI Feature Service Layer, GIS\_Data\_MOCCO, Accessed 11/28/2021, Aerial2017\_6inch\_RGB(6/15/2017), ESRI Feature Service Layer, GIS\_Data\_MOCCO, Accessed 11/28/2021.

**4.3 Proposed Additional Revenue Streams**

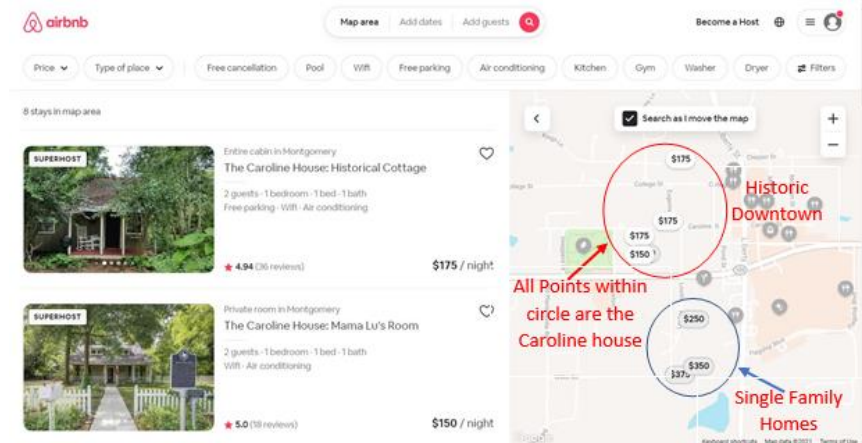
Other revenue streams, in addition to the Bed & Breakfast and event venue, will be considered in the future. This will consist of, but are not limited to, a gift shop of branded items and locally sourced items, and guided historic tours of Montgomery.

**4.4 SWOT Analysis**

**4.4.1 Strengths**

- Location: The Caroline House is located within walking distance to historic downtown Montgomery with eating establishments, local boutiques and downtown festivals; a short driving distance to nearby attractions such as multiple local wineries, The Texas Renaissance Festival, Margaritaville, Lake Conroe, Sam Houston National Park and Huntsville State Park; driving distance to The Woodlands and Houston attractions.
- Historic property: The Caroline House is a historic landmark. This allows marketing to a specific segment that is interested in staying and/or visiting historic properties.
- Lodging demand: Currently, there is only one other Bed & Breakfast, Hodge Podge Lodge, within the immediate area (1-mile radius) that offers single room lodging. According to the current owner, Hodge Podge Lodge sends its overage to The Caroline

House. Within a 4-mile radius, there are three other options for single room lodging. Other options in the downtown area, such as entire single-family residential homes for a nightly or weekly rate, are available, however, the cost is more significant and they are not within easy walking distance to downtown Montgomery. Most are found on [www.airbnb.com](http://www.airbnb.com) (in blue circle). The Caroline House rooms can also be found on the site (in red circle).



The need for lodging puts The Caroline House in a strong position to succeed as it is one of the only lodging opportunities for single rooms in the area.

- Increase in tourism for Montgomery: Montgomery is one of the oldest towns in Texas. Guests will be given the opportunity to learn the charm of Montgomery’s history and what makes the Birthplace of the Texas Flag so special.
- Turnkey Bed & Breakfast: The Caroline House is being sold as an established business with the majority of the furniture remaining with the house.
- Online/Social media presence: The internet and social media outlets will be utilized to market and advertise The Caroline House. There will be a focus on gaining guest reviews and positive referrals.
- Event venue: With a demand for smaller venues in the downtown Montgomery area, The Caroline House will fill the need and become a popular destination for small intimate events.

**4.4.2 Weaknesses**

- Novice Bed & Breakfast owners: While professional and knowledgeable, the management team will be new to the Bed & Breakfast industry.
- Aging property: Being built in the 1850’s, The Caroline House will need routine repairs and upkeep in order to remain at its full potential.

- Unproven event history: The Special Use Permit has not been used for The Caroline House in many years. While this was due to personal choice of the current owner and not lack of interest, it is not currently established or known as an event facility.
- Parking: A lack of large parking area may prohibit events. The City's approval of event space and proposed parking plan is critical.
- Local/State/Federal Regulations: The initial task of obtaining necessary permits to run the business.
- Time/Days of operations: Will have to operate within the City's defined operating hours and within the City's noise ordinance.

#### **4.4.3 Opportunities**

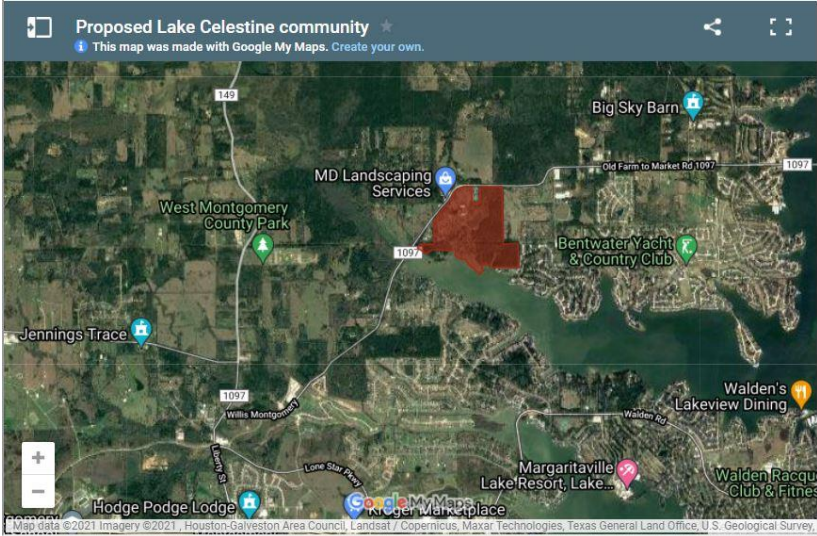
- Additional bedroom for rent: Growth will naturally occur in the Bed & Breakfast by opening the additional bedroom in the Main House as a rental option.
- Event venue: The property offers a lush garden area ideal for intimate events as well as sufficient space indoors to host small sit-down events, such as luncheons.
- Increased online marketing: With little online marketing currently being utilized for The Caroline House, there are ample opportunities to grow the online marketing.
- Refresh the property: Over the years, the outdoor gardens have become overgrown and will be refreshed. The inside of The Caroline House will also be evaluated and refreshed.
- Expanding other avenues of business: In the future, additional avenues such as historical tours, cemetery tours, bicycle tours, and wine tastings will be considered. In addition, having the branded items and locally sourced and handmade products available for purchase at The Caroline House for guests will promote the brand as well as local small businesses.

#### **4.4.4 Threats**

- City priorities: If the city of Montgomery changes the vision of downtown Montgomery, the need for a Bed & Breakfast and intimate event venue will be threatened.
- Unknown maintenance: As with any building, especially a historical building, there will be unknown maintenance required.
- COVID19: Travel and the lodging industry were put on pause for nearly a year and a half. While travel is currently increasing and life is beginning to look more like "normal", the future of COVID19 is ever changing and unknown.



- Lodging: Area growth may result in more lodging options such as hotels, RV Parks, and AirBnBs. An example is the proposed Lake Celestine development that will call for 1,038 residential lots as well as lakefront restaurants, retail stores, live-work units, creative office space, lakefront hotel and recreational amenities.



**4.5 Regulations**

**4.5.1 State Permits**

Business License – actively obtaining LLC to run the business  
Liquor License/Permit

**4.5.2 City Permits**

Special Use Permit (Bed & Breakfast and Events)  
Noise Ordinance

**4.5.3 County Permits**

Health/Food Safety  
Occupancy

**4.5.4 Federal**

ADA compliant

**4.5.5 Insurance**

Must have appropriate insurance to lessen risks of liability and lawsuits

**5.0 Management & Organization Structure**

**5.1 Management Team**

Individual Resumes for the management team can be found on pages 11-18.

**Craig Ivie:** Duties include overseeing the operations of the business and ensuring that all members of the team meet business goals. In addition to ensuring smooth business operations, he will participate in landscaping duties, general maintenance, event setup and tear down, and act as a guest advocate.

**Jamie Ivie:** Mrs. Ivie will supervise the overall guest experience and assist in preparing breakfast, housekeeping, and administration. She will assist in event setup and tear down.

**Michelle Plaskett:** Mrs. Plaskett’s duties will include overseeing and implementing all marketing strategies as well as overseeing daily accounting needs. She will also participate in cleaning, landscaping, and maintenance duties.

**Danielle Ivie:** Ms. Ivie will oversee client relationships from start to finish for each event. Ms. Ivie will live on-site for any guest needs and will assist in cleaning, landscaping and all other daily duties.

**5.2 Professional Team**

Additional help from professionals (i.e. Attorney, Accountant, Landscaper, Insurance Agent) will be utilized to ensure successful operations as needed.

**6.0 Financial Plan**

**Start-up Funding**

DH BROW is seeking a loan to finance the purchase of The Caroline House, a Bed & Breakfast located at 811 Caroline Street, Montgomery, Texas 77356. DH BROW will contribute a down payment that will be applied to the purchase price, required permits, and associated closing costs. In addition, DH BROW will be seeking a construction loan to cover costs associated with the business model expansion. These costs include:

- Converting the storage area adjacent to the Guest House into living quarters for the on-site manager.
- Converting lawn on the west side of the property into additional parking (relocating electric pole).
- Enhancement of the grounds which will include landscaping and fence repair.
- Acquiring appropriate furniture and fixtures to be used to host events.
- Security system to include cameras and doorbells.



Created by Michelle Plaskett, November 28th, 2021. Source: Tax Parcel View (6/11/2021). ESRI Feature Service Layer. GIS\_Data\_MOCO. Accessed 11/28/2021. Aerial2017\_6Inch\_RGB(6/15/2017). ESRI Feature Service Layer. GIS\_Data\_MOCO. Accessed 11/28/2021.

**7.0 Transition**

The current owner, Mary Eckhart Sims, has expressed interest in assisting with a successful transition of business. This will include training in the Bed & Breakfast room booking software, education in the historical traits of the house, and day to day tips that she has learned over the years.

## CRAIG R. IVIE

14594 Hillshire, Willis Texas, 77318  
[Craig.ivie@gmail.com](mailto:Craig.ivie@gmail.com) | 713-962-4839

### Executive Management

#### Strategic Planning – Product Development – Organizational Execution

Accomplished Executive with domestic and international experience in Operations, P&L oversight, Product Development, Research, Manufacturing and new product growth. Results orientated, decisive leader with 25 years of proven success in leading teams towards common goals. Track record of creating an organizational culture where Safety and investing in employee training and career growth ultimately decrease employee turnover rates. Managed a strong team of Executives towards market growth and the diversification of standard products into new markets while improving daily operational efficiency.

#### Areas of Expertise

Leadership	Communication	Margin Improvement
Integrity	Organizational Execution	QHSE Performance
Budget/Forecasting	Product Development	Operational Execution
Collaborative Work Environment	R&D	

#### Professional EXPERIENCE

- **President & CEO** (BOS Solutions) 11/2015 – 9/1/2020  
Ultimate responsibility for the health, and safety of all employees, the development and implementation of strategic plans, budgets and the growth of the business for ensuring the financial and operational health of the corporation.
  - Managed a company of 500+ employees to a Revenue of over \$200M and EBITDA margin improvement by exceeding customer expectations in value, service quality and equipment performance.
  - Improved overall HSE performance and reduced injury rate (TRIR) from 1.5 to 0.2 by creating a positive Safety-First Culture
  - Managed the organization to an annual EBITDA increase of \$8.7 million from a \$15.3 million increase in Revenue (57% incremental margin improvement while maintaining market share)
  - Slashed field turnover rate from 40+% to 16% by putting competency, fixed pay rates, and career progression in place for employees.
  - Grew US market share from 4% to over 11% by focusing on customer needs and the companies organizational strengths.
  
- **Vice President Operations** (BOS-Solutions) 3/2012 – 11/2015  
Accountable for the growth and profitability of all BOS Operations while maintaining budgetary discipline. Provide mentorship to Operational Managers and worked to foster their management skills development. Worked closely with the VP of Sales and Marketing to develop and execute strategic actions to support the BOS business development process.
  - Upheld compliance with OSHA, labor laws, federal and local agencies and customer requirements leading 600+ personnel working on 180+ job sites.
  - Lowered the standard cost of equipment repair by 20%

- Extended equipment run life by 25% using robust R&M practices
- Managed the growth of the company by opening two new US District Offices
- **Director Engineering** (NOV Downhole) 1/2010 – 2/2012  
Working with a very dedicated staff of engineers and designers to maintain the robustness of our products. Activities include monitoring product reliability, working with the sales and manufacturing teams and our Product Line managers on all product offerings. This includes downhole motors, bits, drilling jars, hole opening, fishing tools, coring and other drill string components. Duties are also carried out with the desire to expand the capabilities and performance of our current product offerings and to also look outside the box for disruptive technologies that could be game changing.
  - Duties included:
    - Managed the process of bringing 5 new products to market.
    - Increased product Reliability by over 30% through stronger operational procedures and training.
    - Increased the overall input of patent applications from engineering groups by 50%
    - Developed and implemented a strategy around increased communication between engineering and sales teams through web-based seminars
- **Vice President Engineering** (Grant Prideco) 2008 - 2010  
Managed a department of over 220 people with an annual budget of \$28M. Departments included Product Line Support, Metallurgy, Manufacturing Engineering, Product Development and Research. Employees were in Singapore, Stonehouse, UK and Houston.
  - Duties included:
    - Full Budget responsibilities
    - Facilitated technical knowledge transfer across an organization of several hundred product lines
    - Managed and monitored engineers on projects within R&D from testing to market.
    - Creating Manufacturing standards for Domestic and International sites
      - Realized a 10% reduction in manufacturing cost
    - Development and Introduction of a Downhole Dynamic monitoring sub.
      - This product eventually grew into a standalone business within NOV.

### **Additional Experience:**

Research Manager – Schlumberger/ReedHycalog  
Supervisor Research Labs – ReedHycalog  
Product Engineer - ReedHycalog

### **Education and Technical Experience**

- BS Engineering from the Montana College of Mineral Science and Technology, Butte Montana
- Inventor on 5 patents – US7168506, US5096005, US494099, US6802215, US5029656

**REFERENCES:** Available on request

# Jamie Ivie

Willis, TX 77318

(713) 569-4876 | jamie.ivie@yahoo.com

## Professional Summary

Committed to inspiring personal drive and self-confidence through motivational training and skills development. Employs example-based instruction style to build trust as hands-on leader and guarantee safety of activities. Believes in open, constructive communication between staff and team to set clear goals and build vision of excellence.

## Skills

Motivation

Management

Community driven

Planning and Leadership

Creativity and Flexibility

Project organization

One-on-One Instruction

Individualized Coaching

## Professional Experience

- **Head of Neighborhood Women's Group September 2013 - Current**  
 Bridgepoint Subdivision Willis, TX
  - Coordinated special events such as Fall Festival and Easter picnic.
  - Organize volunteers
  - Offered age-appropriate, fun and educational activities for children.
  - Used coordination and planning skills to achieve results according to schedule.
  - Participated in team-building activities to enhance relationships.
  - Conducted research, gathered information from multiple sources and presented results.
  - Organized and managed events and projects as part of community.
  - Planned and delivered numerous activities and special events for community.
  - Assisted with special events or programs.
  - Developed monthly schedules and assignments for community.
  - Supported engaging, fun and smooth-running events by helping with organization and planning.
  - Coordinated food, clothing and household items for disadvantaged individuals and families.
  - Met with other volunteers to discuss new opportunities.
  - Sent email reminders regarding upcoming volunteer events to community leaders
  
- **District Volunteer Coordinator August 2008 - May 2009**  
 Klein Independent School District Klein, Texas
  - Managed volunteer calendar and verified coverage of key roles during volunteer unavailability.
  - Evaluated strengths of team members and assessed vacancies to match volunteers with positions.
  - Coordinated logistics of scheduling, supplying and transporting volunteers.
  - Worked with leadership staff and special committees to define volunteer mission and set standards.

- Uncovered opportunities for volunteer program improvement by soliciting staff feedback and evaluating volunteer performance.
  - Recruited and trained new volunteers on volunteer program goals and objectives.
  - Volunteered to help with special projects of varying degrees of complexity.
- **Church of Jesus Christ Of Latter Day Saints      January 1995 - September 2007**  
Klein, Texas Young Woman Leader
    - Mentored and supervised instructors and volunteer staff to carry out program goals.
    - Adapted classroom plans to support needs of children with special learning requirements.
    - Sourced, modified and prepared class curricula and targeted lesson plans based on subject matter requirements.
    - Analyzed revenue and program cost data to determine budget priorities.
    - Kept program children safe and secure at all times with proactive monitoring strategies.
    - Identified and recruited potential volunteer workers.
    - Prepared, coordinated and distributed information about yearly schedule of activities and classes.
    - Led young women in delivery of leadership project roles.
    - Worked to maintain outstanding attendance record, consistently arriving to work ready to start immediately.
    - Used coordination and planning skills to achieve results according to schedule.
    - Maintained energy and enthusiasm in fast-paced environment.
    - Supervised work of adult volunteers to keep on task for timely completion.
  - **Church of Jesus Christ Of Latter Day Saints      February 1995 to September 2000**  
Klein, Texas Young Woman Sports Director
    - Remained highly composed and calm in very fast-paced, stressful and constantly changing environments to provide optimal leadership and achieve desired results.
    - Developed schedules for volleyball and basketball games for numerous teams  
Developed project budgets and managed costs.
    - Coached young women in volleyball and basketball Organized and ran tournament brackets

## **Education**

High School Diploma - Granite High School May 1982

Philipsburg, MT

## Michelle Davis Plaskett

14572 Hillshire Drive ● Willis, TX 77318 ● 936-788-4962

[michelle.plaskett@Outlook.com](mailto:michelle.plaskett@Outlook.com)

### Education

**Sam Houston State University** – Huntsville, TX May 2020

*Master of Science, Geographic Information Systems*

- Institutional GPA: 4.0
- Course Work:
  - Geographic Information, GIS Principles and Applications, Internet GIS, Spatial Analysis, Digital Image Processing, Cartography and Visualization, Energy GIS, Introduction to GPS, Lidar, and Radar, GIS Project Management, GIS and Law Enforcement, and Model Builder.

**Sam Houston State University** – Huntsville, TX December 2014

*Bachelor of Arts, Double Major in Geography and History*

- Concentration in Cultural Geography
- Institutional GPA: 4.0 Cumulative GPA: 3.84
- Magna Cum Laude

### Work Experience

**Better Homes and Gardens Real Estate Gary Greene** – Willis, TX May 2005 - Present

*Licensed Texas Real Estate Agent/Real Estate Investor*

- Licensed Texas Realtor since May 2005 with over 450+ education hours (License #0536875)
- Assists buyers and sellers achieve their real estate goals
- Possesses knowledge of the local real estate market and negotiating/communication skills
- Utilizes GIS software extensively to locate and value real estate to save time/money
- Used knowledge and skills to acquire income producing debt free real estate investment portfolio (12 single family residential homes)
  - Acts as a property manager for investment portfolio
    - Prepares and executes leases
    - Collects monthly rent
    - Uses Excel to maintain expense and income accounting
    - Maintains properties
    - Communicates/interacts with clientele and tradesmen

**Transaction Coordinator/Freelance Graphic Designer** – Willis, TX 2007 - Present

*Oversees Transactions /Designs Marketing Material*

- Primarily works for the Baudat Hildenbrandt team members a transaction coordinator
  - Oversees all aspects of transactions for buyers and sellers from first contact to close of contract
  - Prepares listing materials such as listing presentations, listing agreements, and inputs listings into MLS, subscription websites, and social media outlets
  - Ensures all documents have appropriate signatures

- Generates Commission Disbursement Authorizations and Funding Requests
- Designs and distributes marketing materials for Baudat Hildenbrandt Team members
  - Uses creative writing skills to market properties via numerous outlets
  - Past project designs include: postcards, flyers, trifolds, signs, social media ads, and videos
  - Utilizes Montgomery County Appraisal District GIS software to determine best marketing strategies/areas

## **Volunteer Work and Community Involvement**

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### **Bridgepoint Community – Willis, TX** 2014 - Present

- Designed and maintained property owner’s association website for several years
- Collected information for/designed neighborhood directory
- Co-founder of Bridgepoint Ladies Organization
  - Helps host neighborhood events – Easter Picnic, Fourth of July Fireworks, Fall Festival, and monthly ladies’ gatherings

### **Literacy Volunteers of America – Conroe, TX** Spring 2016

- Taught speakers of foreign languages in a group setting basic English with an emphasis on listening, reading, writing, speaking, and communication skills
- Completed tutor training for Adult Basic Education (ABE) and English as a Second Language (ESL)

### **Path to American Citizenship – Nestor Fitz** September 2016 - April 2017

- Individually assisted long standing green card holder pass the naturalization exam
- Taught student several hours per week to prepare for the civics, history, reading, writing, and English-speaking portions required to pass the naturalization exam
- Student successfully passed exam on April 13<sup>th</sup>, 2017 and became a United States citizen on April 26<sup>th</sup>, 2017

## **Skills**

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### **Software:**

- ArcGIS, Google Maps/Earth, and Microsoft Streets and Trips
- Microsoft Office products: Windows, Word, Excel, Power Point, Publisher, Outlook, and Internet Explorer
- Adobe Photoshop CS4 and Acrobat Pro
- Google web-based products: Chrome, Docs, Drive, Calendar, Gmail, and Youtube
- Proficient in numerous real estate related web-based software: HAR Matrix, Back Agent, Zipforms Online, and numerous in-house Gary Greene products
- Proficient in social media platforms such as Facebook and Tiktok



# DANIELLE IVIE

1415 Eldridge Pkwy, Houston, Texas 77077  
[Danielle.Ivie44@yahoo.com](mailto:Danielle.Ivie44@yahoo.com)

## SUMMARY

Dedicated and focused individual who excels at prioritizing, completing multiple tasks simultaneously and following through to achieve project goals. Seeking a role to utilize my talents and grow within an organization.

## HIGHLIGHTS

Results-oriented	Strong problem solver	Dedicated team player
Self-directed	Advanced MS Office	Adobe InDesign
Professional and mature	Suite knowledge	Schedule management

## EXPERIENCE

### CHRISTUS FOUNDATION FOR HEALTHCARE Houston, Texas

**Events Manager** 5/2018 to Current

As the Events Manager at CHRISUTS Foundation for HealthCare, I am responsible for planning, managing and executing all Foundation Events, including but not limited to:

- Spring Luncheon: The Spring Luncheon is a yearly luncheon event held at the River Oaks Country Club with approximately 450 guests. The event consists of a VIP reception with a meet and great photo opportunity with our guest speaker followed by a short program and presentation by the guest speaker.
- Nun Run: This is police escorted motorcycle ride from Houston to San Leon with approximately 300 guests. The event begins with a band performance, program and raffle basket sales and ends with an awards ceremony and lunch for all guests.
- Young Professionals Events: As a Foundation, our goal is to increase our involvement with the Young Professionals through Happy Hour and volunteer events. These have included networking happy hours and making blankets for the Senior Community.

My responsibilities range from engaging event chairs and host committee members, researching, securing and arranging all event talent, working with the Communications Manager on all event mailing, communication and signage and all event logistics. Event logistics include coordinating with event venue, creating and updating the event timeline, arranging and overseeing all event vendors, tracking and managing event registration, recruiting and coordinating event volunteers and event run of show and management.

In my first year at CHRISTUS Foundation for HealthCare, the Events net revenue increased by 11%. This was achieved by successful marketing to prospective donors and decreasing unnecessary costs.

### Community Involvement

Through CHRISTUS Foundation for HealthCare, I given the opportunity to be one of the starting committee members of "Veteran Transition Success Coalition (VTSC). VTSC offers resources for veterans and military families. My involvement includes assisting with the overall event logistics as well as the coordination of community and retail booth for the event.

I serve on the Advisory Board for the Houston Philanthropy Circle, a group with the mission to "empower philanthropists with networking opportunities amongst their peers as well as to introduce nonprofits to this donor community".

**WARD & AMES SPECIAL EVENTS, INC**  
Houston, Texas

**Graphics and Registration Lead**

7/2015 to 5/2018

As the Graphics and Registration Lead, my role was to work directly with the client and/or event chairs from start to finish, from the invitation to the final attendee reports. I guided the client and/or event chairs with all printed materials, including invitation, underwriter letter and program, and was responsible for creating sponsor scroll PowerPoints, go-to slides, and event signage. The process consisted of writing request for proposals for graphic designers and printers, tracking the event RSVPs, whether it be electronic or mailed replies, and advising on table arrangements and seating diagrams. Day of responsibilities included supervising registration volunteers and all troubleshooting.

**Production/Event Manager**

11/2013 to 5/2018

As Production/Event Manager, I assisted with large corporate and non-profit event planning, logistics, and day of responsibilities. These responsibilities included securing talent, coordinating their arrangements and overseeing a team in managing talent day of, creating and submitting décor request for proposals and coordinating décor previews with the selected company followed by organizing the décor team for load in and load out on day of, creating front elevation stage designs, and writing request for proposals for backdrop options.

**Administrative Assistant**

11/2013 to 7/2015

As the Administrative Assistant at Ward & Ames Special Events, Inc., I worked directly with Danny Ward, President and CEO, which gave me the opportunity to experience and acquire, first hand, the event planning world. I managed daily office operations and the maintenance of equipment. On a day-to-day basis, I designed and maintained electronic file systems, supervised all incoming and outgoing correspondence, managed the day-to-day calendar for the company, and created and maintained spreadsheets using advanced Excel functions and calculations to develop reports and lists.

**Samples of Events and Involvement:**

- Early Matters Houston – Registration Lead & Event Manager – was responsible for the logistics of a general conference and 9 breakout sessions, created online invitation, tracked and organized RSVPs via online system, and supervised the day of registration team 3/24/2017
- SunocoLP – Registration Lead & Event Manager – created online invitation, tracked RSVPs via online system for dinner event with 700 guests, and golfing tournament across 5 golf courses 10/4-5/2016
- EVA Airlines – Registration Lead – tracked and organized RSVPs and oversaw security credentials for 526 guest at George Bush Intercontinental Airport 6/19/2015
- Texas Children’s Hospital Legends Gala – supervised talent arrangements and managed talent day of event 2/25/2015
- Emirates Airline Launch Event – tracked and organized RSVPs and oversaw security credential for each guest at George Bush Intercontinental Airport and supervised the day of registration team 12/03/2014
- Houston Thanksgiving Parade – managed VIP performers 11/28/2013

**EDUCATION**


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 PSYCHOLOGY – **Sam Houston State University**, Huntsville, Texas, USA

2009-2013

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**  
Discussion on relocating a historic home to City of Montgomery property.

**Recommendation**  
Participate in discussion as to whether the City should consider accepting this home and putting it to potential use and give guidance to staff on pursuing a path forward.

**Discussion**

The Womack house is a historic home located on a hill on the west side of SH 149 several miles south of the City. The home is currently owned by the Palmer family, who are looking to donate this historic house to a new owner for preservation and possible utilization.

The home maintains a lot of the charm of a historic home with some modern upgrades like energy efficient windows, metal windows and a 150-amp electric service.

I could see two possible uses by the City for this house:

1. A potential addition to the Fernland property where the City already has several historic homes.
2. The City could consider making temporary use of the house for several years as an intermediary step towards a future City Hall building by using this structure as a City Hall annex for some staff, which would extend the usefulness of the current City Hall building at 101 Old Plantersville Road.

Costs associated with acquiring this structure would include moving it to City property (estimated in September 2021 to be \$52,500 plus materials for moving the house to another site in the City), setup costs on site and any necessary costs to rehabilitate the property. If City Council would be interested in considering acquiring this house for use by the City, then I would recommend that Council direct staff to get the house inspected and get estimates to relocate, setup and rehabilitate the property to a City site.

<b>Approved By</b>		
City Administrator	Richard Tramm	Date: December 9, 2021

9235 Edgebrook  
Houston, Texas 77075

713-941-2924  
713-941-8932f

+ \$20,000 ROOF REPAIR  
PER MILES MARKS



### AGREEMENT TO MOVE BUILDING

This Agreement is made and entered into this 9/24/2021, by and between Cherry House Moving Company, Inc., herein referred to as "Cherry", and Miles Marks, herein referred to as "Owner", for the move of one (1) building located at 11199 FM 149 South - Montgomery, Texas 77316, to be relocated to Owner's property at 202 Prairie St. - Montgomery, Texas 77356.

### CONDITIONS AND TERMS OF DELIVERY

The parties hereby agree and acknowledge that Cherry agrees to do the following work:

1. Remove any and all masonry portions of building as necessary to perform below stated work.
2. Remove exterior and interior doors and windows in the cut line area. Where these items are removed by Cherry, they are NOT to be reinstalled by Cherry.
3. **NOTE: May be necessary to remove lower portion of front porch, not to be replaced by Cherry, for obstructions along moving route.**
4. Cut all or a portion of roof structure, remove shingles and decking above cut line, and build a temporary wall at cut-line. Cherry is to number each rafter above and below cut line. Portion of roof structure to be removed from building to be determined by Cherry after full inspection of moving routes. A portion of exterior siding will be disturbed by this above stated work and will not be reinstalled by Cherry.
5. Cut building into two sections.
6. Prior to cutting building, remove or cut interior trim, wall coverings, exterior siding, electrical components, plumbing, Formica, interior doors, paneling, ceramic tile, and floor furnace, etc., if any, in the cut line area of building as deemed necessary by Cherry. **It is agreed and acknowledged by Owner that these items are not to be re-installed by Cherry under this agreement. Cherry cannot and does not make any representations as to whether these materials are salvageable and**

**whether its efforts in salvaging these materials will be successful.** However, any of these materials removed in the cut line area that are salvaged will be delivered with the building. Any of these materials not removed in the cut line area will be cut with the building.

7. Build temporary wall in cut line area of building.
8. Load the building now located at above referenced location.
9. Move the building to above stated location.
10. Provide, install and place building on a level foundation consisting of 4" x 16" x 16" concrete base pads, 8" x 8" x 16" hollow concrete foundation blocks and 8" x 16" x 2", 3" and/or 4" concrete cap blocks. Foundation settings may be 1 base and 2 or 3 blocks in height on 7' centers or better on all load bearing sills. Concrete cap blocks, wood and/or steel shims may be used to accommodate for variance in ground elevation and floor structure. Existing foundation materials to be transported to receiving site and reused as deemed acceptable by Cherry. Any additional foundation materials deemed necessary by Cherry will be furnished by Cherry at **Owner's additional expense.** (See attached drawing, if applicable)
11. Structurally re-tie the building in the cut line area only, to include floor joists, floor sills, top and bottom plate, studding, sub-floor, ceiling joist, rafters and wind bracing. The methods and materials to be used are at Cherry's sole discretion which is hereby acknowledged and agreed to by Owner.
12. Reinstall portions of roof structure removed and delivered as mentioned in Item 4. Rafters, studding, wind bracing, where cut by Cherry, to be spliced by Cherry using 1"-dimensional lumber on cut line. (Shingles and decking are not to be reinstalled under terms of this contract.) Cherry will cover building with tarp like material to protect building from inclement weather. **However, Owner and Cherry understand and agree that inclement weather may cause Cherry to be only partly successful in protecting building from water damage.** Tarp like material, or other supplement material, to be left on building in order to allow Owner the opportunity to repair or replace, or install in its entirety, decking, roofing, and/or shingling existing on building.
13. **At Owner's request and at Owner's additional expense,** Cherry will repair and/or replace any rotted floor joists and sills located in the building at an additional labor cost of \$10.00 per linear ft. for floor joists and \$20.00 per linear ft. for sills. **Cost of these materials to be at Owner's additional expense.** Exterior siding, where removed by Cherry will not to be replaced by Cherry. Porches and masonry portions of building that are

removed are not to be reinstalled by Cherry.

14. **At Owner's request and at Owner's additional expense**, Cherry will install Auger type tie-downs at \$75.00 each or 4" x 6" tie-posts at \$450.00 each.
15. Cherry will furnish labor, equipment, moving permits, escorts, worker's compensation, and general liability insurance to complete contract.

It is agreed and acknowledged that Owner:

1. **Is responsible to furnish any required foundation and/or building permit(s), to include Montgomery permits.** Owner will also provide disconnects to building, as necessary to move building.
2. Is responsible to ensure that the building meets any and all applicable city, county, municipal, or state codes or ordinances.
3. **Owner is responsible for removing/reinstalling metal roofing for above stated work.**
4. Is responsible for the care and maintenance of the building from the time the building is delivered to the site to include but not be limited to taking any and all steps necessary to protect the structural integrity of the building to include the roof and exterior walls and structures.
5. Is to prepare the new location site on or before delivery date as specified by Cherry and to stake the four (4) corners of the proposed building location.
6. Is responsible for providing proper ingress and egress onto the property and agrees to be responsible for any cost incurred due to Owner's failure to provide such ingress and egress; **to include trimming/cutting limbs/trees at sites and along route as necessary for above stated work.**

The parties further agree and acknowledge that Cherry is not responsible:

1. For contents of building, disconnection of utilities, removal/relocation of porches, removal/relocation of steps, removal/relocation of canopies, removal of exterior skirting, reinstallation of fences, plumbing electrical, floor coverings, fences around building, floor furnace if any, sheet rock, tile, exterior siding, minor roof damage, exterior doors, gutters, screens, porches, fireplace/furnace, rutting of ground at either location, windows, or interior of buildings;

2. For any and/or all back due taxes, liens, legal encumbrances, deed restrictions, foundation permit, elevation of lot, or site preparation of either location;
3. To insure that the building once delivered and assembled at the delivery site/location meets any applicable city, county, municipal, or state codes or ordinances regarding the structure;
4. For damages to the building to include but not be limited to plumbing, electrical, floor coverings, fences around building, floor furnace, sub-flooring, sheetrock, tile, exterior siding, minor roof damage, Formica, shrubbery and /or landscaping, interior or exterior doors, gutters, screens, porches, fireplace, rutting of ground at either location, windows, or interior of building;
5. For the installation of any covering to the building to include but not be limited to the roof, any overhangs, and exterior walls and structures;
- 12.
13. For the preservation and condition of this building in the event of damage caused by fire, vandalism or Acts of God; and
14. For any and all back due taxes, liens, legal encumbrances, deed restrictions, foundation permit(s), elevation of lot, or site preparation at the new location.

Scheduling and time frame for this project will be controlled solely by Cherry. Owner understands that delays due to inclement weather or other unfavorable conditions should be expected and will alter Cherry's schedule accordingly.

Cherry reserves the right to deem this contract null and void, if in the Cherry's opinion there are obstacles and/or circumstances that would make it unfeasible to deliver the above referenced building or complete this contract. In this event all down payments on the building will be refunded, but the Owner understands and agrees that any title company or other charges or fees the Owner has incurred will be at his/her own expense and Cherry will not be responsible for reimbursement of these costs.

**CHERRY MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, except as to its performance as set forth in this Agreement. Cherry neither assumes nor authorizes any person to assume for Cherry any other liability in connection with the sale or use of the building sold, and there are no oral agreements or warranties collateral to or affecting this agreement. CHERRY MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, AND MAKES NO WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR ANY PARTICULAR PURPOSE.**

**OWNER ACKNOWLEDGES, AFFIRMS AND ACCEPTS THAT CHERRY MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, except as to its performance as set forth in this Agreement. Cherry neither assumes nor authorizes any person to assume for Cherry any other liability in connection with the sale, CONSTRUCTION or use of the building, and there are no oral agreements or warranties collateral to or affecting this agreement. CHERRY MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, AND MAKES NO WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR ANY PARTICULAR PURPOSE.**

Owner has the right to examine the building on arrival and has fifteen (15) days from the date the building is delivered to the site to notify Cherry of any claim for damages and/or complaint regarding the condition of the building or Cherry's performance/work product. The notice must specifically set forth the basis of the claim. Failure to provide this notice to Cherry within the stipulated period of time or to set forth specifically the basis of Owner's claim will constitute irrevocable acceptance of the building and the services provided by Cherry.

Owner hereby agrees to protect, indemnify, save and hold Cherry harmless from any and all claims demands, causes of action, and lawsuits of each and every character and kind that may arise out of the performance of this Agreement, including but not limited to Owner's failure to adhere to, meet, and/or conform with any and all city, county, municipal, or state codes or ordinances, from or incident to the subject matter of this Agreement contemplated hereunder, whether or not caused by the sole, joint or concurrent negligence of Owner, Cherry, or third parties.

This Agreement embodies the entire Agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties regarding the transaction and the house in question. No variation, modification or alteration of the terms of this Agreement shall be binding upon any party unless set forth in writing and executed by all parties.

Any dispute between the parties arising from this Agreement which is not resolved through informal discussion will be submitted to a mutually acceptable mediation service or provider. The parties to the mediation shall bear the mediation costs equally. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction. The prevailing party in any legal proceeding related to this Agreement is entitled to recover reasonable attorney's fees and all costs of such proceeding incurred by the prevailing party.

The obligations set forth herein may be enforced in any court with jurisdictional authority in Harris County, Texas.

**NOTICE: YOU ARE RESPONSIBLE FOR SATISFYING THE TERMS AND CONDITIONS OF THIS AGREEMENT AND FOR READING AND UNDERSTANDING THIS AGREEMENT. ONCE YOU EXECUTE THIS AGREEMENT YOU WILL BE CONSIDERED TO HAVE READ AND UNDERSTOOD THIS AGREEMENT AND ITS TERMS AND CONDITIONS. IF YOU FAIL TO MEET THESE TERMS AND**



**CONDITIONS YOU COULD BE IN DANGER OF LOSING YOUR INTEREST IN THE BUILDING. BE SURE AND KNOW YOUR RIGHTS AND DUTIES UNDER THE LAW.**

**TERMS AND CONDITIONS OF PAYMENT**

Owner agrees to pay Cherry the total sum of **\$52,500.00 (Fifty-two thousand five hundred dollars)** plus the cost of materials used on the Project to include blocks, pads, and if applicable tie-downs/posts, sills and floor joist materials, and footage cost for sills and joists, payable as follows:

Payment Arrangements:

1. Down Payment of \$17,500.00 due upon signing of contract;
2. Second payment of \$17,500.00 due upon delivery of building (as defined by Cherry); and
3. Third payment of \$17,500.00 due upon completion of work.
4. Final payment - Cost of materials used on job and if applicable cost of tie-downs/posts, footage price for sills and/or floor joists, and material costs for same as determined by Cherry.

Agreed to this day: \_\_\_\_\_

**Cherry House Moving Company, Inc.**

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

Name: Jim Wooten

Title: Estimator

**Owner**

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

Name: Miles Marks

Mailing Address: 11199 FM 149 South, Montgomery, TX 77316

Phone Number: (281) 932-3062

Email: miles.marks@gmail.com

Contract will be null and void if not signed and returned to Cherry House Moving Company, Inc. within thirty (30) days from date of execution by Cherry House Moving Company, Inc.















Golf Tuesday

HMWFT

Israel 2018

Junk

Junk E-mail

LabCorp 10-

MCAD

Merck-Med

Muslim History

Notes

Old English

Palacious

Pecores

Pete

Pictures

Retreat At Ha...

Riverdale

Sent Messages

Skinners

Sudoku

Synced Messages

The Woodl...

UCC Total Ho...

Water Babes

## Womack Farm

The house at Womack Farm was built in the 1860's by William Grimes Womack and wife, Anne Tabitha Springer Womack on 2000 acres of land that were part of a Spanish Land Grant. Anne Springer had three brothers who fought in the Battle at San Jacinto and after the defeat of Santa Anna and the decisions regarding the boundaries of the State of Texas were made, land was granted to the participants of the battle as compensation for their service. When Anne Springer married William Womack, they settled on about 2000 acres of this land that had been granted to the Springer Family. Evidently, land was not as important to people then as it is now as there are tales of people exchanging their hectares of land for a few horses!

The home was built in the southern style called a "dog-trot house" with a wide center hall and two rooms on each side. Later, a dining room and kitchen were added. The Womack's had a farming business and five young children when Anne died in 1893. Mr. Womack continued his farming business, raised his children without re-marrying and lived in this farm house until his death in 1928. Both Anne and William are buried in the small cemetery at the entrance of the property. Upon William's death the property was divided among his 5 children.

Annie Womack, Anne and William's youngest daughter, married Philip H. Berkley from Montgomery, Texas and together they had a grocery/butcher/candy/feed store in Montgomery (now the Liberty Bell Antique Store), raised 3 daughters and managed to purchase back 1000 of the original acreage. Their daughter, Ruth, married William P. Terrell and he and Philip Berkley began a ranching business of the property that continues today. Upon the death of the Berkley's it was divided into three portions among the Berkley daughters.

Through the efforts of Annie & Ruth, The Womack Farm has had a historical marker for the house since 1950 and was recognized as a Century Farm in 1972, a designation for land used in farming and/or ranching by the same family for 100 continuous years. Today the portion inherited by Ruth Berkley is owned and operated by her children and grandchildren. The property around the house is owned by their daughter Carol and her husband Pete Palmer and they operate the cattle business left by her parents, The Terrells.

Each generation of the family has made changes to the home over the years, of course. The oil lamps and wood heaters were replaced in 1950 by electricity and propane gas. The only water supply in the original house was a rainwater cistern and bucket until 1974 a water well was dug 1974. In 2002 the house was completely renovated by the 4<sup>th</sup> generation descendents to accommodate central heat and air conditioning. It now has 2 bedrooms, 2 baths, a larger living room, new kitchen with built-in cabinets, etc. We have tried to maintain the ambiance of an 1800's farm home while adding conveniences of the 21<sup>st</sup> century by retaining as much of the inside wooden walls, floors and furniture, much of which is original to the home.



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**

Consideration and possible action regarding Board Appointments to the Montgomery Economic Development Corporation Board for a two-year term beginning January 1, 2022.

**Recommendation**

1. Consider the applicants for the two general appointment positions.
2. Consider the appointment of a member of the governing body.

**Discussion**

The **Montgomery Economic Development Corporation (MEDC)** has three positions due for appointment due to the expiration of terms.

Two of these appointments are from the public, which are currently held by Dan Walker and Arnette Easley.

One position is reserved for a member of the governing body (Mayor or City Council) which is currently held by Byron Sanford. (Carol Langley is currently serving a term for the other position reserved for a member of the governing body.)

All three of these terms will run from January 1, 2022, through December 31, 2023.

Applications were due for these positions as of December 9, 2021. The applications received for the two general public positions as of Friday morning for Montgomery Economic Development Corporation (2 general appointments) are Dan Walker and Wade Nelson. Each applicant was notified this will be an agenda item for this meeting and was invited to attend this meeting.

For the position reserved for the governing body, Councilmember Byron Sanford has indicated a willingness to continue to serve in this position.

**Approved By**

City Administrator	Richard Tramm	Date: December 10, 2021



City of Montgomery Application for Consideration of Appointment

RECEIVED BY:

NOV 23 2021

HAILEY CIULLA  
City of Montgomery

Date of Application: 11-23-2021

Name of Board/Commission/Committee: MEOC

Name: DAN WALKER Voter Registration No. \_\_\_\_\_

Home Address: 14115 PETERSON RD MONTGOMERY TX 77356

Mailing Address: 14115 PETERSON RD, MONTGOMERY TX. 77356

Phone Number: 281-932-4117 Email: DRDEWSOLD@GMAIL.COM

Occupation: COMMERCIAL FLEET SALES MANAGER

Education: 2 YEARS COLLEGE

Related Experience/Community Service: MEOC BOARD MEMBER

REAL ESTATE BROKER/DEVELOPER

Areas of Interests Related to this Committee: HELPING MONTGOMERY GROW, KEEPING ITS DEEP HISTORICAL VALUES, IN TACT.

List Membership on any other Governmental Board/Commission/Committee: NO OTHER COMMITTEE'S AT THIS TIME

Please provide a brief narrative outlining your reasons for seeking appointment to this Board/Commission.

I HAVE ENJOYED SERVING THE COMMUNITY, ON THE MEOC. HOPEFULLY THE BOARD WELCOMES AN OPINION OF A DEVELOPER/REALTOR/BUSINESS MINDED APPROACH.

[Signature]  
Signature

11-22-21  
Date

Some (not all) Boards/Commissions/Committees require members to reside in the City of Montgomery and be a current registered voter. Please return the completed form to the City Secretary's Office for processing either via email at [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us) or via mail 101 Old Plantersville Road, Montgomery, Texas 77316. Please note when this is filed with City Hall the information included will become public information that may be disclosed per the Texas Public Information Act. City Council will receive this information And no attachments will be retained or forwarded.

DEC 10 2021

HAILEY CIULLA  
City of Montgomery

City of Montgomery  
Application for Consideration of Appointment

Name of Board/Commission/Committee: ECONOMIC DEVELOPMENT CORP.

Name: NELSON WADE BIRMINGHAM  
(Last) (First) (Middle)

Home Address: 101 FAIRWATER DR. 713-907-3482  
(Street) (Home Phone No.)

Email Address: wade@nelsoncompanyllc.com

Mailing Address: 101 FAIRWATER DR., MONTGOMERY, TX 77356  
(Business Phone /Fax)

Employer: THE NELSON COMPANY  
(Name/Address)

Occupation: REAL ESTATE / DEVELOPMENT

Do you live inside the city limits of Montgomery?\* Yes \_\_\_ No  If So, How Long? \_\_\_

Are you a business owner/operator/employee in the City of Montgomery?\* Yes \_\_\_ No

If So, How Long? \_\_\_\_\_ Name of Business \_\_\_\_\_

So the council may know more about you, please complete the following:

Education: 4yr degree BUSINESS SCHOOL - TEXAS A&M

Related Experience/Community Service: 26 YRS IN COMMERCIAL REAL ESTATE AND DEVELOPMENT PRIMARILY IN MONTGOMERY COUNTY. PLAYED A ROLE IN THE DEVELOPMENT OF THE KROGER, REPUBLIC GROVE AND NUMEROUS OTHER DEVELOPMENTS

Areas of Interests Related to this Committee: BRINGING THE RIGHT TYPES OF BUSINESSES AND EMPLOYERS TO THE AREA THAT INCREASES THE VALUE OF THE OVERALL AREA OF MONTGOMERY

Please specify membership on any other governmental board/commission/committee:

MUD 142 BOARD, MONTGOMERY ISD BOND TASK FORCE MONTGOMERY ISD - REP FOR REAL ESTATE NEEDS

Please provide a brief narrative outlining your reasons for seeking appointment to this board/commission.

I WOULD LIKE TO HELP IN MAKING SURE AS MONTGOMERY GROWS IT DOES SO IN A WAY THAT IS PLANNED, CREATES VALUE AND ATTRACTS EMPLOYERS THAT SHARE THE SAME GOALS. WE NEED TO TARGET THOSE.

Wade Wade  
Signature

12-9-21  
Date

\*Some (not all) boards/commissions/committees require members to reside within the city limits. Please return completed form to the City Secretary's office for processing, P.O. Box 708 (mailing); 101 Old Plantersville Rd. (physical), Montgomery, TX 77356. Your application will be kept on file for 12 months. NOTE: When filed at city hall, this will become a public document that may be disclosed per the Texas Public Information Act. NOTE: The city council will receive only this page of information; no attachments will be retained or forwarded.

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**

Consideration and possible action to authorize amending the ByLaws of the Montgomery Economic Development Corporation.

**Recommendation**

Consider a motion to authorize amending ByLaws of the Montgomery Economic Development Corporation.

**Discussion**

At the November 15, 2021, Meeting, the MEDC Board of Directors approved a motion to amend the ByLaws of the MEDC to clarify the language describing the terms of office. City Council must also consent to the amendment to take effect.

3.02 of the ByLaws of the Montgomery Economic Development Corporation (MEDC) do not properly describe the two (2) year terms of office held by the Directors of the MEDC. The sentences to be amended within 3.02 are:

*...The terms of four (4) directors shall begin on January 1 of each odd numbered year and expire on December 31 of the next following odd numbered year. The terms of three (3) directors shall begin on January 1 of each even numbered year and expire on December 31 of the next following even numbered year. ...*

Please consider amending as follows:

*...The terms of four (4) directors shall begin on January 1 of each odd numbered year and expire on December 31 of the next following ~~odd numbered~~ year. The terms of three (3) directors shall begin on January 1 of each even numbered year and expire on December 31 of the next following ~~even numbered~~ year. ...*

The current wording describes three-year terms and not two-year terms, as is appropriate for Directors of an economic development corporation, so this change will allow us to avoid confusion in the future.

**Approved By**

City Administrator	Richard Tramm	Date: December 8, 2021

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<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 for January 11, 2022 at 6:00 p.m. related to a Special Use Permit application for a microblading studio located at 20165 Eva Street, Suite C, Montgomery, Texas.

**Recommendation**

Call a Public Hearing for 6:00 p.m. January 11, 2022 at City Hall to receive comments regarding the Special Use Permit application for a microblading studio at 20165 Eva Street, Suite C, Montgomery, Texas.

**Discussion**

Microblading studios are licensed by the state under the same regulations as tattoo artists. Accordingly, a microblading studio requires the same zoning process to practice as a tattoo parlor. Tattoo parlors require City Council approval via a Special Use Permit. The basic steps are as follows:

- City Council calls a Public Hearing for the request
- Planning & Zoning Commission studies the request and provides a report to City Council
- City Council holds the Public Hearing and acts on the request.

The City has granted several microblading studio SUP's in the past and two currently operate in the City.

<b>Approved By</b>		
Asst. City Administrator	Dave McCorquodale	Date: 12/10/2021
City Administrator	Richard Tramm	Date: 12/10/2021



# Special Use Permit

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

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

**Contact Information**

Property Owner(s): Sh 105 Associates

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Applicants: Meaghan Bird

Address: 20165 Eva st ste c

Zip Code: 77356 Phone: 7138992121

Email Address: Meaghan88@me.com

**Parcel Information**

Type of Business: Microblading and lash studio

Legal Description: Reserve H Shoppes At Montgomery

Street Address or Location: 20165 Eva st ste c

**Special Use Permit Request**

Description of request:

**Microblading and lash studio**

**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**





## **\*Public Hearings\***

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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> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding calling a Public Hearing for a rezoning request from R1—Single-Family Residential to B—Commercial for 14855 N. Liberty Street, Montgomery, Texas.

**Recommendation**

Call a Public Hearing to be held on January 11, 2022 at Montgomery City Hall at 6:00 PM.

**Discussion**

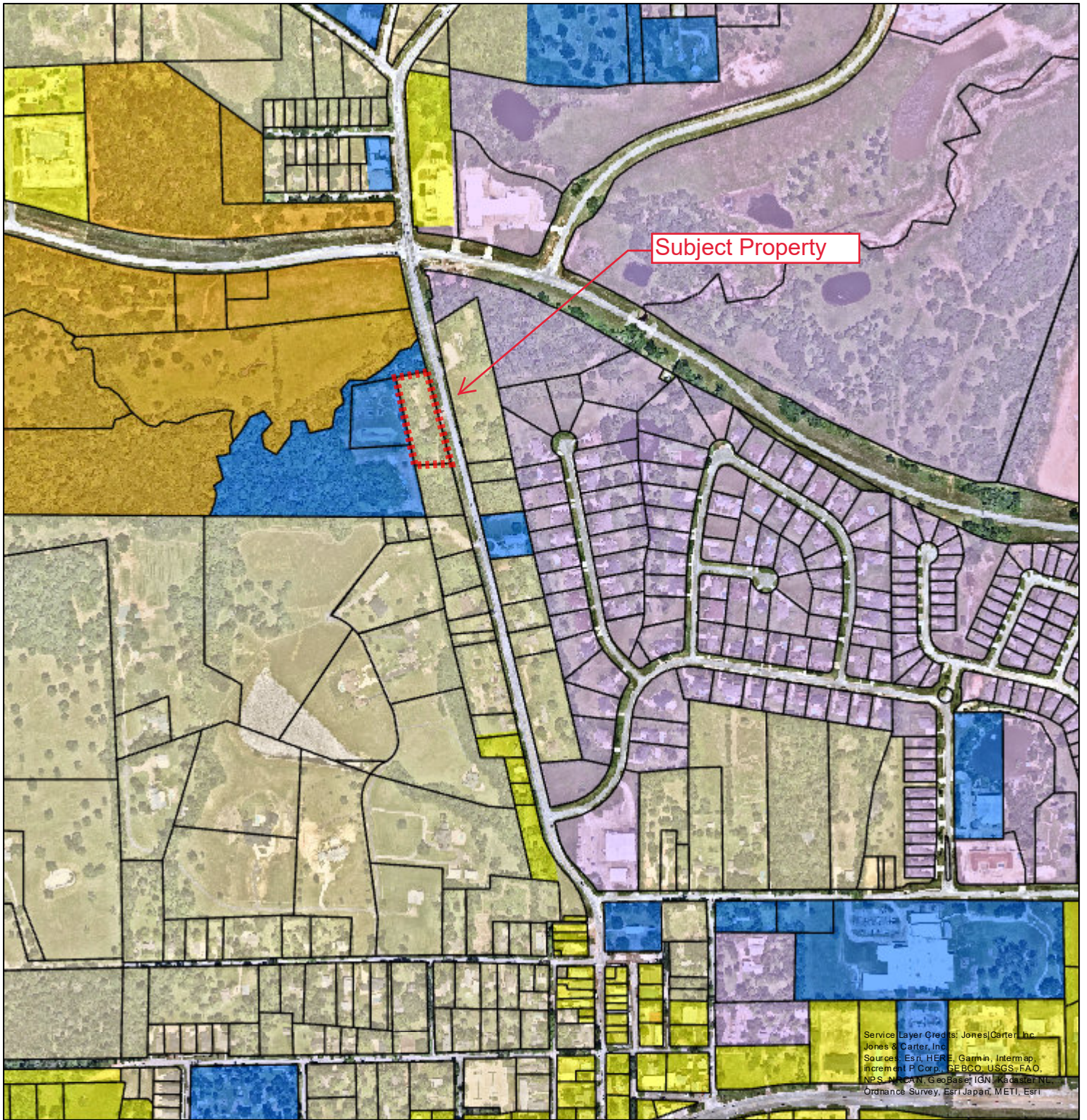
As you may know, the Easleys own the small brick home at the bottom of the hill on FM 149 North roughly across from the large propane tanks between downtown and Lone Star Parkway. The City’s old sewer plant sits on a roughly 10-acre parcel to the west behind the Easley property. While currently inactive, the City may bring the facility back online in the coming years to accommodate development on the west side of the City. The property is identified as future commercial on the City’s (unadopted) Future Land Use Plan. An aerial exhibit is attached for reference.

The rezoning process (and any other amendments to a city’s zoning regulations) is established by state law and requires local governments to provide opportunity for public input on rezoning requests. Accordingly, both the P&Z and City Council hold Public Hearings, and the P&Z submits a Final Report to the City Council before they act on the request.

Tonight’s only action is to schedule the Public Hearing for January 11th, when the P&Z’s Final Report and Recommendation will be delivered to City Council before the hearing.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/06/2021
City Administrator	Richard Tramm	Date: 12/06/2021



Service Layer Credits: Jones|Carter, Inc.  
Jones & Carter, Inc.  
Sources: Esri, HERE, Garmin, Intermap,  
increment P Corp., GEBCO, USGS, FAO,  
NPS, NRCAN, GeBCO, IGN, Kadaster NL,  
Ordnance Survey, Esri Japan, METI, Esri

1 inch equals 752 feet

**Zoning Legend**

-  Residential (R-1)
-  Commercial (B)
-  Institutional (I)
-  Planned Development (PD)
-  Industrial (ID)



Date: 12/1/2021





# Rezoning Application

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

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

### Contact Information

Property Owner(s): Arnette Easley & Sherry Easley

Address: 15275 N Liberty Montgomery

Zip Code: 77356 Phone: (936) 718-7860

Email Address: ArnetteEasley@aol.com

Applicants: Arnette Easley & Sherry Easley

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

### Parcel Information

Property Identification Number (MCAD R#): R434507

Legal Description: A0031 - Ragsby Ben J. Tract 47, 47-A. Acre 1.5

Street Address or Location: 14855 North Liberty Montgomery TX 77356

Acreage: 1.5 Present Zoning: Residential Present Land Use: Residential

Proposed Zoning: Commercial Proposed Land Use: \_\_\_\_\_

Is the proposed use in compliance with the Future Land Use Plan?  YES  NO

### Additional Information

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

Signature: Arnette Easley Date: 10-18-2021

Signature: S/Casley Date: 10-18-2021

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.*

<h2>Date Received</h2> <p>Office Use</p>	
------------------------------------------	--

**1.500 ACRES  
BENJAMIN J. RIGSBY SURVEY, A-31  
MONTGOMERY COUNTY, TEXAS**

Being a 1.5000 acre tract situated in the Benjamin J. Rigbsby Survey, Abstract Number 31, in Montgomery County, Texas, consisting of:

All that certain called 0.5 acre tract conveyed to Robert Young and wife, Martha Young in Deed recorded in Volume 618, Page 125 Deed Records of Montgomery County, Texas, and

All that certain called 1.0 acre tract conveyed to Robert L. Young, III and William L. Young, in Deed recorded under Clerk's File Number 2013010579 Official Public Records of Montgomery County, Texas (O.P.R.M.C.T.);

Said 1.500 acres being more particularly described by metes and bounds as follows with all bearings and coordinates referenced to the Texas Coordinate System, Central Zone, NAD 83, all distances and coordinates are ground:

**BEGINNING** at a chain link fence corner post, found for the Northwest corner of the herein described tract and Northwest corner of the called 0.5 acre tract, located at the Northeast corner of a called 2.0 acre tract conveyed to the City of Montgomery (no recording found) and being located in the Northerly South boundary of that certain called 8.40 acre tract, conveyed to the City of Montgomery, recorded under Clerk's File Number 8701042 O.P.R.M.C.T.; said corner having a coordinate value of North 10,139,052.990 and East 3,757,007.551;

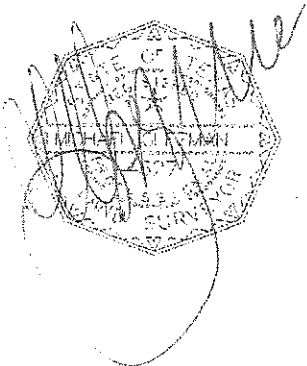
**THENCE** North 74°58'12" East, a distance of 146.22 feet along the South line of the called 8.40 acre tract, to a 5/8 inch iron rod with a survey cap marked "Glezman, R.P.L.S. 4627", set for the Northeast corner of the herein described tract, located in the West line of Liberty Street (F. M. 149), an 80 foot wide right-of-way recorded in Volume 391, Page 337 Deed Records of Montgomery County, Texas;

**THENCE** South 17°12'34" East along Liberty Street and the East line of the called 0.5 acre tract, passing at 147.47 feet, a 5/8 inch iron rod with survey cap, set for the Southeast corner of the called 0.5 acre tract and the Northeast corner of the called 1.0 acre tract; continuing along Liberty Street, a total distance of 433.49 feet, to a 5/8 inch iron rod with survey cap, set for the Southeast corner of the called 1.0 acre tract and Southeast corner of the herein described tract;

**THENCE** South 74°58'12" West, a distance of 155.46 feet along the South line of the called 1.0 acre tract and the North line of a tract of land, now or formerly deeded to Mount Sanai Baptist Church (ne deed found), to a 5/8 inch iron rod with survey cap, set for the Southwest corner of the herein described tract, located in the East line of the aforementioned called 8.40 acre tract;

**THENCE** North 15°59'22" West along the East line of the called 8.40 acre tract, passing at 113.40 feet, passing a 1/4 inch iron rod, found for the lower Northeast corner of the called 8.40 acre tract and the Southeast corner of called 2.0 acre tract, continuing along the East line of the City of Montgomery tract, a total distance of 433.23 feet, back to the Point of Beginning and containing 1.500 acres of land, based on the survey and plat prepared by Michael Glezman, R.P.L.S., dated November 28, 2020.

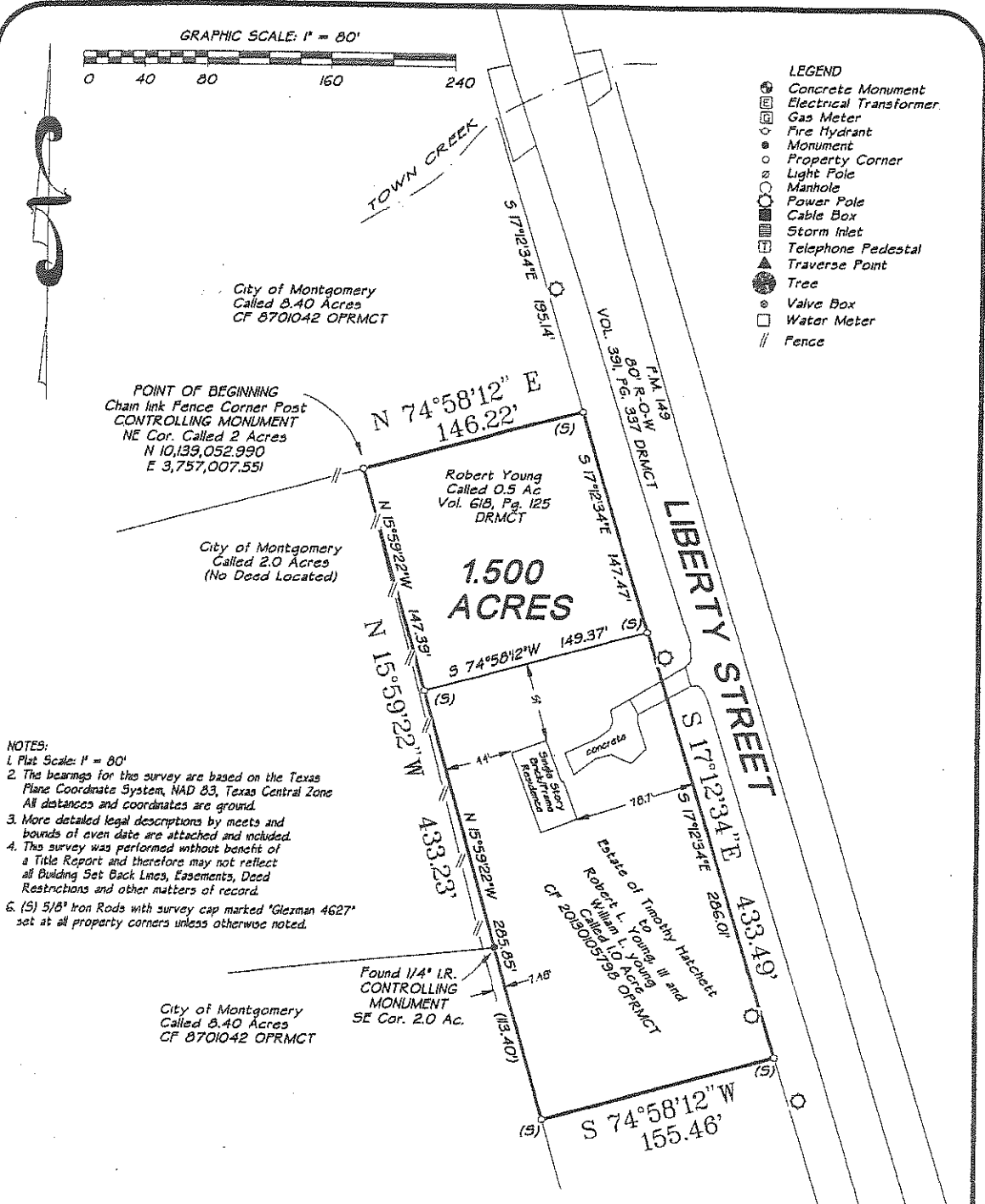
Michael Glezman  
Registered Professional Land Surveyor  
Texas Registration No. 4627



Date: November 30, 2020  
GC 20-0012-102920



- LEGEND**
- ⊕ Concrete Monument
  - ⊞ Electrical Transformer
  - ⊞ Gas Meter
  - ⊞ Fire Hydrant
  - ⊙ Monument
  - ⊙ Property Corner
  - ⊙ Light Pole
  - ⊙ Manhole
  - ⊙ Power Pole
  - ⊙ Cable Box
  - ⊙ Storm Inlet
  - ⊙ Telephone Pedestal
  - ▲ Traverse Point
  - Tree
  - ⊙ Valve Box
  - ⊞ Water Meter
  - || Fence



City of Montgomery  
Called 8.40 Acres  
CF 8701042 OPRMCT

POINT OF BEGINNING  
Chain link Fence Corner Post  
CONTROLLING MONUMENT  
NE Cor. Called 2 Acres  
N 10,139,052.990  
E 3,757,007.551

City of Montgomery  
Called 2.0 Acres  
(No Deed Located)

**1.500  
ACRES**

Robert Young  
Called 0.5 Ac  
Vol. 618, Pg. 125  
DRMCT

Estate of Timothy Hatchett  
Robert L. Young, III and  
William L. Young  
Called 1.0 Acre  
CF 2013010579 OPRMCT

- NOTES:**
1. Plat Scale: 1" = 80'
  2. The bearings for this survey are based on the Texas Plane Coordinate System, NAD 83, Texas Central Zone. All distances and coordinates are ground.
  3. More detailed legal descriptions by meets and bounds of even date are attached and included.
  4. This survey was performed without benefit of a Title Report and therefore may not reflect all Building Set Back Lines, Easements, Deed Restrictions and other matters of record.
  5. (S) 5/8" Iron Rods with survey cap marked "Glezman 4627" set at all property corners unless otherwise noted.

City of Montgomery  
Called 8.40 Acres  
CF 8701042 OPRMCT

Found 1/4" I.R.  
CONTROLLING  
MONUMENT  
SE Cor. 2.0 Ac.

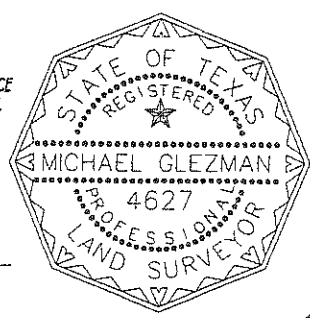
1.5000 acre tract situated in the Benjamin J. Rigsby Survey, Abstract Number 31, in Montgomery County, Texas, consisting of: All that certain called 0.5 acre tract conveyed to Robert Young and wife, Martha Young in Deed recorded in Volume 618, Page 125 Deed Records of Montgomery County, Texas, and All that certain called 1.0 acre tract conveyed to Robert L. Young, III and William L. Young, in Deed recorded under Clerk's File Number 2013010579 Official Public Records of Montgomery County, Texas (O.P.R.M.C.T.)

SURVEY DATE: November 28, 2020  
GC20-0012-102920  
14855 LIBERTY STREET  
MONTGOMERY, TEXAS 77356

I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION 3 TSPS LAND TITLE SURVEY.

GLEZMAN CONSULTING  
TBPELS FIRM NO. 10194587  
18215 LONG KEY DRIVE  
CYPRESS, TEXAS 77433  
936.499.1035  
mglez2@aol.com

MICHAEL GLEZMAN, R.P.L.S. 4627



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

**WARRANTY DEED**

**Date:** October 13, 2020

**Grantor:** ROBERT LEE YOUNG III, a/k/a ROBERT L. YOUNG, III and wife, DEANN YOUNG

**Grantor's Mailing Address:**

14855 Liberty Street  
Montgomery, Montgomery County, Texas 77356

**Grantee:** ARNETTE EASLEY and wife, SHERRY EASLEY

**Grantee's Mailing Address:**

12871 Capricornus  
Willis, Montgomery County, Texas 77318

**Consideration:** TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration

**Property (including any improvements):**

TRACT ONE:

0.5 acres of land in Montgomery County, Texas, from the B. Rigby Survey, A-31, Montgomery County, Texas, as shown by metes and bounds in deed recorded in Vol. 618, Page 125, Official Public Records, Montgomery County, Texas

TRACT TWO:

Grantor's 50% undivided interest in A0031 Rigsby Ben J, Tract 47, consisting of 1.0 acres

said 1.0 acre being that certain 1.5 acres described in Volume 122 Page 519, Montgomery County Deed Records SAVE AND EXCEPT that certain .5 acres described above as TRACT ONE.

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

**WARRANTY DEED**

**Date:** February 24, 2021

**Grantor:** WILLIAM LANDRUM YOUNG, JR., a single man, and JALAN LANDRUM YOUNG, a single man, as heirs of WILLIAM LANDRUM YOUNG

**Grantor's Mailing Address:**

14855 Liberty Street  
Montgomery, Montgomery County, Texas 77356

**Grantee:** ARNETTE EASLEY and wife, SHERRY EASLEY

**Grantee's Mailing Address:**

12871 Capricornus  
Willis, Montgomery County, Texas 77318

**Consideration:** TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration

**Property (including any improvements):**

Grantor's 50% undivided interest in A0031 Rigsby Ben J, Tract 47, consisting of 1.0 acres

said 1.0 acre being that certain 1.5 acres described in Volume 122 Page 519, Montgomery County Deed Records SAVE AND EXCEPT that certain .5 acres described as 0.5 acres of land in Montgomery County, Texas, from the B. Rigby Survey, A-31, Montgomery County, Texas, as shown by metes and bounds in deed recorded in Vol. 618, Page 125, Official Public Records, Montgomery County, Texas

said 1.0 acres being more particularly described as follows:

Being a 1.000 acre tract situated in the Benjamin J. Rigsby Survey, Abstract Number 31, in Montgomery County, Texas, consisting of all that certain called 1.0 acre tract conveyed to Robert L. Young, III and William L. Young, in Deed recorded under Clerk's File Number 2013010579 Official Public Records of Montgomery County,

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding calling a Public Hearing for a rezoning request from B—Commercial to R1—Single-Family Residential for Hills of Town Creek Section Five.

**Recommendation**

Call a Public Hearing to be held on January 11, 2022 at Montgomery City Hall at 6:00 PM.

**Discussion**

This planned addition to the Hills of Town Creek subdivision will be the same home product (still built by Stylecraft Builders) and character as previous sections. The property is currently zoned B-Commercial, and while residential use is allowed in commercial districts, the best action to take is to rezone the property to Single-Family Residential before subdividing the land. The property is identified as future high-density single-family residential on the City’s (unadopted) Future Land Use Plan. High-density residential use as contemplated by the Future Land Use Plan is lots less than 75’ wide, though still single-family residential. This is consistent with the previous sections of the subdivision. An aerial exhibit is attached for reference.

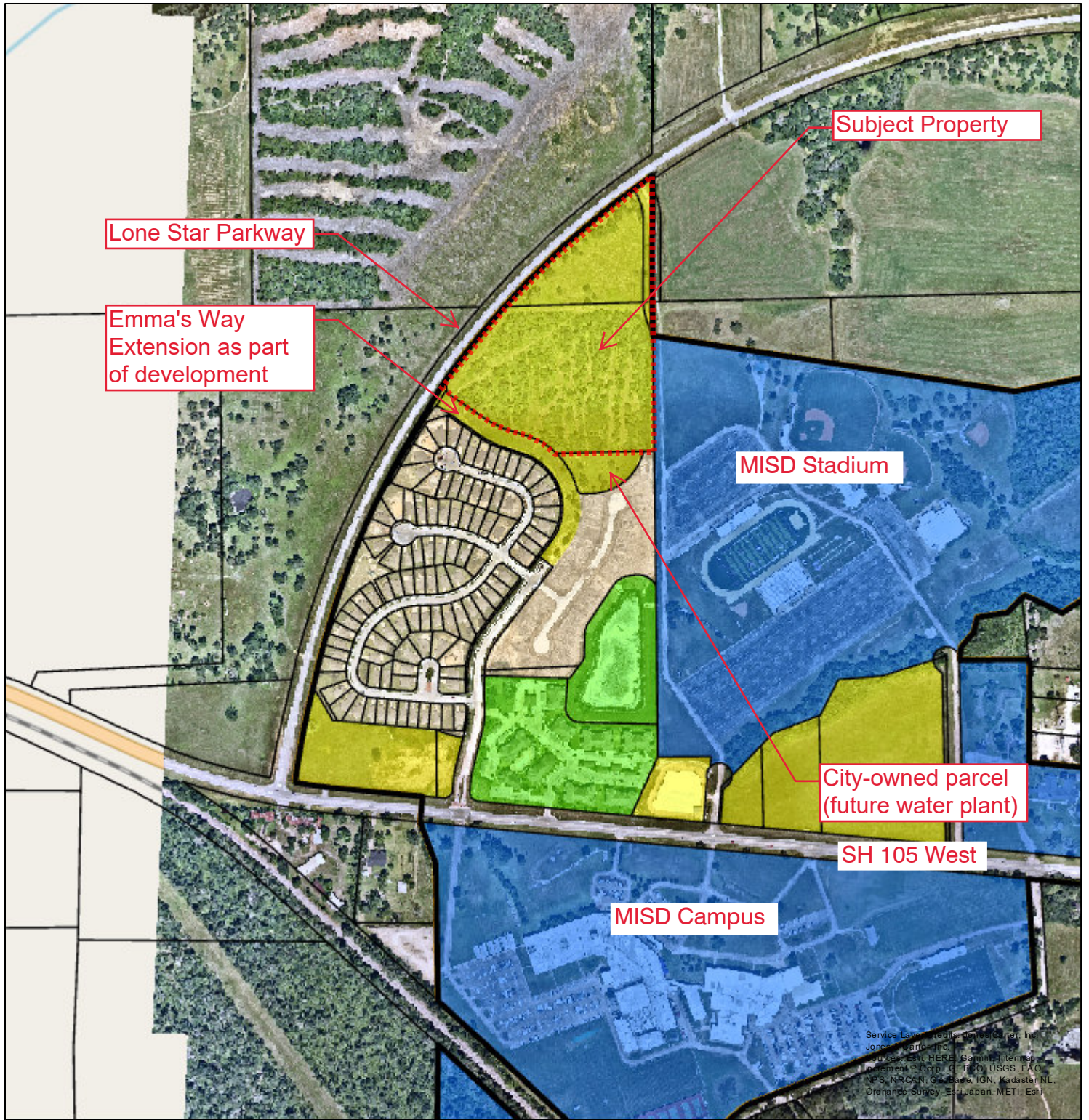
The rezoning process (and any other amendments to a city’s zoning regulations) is established by state law and requires local governments to provide opportunity for public input on rezoning requests. Accordingly, both the P&Z and City Council hold Public Hearings, and the P&Z submits a Final Report to the City Council before they act on the request.

Tonight’s only action is to schedule the Public Hearing for January 11th, when the P&Z’s Final Report and Recommendation will be delivered to City Council before the hearing.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/06/2021
City Administrator	Richard Tramm	Date: 12/06/2021





1 inch equals 752 feet

Service Layer Credits: Jones & Carter, Inc., Jones & Carter, Inc., Google Earth, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GEBCO, IGN, Kadaster NL, Ordnance Survey, Esri, Japan, METI, Esri

**Zoning Legend**

- Commercial (B)
- Residential (R-1)
- Multi-Family (R-2)
- Institutional (I)

- City Limit
- City ETJ



Date: 12/2/2021



# L SQUARED ENGINEERING

MUNICIPAL COMMERCIAL RESIDENTIAL

3307 W Davis St., Suite 100  
Conroe, TX 77304  
P: 936-647-0420 F: 936-647-2366  
www.L2Engineering.com

November 30, 2021

City of Montgomery  
C/o Dave McCorquodale  
101 Old Plantersville Road  
Montgomery, TX 77316

RE: Rezoning request for Hills of Town Creek Section 5 for development purposes by Cheatham Management

L Squared Engineering is formally requesting a rezoning for MCAD R#'s R396538 and R362324. Currently the referenced properties are zoned for commercial. The proposed zoning is R1, which corresponds to the residential development that shall be Hills of Town Creek Section 5.

Attached below are the Rezoning Application form and required attachments mentioned on that form. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,

Jonathan White, PE  
L Squared Engineering  
Senior Project Manager, Partner  
936-647-0420  
Jwhite@L2Engineering.com

Attachments: Rezoning Request Application, Metes and Bounds, Property Deed, Site Plan







# Rezoning Application

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

Item 12.

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

### Contact Information

Property Owner(s): Chris Cheatham, Cheatham Management

Address: PO Box 234 Montgomery TX

Zip Code: 77356 Phone: 936-449-5400

Email Address: ccheatham@consolidated.net

Applicants: L Squared Engineering, Jonathan White, PE

Address: 3307 W Davis Street Suite 100 Conroe Texas

Zip Code: 77304 Phone: 936-647-0420

Email Address: Jwhite@L2engineering.com

### Parcel Information

Property Identification Number (MCAD R#): R396538 and R362324

Legal Description: Tracts 64B-1 and 63A1-A within the Ben J Rigsby Survey, A31

Street Address or Location: Emma's Way and Lone Star Parkway

Acreage: 16.41 Present Zoning: Commercial Present Land Use: N/A

Proposed Zoning: R1 Proposed Land Use: Residential

Is the proposed use in compliance with the Future Land Use Plan?  YES  NO

### Additional Information

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.*

<h2>Date Received</h2> <p>Office Use</p>	
------------------------------------------	--

## **\*Additional Information\***

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

Metes and Bounds.

All applicable fees and payments.

Copies of all deeds or a title opinion from a licensed attorney establishing current ownership of the property for which the zoning change is sought.

A site plan. If there are existing structures, parking, curb cuts and drainage they must be shown.

The application from must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the rezoning request shall be submitted.

## **\*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.

## LEGAL DESCRIPTION

BEING 16.4111 acres (714,867 square feet) of land, out of the called 12.384 acre tract conveyed to WTRM Barrier Real Estate, LP, by Warranty Deed recorded under Clerk's File No. 2013067842 of the Official Public Records of Montgomery County, Texas (O.P.R. M.C.T.), and the residue of a called 100.0 acre tract conveyed to Christian C. Cheatham and wife, Mary E. Cheatham, by Warranty deed recorded under Clerk's File no. 2002122759 O.P.R. M.C.T., said 16.4111 acre tract lying within the Benjamin Rigsby Survey, A-31, and is more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap found, marking the northwest easterly cut back corner of a called 0.589 acre tract conveyed to M.I.S.D. by Warranty Deed recorded under Clerk's File No. 2010101628 O.P.R. M.C.T.;

THENCE in a southerly direction with the west line of said 0.589 acre tract, 132.50 feet along the arc of a curve to the RIGHT, having a radius of 260.00 feet, a delta angle of 29°11'55", and whose long chord bears South 17°09'39" East, a distance of 131.07 feet to a 5/8" iron rod with cap found for a tangent;

THENCE South 02°33'39" East, a distance of 343.36 feet to a 5/8" iron rod with cap marked "CORE 6657" set for the southwest corner of said 0.589 acre tract and northwest corner of a called 0.091 acre tract conveyed to M.I.S.D. by Warranty Deed recorded under Clerk's File No. 2010101631 O.P.R. M.C.T.;

THENCE in a southerly direction with the west line of said 0.091 acre tract, 127.25 feet along the arc of a curve to the RIGHT, having a radius of 340.00 feet, a delta angle of 21°26'39", and whose long chord bears South 13°09'19" East a distance of 126.51 feet to a point for a reverse curve, from which a 5/8" iron rod with cap found bears, North 23°50'01" West, 0.43 feet;

THENCE in a southerly direction, continuing with the west line of said 0.091 acre tract, 95.16 feet along the arc of a curve to the LEFT, having a radius of 260.00 feet, a delta angle of 20°58'12", and whose long chord bears South 13°23'33" East, a distance of 94.63 feet to a 5/8 inch iron rod found in the west line of a called 61.8107 acre tract conveyed to the Montgomery Independent School District (M.I.S.D.), BY Warranty deed recorded under Clerk's File No. 2001065612 O.P.R. M.C.T. and most southerly corner of said 0.091 acre tract;

THENCE South 02°54'27" East, with the west line of said 61.8107 acre tract, a distance of 487.90 feet to a point for the northeast corner of Lot 8, Block 1, of Hills of Town Creek, Section 1, according to the Plat of same, recorded under Cabinet Z, Sheet 2346, of the Map Records of Montgomery County, Texas (M.R. H.C.T.), and the southeast corner of said 12.384 acre tract and the herein described tract, from which a found 2 inch iron pipe bears South 56°28'05" East, a distance of 0.79 feet;

THENCE South 87°05'33" West, with the north line of said Lot 8, Block 1, and the north line of a called 1.23 acre tract conveyed to the City of Montgomery by Warranty Deed recorded under Clerk's File No. 2012076184 O.P.R. M.C.T., a distance of 451.98 feet to a point for the northwest corner of said 1.223 acre tract and the southwest corner of the herein described tract, from which a 5/8 inch iron rod found bears North 89°39'07" West, a distance of 0.43 feet;

THENCE in a northwesterly direction along a future north right of way line, 150.55 feet along the arc of a curve to the LEFT, having a radius of 335.00 feet, a delta angle of 25°44'56", and whose long chord bears North 61°15'13" West, a distance of 149.29 feet to a 5/8 inch iron rod found;

THENCE North 74°12'59" West, continuing with said future north right of way line, a distance of 125.24 feet to a 5/8" iron rod with cap found for a point of curvature;

THENCE continuing with said future north right of way line, 75.40 feet along the arc of a curve to the RIGHT, having a radius of 265.00 feet, a delta angle of 16°18'11", and whose long chord bears North 66°03'53" West, a distance of 75.15 feet to a 5/8" iron rod with cap found for a tangent;

THENCE North 57°54'46" West, continuing with said future north right of way line, a distance of 234.80 feet to a point at the beginning of a curve for the southerly west corner of the herein described tract, from which a 5/8" iron rod with cap bears, North 61°55'16" West, 0.27 feet;

THENCE in a northwesterly direction, 39.66 feet along the arc of a curve to the RIGHT, having a radius of 25.00 feet a delta angle of 90°53'37", and whose long chord bears North 12°28'03" West a distance of 35.63 feet to a point in the south right of way line of Lone Star Parkway (180 foot R.O.W.) for the west corner of the herein described tract, from which a Brass Disk bears, North 65°36'40" West, 1.28 feet;

THENCE in a northeasterly direction with said south right of way line, along the arc of a curve to the RIGHT, having a radius of 3910.00 feet, a delta angle of 17°52'31", and whose long chord bears North 41°54'56" East, a distance of 1214.92 feet, at 467.25 feet, passing a 5/8 inch iron rod found for the northwest corner of said 12.384 acre tract, and continuing for a total distance of 1219.86 feet to a 5/8" iron rod with cap marked "CORE 6657" set for the northwest corner of said 0.589 acre tract and the northwest corner of the herein described tract;

THENCE in a southeasterly direction, 42.49 feet along the arc of a curve to the RIGHT, having a radius of 25.00 feet, a delta angle of 97°23'20", and whose long chord bears South 80°27'13" East a distance of 37.56 feet to the POINT OF BEGINNING, containing 16.4111 acres (714,867 square feet) of land.



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

**GENERAL WARRANTY DEED**

**Date:**   JUNE 18  , 2013

**Grantor:** WILLIAM T. BARNIER

**Grantor's Mailing Address (including county):**

1927 Willow Wisp Lane  
Spring, Texas 77388  
Harris County

**Grantee:** WTRM BARNIER REAL ESTATE, LP, a Texas limited partnership

**Grantee's Mailing Address (including county):**

1927 Willow Wisp Lane  
Spring, Texas 77388  
Harris County

**Consideration:** TEN AND NO/100 DOLLARS and other good and valuable consideration.

**Property (including any improvements):**

Being 12.384 acres of land, more or less, in the Benjamin Rigsby Survey, A-31, Montgomery County, Texas; being further described in that certain Warranty Deed, dated March 31, 2009, recorded under Clerk's File Number: 2009026051 in the Official Public Records of Real Property of Montgomery County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated herein for all purposes.

**Reservations from and Exceptions to Conveyance and Warranty:**

This deed is subject to all easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances that affect the property; taxes for the current year, the payment of which Grantee assumes.

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

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

*William T. Barnier*  
\_\_\_\_\_  
**WILLIAM T. BARNIER**

**STATE OF TEXAS** §

**ACKNOWLEDGEMENT**

**COUNTY OF HARRIS** §

This instrument was acknowledged before me on the 8<sup>th</sup> day of JUNE, 2013, by **WILLIAM T. BARNIER.**



*[Signature]*  
\_\_\_\_\_  
Notary Public, State of Texas

[Notary Stamp]

**PREPARED BY AND RETURN TO THE OFFICE OF:**

Riddle & Akiens, LLP  
4201 Cypress Creek Parkway, Suite 550  
Houston, Texas 77068  
PH: 281-537-7110  
FAX: 281-537-9481

THIS INSTRUMENT WAS PREPARED BY RIDDLE & AKIENS, LLP, 4201 CYPRESS CREEK PARKWAY, SUITE 550, HOUSTON, TEXAS 77068 AT THE SPECIFIC REQUEST OF THE GRANTOR BASED SOLELY UPON INFORMATION SUPPLIED BY ONE OR MORE OF THE PARTIES TO THIS CONVEYANCE, AND WITHOUT EXAMINATION OF TITLE OR ABSTRACT. THE DRAFTER ASSUMES NO LIABILITY FOR ANY ERRORS, INACCURACIES OR OMISSIONS IN THIS INSTRUMENT RESULTING FROM THE INFORMATION PROVIDED AND MAKES NO ASSERTIONS WITH RESPECT TO LIENS WHICH MAY BE AGAINST THE PROPERTY, AND THE PARTIES HERETO SIGNIFYING THEIR ASSENT TO THIS DISCLAIMER BY THE GRANTOR'S EXECUTION AND THE GRANTEE'S ACCEPTANCE OF THIS INSTRUMENT.

## EXHIBIT "A"

## METES AND BOUNDS DESCRIPTION

Of 12.384 Acres or 539,430 Square Feet of land being part of that certain 79.9035 Acre Tract of land conveyed from MONTGOMERY INDEPENDENT SCHOOL DISTRICT to MONTGOMERY ENERGY RESOURCES, INC., etal by a deed dated July 18, 2001 and recorded under Clerk's File No. 2001-065611, of the Deed Records of Montgomery County, Texas (M.C.D.R.), lying in the BENJAMIN RIGBY LEAGUE, Abstract 31, near Montgomery, Montgomery County, Texas, said 12.384 Acre tract is more particularly described by metes and bounds as follows:

BEGINNING at the Northeast corner of said 79.9035 Acre Tract of land, the Southeast corner of that certain 100.0 Acre Tract of land conveyed from Bruce Gibson, etux to Christian C. Cheatam, etux by a deed dated November 15, 2002 and recorded under Clerk's File No. 2002-122759, M.C.D.R., same being the West line of that certain 19.000 Acre Tract of land conveyed from David J. Askanase to Henry F. Carwile, etux by a deed dated March 28, 1994 and recorded under Clerk's File No. 9419447, M.C.D.R., from which a axle was found South, 0.08 feet, and East, 0.24 feet;

THENCE South 02 deg. 51 min. 44 sec. East, along the East line of said 79.9035 Acre Tract of land, same being the West line of said 19.000 Acre Tract of land, at a distance of 147.31 feet pass the Northwest corner of that certain 61.8107 Acre Tract of land conveyed from Christian C. Cheatam, Mary E. Cheatam and MONTGOMERY ENERGY RESOURCES, INC. to MONTGOMERY INDEPENDENT SCHOOL DISTRICT by a deed dated July 18, 2001 and recorded under Clerk's File No. 2001-065612, M.C.D.R., from which a 1/2 inch iron rod was found East, 0.14 feet, continuing along the East line of said 79.9035 Acre Tract of land, same being the West line of said 61.8107 Acre Tract of land, in all a distance of 690.88 feet to a 5/8 inch iron rod with a cap set at a point for corner;

THENCE South 87 deg. 08 min. 16 sec. West, a distance of 451.62 feet to a 5/8 inch iron rod with a cap set at a point for corner;

THENCE, Northwesterly, along the Northeast Right-of-Way of a 70 foot Proposed Road, a distance of 150.89 feet along the arc of a curve to the left, said curve having a central angle of 25 deg. 48 min. 27 sec., radius of 335.00 feet, a chord which bears North 61 deg. 16 min. 02 sec. West, and a chord distance 149.62 feet to a 5/8 inch iron rod with a cap set at a point for corner;

THENCE North 74 deg. 10 min. 16 sec. West, along the North Right-of-Way of said 70 foot Proposed Road, a distance of 125.24 feet to a 5/8 inch iron rod with a cap set at a point for corner;

THENCE, Northwesterly, along the North Right-of-Way of said 70 foot Proposed Road, a distance of 75.41 feet along the arc of a curve to the right, said curve having a central angle of 16 deg. 18 min. 13 sec., radius of 265.00 feet, a chord which bears North 66 deg. 01 min. 09 sec. West, and a chord distance 75.15 feet to a 5/8 inch iron rod with a cap set at a point for corner;

THENCE North 57 deg. 52 min. 03 sec. West, along the North Right-of-Way of said 70 foot Proposed Road, a distance of 235.29 feet to a 5/8 inch iron rod with a cap set at a point for corner;

THENCE, Northwesterly, along the Northeast cutback corner of the North Right-of-Way of said 70 foot Proposed Road and the East Right-of-Way of a UNKNOWN NAMED ROAD, (180 foot R.O.W., M.C.C.F. No. 2006-087874, M.C.D.R.), a distance of 39.66 feet along the arc of a curve to the right, said curve having a central angle of 90 deg. 53 min. 06 sec., radius of 25.00 feet, a chord which bears North 12 deg. 25 min. 30 sec. West, and a chord distance 35.63 feet to a 5/8 inch iron rod with a cap set at a point for corner;

THENCE, Northeasterly, along the East Right-of-Way of said UNKNOWN NAMED ROAD, a distance of 467.21 feet along the arc of a curve to the right, said curve having a central angle of 6 deg. 50 min. 47 sec., radius of 3910.00 feet, a chord which bears North 36 deg. 26 min. 26 sec. East, and a chord distance 466.93 feet to a 5/8 inch iron rod with a cap set at a point for corner;

THENCE North 86 deg. 32 min. 01 sec. East, along the North line of said 79.9035 Acre Tract of land, same being the South line of said 100.0 Acre Tract of land, a distance of 667.70 feet to the POINT OF BEGINNING, containing within these calls 12.384 Acres or 539,430 Square Feet of land, as depicted by a plat prepared by Donald K. Hall, R.P.L.S. No. 4070 dated March 30, 2009.



**FILED FOR RECORD**

06/26/2013 1:47PM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

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

**06/26/2013**



County Clerk  
Montgomery County, Texas

**LEGEND / ABBREVIATIONS**

BARBED WIRE	X	C.F.N.	ABSTRACT
GRAPE VINE	—	F.I.D.	CLIENT'S FILE NUMBER
DATE POST	○	LR	LOCAL RECORD
PROPERTY MARKER	●	OP.R.	OFFICIAL PUBLIC RECORDS
UNDERGROUND CABLE	—	M.C.T.	MONTGOMERY COUNTY, TEXAS
SONG	—	M.R.	MAP RECORD
		P.O.B.	POINT OF BEGINNING
		R.O.W.	RIGHT OF WAY
		"	5/8" IRON ROD WITH CAP
		"	CORE 6657

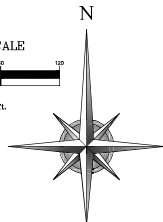
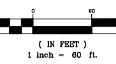
**CITY OF MONTGOMERY BENCHMARKS**

**MONT 3** ELEV.=268.73'  
 2" BRASS DISK LOCATED FROM THE INTERSECTION OF HWY 105 AND HWY 140, WEST 4,000' TO THE PARKING LOT OF THE HERITAGE HOUSE RESTAURANT, WHICH IS LOCATED ON THE NORTH SIDE OF HWY 105.

**MONT 7** ELEV.=291.77'  
 2" BRASS DISK IS LOCATED IN THE CENTER OF MONTGOMERY ON THE SOUTH SIDE OF HWY 105, MARK IS IN FRONT (NORTH) OF GAS FLOWING AREA OF BROOKHIRE BROTHERS GROCERY STORE, AS WELL AS ACROSS HWY 105(SOUTH) FROM THE QUILL HOUSE.

**BENCHMARK**   
 BRASS DISK IN CONCRETE ELEV.=314.12'  
 BRASS DISK IN CONCRETE IN THE SOUTHWEST RIGHT-OF-WAY OF EMMA'S WAY LOCATED NORTH 29°10'00" WEST, A DISTANCE OF 2.17' FROM THE COMMON CORNER OF LOTS 1 AND 2, BLOCK 1, THE HILLS OF TOWN CREEK, SOUTH 93°48'00" WEST, A DISTANCE OF 527.56' FEET FROM THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY, AS SHOWN HEREON.

**GRAPHIC SCALE**



**LEGAL DESCRIPTION**

BEING 16,411 acres (714,867 square feet) of land, out of the called 12,384 acre tract conveyed to WFM Barner Real Estate, LP by Warranty Deed recorded under Clerk's File No. 2013067842 of the Official Public Records of Montgomery County, Texas (O.P.R., M.C.T.), and the residue of a called 100.0 acre tract conveyed to Christian C. Cheatham and wife, Mary Z. Cheatham, by Warranty Deed recorded under Clerk's File No. 20122759 O.P.R., M.C.T., and 16,411 acre tract lying within the Benjamin Rigby Survey, A-31, and is more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with cap found, marking the northeast exterior end back corner of a called 0.589 acre tract conveyed to M.I.S.D. by Warranty Deed recorded under Clerk's File No. 20101628 O.P.R., M.C.T.;

**THENCE** in a southerly direction with the west line of said 0.589 acre tract, 132.00 feet along the arc of a curve to the RIGHT, having a radius of 2620.00 feet, a delta angle of 287°50', and whose long chord bears South 17°02'30" East, a distance of 151.07 feet to a 5/8" iron rod with cap found for a tangent;

**THENCE** South 02°25'30" East, a distance of 843.36 feet to a 5/8" iron rod with cap marked "CORE 6657" set for the southeast corner of said 0.589 acre tract and northeast corner of a called 0.091 acre tract conveyed to M.I.S.D. by Warranty Deed recorded under Clerk's File No. 20100263 O.P.R., M.C.T.;

**THENCE** in a southerly direction with the west line of said 0.091 acre tract, 127.25 feet along the arc of a curve to the RIGHT, having a radius of 3400.00 feet, a delta angle of 17°02'30", and whose long chord bears South 17°02'30" East, a distance of 126.51 feet to a point for a reverse curve, from which a 5/8" iron rod with cap found bears North 23°02'00" West, 0.43 feet;

**THENCE** in a southerly direction, continuing with the west line of said 0.091 acre tract, 95.16 feet along the arc of a curve to the LEFT, having a radius of 2620.00 feet, a delta angle of 208°10', and whose long chord bears South 13°27'33" East, a distance of 94.63 feet to a 5/8" iron rod with cap found in the west line of a called 0.007 acre tract conveyed to the Montgomery Independent School District (M.I.S.D.), by Warranty Deed recorded under Clerk's File No. 20100562 O.P.R., M.C.T., and most easterly corner of said 0.007 acre tract;

**THENCE** South 02°54'27" East, with the west line of said 61.8107 acre tract, a distance of 487.80 feet to a point for the southeast corner of Lot 4, Block 1, of Hills of Town Creek, Section 1, according to the Plat of same, recorded under Cabinet 2, Sheet 2346, of the Map Records of Montgomery County, Texas (M.R., M.C.T.), and the northeast corner of said 12,384 acre tract and the north distance from, from which a found 2 inch iron pipe bears South 56°28'00" East, a distance of 0.79 feet;

**THENCE** South 87°02'33" West, with the north line of said Lot 4, Block 1, and the north line of a called 1.33 acre tract conveyed to the City of Montgomery by Warranty Deed recorded under Clerk's File No. 201020184 O.P.R., M.C.T., a distance of 401.98 feet to a point for the northwest corner of said 1.333 acre tract and the southwest corner of the herein described tract, from which a 5/8" iron rod with cap found bears North 60°03'30" West, a distance of 0.43 feet;

**THENCE** in a northwesterly direction along a future north right of way line, 155.55 feet along the arc of a curve to the LEFT, having a radius of 3520.00 feet, a delta angle of 22°44'56", and whose long chord bears North 61°07'13" West, a distance of 149.20 feet to a 5/8" iron rod with cap found;

**THENCE** North 74°12'09" West, continuing with said future north right of way line, a distance of 125.24 feet to a 5/8" iron rod with cap found for a point of tangency;

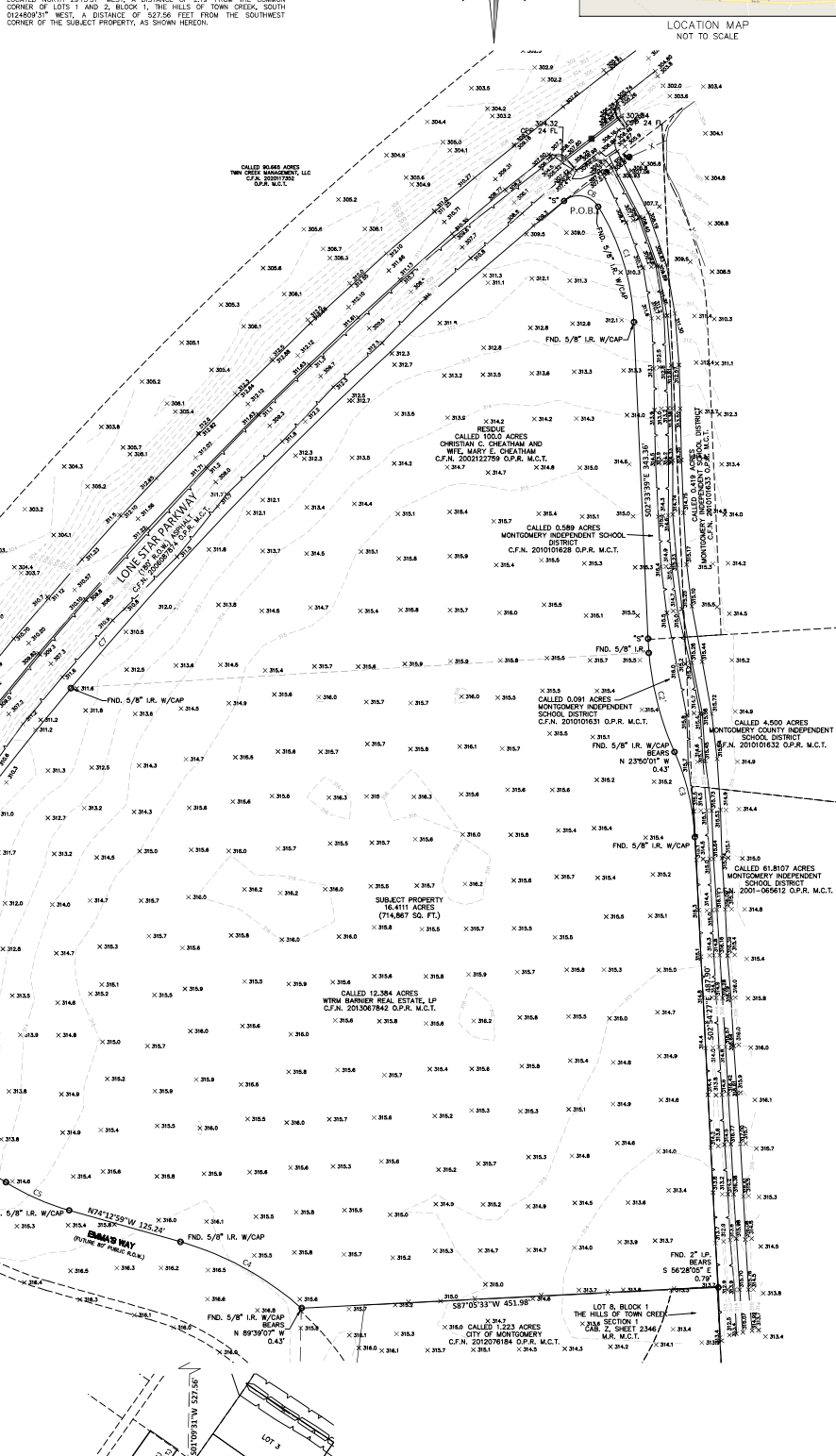
**THENCE** continuing with said future north right of way line, 75.40 feet along the arc of a curve to the RIGHT, having a radius of 2620.00 feet, a delta angle of 16°18'31", and whose long chord bears North 60°03'30" West, a distance of 73.15 feet to a 5/8" iron rod with cap found for a tangent;

**THENCE** North 02°54'46" West, continuing with said future north right of way line, a distance of 234.80 feet to a point at the beginning of a curve for the southerly west corner of the herein described tract, from which a 5/8" iron rod with cap found bears North 61°07'13" West, 0.27 feet;

**THENCE** in a northwesterly direction, 336.66 feet along the arc of a curve to the RIGHT, having a radius of 2520.00 feet, a delta angle of 88°03'37", and whose long chord bears North 12°02'07" West, a distance of 324.63 feet to a point in the south right of way line of Lone Star Parkway (180 foot R.O.W.) for the west corner of the herein described tract, from which a Brass Disk bears North 02°54'46" West, 0.27 feet;

**THENCE** in a northwesterly direction with said south right of way line, along the arc of a curve to the RIGHT, having a radius of 3930.00 feet, a delta angle of 17°52'31", and whose long chord bears North 41°54'56" East, a distance of 124.45 feet, at 462.22 feet, possibly a 5/8" iron rod found for the northwest corner of said 12,384 acre tract, and continuing for a total distance of 1218.86 feet to a 5/8" iron rod with cap marked "CORE 6657" set for the northwest corner of said 0.589 acre tract and the northeast corner of the herein described tract;

**THENCE** in a southerly direction, 42.49 feet along the arc of a curve to the RIGHT, having a radius of 2520.00 feet, a delta angle of 87°22'07", and whose long chord bears North 80°27'13" East, a distance of 37.56 feet to the POINT OF BEGINNING, containing 16,411 acres (714,867 square feet) of land.

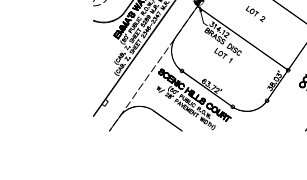


**CURVE TABLE**

NO.	LENGTH	RADIUS	DELTA	CHD. BRG.	CHORD
C1	132.00	2620.00	287°13'55"	S17°09'39" E	151.07
C2	127.25	3400.00	17°02'30"	S13°09'13" E	126.51
C3	95.16	2620.00	10°26'31"	S13°09'13" E	94.63
C4	155.55	3520.00	15°44'56"	N61°07'13" W	149.20
C5	75.40	2620.00	16°18'31"	N60°03'30" W	73.15
C6	336.66	2520.00	80°03'37"	N12°02'07" W	324.63
C7	1218.86	3510.00	17°52'31"	N41°54'56" E	1214.92
C8	42.49	2520.00	87°22'07"	S80°27'13" E	37.56

**GENERAL NOTES**

- The survey was not abstracted the site. This survey was performed without benefit of title commitment and not show all easements and encumbrances of record.
- The professional service reflected on this plat of survey is provided in connection with the transaction contemplated by the title search referenced and dated above; it is not to be used for any other purpose.
- Bearing based on Texas State Plane Coordinates, South Central Zone 4204, NAD83.
- This original work is protected under copyright laws, Title 17 United States Code Sections 101 and 102. All violators will be prosecuted to the fullest extent of the law. This survey to be provided solely for the use of the recipient named and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within thirty (30) days from the date adjacent to the signature line herein.
- Flood Statement: This site is situated in Zone "X" in Montgomery County, Texas according to FEMA map number 48330C02000 dated August 18, 2010. This statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This determination has been made by copying the property on the referenced map and is the result of an elevation survey. This flood statement and its contents create liability on the part of the surveyor.



To: L Squared Engineering

I certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of survey and that this professional service substantially conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B/A, Condition II Survey.

Clemente Turmudartes, Jr.  
 Registered Professional Land Surveyor  
 Texas Registration No. 6657  
 Date: October 19, 2021

<b>ISSUE</b>	<b>DRAWING</b>
CHECK CT	FIELD BK 2025
DRAWN JAB	FIELD WKR JW
JOB 161400205	DRAFTING JAB
<b>SUR-1</b>	DATE 10/02/21
SHEET 1 OF 1	CHECKED CT
	DATE 10/19/21

**BOUNDARY / TOPOGRAPHIC SURVEY**  
 16,411 ACRES (714,867 SQ. FT.)  
 OUT OF  
 ES. OF 100.0 ACRES C.F.N. 2001122759 O.P.R., M.C.T.,  
 & CALLED 12,384 ACRES C.F.N. 2013067842 O.P.R., M.C.T.,  
 IN THE BENJAMIN RIGBY SURVEY, A-31  
 MONTGOMERY COUNTY, TEXAS

**L SQUARED ENGINEERING**  
 MUNICIPAL COMMERCIAL RESIDENTIAL

3307 W. Davis Street, Suite 100  
 Conroe, TX 77330

**CORE**  
 LAND SURVEYING TPLS REG NO. 10194980

10010 ORCHARD WELLS ROAD, SUITE 120  
 THE WOODLANDS, TX 77380  
 T: 281-428-3259  
 core@lcoreeng.com

**SQUARED ENGINEERING**  
 MUNICIPAL COMMERCIAL RESIDENTIAL  
 WWW.SQUAREDENGINEERING.COM  
 1125 W. 10TH STREET, SUITE 100  
 DENVER, CO 80202  
 303.733.8888

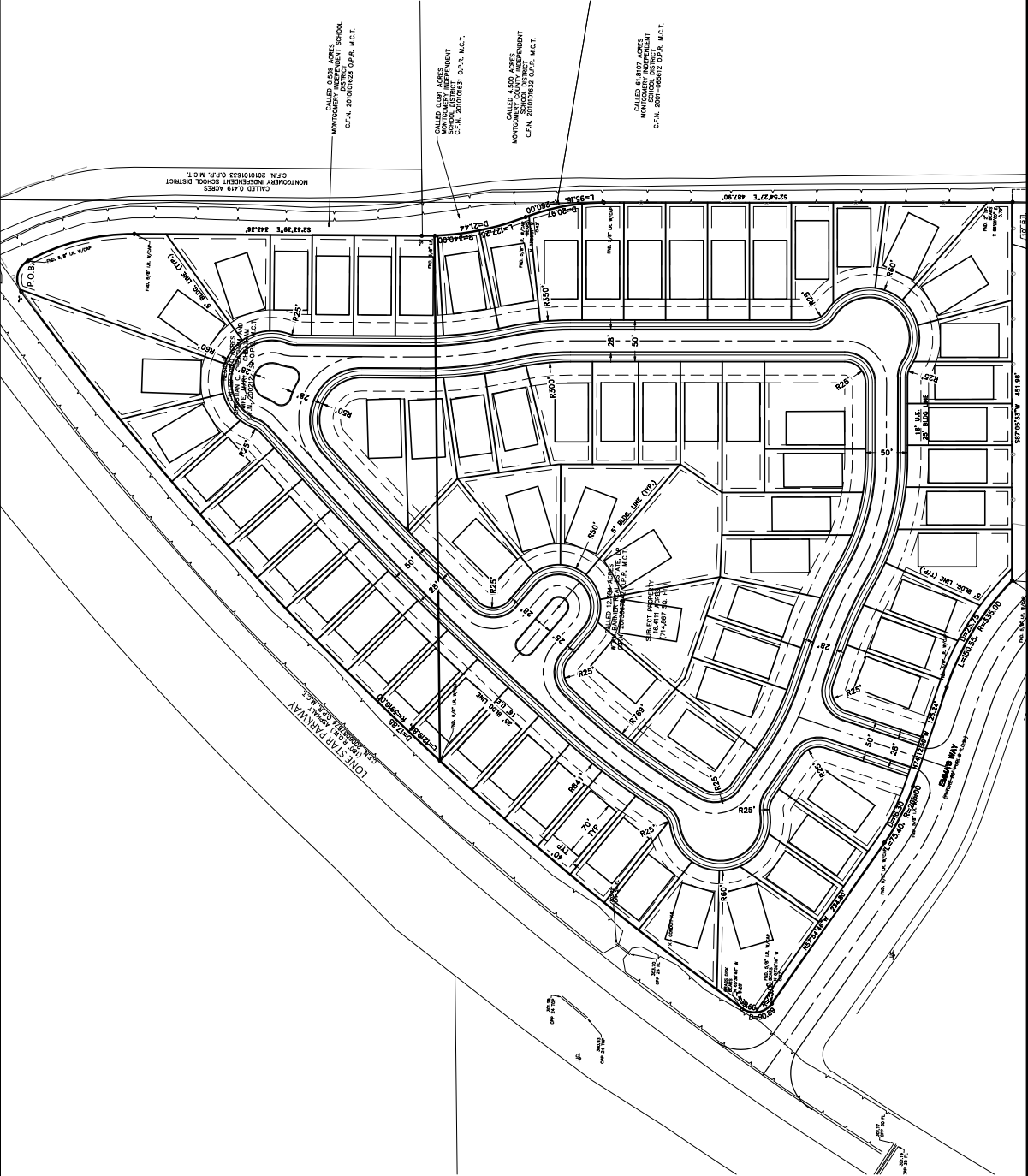
# HILLS OF TOWN CREEK

## NEW SITE EXHIBIT

DATE: 11/08/2021	SCALE: 1"=100' (24x36)	SHEET: 1
PROJECT: HILLS OF TOWN CREEK	DATE: 11/08/2021	DATE: 11/08/2021
DESIGN: [ ]	MEAS: [ ]	DATE: [ ]
DATE: [ ]	DATE: [ ]	DATE: [ ]

THIS DOCUMENT IS ISSUED AS THE PROPERTY OF SQUARED ENGINEERING AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SQUARED ENGINEERING. THIS DOCUMENT IS NOT FOR CONSTRUCTION.

-40.13 AC. LOTS  
 TOTAL 72 LOTS  
 16.45 ACRE SITE  
 \$2,712 LF PAVEMENT



Montgomery City Council  
AGENDA REPORT

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following zoning variance requests for Hills of Town Creek Section Five:

- a. Lot width less than 75-feet,
- b. Side yard setback less than 10-feet, and
- c. Lot size less than 9,000 square feet.

**Recommendation**

Consider the variance requests and decide on each as you see fit.

**Discussion**

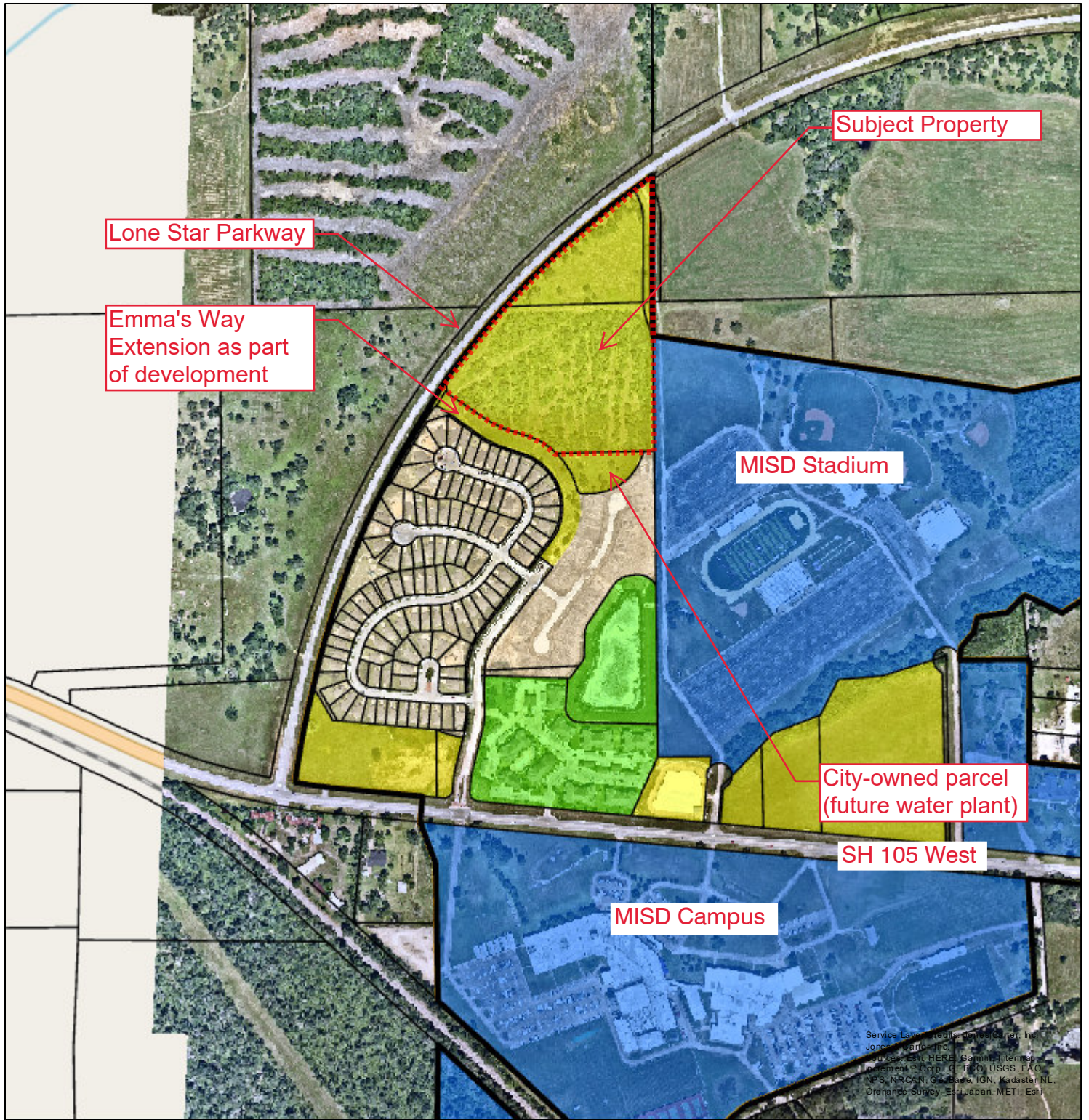
The single-family home portion of the Hills of Town Creek development (Sections 2, 3, and 4) has been built over the last several years and consists of 130 homesites. The project is nearing full buildout and a new Section 5 has been proposed. Plans for Section 5 will add another 72 homesites that are consistent with the rest of the neighborhood. As shown in the aerial image, this new section is contiguous to the existing development. City staff recommends approval of the requests and believes an extension of the existing neighborhood design is the highest and best use of the property. The city engineer has reviewed the requests and provided the attached memo.

When variances to a general-law city’s Zoning Code are requested, state law prescribes the process used (as opposed to the City deciding its own process). Unlike variances to other City regulations, zoning variances must be heard by the Zoning Board of Adjustment. Cities may choose to appoint members to serve on this board or the City Council may choose to act as the Board as the need arises. Montgomery City Council has served as the Zoning Board of Adjustment since September 2019.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/06/2021
City Administrator	Richard Tramm	Date: 12/06/2021





1 inch equals 752 feet

Service Layer Credits: Jones & Carter, Inc., Jones & Carter, Inc., Google Earth, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GEBCO, IGN, Kadaster NL, Ordnance Survey, Esri, Japan, METI, Esri

**Zoning Legend**

- Commercial (B)
- Residential (R-1)
- Multi-Family (R-2)
- Institutional (I)

- City Limit
- City ETJ



Date: 12/2/2021



December 9, 2021

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

Re: Variance Request  
The Hills of Town Creek Sec. 5 (Dev. No. 2102)  
City of Montgomery

Dear Mayor and City Council:

The Hills of Town Creek, LLC (the "Developer") plans to proceed with construction of a new residential development along Emma's Way, north of SH-105. The Developer is requesting the following variance from the City's Code of Ordinances:

- Section 98-122 (b): The Code of Ordinances requires single-family residential developments to have a minimum 75' lot width, 120' lot depth, and 9,000 SF lot area. The Developer is proposing to provide 50' wide lots with sizes ranging from 5,500 to 22,490 SF. Additionally, several lots are proposed to have average depths of as little as 100'. The Developer is requesting a variance to allow a 50' lot width, 100' lot depth, and to allow the minimum lot area to be 5,500 SF.
- Section 98-122 (a): The Code of Ordinances requires single-family residential developments to have a minimum 10' side lot setback. The Developer is requesting a variance to allow a 5' side lot setback.

Enclosed you will find the request for variance as submitted by the engineer for the development. The lot size and side lot setback variances are consistent with the variance previously approved for Hills of Town Creek Sections 2, 3, & 4. It is important to note that the Developer is currently proposing more than the minimum required compensating green space for the lot size variance and the total green space provided for all sections of Hills of Town Creek exceeds the minimum requirement, given all previously granted lot size variances. We offer no objection to the Developer's request on the grounds that the proposed variances are in line with what was previously approved in the existing sections of the same development.

Approval of the requested variances does not constitute plan approval and only allows the Developer to further refine the proposed plat and site plans, which will require the full review and approval of the City.



Variance Request – Hills of Town Creek Section 5  
The Honorable Mayor and City Council  
City of Montgomery  
Page 2 of 2  
December 9, 2021

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

Sincerely,



Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2021.12.08 MEMO to Council RE Hills of Town Creek Sec. 5 Variance Request.docx

Enclosures: Variance Request

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



# L SQUARED ENGINEERING

MUNICIPAL COMMERCIAL RESIDENTIAL

3307 W Davis St., Suite 100  
 Conroe, TX 77304  
 P: 936-647-0420 F: 936-647-2366  
 www.L2Engineering.com

November 24, 2021

City of Montgomery  
 C/o Dave McCorquodale  
 101 Old Plantersville Road  
 Montgomery, TX 77316

RE: Variance request for Hills of Town Creek Section 5 regarding requirements for minimum lot area, lot width, and side yard

According to Sections 78 and 98 of the City of Montgomery Code of Ordinances, residential lots are required to have a minimum lot width of 75', minimum lot size of 9,000 square feet (SF) and a side lot line of 10'. The proposed development will consist of approximately 72 single-family residential lots, with lot sizing ranging from 34,000 SF to 6,000 SF, 50' x 120' lot average with 5' side lot setbacks. We feel that variance requests are warranted for the following reasons:

- The proposed development is intended to be an extension of the existing Hills of Town Creek Sections 2, 3, and 4; which is being built out by Stylecraft Builders. Stylecraft has been very successful with the product they have been producing and would like to continue with the same product. Sections 2, 3, and 4 were previously approved with 50' lots and we request that we continue with 50' lots for this section. The Future Land Use Plan also shows the subject tract expected to be high density residential, which align with the proposed development plan.
- Section 5 will be connected to sections 2, 3, and 4 with the extension of Emma's Way to Lonestar Parkway. A sidewalk will be included to allow residents to utilize the existing amenities within these other sections.
- According to Section 78-95, compensating green space is required for all lots that have less than the minimum lot area (9,000 SF). We have calculated the total amount of SF of all lots with less than the required minimum lot area within Section 2-5, which totals 333,273 SF. There have been several dedicated green spaces between all sections, which totals 335,191 SF. We have provided the backup for these calculations as an attachment to this letter.

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

Thank you,

Jonathan White, PE  
 L Squared Engineering  
 Senior Project Manager, Partner  
 936-647-0420  
 Jwhite@L2Engineering.com

Attachments: Variance Request Applications, Site Plan, Compensating Green Space Calculations







# Variance Request Application

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

**Upon completion return application to shensley@ci.montgomery.tx.us**

### Contact Information

Property Owner(s): Chris Cheatham, Cheatham Management

Address: P.O. Box 234 Montgomery, TX Zip Code: 77356

Email Address: ccheatham@consolidated.net Phone: 936-449-5400

Applicants: L Squared Engineering

Address: 3307 W Davis Street, Suite 100 Conroe, TX 77304

Email Address: jwhite@l2engineering.com Phone: 936-647-0420

### Parcel Information

Property Identification Number (MCAD R#): R396538 and R362324

Legal Description: Tracts 64B-1 and 63A1-A, within the Ben J Rigsby Survey, Abstract 31

Street Address or Location: Emma's Way and Lone Star Parkway

Acreage: 16.41 Present Zoning: Commercial Present Land Use: Vacant

### Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): ~~78-88~~ 98-122(b)(2)

Ordinance wording as stated in Section ( ~~78-88~~ 98-122 ):

\_\_\_\_\_  
(C) Minimum Width is 75'  
\_\_\_\_\_  
\_\_\_\_\_

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Lot sizes will have minimum lot width of 50' similar to Hills of Town Creek Sections 2, 3, and 4.  
\_\_\_\_\_

**Signatures**

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

Signature: Christina L. Chestnut Date: 11/12/21

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

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

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

**\*Additional Information\***

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application from must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

<p><b>Date Received</b> <i>Office Use</i></p>	
---------------------------------------------------	--



# Variance Request Application

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

Item 13.

**Upon completion return application to shensley@ci.montgomery.tx.us**

### Contact Information

Property Owner(s): Chris Cheatham, Cheatham Management

Address: P.O. Box 234 Montgomery, TX Zip Code: 77356

Email Address: ccheatham@consolidated.net Phone: 936-449-5400

Applicants: L Squared Engineering

Address: 3307 W Davis Street, Suite 100 Conroe, TX 77304

Email Address: jwhite@l2engineering.com Phone: 936-647-0420

### Parcel Information

Property Identification Number (MCAD R#): R396538 and R362324

Legal Description: Tracts 64B-1 and 63A1-A, within the Ben J Rigsby Survey, Abstract 31

Street Address or Location: Emma's Way and Lone Star Parkway

Acreage: 16.41 Present Zoning: Commercial Present Land Use: Vacant

### Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): 98-122

Ordinance wording as stated in Section ( 98-122 ):

(a)(2) There shall be side yard on each side of the lot having a width not less than 10'

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Side yards will have a setback on each side of the lot of 5' similar to Hills of Town Creek Section 4.



**Signatures**

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

Signature: Ernest C. Weather Date: 11/12/21

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

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

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

**\*Additional Information\***

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application from must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

<p><b>Date Received</b> <i>Office Use</i></p>	
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# Variance Request Application

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

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

### Contact Information

Property Owner(s): Chris Cheatham, Cheatham Management

Address: P.O. Box 234 Montgomery, TX Zip Code: 77356

Email Address: ccheatham@consolidated.net Phone: 936-449-5400

Applicants: L Squared Engineering

Address: 3307 W Davis Street, Suite 100 Conroe, TX 77304

Email Address: jwhite@l2engineering.com Phone: 936-647-0420

### Parcel Information

Property Identification Number (MCAD R#): R396538 and R362324

Legal Description: Tracts 64B-1 and 63A1-A, within the Ben J Rigsby Survey, Abstract 31

Street Address or Location: Emma's Way and Lone Star Parkway

Acreage: 16.41 Present Zoning: Commercial Present Land Use: Vacant

### Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): ~~78-88~~ 98-122(b)(1)

Ordinance wording as stated in Section ( 78-88 ):

~~(c)~~ No building shall be constructed on or moved onto any lot of less than 9,000 square feet.

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Lot sizes will range in the development with a minimum of approximately 6,000 square feet (SF) to over 34,000 SF.

**Signatures**

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

Signature: Christian C. Quatman Date: 11/18/21

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

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

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

**\*Additional Information\***

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application from must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

<p><b>Date Received</b> <i>Office Use</i></p>	
---------------------------------------------------	--





Hills of Town Creek 5 Section 2 Lot Summary  
 L Squared Engineering - Job No. 10752  
 Prepared by: Jonthan White, PE



**Lots in Section 2:**

Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
1	2	1	1	9255.92	0
2	2	1	2	7653.68	1346.32
3	2	1	3	6812.47	2187.53
4	2	1	4	6362.04	2637.96
5	2	1	5	6601.37	2398.63
6	2	1	6	6520.53	2479.47
7	2	1	7	6540.79	2459.21
8	2	1	8	6540.75	2459.25
9	2	1	9	6541.05	2458.95
10	2	1	10	6541.82	2458.18
11	2	1	11	6541.38	2458.62
12	2	1	12	6540.6	2459.4
13	2	1	13	6166.06	2833.94
14	2	1	14	5998.6	3001.4
15	2	1	15	7479.67	1520.33
16	2	1	16	8849.41	150.59
17	2	1	17	9890.74	0
18	2	1	18	8543.97	456.03
19	2	1	19	6632.72	2367.28
20	2	1	20	6000	3000
21	2	1	21	6000	3000
22	2	1	22	6000	3000
23	2	1	23	6000	3000
24	2	1	24	6000	3000
25	2	1	25	6737.24	2262.76
26	2	1	26	6793.44	2206.56
27	2	1	27	6768.18	2231.82
28	2	2	1	8760.71	239.29
29	2	2	2	6645.66	2354.34
30	2	2	3	13069.35	0
31	2	2	4	11110.46	0
32	2	2	5	10159.9	0
33	2	2	6	10327.81	0
34	2	2	7	7216.73	1783.27
35	2	2	8	8265.87	734.13
36	2	2	9	6062.99	2937.01
37	2	2	10	6616.66	2383.34
38	2	2	11	8162.48	837.52
39	2	2	12	9176.67	0
40	2	2	13	9164.29	0



Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
41	2	2	14	8677.06	322.94
42	2	2	15	7742.17	1257.83
43	2	2	16	6000	3000
44	2	2	17	6545.05	2454.95
45	2	2	18	8387.53	612.47
46	2	2	19	11773.59	0
47	2	2	20	9675.2	0
48	2	2	21	7895.45	1104.55
49	2	2	22	6970.31	2029.69
50	2	2	23	6270.55	2729.45
51	2	2	24	8265.1	734.9

**Total: 83,350**

Hills of Town Creek 5 Section 3 Lot Summary  
 L Squared Engineering - Job No. 10752  
 Prepared by: Jonthan White, PE



**Lots in Section 3:**

Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
52	3	3	1	8271	729
53	3	3	2	6004	2996
54	3	3	3	6322	2678
55	3	3	4	7394	1606
56	3	3	5	7516	1484
57	3	3	6	7575	1425
58	3	3	7	7564	1436
59	3	3	8	7485	1515
60	3	3	9	7220	1780
61	3	3	10	6006	2994
62	3	3	11	6006	2994
63	3	3	12	6045	2955
64	3	3	13	6358	2642
65	3	3	14	6988	2012
66	3	3	15	6528	2472
67	3	3	16	7601	1399
68	3	3	17	10030	0
69	3	3	18	7822	1178
70	3	3	19	9105	0
71	3	3	20	16265	0
72	3	3	21	10016	0
73	3	3	22	6609	2391
74	3	3	23	6288	2712
75	3	3	24	6000	3000
76	3	3	25	6000	3000
77	3	3	26	6000	3000
78	3	3	27	6000	3000
79	3	3	28	11585	0
80	3	3	29	10536	0
81	3	3	30	6667	2333
82	3	3	31	6372	2628
83	3	3	32	6394	2606
84	3	3	33	6710	2290
85	3	3	34	6612	2388
86	3	3	35	6759	2241
87	3	3	36	7783	1217
88	3	3	37	8213	787
89	3	3	38	12962	0
90	3	3	39	7708	1292
91	3	3	40	7803	1197

92	3	3	41	8481	519
93	3	3	42	8372	628
94	3	3	43	6314	2686
95	3	3	44	6798	2202
96	3	3	45	7621	1379
97	3	3	46	7275	1725
98	3	3	47	6727	2273
99	3	3	48	6658	2342
100	3	3	49	9753	0
				<b>Total:</b>	<b>84,131</b>

Hills of Town Creek 5 Section 4 Lot Summary  
 L Squared Engineering - Job No. 10752  
 Prepared by: Jonthan White, PE



**Lots in Section 4:**

Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
101	4	4	1	6916	2084
102	4	4	2	5658	3342
103	4	4	3	7476	1524
104	4	4	4	11219	0
105	4	4	5	6547	2453
106	4	4	6	7295	1705
107	4	4	7	11403	0
108	4	4	8	18192	0
109	4	4	9	7209	1791
110	4	4	10	8275	725
111	4	4	11	12687	0
112	4	4	12	12376	0
113	4	4	13	14185	0
114	4	4	14	8641	359
115	4	4	15	10444	0
116	4	4	16	7997	1003
117	4	4	17	5751	3249
118	4	4	18	5855	3145
119	4	4	19	5939	3061
120	4	4	20	6190	2810
121	4	4	21	7503	1497
122	4	4	22	9175	0
123	4	4	23	8739	261
124	4	4	24	11456	0
125	4	4	25	8272	728
126	4	4	26	11383	0
127	4	4	27	14296	0
128	4	4	28	8732	268
129	4	4	29	5951	3049
130	4	4	30	5888	3112
131	4	4	31	7417	1583

**Total: 37,749**

Hills of Town Creek 5 Section 5 Lot Summary  
 L Squared Engineering - Job No. 10752  
 Prepared by: Jonthan White, PE



**Lots in Section 5:**

Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
132	5	5	1	9533	0
133	5	5	2	6023	2977
134	5	5	3	8290	710
135	5	5	4	7291	1709
136	5	5	5	6575	2425
137	5	5	6	6323	2677
138	5	5	7	6283	2717
139	5	5	8	6183	2817
140	5	5	9	6649	2351
141	5	5	10	11386	0
142	5	5	11	8861	139
143	5	5	12	6052	2948
144	5	5	13	6795	2205
145	5	5	14	7018	1982
146	5	5	15	7002	1998
147	5	5	16	7038	1962
148	5	5	17	7070	1930
149	5	5	18	6985	2015
150	5	5	19	7632	1368
151	5	5	20	6870	2130
152	5	5	21	6980	2020
153	5	5	22	6447	2553
154	5	5	23	6002	2998
155	5	5	24	6003	2997
156	5	5	25	5898	3102
157	5	5	26	9696	0
158	5	5	27	22490	0
159	5	5	28	15796	0
160	5	5	29	7547	1453
161	5	5	30	6016	2984
162	5	5	31	6031	2969
163	5	5	32	6063	2937
164	5	5	33	5967	3033
165	5	5	34	6153	2847
166	5	5	35	6040	2960
167	5	5	36	6037	2963
168	5	5	37	6065	2935
169	5	5	38	6081	2919
170	5	5	39	6112	2888
171	5	5	40	6077	2923

Hills of Town Creek 5  
L Squared Engineering - Job No. 10752  
Prepared by: Jonthan White, PE



**Lots in Section 5 (continued):**

172	5	5	41	6000	3000
173	5	5	42	6135	2865
174	5	5	43	6373	2627
175	5	5	44	5860	3140
176	5	5	45	8438	562
177	5	5	46	13060	0
178	5	5	47	5490	3510
179	5	5	48	6065	2935
180	5	5	49	10934	0
181	5	5	50	9030	0
182	5	5	51	7802	1198
183	5	5	52	6313	2687
184	5	5	53	6849	2151
185	5	5	54	8840	160
186	5	5	55	8252	748
187	5	5	56	6238	2762
188	5	5	57	12439	0
189	5	5	58	7822	1178
190	5	5	59	6958	2042
191	5	5	60	6128	2872
192	5	5	61	6755	2245
193	5	5	62	7949	1051
194	5	5	63	6799	2201
195	5	5	64	5993	3007
196	5	5	65	8439	561
197	5	5	66	12319	0
198	5	5	67	9389	0
199	5	5	68	11216	0
200	5	5	69	15598	0
201	5	5	70	10608	0
202	5	5	71	9640	0
				<b>Total:</b>	<b>128,043</b>

Hills of Town Creek 5 Greenspace  
Summary  
L Squared Engineering - Job No. 10752  
Prepared by: Jonthan White, PE



<b>Grand Total Lots &lt; 9,000 SF</b>	<b>333,273</b>
<b>Green Spaces Areas (SF)</b>	
Section 1 Reserve B	234,485
Section 2 Reserve A	49,085
Section 2 Reserve B	3,149
Section 2 Reserve C	6,059
Section 2 Reserve D	4,898
Section 3 Reserve A	17,811
Section 4 Reserve A	9,271
Section 4 Reserve B	10,433
<b>TOTAL</b>	<b>335,191</b>

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

### Subject

Consideration and possible action by the Montgomery City Council acting as the Zoning Board of Adjustment regarding the following zoning variance requests for Porter Farms single-family residential development:

- a. Lot width less than 75-feet,
- b. Side yard setback less than 10-feet, and
- c. Lot size less than 9,000 square feet.

### Recommendation

Provide feedback to the developer and staff regarding the recent plan revisions. Consider the variance requests and decide on each as you see fit.

### Discussion

City Council saw preliminary plans for the proposed Porter Farms residential development several months ago. A few key points from the presentation given by the developer were:

- Small lot design (50-ft width & 5' building lines)
- Focus on affordability (low \$200K's home price)
- Creating a PID (Public Improvement District) that would collect an annual fee (assessment) on each property to reimburse development costs to the developer. PID's have an end date after the development costs are fully reimbursed. At the time, each property assessment was expected to be around \$600.

City Council generally seemed agreeable to the project and the developer moved forward with his engineering work. As is common in development projects, site conditions and design considerations reduced the total number of lots and construction costs have added upward pressure to the projected home sales price. A few key points in the revisions are:

- Still small lot design
- +/-10% reduction in lot count (currently 90 lots)
- +/--\$260K home price
- Estimated \$1000 assessment for each property
- Would like to discuss the possibility of stacking a TIRZ (Tax Increment Reinvestment Zone) onto the PID as a way to use a (City-funded) ad valorem tax rebatement to lower the annual PID assessment charged to each property. This lowers the annual cost for individual property owners but keeps the developer's reimbursement the same (because it adds a City property tax rebate to the owner's PID payment).



Montgomery City Council  
**AGENDA REPORT**

<b>Approved By</b>		
Asst. City Administrator	Dave McCorquodale	Date: 12/06/2021
City Administrator	Richard Tramm	Date: 12/06/2021



December 9, 2021

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

Re: Variance Request  
Porter Farms (Dev. No. 2101)  
City of Montgomery

Dear Mayor and City Council:

Waterstone Development Group, LLC (the "Developer") plans to proceed with construction of a new residential development along FM 149, north of FM 1097. The Developer is requesting the following variance from the City's Code of Ordinances:

- Section 98-122 (b): The Code of Ordinances requires single-family residential developments to have a minimum 75' lot width, 120' lot depth, and 9,000 SF lot area. The Developer is proposing to provide 50' wide lots with sizes ranging from 6,500 to 15,204 SF, with a minimum lot depth of 130'. The Developer is requesting a variance to allow a 50' lot width and to allow the minimum lot area to be 6,500 SF.
- Section 98-122 (a): The Code of Ordinances requires single-family residential developments to have a minimum 10' side lot setback. The Developer is requesting a variance to allow a 5' side lot setback.

Enclosed you will find the request for variance as submitted by the engineer for the development. We offer no objection to the Developer's request on the grounds that the proposed variances are in line with what was previously discussed at the initial presentations for the development. It is important to note that the proposed home price has increased from the feasibility study presented in October 2021 from \$225,000 to \$260,000.

Approval of the requested variances does not constitute plan approval and only allows the Developer to further refine the proposed plat and site plans, which will require the full review and approval of the City.

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

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive, written in a professional style.

Chris Roznovsky, PE  
Engineer for the City

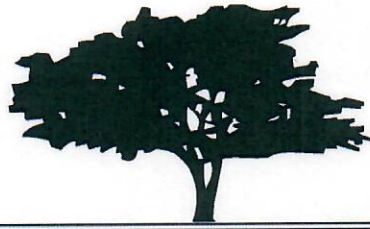
Variance Request – Porter Farms  
The Honorable Mayor and City Council  
City of Montgomery  
Page 2 of 2  
December 9, 2021

CVR/kmv

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2021.12.08 MEMO to Council RE Porter Farms Variance Request.docx

Enclosures: Variance Request

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



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## Waterstone Development Group, LLC

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2 December 2021

Mr. Dave McCorquodale  
Assistant City Administrator  
City of Montgomery, Texas

Dear Mr. McCorquodale:

Please find attached our application for variance seeking waiver of:

Minimum Lot Width seeking 50 ft vs required 75 ft  
Side setback pf 5 foot vs city minimum of 10 ft  
Reduction in sq footage to an average of 7,522 below the city minimum of 9,000  
Credit for open compensating space bringing lot average up to 11,498 sf

We request this be placed on the P&Z and City Council Agendas to call public hearings for January of 2022 and authorize release of the required fees from our project escrow with the City.

I await the favor of your reply,



Charles Von Schmidt  
President and Managing Member  
Waterstone Development Group





# Variance Request Application

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

**Upon completion return application to dmccorquodale@ci.montgomery.tx.us**

### Contact Information

Property Owner(s): Joel Porter

Address: 15430 FM 149 RD Montgomery Texas Zip Code: 77356

Email Address: corporate@wdtexas.com Phone: 713 429 0552

Applicants: Waterstone Development Group, LLC

Address: 185 Cedar Point Drive Livingston Texas 77351

Email Address: corporate@wdtexas.com Phone: 713 429 0552

### Parcel Information

Property Identification Number (MCAD R#): R35261

Legal Description: A0036 Shannon Owen, Tract 43

Street Address or Location: 15430 FM 149 RD Montgomery Texas

Acreage: 26.07 Present Zoning: \_\_\_\_\_ Present Land Use: Residential

### Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: \_\_\_\_\_ Section(s): 98-122 (b) (2)

Ordinance wording as stated in Section (● ): \_\_\_\_\_

98-122 (b) (2) Lot Width. The width of the lot shall not be less than 75 feet

98-122 (b) (1) Lot Area. No building shall be constructed on or moved onto any lot less than 9,000 sf

98-122(a)(2) There shall be a side yard on each side of the lot having a width of not less than 10 ft

78-95 Minimum Area Minimum area is 9,000 sf

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Lot width proposed to be 50 ft; side setbacks of 5 foot on each side; average area of 7,522 sf per lot.

Average Lot size with compensating space is 11,498 sf.

Area of Lots 15.542 Ac Area Drainage and Detention 8.215 90 lots = 11,498 sf average lot size

**Signatures**

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

Signature: \_\_\_\_\_ Date: 2 December 2021

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

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

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

**\*Additional Information\***

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application form must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

<p><b>Date Received</b> <i>Office Use</i></p>	
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## **\*Public Hearings\***

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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 variance 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: **1st 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.**

## **\*Finding of Undue Hardship\***

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In order to grant a variance, the Board must make the following findings to determine that an undue hardship exists:

1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
3. That the relief sought will not injure the permitted use of adjacent conforming property; and
4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
5. Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district it is located in.

## **\*Factors not Considered\***

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A variance shall not:

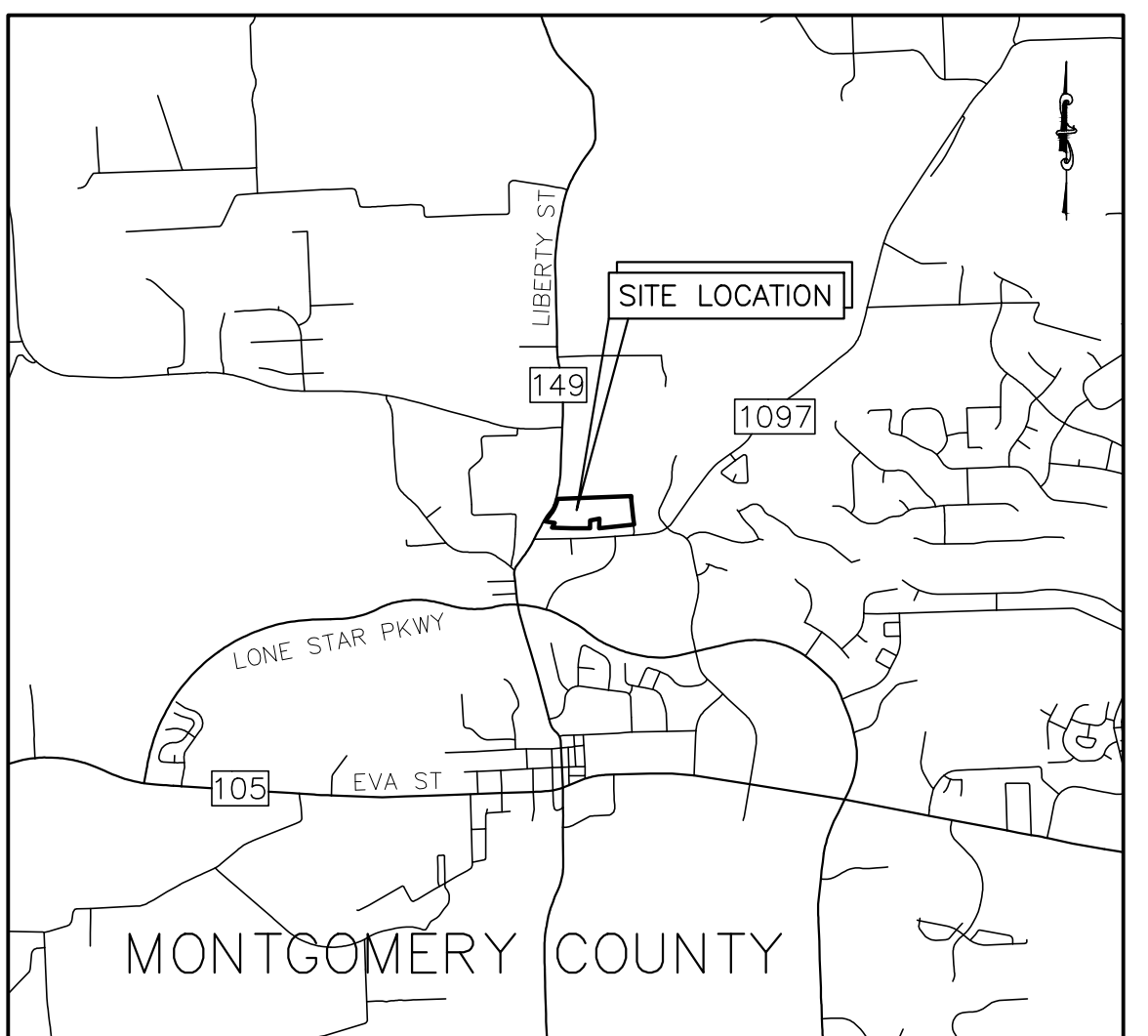
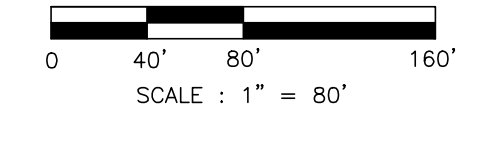
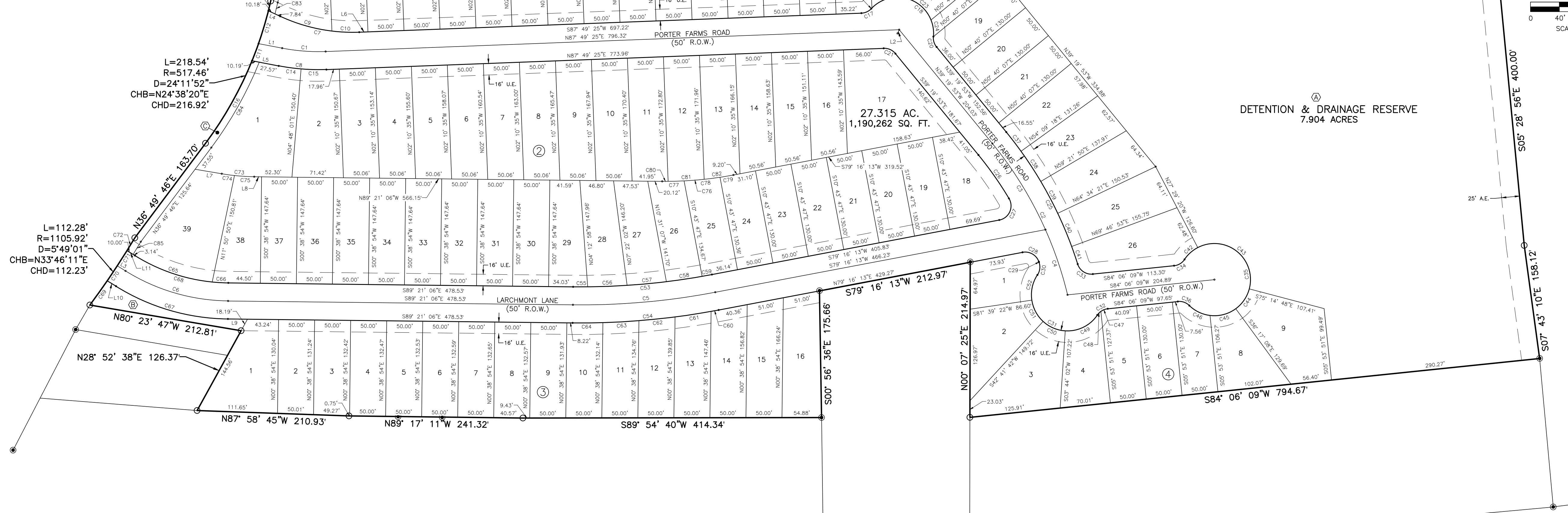
1. Be granted to relieve a self-created or personal hardship,
2. Be based solely upon economic gain or loss,
3. Permit or allow any person a privilege or advantage in developing a parcel of land not permitted or allowed by these Regulations to other parcels of land in the same particular zoning district,
4. Result in undue hardship upon another parcel of land.

LEGEND

- B.C.F. = BRAZORIA COUNTY CLERK'S FILE
- B.C.D.R. = BRAZORIA COUNTY DEED RECORDS
- B.C.P.R. = BRAZORIA COUNTY PLAT RECORDS
- B.L. = BUILDING LINE
- B.M. = BENCHMARK
- D.&D.E. = DRAINAGE AND DETENTION EASEMENT
- FND = FOUND
- I.R. = IRON ROD
- P.O.B. = POINT OF BEGINNING
- R.O.W. = RIGHT-OF-WAY
- A.E. = ACCESS EASEMENT
- U.E. = UTILITY EASEMENT
- VOL. Pg. = VOLUME, PAGE

SYMBOLS

- = SET 5/8" I.R. W/CAP "BAKER & LAWSON"
- = FOUND MONUMENT (AS NOTED)
- ⊕ = (TBM) TEMPORARY BENCHMARK



VICINITY MAP

NOTES:

- ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, (NAD83) SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS.
- FLOOD ZONE STATEMENT: ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NO. 48339C0200G, REVISED AUGUST 18, 2014, THE SITE LIES FULLY IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- REFERENCE BENCHMARK: NGS MONUMENT R1182 (PID: AW1171); A BRASS DISK STAMPED R1182 SET ON CONCRETE CURB OF BRIDGE ON THE NORTH SIDE OF COUNTY ROAD 171, APPROXIMATELY 275 FEET WESTWEST OF INTERSECTION WITH CR 428. ELEVATION = 26.31 FEET NGVD29
- THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES OR SUBSURFACE CONDITIONS OTHER THAN THOSE SHOWN MAY AFFECT THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY SHOWN HEREON.
- ALL REAR BUILDING LINES SHALL BE 10 FEET FROM PROPERTY LINE. SIDE BUILDING LINES SHALL BE 5 FEET FOR INTERIOR SIDE LOTS, 15 FEET FOR CORNER LOTS ADJACENT TO THE RIGHT-OF-WAY. THE FRONT OF THE BUILDING LINE SHALL BE 25 FEET.

CURVE TABLE					
Curve No.	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	60.65'	264.00'	13°09'47"	S85°35'41"E	60.52'
C2	236.16'	525.00'	25°46'25"	N26°26'40"W	234.18'
C3	140.59'	525.00'	15°20'38"	S31°39'34"E	140.17'
C4	95.57'	525.00'	10°25'47"	S18°46'21"E	95.44'
C5	198.58'	1000.00'	11°22'40"	N84°57'34"E	198.25'
C6	150.19'	275.00'	31°17'34"	S73°42'20"E	148.33'
C7	113.08'	239.00'	27°06'31"	S78°37'19"E	112.03'
C8	66.39'	289.00'	13°09'47"	S85°35'41"E	66.25'
C9	74.92'	239.00'	17°57'36"	S74°02'52"E	74.61'
C10	38.16'	239.00'	9°08'55"	S87°36'07"E	38.12'
C11	25.37'	517.46'	2°48'33"	N20°44'51"E	25.37'
C12	47.49'	517.46'	5°15'28"	N16°42'51"E	47.47'
C13	13.96'	517.46'	1°32'43"	N1°31'45"E	13.96'
C14	31.21'	289.00'	6°11'12"	S82°06'23"E	31.19'
C15	35.19'	289.00'	6°58'35"	S88°41'17"E	35.17'
C16	131.73'	517.46'	14°35'08"	N29°26'42"E	131.32'
C17	15.50'	20.00'	44°24'55"	N65°36'58"E	15.12'
C18	123.64'	50.00'	141°40'32"	N65°45'14"W	94.46'
C19	1.08'	50.00'	1°14'15"	N44°01'38"E	1.08'
C20	15.50'	20.00'	44°24'55"	N65°36'58"E	15.12'
C21	18.45'	20.00'	52°50'42"	N65°45'14"W	17.80'
C22	55.77'	50.00'	63°54'42"	N76°36'07"E	52.93'
C23	43.25'	50.00'	49°33'36"	S46°39'45"E	41.91'
C24	23.53'	50.00'	26°57'59"	S08°23'57"E	23.32'
C25	209.23'	550.00'	21°47'46"	N28°26'00"W	207.97'
C26	73.70'	500.00'	8°26'43"	N35°06'31"W	73.63'
C27	38.45'	20.00'	110°09'23"	N24°11'32"E	32.80'
C28	28.26'	20.00'	80°57'44"	N60°14'54"W	25.97'
C29	0.76'	500.00'	0°05'13"	N19°43'26"W	0.76'
C30	18.54'	20.00'	53°07'29"	N06°52'55"E	17.89'
C31	156.50'	50.00'	179°20'11"	S56°13'26"E	100.00'
C32	17.45'	20.00'	49°59'41"	S59°06'19"W	16.90'
C33	27.35'	20.00'	78°21'44"	S56°42'58"E	25.27'
C34	17.45'	20.00'	49°59'41"	N59°06'19"E	16.90'
C35	244.34'	50.00'	279°59'23"	N05°53'51"W	64.29'
C36	17.45'	20.00'	49°59'41"	N70°54'00"W	16.90'
C37	33.47'	550.00'	3°29'11"	S37°35'17"E	33.46'
C38	50.00'	550.00'	5°12'31"	S33°14'26"E	49.98'
C39	50.00'	550.00'	5°12'31"	S28°01'55"E	49.98'

CURVE TABLE					
Curve No.	Length	Radius	Delta	Chord Bearing	Chord Distance
C40	50.00'	550.00'	5°12'31"	S22°49'23"E	49.98'
C41	25.76'	550.00'	2°41'01"	S18°52'37"E	25.76'
C42	24.79'	50.00'	28°24'12"	N48°18'34"E	24.53'
C43	115.40'	50.00'	132°14'32"	S51°22'04"E	91.44'
C44	34.00'	50.00'	38°57'40"	S34°14'02"W	33.35'
C45	37.79'	50.00'	43°18'32"	S75°22'09"W	36.90'
C46	32.35'	50.00'	37°04'26"	N64°26'22"W	31.79'
C47	10.37'	20.00'	29°41'48"	S69°15'16"W	10.25'
C48	7.09'	20.00'	20°17'54"	S44°15'25"W	7.05'
C49	52.03'	50.00'	59°37'33"	S63°55'15"W	49.72'
C50	24.00'	50.00'	38°57'40"	N66°47'08"W	33.35'
C51	34.00'	50.00'	38°57'40"	N27°49'28"W	33.35'
C52	36.47'	50.00'	41°47'18"	N12°33'01"E	35.66'
C53	193.62'	975.00'	11°22'40"	N84°57'34"E	193.30'
C54	203.54'	1025.00'	11°22'40"	N84°57'34"E	203.21'
C55	20.11'	975.00'	1°10'54"	S89°56'33"E	20.11'
C56	54.71'	975.00'	3°12'55"	N87°51'32"E	54.70'
C57	54.90'	975.00'	3°13'34"	N84°38'18"E	54.89'
C58	50.04'	975.00'	2°56'26"	N81°33'18"E	50.03'
C59	13.86'	975.00'	0°48'52"	N79°40'40"E	13.86'
C60	10.63'	1025.00'	0°35'39"	S79°34'03"W	10.63'
C61	50.68'	1025.00'	2°49'59"	S81°16'51"W	50.68'
C62	50.33'	1025.00'	2°48'49"	S84°06'15"W	50.33'
C63	50.11'	1025.00'	2°48'04"	S86°54'42"W	50.11'
C64	41.79'	1025.00'	2°20'10"	S89°28'49"W	41.79'
C65	114.10'	250.00'	26°09'02"	N71°08'04"W	113.12'
C66	22.44'	250.00'	5°08'32"	N86°46'51"W	22.43'
C67	163.85'	300.00'	31°17'34"	S73°42'20"E	161.82'
C68	136.54'	250.00'	31°17'34"	S73°42'20"E	134.85'
C69	41.42'	1105.92'	2°08'46"	N35°36'19"E	41.42'
C70	25.01'	1105.92'	1°17'46"	N33°53'03"E	25.01'
C71	25.00'	1105.92'	1°17'43"	N32°35'19"E	25.00'
C72	20.84'	1105.92'	1°04'46"	N31°24'04"E	20.84'
C73	45.33'	290.00'	8°57'20"	S84°52'26"E	45.28'
C74	17.77'	290.00'	3°30'41"	S82°09'07"E	17.77'
C75	27.56'	290.00'	5°26'39"	S86°37'47"E	27.54'
C76	99.29'	500.00'	11°22'40"	N84°57'34"E	99.13'
C77	30.17'	500.00'	3°27'28"	N88°55'10"E	30.17'
C78	50.22'	500.00'	5°45'15"	N84°18'48"E	50.19'

CURVE TABLE					
Curve No.	Length	Radius	Delta	Chord Bearing	Chord Distance
C79	18.90'	500.00'	2°09'57"	N60°21'12"E	18.90'
C80	8.11'	500.00'	0°55'45"	S89°48'59"E	8.11'
C81	50.03'	500.00'	5°43'58"	N86°51'10"E	50.01'
C82	41.15'	500.00'	4°42'57"	N81°37'42"E	41.14'
C83	16.14'	527.46'	1°45'12"	N1°32'50"E	16.14'
C84	136.25'	527.46'	14°48'03"	N29°20'18"E	135.88'
C85	20.50'	1115.92'	1°03'10"	N31°24'52"E	20.50'

LINE TABLE		
Line No.	Length	Direction
L1	33.46'	S79°00'47"E
L2	5.58'	S241°44'46"W
L3	13.42'	N58°03'33"W
L4	18.02'	N65°04'04"W
L5	37.76'	S79°00'47"E
L6	12.00'	N87°49'25"E
L7	37.59'	N80°23'47"W
L8	10.10'	S89°21'06"E
L9	27.07'	S89°21'06"E
L10	14.27'	N58°03'33"W
L11	13.14'	N58°03'33"W

BLOCK 1		
PARCEL TABLE	LOT NO.	AREA S.F.
C79	1	7,946
C80	2	9,322
C81	3	6,750
C82	4	6,750
C83	5	6,750
C84	6	6,750
C85	7	6,750
	8	6,750
	9	6,750
	10	6,750
	11	6,750
	12	6,750
	13	6,750
	14	6,750
	15	6,750
	16	6,720
	17	8,780
	18	8,916
	19	6,475
	20	6,500
	21	6,500
	22	7,034
	23	7,523
	24	8,124
	25	8,691
	26	9,676

BLOCK 2		
PARCEL TABLE	LOT NO.	AREA S.F.
	1	14,454
	2	9,322
	3	7,595
	4	7,718
	5	7,842
	6	7,965
	7	8,088
	8	8,212
	9	8,335
	10	8,459
	11	8,582
	12	8,640
	13	8,472
	14	8,119
	15	7,743
	16	7,367
	17	15,204
	18	9,042
	19	6,500
	20	6,500
	21	6,500
	22	6,500
	23	6,500
	24	6,502
	25	6,607
	26	6,871
	27	7,328
	28	7,446
	29	7,067
	30	7,382
	31	7,382
	32	7,382
	33	7,382
	34	7,382
	35	7,382
	36	7,382
	37	7,382
	38	7,754
	39	12,928

BLOCK 3		
PARCEL TABLE	LOT NO.	AREA S.F.
	1	10,011
	2	7,727
	3	6,591
	4	6,622
	5	6,625
	6	6,628
	7	6,631
	8	6,630
	9	6,612
	10	6,592
	11	6,662
	12	6,855
	13	7,172
	14	7,606
	15	8,076
	16	8,976

BLOCK 4		
PARCEL TABLE	LOT NO.	AREA S.F.
	1	6,011
	2	7,727
	3	10,464
	4	6,737
	5	6,492
	6	6,500
	7	5,993
	8	7,560
	9	10,848

RESERVE TABLE				
SYMBOL	DESCRIPTION	RESERVE USE	AREA	
(A)	RESTRICTED RESERVE	RESTRICTED TO DETENTION & DRAINAGE USE	7.904 AC.	
(B)	RESTRICTED RESERVE	RESTRICTED TO LANDSCAPE USE	0.081 AC.	
(C)	RESTRICTED RESERVE	RESTRICTED TO LANDSCAPE USE	0.730 AC.	
(D)	RESTRICTED RESERVE	RESTRICTED TO LANDSCAPE USE	0.024 AC.	

REVISED:

**PRELIMINARY PLAT**  
**PORTER FARMS SUBDIVISION**  
**A 27.315 ACRE, 90-LOT, 4 BLOCK,**  
**4 RESERVE SUBDIVISION**  
 BEING ALL OF A 27.33ACRE TRACT  
 LOCATED IN THE OWEN SHANNON SURVEY,  
 ABSTRACT No. 36  
 MONTGOMERY COUNTY, TEXAS



4005 Technology Drive, Suite 1530  
 Angleton, TX 77515  
 OFFICE: (979) 849-6681  
 TBPLS No. 10052500  
 REG. NO. F-825

OWNER:  
 CHARLES VON SCHMIDT  
 WATERSTONE DEVELOPMENT GROUP, LLC

PROJECT NO.: 15049	SCALE: 1" = 80'	DRAWN BY: BT
DRAWING NO.: 15049 PLAT.DWG	DATE: 12/06/2021	CHECKED BY: LJD



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding authorization of City Council to participate in the cost of upsizing approximately 870 linear feet of a planned 8-inch waterline to a 12-inch waterline in Town Creek Crossing Section One in accordance with Section 90-106 (7) of the City Code of Ordinances.

**Recommendation**

Approve refunding the developer in the amount of \$14,160 for the difference in cost between 870 linear feet of originally proposed 8" waterline and the newly-constructed 12" waterline along Town Creek Crossing Boulevard.

**Discussion**

The developer and city engineer have provided memos on this item and will be available at the meeting to answer questions. As new infrastructure is installed to serve developments around the City, certain water and sewer lines are recommended to be upsized by the city engineers with the cost of the upsizing being paid by the City. This allows the City to maximize the properties served by the fewest number of utility lines. In addition to increasing overall capacity, upsizing water lines in particular improves water pressure in existing parts of the City as system inefficiencies and bottlenecks are removed.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/07/2021
City Administrator	Richard Tramm	Date: 12/07/2021



December 9, 2021

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

Re: Request for Refunding – Waterline Oversizing  
Town Creek Crossing Section 1 (Dev. No. 2008)  
City of Montgomery

Dear Mayor and City Council:

During the initial planning and review phase of the development of Town Creek Crossing Section 1, it was determined that approximately 870 linear feet of proposed 8" waterline along Town Creek Crossing Boulevard should be upsized to a 12" waterline to allow it to be extended through the future Town Creek Crossing Section 2 and extend to and along Lone Star Parkway, as shown on the enclosed exhibit, to create an additional waterline loop within the City.

Section 90-106 (7) of the City's Code of Ordinances states that "Upon approval and acceptance of the system by the city, on any mains larger than eight inches the city may elect to participate in the cost by refunding the developer the difference between the cost of the oversized mains and the eight-inch main."

We received the enclosed summary from the Developer's engineer that identifies the difference in cost between the originally proposed 8" waterline and the newly constructed 12" waterline, based on the actual construction costs received for the development. Based on actual construction costs, the City would be responsible for refunding the Developer the difference in cost in the amount of \$14,160.00.

We recommend Council approve refunding the Developer the difference in cost between the originally proposed 8" waterline and the newly constructed approximately 870 linear feet of 12" waterline along Town Creek Crossing Boulevard, in the amount of \$14,160.00.

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

Sincerely,

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

Chris Roznovsky, PE  
Engineer for the City

Request for Refunding – Waterline Oversizing  
The Honorable Mayor and City Council  
City of Montgomery  
Page 2 of 2  
December 9, 2021

CVR/kmv

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2021.12.09 MEMO to Council RE Town  
Creek Crossing Sec. 1 Waterline Upsizing.docx

Enclosures: Tabulation of Cost Difference  
Waterline Exhibit

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



# L SQUARED ENGINEERING

MUNICIPAL COMMERCIAL RESIDENTIAL

**Town Creek Crossing 1**

**Project No.: 10583**

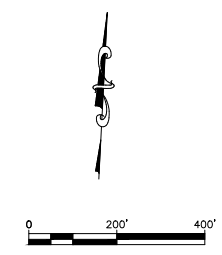
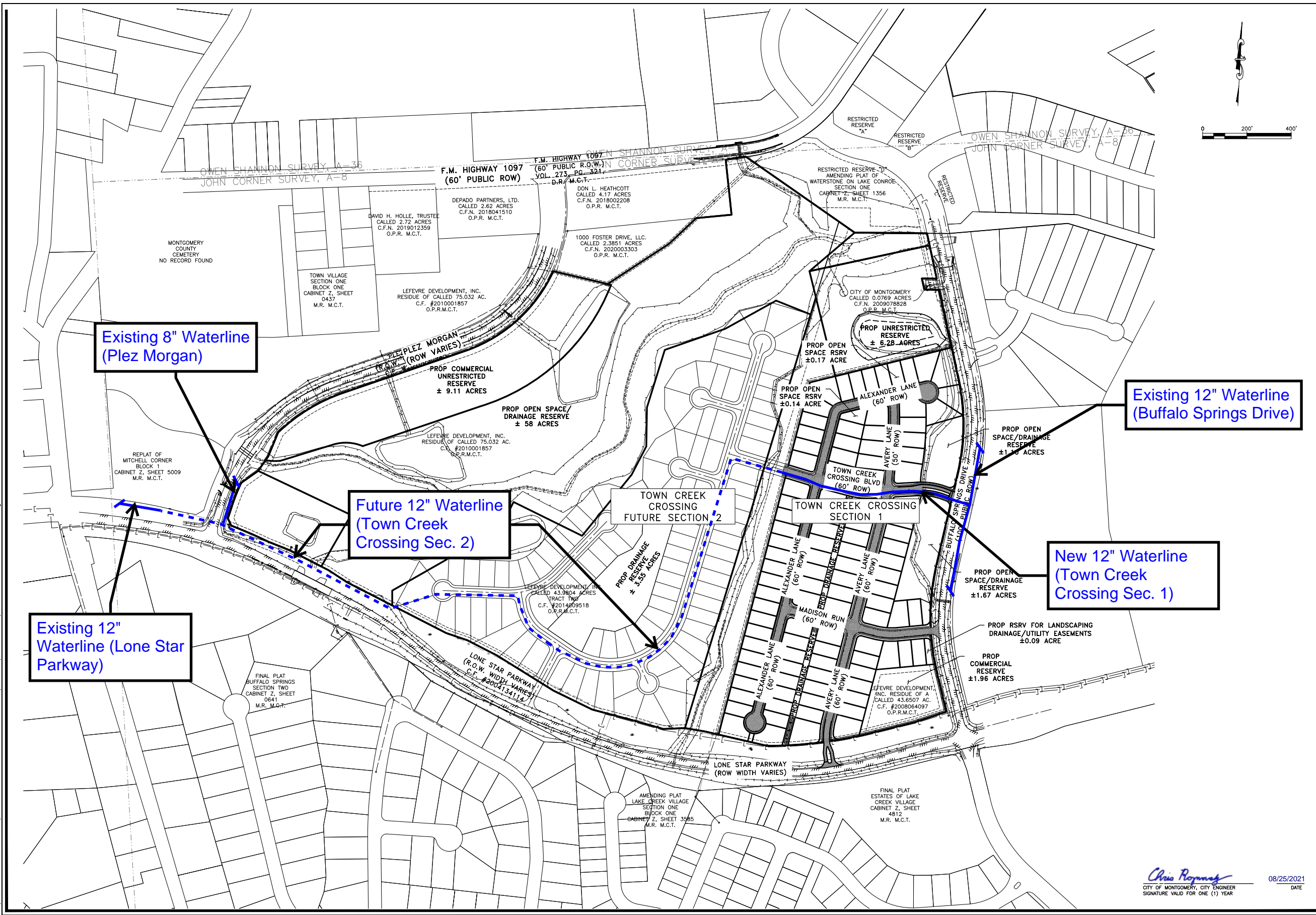
**Date: 11-19-2021**

**Prepared by: Jesse McLaury, EIT**

**Subject: Change in project cost per material changes**

Line Item	Orig. Qty.	Price Difference	Total Change
12" C-900	870	\$ 13.00	\$ 11,310.00
12" Gate Valves	5	\$ 550.00	\$ 2,750.00
12" Plugs	1	\$ 100.00	\$ 100.00
Cut in 12" Tee	1	\$ 250.00	\$ 250.00
			<b>\$ 14,160.00</b>

S:\ENGINEERING PROJECTS\10583 - TOWN CREEK CROSSING\103 CAD\DESIGN SET\04 OVERALL SITE PLAN.DWG Aug. 18, 2021 - 2:56 PM



**L SQUARED ENGINEERING**  
 MUNICIPAL COMMERCIAL RESIDENTIAL  
 WWW.L2ENGINEERING.COM  
 3307 W. DAVIS STREET #100  
 CONROE, TEXAS 77384  
 OFFICE: 936-647-0420  
 21123 EVA STREET #200  
 MONTGOMERY, TEXAS 77356

CLIENT INFORMATION  
 LEFCO INVESTMENTS

PROJECT ADDRESS  
 LONE STAR PARKWAY AT BUFFALO SPRINGS DRIVE

**TOWN CREEK CROSSING SECTION 1**

**OVERALL SITE PLAN**

DRAWING ISSUE			
#	DATE	BY	* COMMENT
1	01/28/21	JTW	FOR PERMIT

DRAWING INFORMATION			
PROJECT	10583	TDLR	**
DRAWN	MAB	CHECKED	JTW
SCALE	SHEET		
1" = 200' (24X36)			<b>06</b>
1" = 400' (11X17)			

Chris Rogman  
 CITY OF MONTGOMERY, CITY ENGINEER  
 SIGNATURE VALID FOR ONE (1) YEAR

08/25/2021  
 DATE

01/28/2021

\*PLANS NOT RELEASED FOR CONSTRUCTION UNLESS INDICATED ABOVE

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding final acceptance and completion of the one-year warranty period for public infrastructure included in Hills of Town Creek Section Three (Dev. No. 1019).

**Recommendation**

Consider the information provided and act as you see fit.

**Discussion**

The developer and city engineer have provided memos on this item and will be available at the meeting to answer questions.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/07/2021
City Administrator	Richard Tramm	Date: 12/07/2021



December 9, 2021

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

Re: Warranty Release  
The Hills of Town Creek Sec. 3 (Dev. No. 1019)  
City of Montgomery

Dear Mayor and City Council:

As you are aware, the Hills of Town Creek Section 3 development is currently past its warranty period, which was scheduled to end on January 22, 2020. However, due to the ongoing issues regarding ponding in Scenic Hills Court and Brock's Lane, the warranty period was not terminated.

Since the one-year warranty inspection held on January 7, 2020, the original construction contractor for the development went out of business and the developer requested that the street repairs be completed by the contractor for the then-upcoming Hills of Town Creek Section 4 development. The City agreed with the proposed solution, and repairs were completed. Upon reinspection, the repairs were determined to not have completely addressed the issue, as ponding was still occurring on Scenic Hills Court and Brock's Lane.

The Developer then paid for further repairs to address the ongoing ponding issues. After continued discussions with the Developer, the engineer for the development, and City Staff, further minor repairs were made to the paving area to improve the quality of repairs completed. City of Montgomery Public Works flooded the streets again on December 1, 2021. Enclosed are photos taken of the flooded areas 2 hours, 24 hours, and 48 hours after flooding. It is important to note that while the City aimed to experience ideal conditions for the 48-hour observation period, external factors such as residential irrigation, traffic, and elevated humidity levels may impact the runoff and evaporation rates.

The Developer is requesting the City fully accept the infrastructure and release the warranty period, as the repairs have been performed multiple times and have significantly improved the ponding in the streets. With City Staff, we have reached the conclusion that the decision of how to move forward is best left to the City Council.



Warranty Release – Hills of Town Creek Section 3  
The Honorable Mayor and City Council  
City of Montgomery  
Page 2 of 4  
December 9, 2021

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

Sincerely,



Chris Roznovsky, PE  
Engineer for the City

CVR/kmv

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2021.12.09 MEMO to Council RE Hills of Town Creek Sec. 3 Warranty Release.docx

Enclosures: Flooded Street Interval Photos

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney

Warranty Release – Hills of Town Creek Section 3  
The Honorable Mayor and City Council  
City of Montgomery  
Page 3 of 4  
December 9, 2021

Scenic Hills  
Court



2 hours post-flooding



24 hours post-flooding



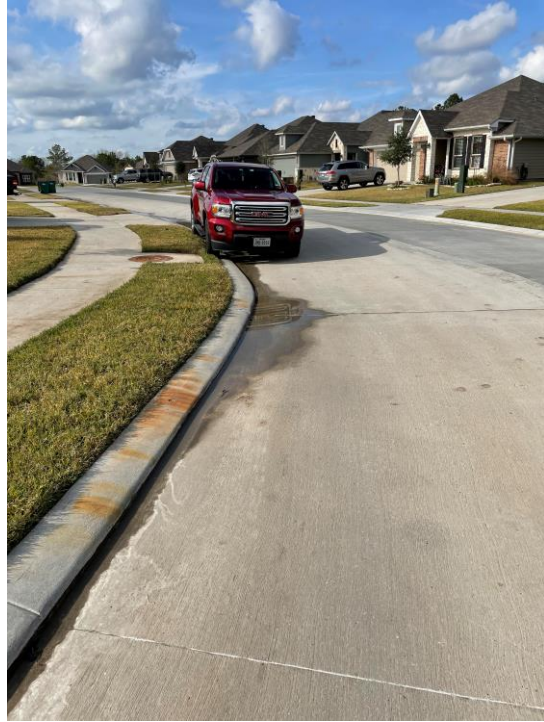
48 hours post-flooding

Warranty Release – Hills of Town Creek Section 3  
The Honorable Mayor and City Council  
City of Montgomery  
Page 4 of 4  
December 9, 2021

Brock's Lane



2 hours post-flooding



24 hours post-flooding



48 hours post-flooding



3307 W. Davis St  
 Conroe, Texas 77304  
 P: 936-647-0420 F: 936-647-2366  
 www.L2Engineering.com

December 01, 2021

City of Montgomery  
 Dave McCorquodale  
 101 Old Plantersville  
 Montgomery, Tx 77356

RE: Request for Final Acceptance for Hills of Town Creek Section 3

To Whom It May Concern:

The purpose of this letter is to formally request the City of Montgomery provide Final Acceptance of the Hills of Town Creek Section 3 (HOTC3). Construction for HOTC3 was completed at the end of 2018. A summary of events from that date are summarized below:

- 12/7/18: Final inspection for initial City acceptance
- 01/22/19: Initial City Acceptance approved at City Council
- 01/10/20: One year warranty punch list issued by J|C
- 02/10/20: J|C conducted a second final inspection of HOTC3 which involved “flooding” the streets, which revealed a bird bath on only Brocks Lane
- 02/14/20 – 03/02/20: Continued conversation for a solution of sidewalk issue and bird baths
- 05/22/20: Contractor submitted plan to grid a 4” wide relief swale to City to review
- 06/25/20: J|C denied Contractor’s plan for the relief swale due to concerns of debris being collected in the relief swale
- At this stage, HOTC4 construction plans were complete and going through plan review and it was agreed HOTC3 be repaired with the construction of HOTC4
- 06/22/20 – 10/20/20: HOTC 3 Contractor informed Developer that they were dissolving and are not able to complete any further repairs.
- 06/22/20 – 10/20/20: HOTC4 plan reviews
- 11/23/20: After being provided a topographic survey of Brock’s Lane, L2 proposed a formal plan for grinding the pavement on Brock’s Lane. This was submitted based on another Contractor’s suggestion who has been able to grind pavement on another subdivision within the City of Montgomery.
- 11/25/20: Pavement grinding solution request was denied and the City stated they are requiring it to be removed, stabilized and repoured. The cost of the repair was approximately \$80,000.
- 11/09/20 – 03/24/21: Construction for HOTC4
- 2/12/21: Concrete poured at Brock’s Lane to complete repair. The City was notified of the completion and was inspected the next month.
- 05/12/21: Formal letter from the Developer was sent to the City requesting acceptance from the City since all outstanding punch list items had been addressed.





- 05/21/21: The City informed Developer and L2 that additional bird baths had formed (west side of Brocks Lane and cul de sac of Scenic Hills Court).
- 06/09/21: Meeting with Developer, L2 and the City to discuss a path forward. All parties came to an agreement and the enclosed memo was generated to summarize the meeting.
  - Please note that the City agreed that HOTC3 is acceptable other than a small 1,000 SF panel at Scenic Hills Court and the bend of Brocks lane and once those two were repaired, the City would accept the infrastructure in a timely manner. It was agreed that no other items could be added to the punch list.
- 07/30/21: Construction of repairs complete
- 08/23/21: After street flooding, L2 observed Scenic Hills completed dry and minor ponding on Brock's lane, but stated this is likely due to heavy irrigation on the corner lot. The sprinklers were ultimately cut off.
- 08/24/21: L2 observed Brock's Lane 95% dry. There was one small area that was still ponding. The City requested additional grinding.
- 10/05/21: The City was notified that all repairs were complete, and we requested it to be placed on the next agenda for final acceptance.
- 11/01/21: City sent an email stating the streets were not acceptable as there was still visible ponding. L2/Developer requested a meeting to discuss.
- 11/05/21: L2 provided photos to the City 30 hours after a rain event showing only ponding on Scenic Hills where a drag mark is still left. The drag mark appeared to be a result of damages after the Contractor completed their work.
- 11/18/21: At the meeting, the City suggested this item gets put on the next Council agenda for open discussion. Additionally, Developer agreed to have the Contractor to patch the still visible drag mark on Scenic Hills, which should resolve the recent ponding from 11/05.

To date, the Developer has spent over \$100,000 in street repairs since the one-year warranty punch list was issued on 01/20/20. The Developer was not able to require his original Contractor to be responsible for these repairs as they informed us that they were dissolving as a company mid 2020. This resulted in the Developer being 100% responsible for these repairs. There have been delays on both sides to try to get this resolved, which is why the City and Developer met in August to paint a clear picture for what is required for the infrastructure to be accepted. In that meeting, the City agreed that there were only two items needing addressed for the City to accept the infrastructure and no other warranty items could be added to that list. It appears that the Developer has completed their commitment and addressed the remaining two areas of concern.

Thank you,

Jonathan White, PE  
L Squared Engineering

Attachments: Memo, Photos



# City Memo





**To:** City of Montgomery  
**From:** Jonathan White, PE  
**cc:** Stephen Grove, Stylecraft Builders, Inc  
**Date:** June 10, 2021  
**Re:** Hills of Town Creek Section 3 Warranty Punch List Completion

As discussed in our meeting yesterday, below is an action plan to finalize the warranty punch list for Hills of Town Creek Section 3 and have the City of Montgomery accept the public infrastructure and release the maintenance bond.

- All warranty punch list items previously issued and/or discussed have been approved and accepted to date, other than water ponding at lot 44 on Scenic Hills Court and lot 28 on Brock's Lane.
- No other warranty items may be added to the punch list unless further issues with these two areas are discovered.
- Approximately 1,000 SF of concrete will be removed and replaced on Scenic Hills to allow the ponding water to drain to the nearby curb inlet.
- Approximately 70 linear feet of concrete will be grinded out on Brock's Lane to remove the high spot in the road creating the ponding water. The grinding should not be more than 1" in depth.
- Once the repairs have been completed, inspected and passed, the City will then "re-flood" the streets 30 days later to ensure water does not pond in these areas.
- Water ponding is when water does not drain in 48 hours.
- Once it is confirmed no water is ponding in these areas after 30 days, the City will place the final acceptance of the Hills of Town Creek Section 3 on the next Council agenda.





# Photos

## 08/20/21





WGS84  $\pm 16\text{ft}$  30.39345, -95.72319  $\wedge$  ft  $\pm 11\text{ft}$  321  $\circ, T$   $\pm 13$  S184



20Aug21 09:29  
283 Brock's Ln, Montgomery TX 77356, US © 20-Aug-21 09:29:58







WGS84  
±15ft

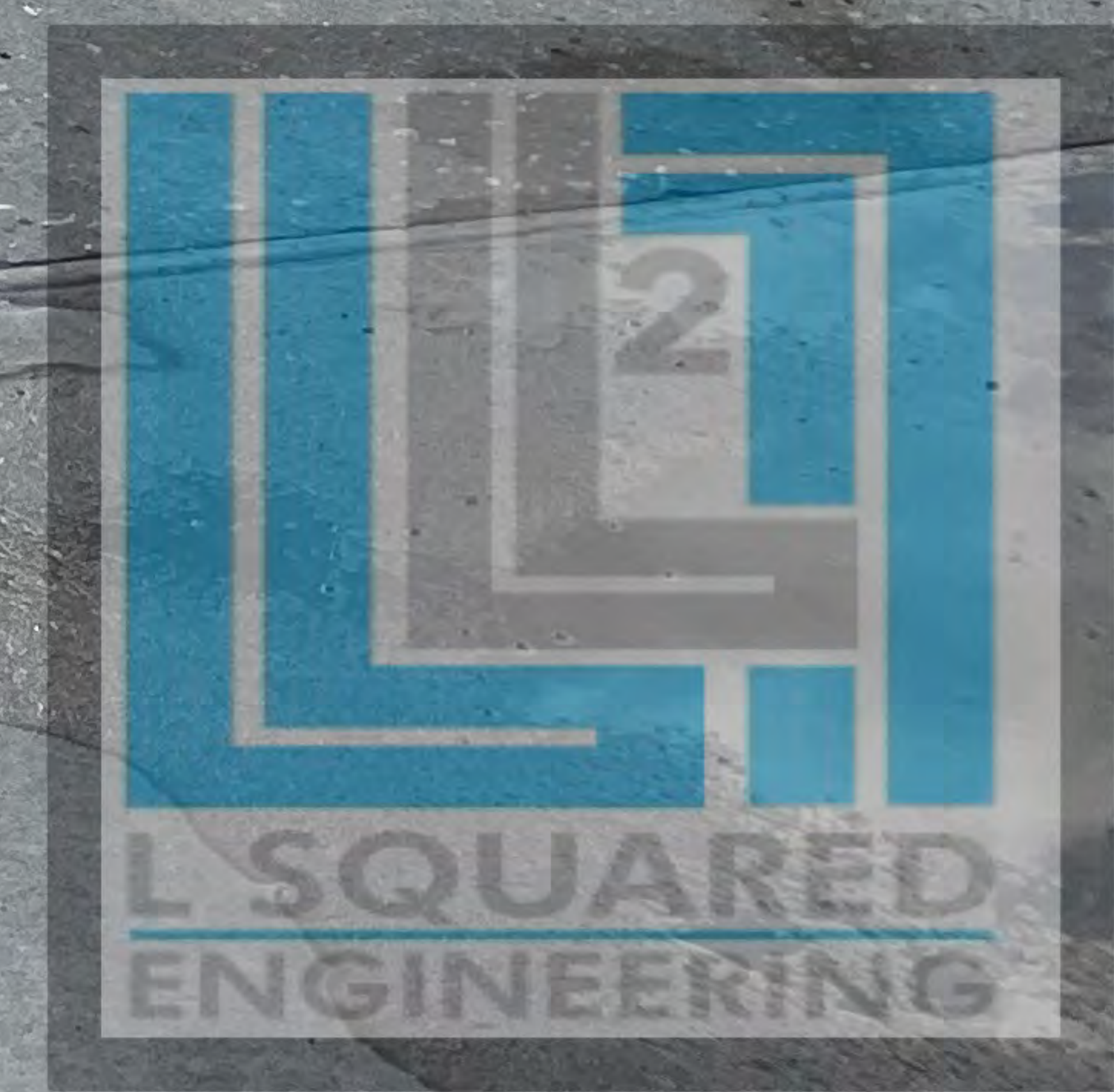
30.39283, -95.72489

ft  
±12ft

314

°T  
±13

E96



20Aug21 09:45  
151 Scenic Hills Ct, Montgomery TX 77356, US © 20-Aug-21 09:45:57



Photos  
08/23/21  
72 Hours After Flooding





WGS84  
±15ft

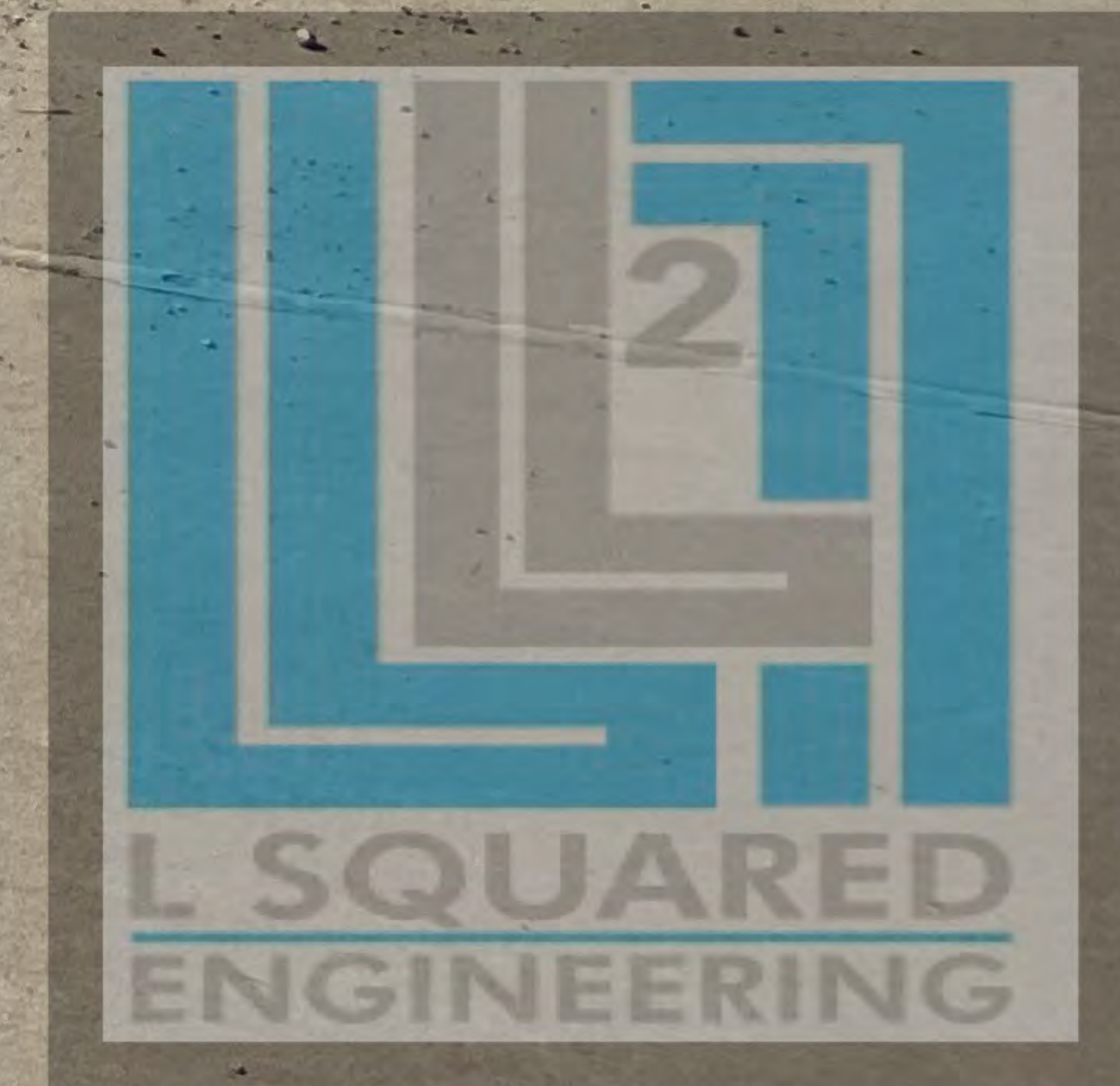
30.39292, -95.72483

ft  
±11ft

336

°T  
±10

SW238



23Aug21 09:53  
142 Scenic Hills Ct, Montgomery TX 77356, US © 23-Aug-21 09:53:16



WGS84  
±15ft

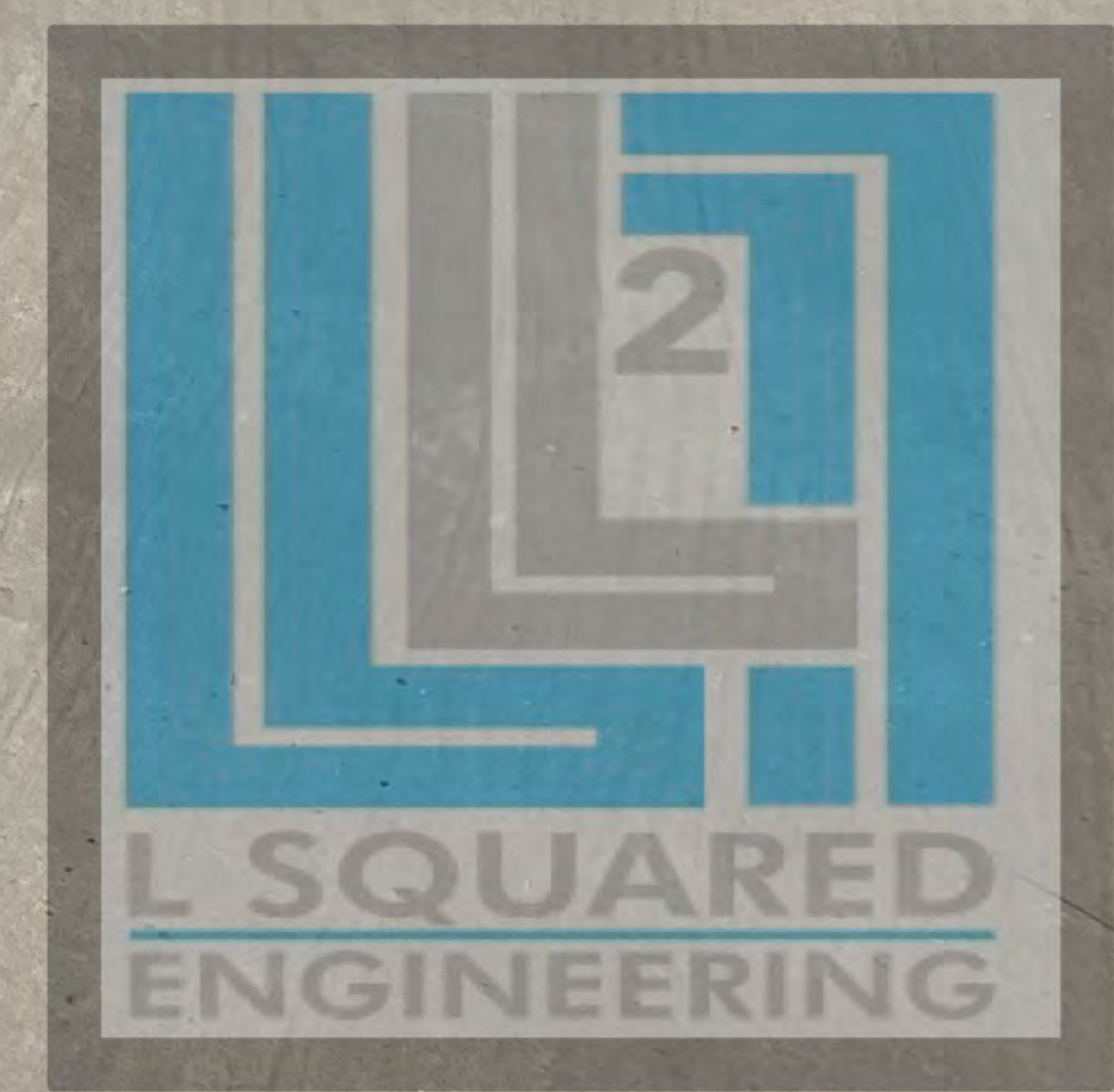
30.39292, -95.72465

ft  
±11ft

334

°T  
±10

NW318



23Aug21 09:53  
134 Scenic Hills Ct, Montgomery TX 77356, US © 23-Aug-21 09:53:01

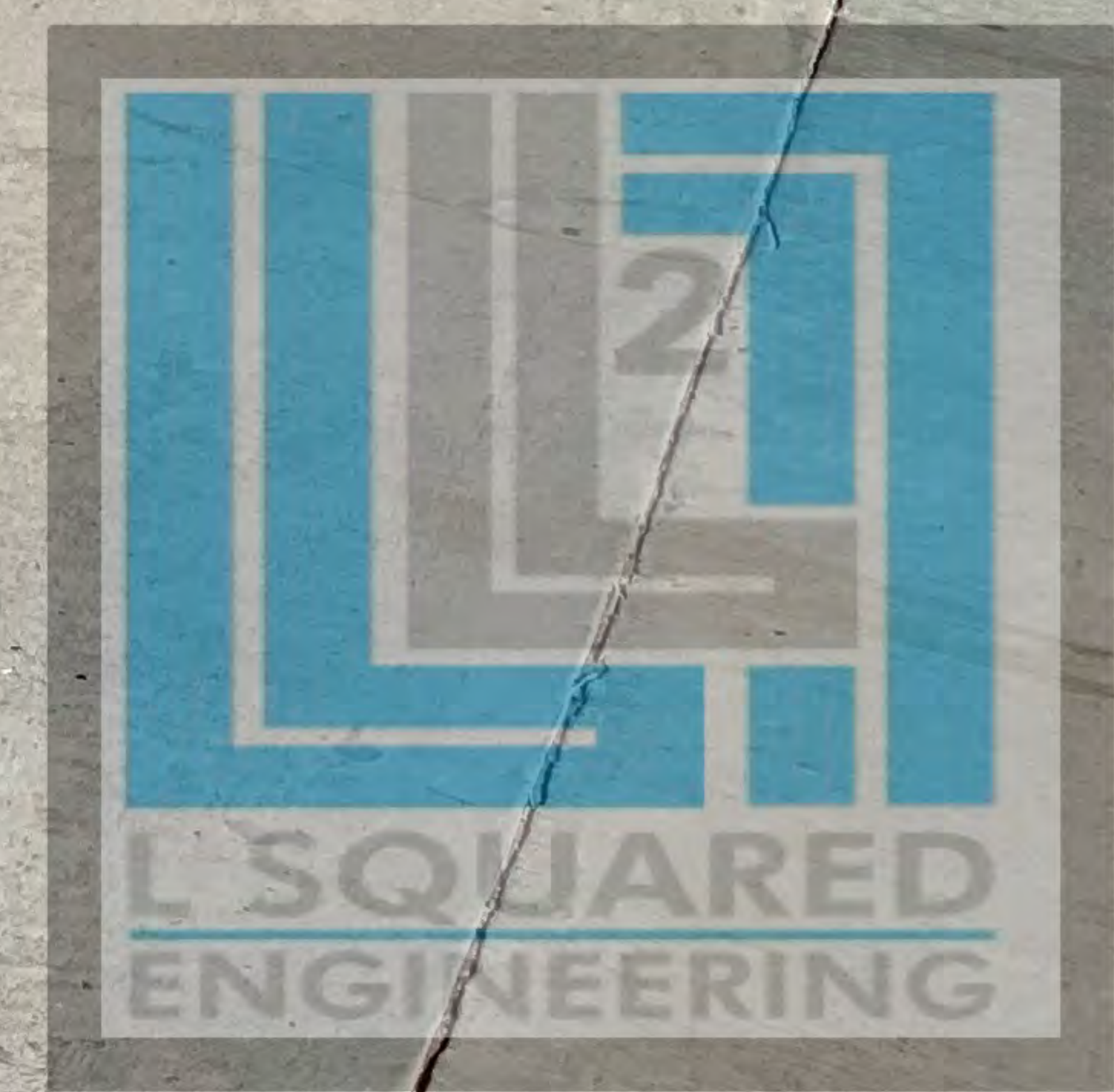


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$\Delta$  ft  $\pm 12\text{ft}$  345

$\circ, T$   $\pm 10$

NE22



23Aug21 09:50  
266 Brock's Ln, Montgomery TX 77356, US  $\odot$  23-Aug-21 09:50:43



# Photos

08/24/21

24 Hours After Sprinklers Turned Off





WGS84  
±15ft

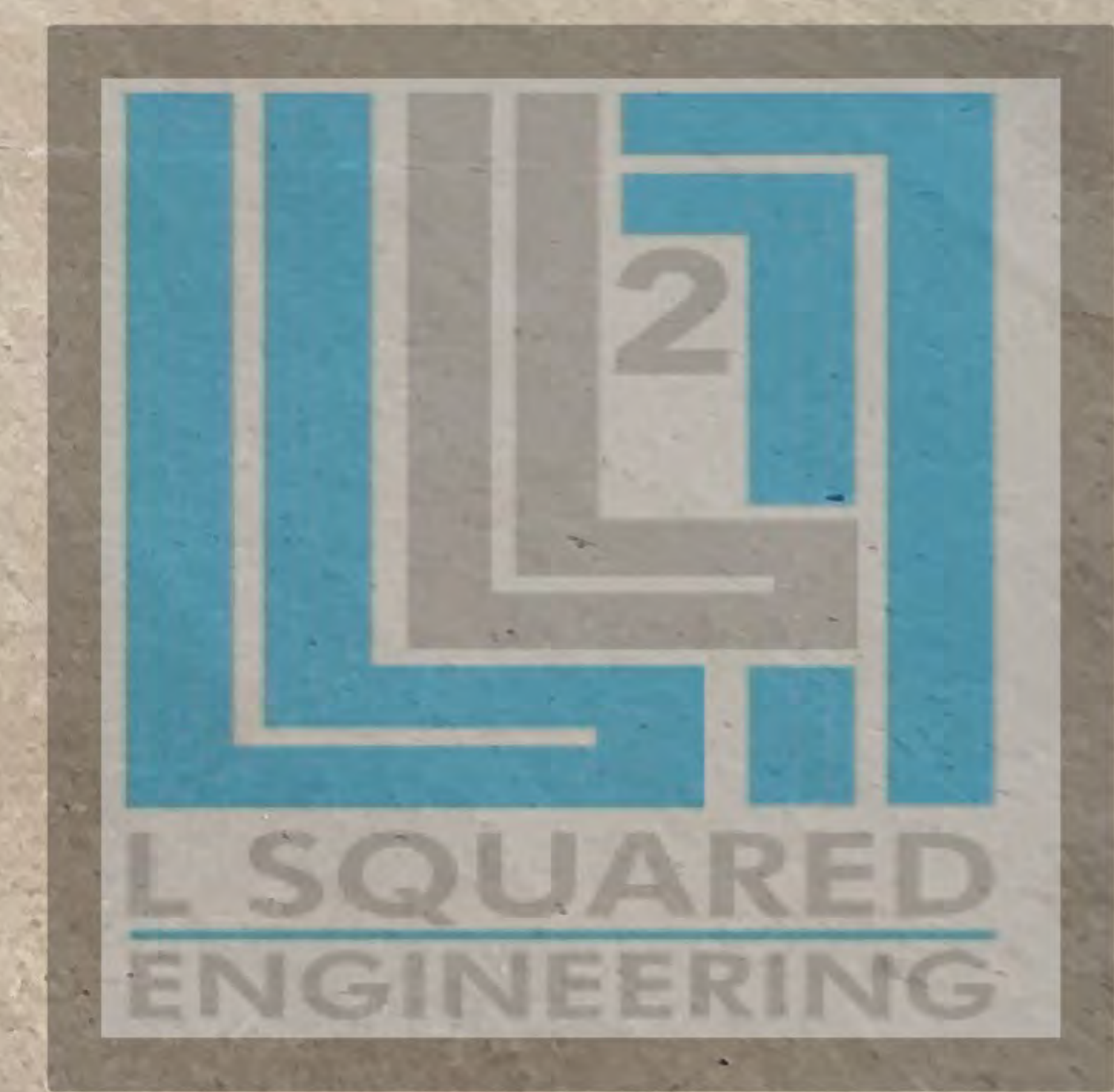
30.39351, -95.72332

ft  
±11ft

321

°T  
±10

NE50



24Aug21 15:44  
283 Brock's Ln, Montgomery TX 77356, US © 24-Aug-21 15:44:09

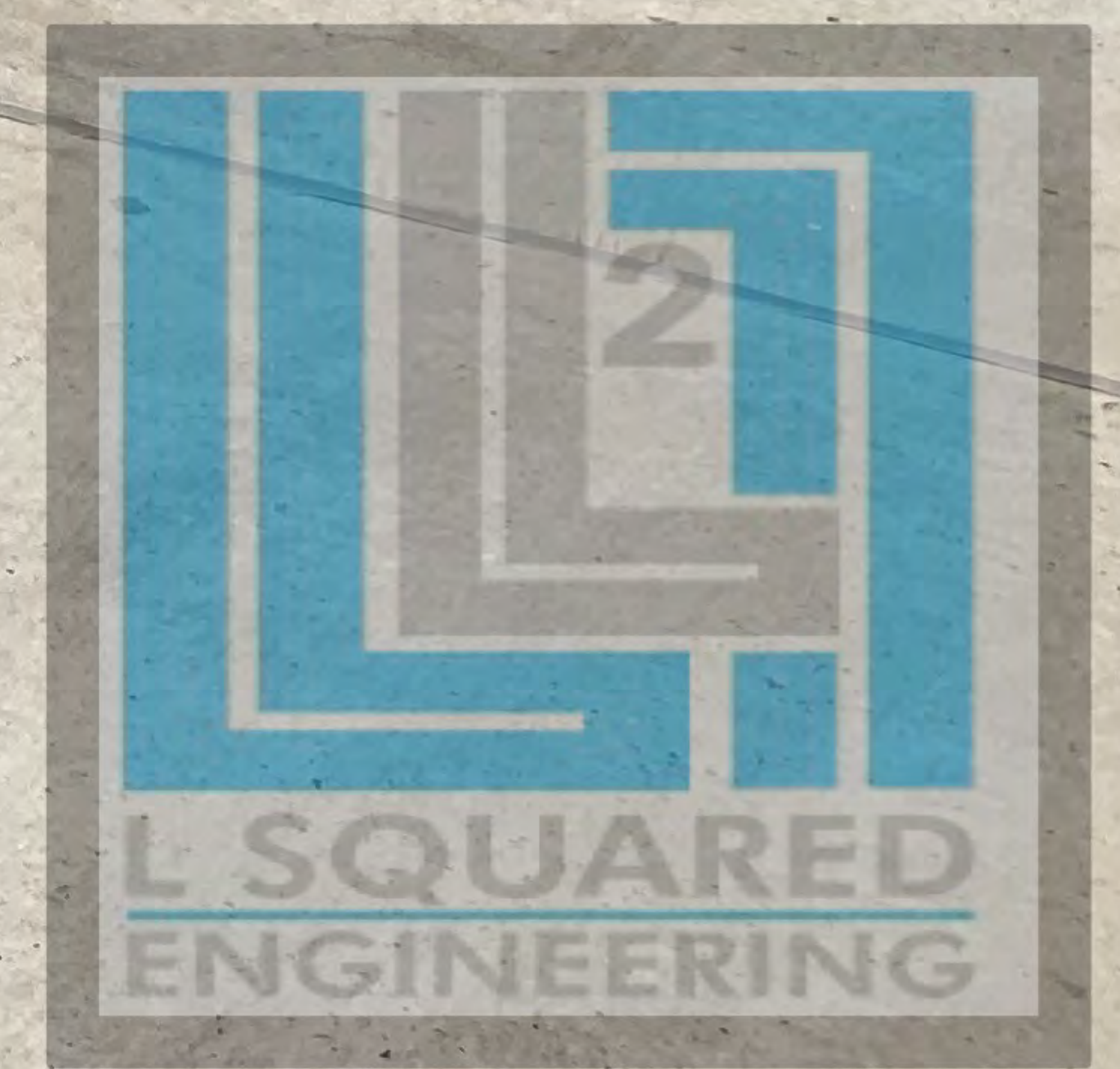
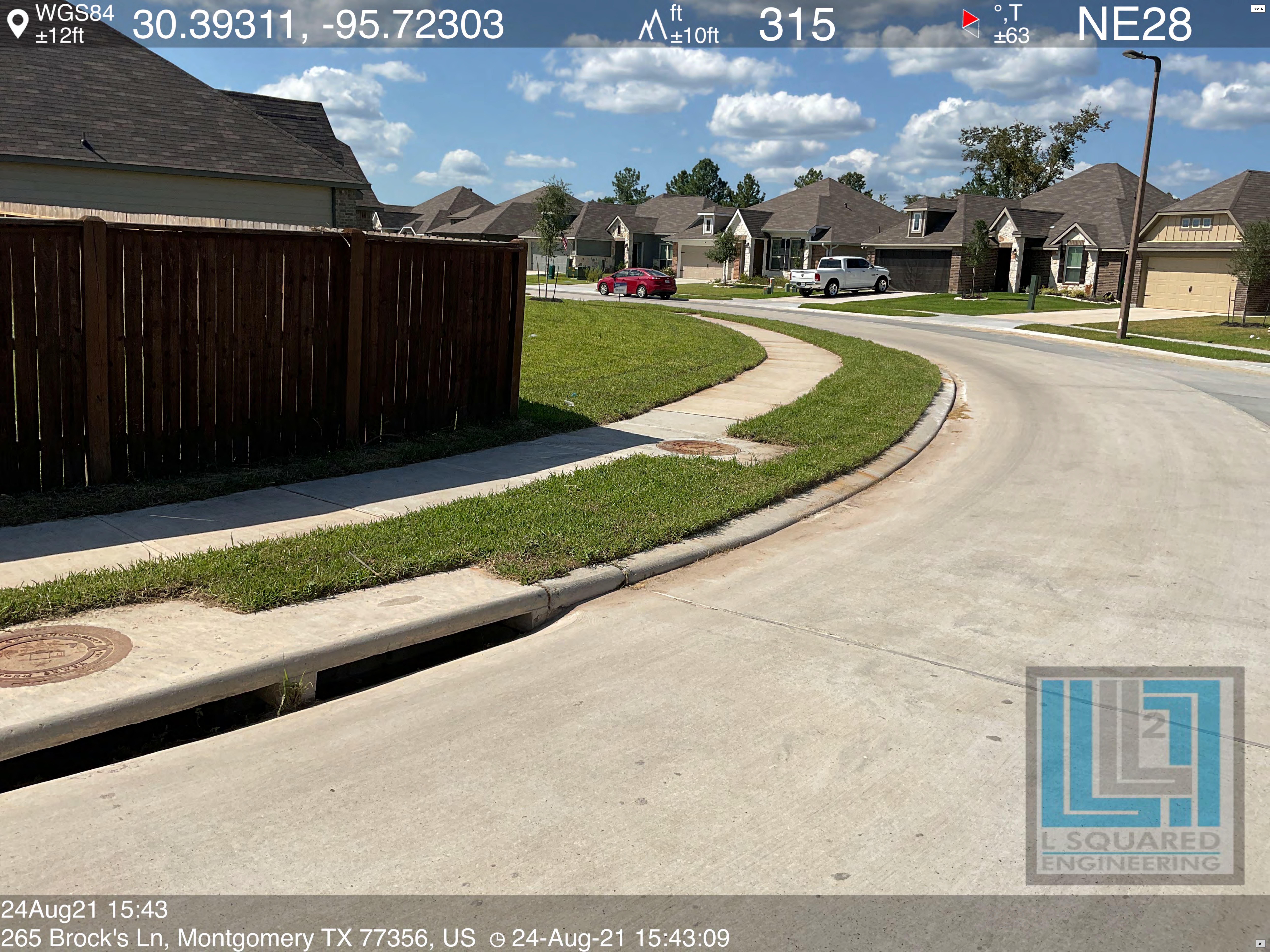


WGS84  $\pm 12\text{ft}$  30.39311, -95.72303

$\Delta$   $\text{ft}$   $\pm 10\text{ft}$  315

$\circ, T$   $\pm 63$

NE28



24Aug21 15:43  
265 Brock's Ln, Montgomery TX 77356, US © 24-Aug-21 15:43:09



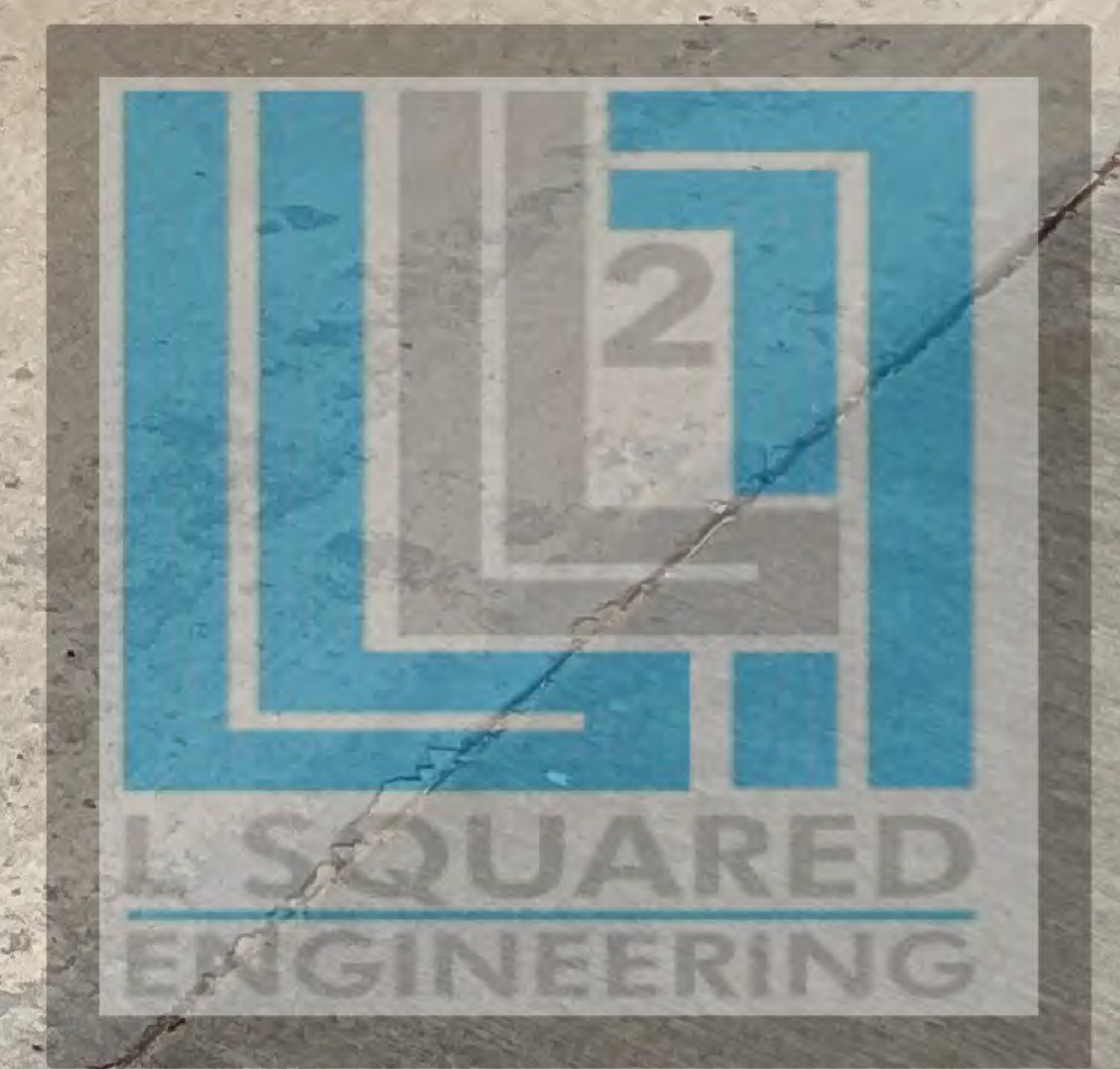
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$\Delta$  ft  $\pm 12\text{ft}$

327

$\nabla$  °, T  $\pm 10$

NE66



24Aug21 15:43  
266 Brock's Ln, Montgomery TX 77356, US © 24-Aug-21 15:43:30



Photos  
11/05/21  
30 Hours After Last Rain Event





WGS84  
±15ft

30°23'35.00"N, 95°43'22.90"W  $\Delta$  <sup>ft</sup><sub>±11ft</sub>

311

°T  
±10

E92



© 05-Nov-21 14:21:50  
262 Brock's Ln, Montgomery TX 77356, US



WGS84  
±15ft

30°23'35.79"N, 95°43'22.74"W  $\Delta$  <sup>ft</sup><sub>±11ft</sub>

312

 °, T  
±10

NE56



© 05-Nov-21 14:22:01  
262 Brock's Ln, Montgomery TX 77356, US



WGS84  
±15ft

30°23'34.42"N, 95°43'29.59"W  $\Delta$  <sup>ft</sup><sub>±12ft</sub>

302

°T  
±10

E78



© 05-Nov-21 14:20:54  
150 Scenic Hills Ct, Montgomery TX 77356, US



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding approval of a proposal for additional environmental and survey work for the Anders Branch Drainage Improvements Project.

**Recommendation**

Approve the proposal conditional upon Item “1A” being a “Not-to-Exceed” cost and authorize the City Administrator to execute the proposal as appropriate after additional discussion with GrantWorks.

**Discussion**

As you know, the City has been working on several GLO grant projects since 2018. One of these projects is the Anders Branch Drainage Improvements Project along a roughly 1200-foot section of the stream channel between FM 1097 and Dr. Martin Luther King, Jr. Drive. One of the biggest components of this type of project is ensuring compliance with the U.S. Army Corps of Engineers (USACE) permitting requirements for US waterways.

In order to move the project forward, the next step is identifying what is known as the Ordinary High Water Mark (OHWM) along the stream channel. Defining the OHWM tells the design team what areas of the stream will need a USACE permit and what areas of the stream do not need a USACE permit.

The engineers have provided a memo with additional details along with a copy of the proposal.

GrantWorks, the City’s grant administrator for the project is still reviewing the proposal and will provide their guidance and recommendations on the proposal as well.

City staff recommends that City Council authorize the City Administrator to execute the proposal as appropriate upon receiving GrantWorks’ feedback.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/06/2021
City Administrator	Richard Tramm	Date: 12/06/2021



December 10, 2021

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

Re: Ander's Branch Drainage Improvements Environmental Review and Permitting  
General Land Office Grant Project  
City of Montgomery

Dear Mayor and Council:

Enclosed you will find a proposal from Jones|Carter for additional work required to complete the design and permitting of the Ander's Branch Drainage Improvements project underway as part of the grant the City has received from the Texas General Land Office ("GLO").

The additional scope required includes wetland delineation, ordinary high water mark ("OHWM") determination, and topographic survey. In order for the construction project to proceed without the time and expense of obtaining a permit from the United States Army Corp of Engineers ("USACE"), the construction work must be performed outside of jurisdictional waters, which will be identified as part of this study.

We recommend the City authorize Jones|Carter to proceed with items 1A and 2A listed on enclosed proposal. Item 1A should be on authorized on an hourly not to exceed basis for the additional survey work needed to accurately pick up the OHWM and boundaries of any wetlands identified as part of item 2A, which will be completed on a lump sum basis. The reason for an hourly not to exceed rate on the survey work is the amount of time required is variable depending on the number of points that have to be surveyed as a result of the environmental study (Item 2A). We do not recommend authorizing the other items listed on the proposal at this time until the results of items 1A and 2A are completed to see if the project can proceed without working below the OHWM or within wetlands.

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

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive.

Chris Roznovsky, PE  
Engineer for the City

Ander's Branch Drainage Improvements  
Honorable Mayor and City Council  
City of Montgomery  
Page 2 of 2  
December 10, 2021

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CVR/kmv

Enclosures: Jones | Carter Proposal

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator

Ms. Susan Hensley – City of Montgomery, City Secretary

Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development

Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



December 2, 2021

6330 West Loop South, Suite 150  
Bellaire, Texas 77401  
Tel: 713.777.5337  
Fax: 713.777.5976  
[www.jonescarter.com](http://www.jonescarter.com)

Item 17.

City of Montgomery  
Attn: Richard Tramm, Dave McCorquodale  
101 Old Plantersville Rd.  
Montgomery, TX 77356

Re: Anders Branch Drainage Improvements GLO 19-076-017-B366:  
Additional Environmental Services and Survey Proposal, rev-1

Dear sir:

Jones|Carter (J|C) offers the following proposal for additional services based on our understanding of the project requirements for environmental permitting.

## Understanding of the Project

The contracted scope of work for this project is flood and drainage facilities for Anders Branch from MLK Drive to Liberty Street for less than 1,200 feet. The GLO scope includes the stream segment west of FM 149 (Liberty Street) and south of Old FM 1097 (MLK Drive) with proposed culvert replacement at FM 149, but stormwater detention was not included in the GLO scope.

Anders Branch part of Town Creek is classified as Waters of the United States (WOTUS) under jurisdictional waters regulated by the US Army Corps of Engineers (USACE). Environmental assessment was not conducted with the prior study and is needed to determine the jurisdictional water boundaries for design. As a result, the following scope is proposed.

## Additional Scope

The following additional scope are proposed: Environmental services are proposed by SMC Consulting, Inc. as a subcontractor to Jones|Carter. SMC has performed environmental services for the City of Montgomery previously as a subcontractor for the Buffalo Springs Bridge. J|C will provide the additional topographical survey for the environmental delineation to be used for design.

- Additional Topographic Survey for Environmental Delineation
- Wetland and OHWM Delineation
- Stream Assessment
- Environmental Site Assessment Phase 1 (ESA-1)
- Endangered Species Review
- Archaeological and Cultural Review



City of Montgomery  
Page 2  
December 2, 2021

As a minimum, delineation of wetlands and ordinary high watermark (OHWM) is recommended to determine the jurisdictional water boundary of Anders Branch. The delineation will need to be surveyed and updated in the design base file to determine the areas that can be disturbed outside the jurisdictional waters.

Working within the jurisdictional water would require USACE permitting. This would include require environmental stream assessment. If working outside of jurisdictional waters cannot be avoided, the stream assessment should be conducted before disturbing any site work until process is complete and accepted by USACE. However, USACE permitting may delay the project beyond the GLO schedule.

Additional scopes for environmental site assessment phase 1 (ESA-1) and review of endangered species and archeological and cultural review are proposed if the city requires documentation for GLO environmental clearance or easement acquisitions.

## Access

The environmental and survey teams will require unrestricted access to Anders Branch. We will notify the city when teams mobilize on site. Please alert residents as needed.

## Schedule

The GLO funding will expire by the end of 2022 with the approved extension. The following duration is required for the scoped services and recommend expediting start for the environmental delineation as soon as possible.

The project will be redesigned to work outside of the jurisdictional waters after delineation survey is completed. If the resulting delineation shows that working outside of jurisdictional waters cannot be avoided, USACE permitting will be required.

- Delineation of wetlands and OHWM and topographic survey: one (1) month
- Stream Assessment: one (1) month, excludes USACE review and approval
- Environmental Site Assessment Phase 1 (ESA-1): one (1) month
- Endangered species review: one to two (1-2) months
- Archeological and cultural review: one to two (1-2) months





City of Montgomery  
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December 2, 2021

### Cost Estimate

Jones | Carter will provide additional services with the following cost summary below:

- Topographic Survey: survey wetland and OHWM as delineated by environmental engineer and update survey base file per Schedule of Hourly Rates + trip expenses.
- Environmental Services: attached as proposed by SMC Consulting, Inc. + 10% mark-up to J|C for subcontract administration.

#### Cost Summary

Item	Additional Service	Performed By	Cost	Notes
1A.	Topographic Survey for Environmental Delineation	J C	\$ 7,800 Estimated Hourly	recommended
2A.	Wetland and OHWM Delineation	SMC*	\$ 9,850	recommended
2B.	ESA-1	SMC*	\$ 5,450	upon request
2C.	Stream Assessment	SMC*	\$ 12,950	work within WOTUS
2D.	Endangered Species Review	SMC*	\$ 3,950	upon request
2E.	Arch and Cultural Review	SMC*	\$ 3,950	upon request

\*Notes. +10% for subcontract administration

If you have any questions regarding this proposal, please contact us.

Sincerely,

Jones | Carter, Inc.

Hieu M. Nguyen, PE, PMP  
Project Manager

Matthew B. Breazeale, PE  
Vice President

Attachments



City of Montgomery  
Page 4  
December 2, 2021

MBB/ hmn

K:\W5841\W5841-0042-03 Anders Branch Town Creek Drainage\Project Management\Correspondence\Montgomery Proposal\_GLO Anders Branch Drainage-Environmental Services.docx

***Client Approval and Authorization:***

\_\_\_\_\_  
City of Montgomery representative signature  
Name:

\_\_\_\_\_  
Date

Position:

**Authorized Scope (Initialize):**

\_\_\_\_\_ 1A. Additional Topographic Survey for Environmental Delineation (recommended)

\_\_\_\_\_ 2A. Wetland and OHWM Delineation (recommended)

\_\_\_\_\_ 2B. ESA-1 (upon request)

\_\_\_\_\_ 2C. Stream Assessment (required for work in WOTUS)

\_\_\_\_\_ 2D. Endangered Species Review (upon request)

\_\_\_\_\_ 2E. Arch and Cultural Review (upon request)



**SCHEDULE OF HOURLY RATES**

Effective January 2021 - Subject to Annual Revision in January 2022

**ENGINEERING PERSONNEL**

Design Engineer I	\$110
Design Engineer II	\$130
Professional Engineer I	\$150
Professional Engineer II	\$170
Professional Engineer III	\$195
Professional Engineer IV	\$225
Professional Engineer V	\$240
Practice Leader	\$260

**ELECTRICAL ENGINEERING PERSONNEL**

Electrical Design Engineer I	\$120
Electrical Design Engineer II	\$140
Electrical Professional Engineer I	\$165
Electrical Professional Engineer II	\$180
Electrical Professional Engineer III	\$200
Electrical Professional Engineer IV	\$235
Electrical Professional Engineer V	\$250

**CONSTRUCTION PERSONNEL (Includes Mileage)**

Construction Manager I	\$110
Construction Manager II	\$130
Construction Manager III	\$150
Construction Manager IV	\$170
Construction Manager V	\$195
Field Project Representative I	\$ 65
Field Project Representative II	\$ 90
Field Project Representative III	\$110
Specialist Field Project Representative I	\$120
Specialist Field Project Representative II	\$135
Senior Specialist Field Project Representative	\$150

**SPECIALIST**

Specialist I	\$100
Specialist II	\$125
Specialist III	\$195
Specialist IV	\$240

**PLANNING PERSONNEL**

Planner I	\$ 95
Planner II	\$125
Planner III	\$155
Planner Manager	\$225

**DESIGNERS/DRAFTING PERSONNEL**

CAD I	\$ 60
CAD II	\$ 85
CAD III	\$100
Designer I	\$100
Designer II	\$120
Designer III	\$140
GIS I	\$ 85
GIS II	\$110
GIS III	\$145
GIS IV	\$180

**SURVEYING PERSONNEL**

1-Person Field Crew	\$130
2-Person Field Crew	\$180
3-Person Field Crew	\$220
4-Person Field Crew	\$250
Scanner Equipment	\$100
Survey Technician I	\$ 85
Survey Technician II	\$ 95
Project Surveyor I	\$ 90
Project Surveyor II	\$105
Project Surveyor III	\$125
Project Surveyor IV	\$150
Chief of Survey Crews	\$110
Registered Professional Land Surveyor	\$170
Survey Manager	\$195

**OFFICE PERSONNEL**

Engineer's Assistant I	\$ 60
Engineer's Assistant II	\$ 75
Engineer's Assistant III	\$ 85
Admin I	\$ 60
Admin II	\$ 80
Admin III	\$105
Assistant Controller/ Chief Accountant	\$120
Corporate/Project Accountant	\$100



**SMC CONSULTING, INC.**

3418 Pickering Lane  
 Pearland, Texas 77584  
 (281) 997-7911  
 (281) 997-7977 fax

Thursday, November 18, 2021

Mr. Hieu Nguyen PE, PMP  
 Project Manager  
 Jones & Carter  
 6330 West Loop South, Suite 150  
 Houston, Texas 77401

**RE: Proposal Wetland Delineation,  
 Phase 1 ESA, Stream Assessment, Prel. Arch.  
 Review, Pre. Threatened/Endangered Species Review  
 Anders Branch Site - Montgomery, Texas  
[SMC Project 21108](#)**

Mr. Nguyen:

Per your request, SMC Consulting, Inc. (SMC) is pleased to submit this proposal for the costs associated with the environmental engineering work at the above noted project site. The subject site is an approximate 80-100 foot wide buffer along Anders Branch near Highway 149 in Montgomery, Montgomery County, Texas. A project outline map is attached which was relied upon for this cost proposal.

**Prior to the initiation of any project work, a project layout map will be required, with gate codes, and the access and entry points noted. Additionally, authorization of this proposal is also considered authorization to access the subject properties, and to traverse the subject site as necessary to ascertain the physical condition of the site.**

### **Work Item A – Wetland Delineation**

Our delineation will include identifying the Ordinary High-Water Mark or Mean High Tide line of the receiving water and the identification of any wetlands within the project boundary. These efforts can be utilized in the future development of a USACE Nationwide or Individual Permit Application for the project – if necessary. SMC Consulting, Inc. will GPS our field efforts for recordation of the field findings as required by the USACE guidelines. We will place pin flagging at the OHWM of any identified tributaries – such that the Jurisdictional Limits can be surveyed in by others to establish the exact X,Y&Z coordinates.

### **SCOPE OF WORK**

The objective of the Jurisdictional Delineation and Wetland Analysis and Determination is to evaluate the potential for the property site or any portion of the site to be classified as a "Jurisdictional Water or Wetland" under Section 10 and Section 404 of the Clean Water Act and the existence of other selected wetland environmental risks. The following selected evaluations will be considered for this project:

1. **Vegetation Indicators:** The presence or absence of hydrophytic (water plants) vegetation that typically is adapted to wetlands and the determination of vegetative prevalence within the site or specific areas within the site.



2. Soil Indicators: The presence or absence of soils which have been classified as Hydric, or they possess characteristics that are associated with reducing soil conditions.
3. Hydrology Indicators: The presence or absence of hydrologic indicators which occur in wetlands.
4. Previous land characteristics prior to site development from historic aerial reconnaissance which would indicate wetlands prior to recent development activities.

The Jurisdictional Determination and Wetland Analysis and Delineation work will 1) Review of SCS surface and subsurface geologic soil indicators and FEMA map records for indications of Hydric Soils; 2) Site reconnaissance for evaluation and verification of the presence of vegetation indicators and prevalence; 3) Site reconnaissance for indications of hydrologic conditions that occur in wetlands; and 4) Site reconnaissance for evaluation and verification of the presence of hydric soil conditions.

Task 1: Review of Surface Geologic Soil Data and FEMA Map Records. Task 1 will include a review of previous surface soil data published by the U.S. Department of Agriculture, Soils Conservation Service. Flood Maps prepared by the Federal Emergency Management Agency will be reviewed for hydrology information which might pertain to periodic flood inundation.

Task 2: Site Reconnaissance for Vegetation Indicators. Task 2 will include transecting the property under the field procedures outlined in the 1987 Manual for Wetland Determination by the U.S. Army Corps of Engineers.

Task 3: Site Reconnaissance for Indications of Wetland Hydrology. Task 3 will consist of field reconnaissance aided by topographic information and information from other significant sources for the presence of wetland hydrology. Wetland hydrology, if any, will be additionally reviewed for primary and subsequent sources of water and watershed influences.

Task 4: Site Reconnaissance for Hydric Soil Indicators. Task 4 will review the property for the presences of hydric soils and/ or indicators of hydric soils.

## **Work Item B - PHASE 1 ESA PER ASTM E-1527 STANDARD**

### **SCOPE OF WORK**

The objective of the Phase I Environmental Site Assessment will be to evaluate the potential for recognized environmental conditions. The following selected risks are standard and will be considered for this project.

1. Presence of any indications of hazardous substances or petroleum products (see "Definitions" page 5) on the site or in the proximity of the site so as to environmentally affect or give rise to innocent landowner risk or expense.
2. Proximity to documented regulatory agency sites, including leaking underground storage tanks.
3. Previous on-site oil and gas well drill sites.



4. Evaluate the effect of any adjacent land use and determine the extent of environmental concerns, if any, from such operations.
5. Review former and current land use activities associated with potential waste disposal or industrial operations.

#### **INVESTIGATIVE WORK**

Phase I environmental evaluation work will include the following tasks: 1) review of surface geologic and soil data; 2) review of historical aerial photographs; 3) compiling regulatory agency site listings of potential sources of hazardous substances within a prescribed minimum search distance of the site; 4) review of selected regulatory agency files; 5) review of a fifty year chain of title if provided by the client; 6) conduct of a site reconnaissance for signs or indications of current or previous use or discarding of hazardous substances or petroleum products; and 7) review of oil and gas drill sites.

Review of Surface Geologic Soil Data. This item will include a review of USGS topographic maps and surface soil data published by the U.S. Department of Agriculture, Soils Conservation Service, to determine the type of surface soils present, their physical characteristics, and the potential for surface or subsurface migration.

Review of Historical Aerial Photographs. This item will include a review of historical aerial photograph enlargements for several years from 1965 (older if available) to the current time obtained from aerial photographic firms having inventory of the subject area. The photographs will be reviewed to evaluate previous land-use characteristics for the property and adjacent parcels. The photographs will also be checked for possible oil and gas exploration activities, and associated waste ponds or dumps, and previous commercial and industrial activities.

Review of Regulatory Agency Site Listings. This item will include a review of documented environmental site listings from standard regulatory agency sources, including the Texas Natural Resources Conservation Commission, US EPA & the Texas Department of Health. Documented regulatory agency sites located within the ASTM prescribed minimum search distance will be compiled and plotted on a site map.

Site Reconnaissance for Hazardous Substances or Petroleum Products. This item will include a site reconnaissance to evaluate current land conditions and current and former land use and to assess any anomalies identified from the aerial photograph review. Adjacent parcels will be reviewed in the field to check for potential high-risk industries or environmental features which could impact the subject tract. Site photographs of any anomalous surface features will be obtained along with site typical photographs.

Interviews of Owners or Government Officials: This item will include personal interviews with knowledgeable individuals about the current and historical site utilization.

Review of Oil and Gas Drill Sites. This item will include a review for nearby documented oil and gas well drill sites. This activity will include review oil and gas well listings published by Tobin.

#### **KNOWLEDGEABLE PARTY FOR INTERVIEW**

SMC Consulting, Inc. will need to interview a knowledgeable party about the current and historical usage of the subject site. Additionally, we will need access to virtually the entire subject site for a visual inspection of the current site conditions. Please provide contact and knowledgeable party information below:



*Site Contact Name:* \_\_\_\_\_  
*Phone Number/Email* \_\_\_\_\_

*Knowledgeable Party Name* \_\_\_\_\_  
*Phone Number /Email* \_\_\_\_\_

**Work Item C – STREAM ASSESSMENT – IN ACCORDANCE WITH USACE GUIDELINES**

This task is the performance of a **Level 1 Stream Assessment** (less than 1500 linear feet in length) in accordance with the USACE Stream Assessment guidelines. This effort will require site evaluation, completion of the USACE project evaluation methodology and scoring, report generation, and development of compensatory mitigation values. It should be note that if a Stream Assessment is to be performed at the subject site **NO COORIDOR CONSTRUCTION, IMPROVEMENT, OR VEGETATION REMOVAL ACTIVITIES ARE TO OCCUR PRIOR TO COMPLETION OF THE ASSESSMENT AND USACE ACCEPTANCE OF THE EVALUATION REPORT FINDINGS.**

**Work Item D – PRELIMINARY THREATENED & ENDANGERED SPECIES REVIEW**

The objective of the **PRELIMINARY Threatened & Endangered (T&E) Species Review** is to evaluate the potential for the project site, or any portion of the site to be classified as a likely to sustain wildlife or plants that are identified as Threatened and/or Endangered by the US Fish and Wildlife Service as well as the State of Texas. This is a review of preliminary scope, and not an official survey, or presence / absence evaluation of the site – rather it is an overview document.

We will perform a preliminary physical site review and document the current site conditions in accordance with the applicable standards. We will access the relevant State and Federal databases to determine species of concern prior to the site evaluation work. We will produce a letter report which specifically identifies all of the noted species and describes the likelihood of their presence at the subject site.

**Work Item D – PRELIMINARY ARCHAEOLOGICAL / HISTORIC STRUCTURES REVIEW W. TEXAS HISTORICAL COMMISSION COORDINATION**

The archaeological desk review work will be performed for the overall site and can be utilized, as necessary, for any pending USACE Permitting efforts. Upon completion of the desk review – and *if directed by the client* - we will seek approval from the Texas Historical Commission of the work effort. If required, a more comprehensive archaeological field evaluation will be performed under separate proposal and authorization

**BASIC COMPENSATION AND METHOD OF PAYMENT**

SMC Consulting, Inc. proposes to provide the above noted environmental Engineering Services for the below noted lump sum fees. Our fees are inclusive of travel expenses, hotel expenses, and per diem expenses. The client shall issue payment for work performed within thirty (30) days from the date of invoice.



**Work Item A- Wetland Delineation/OHWM Marking**

**Lump Sum Fee: \$ 9,850.00**

**Work Item B – Phase 1 ESA**

**Lump Sum Fee: \$ 5,450.00**

**Work Item C – Stream Assessment**

**Lump Sum Fee: \$ 12,950.00**

**Work Item D – Prel. Threatened / Endangered Species Review**

**Lump Sum Fee: \$ 3,950.00**

**Work Item E – Prel. Arch/Historic Structures Review**

**Lump Sum Fee: \$ 3,950.00**

**PROPOSAL ACCEPTANCE AND EXECUTION**

Acceptance of this proposal shall be indicated by the signatures below and shall serve as authorization to proceed. IN WITNESS THEREOF, the client and SMC Consulting, Inc. have accepted this proposal and executed this proposal for environmental services on this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Client**

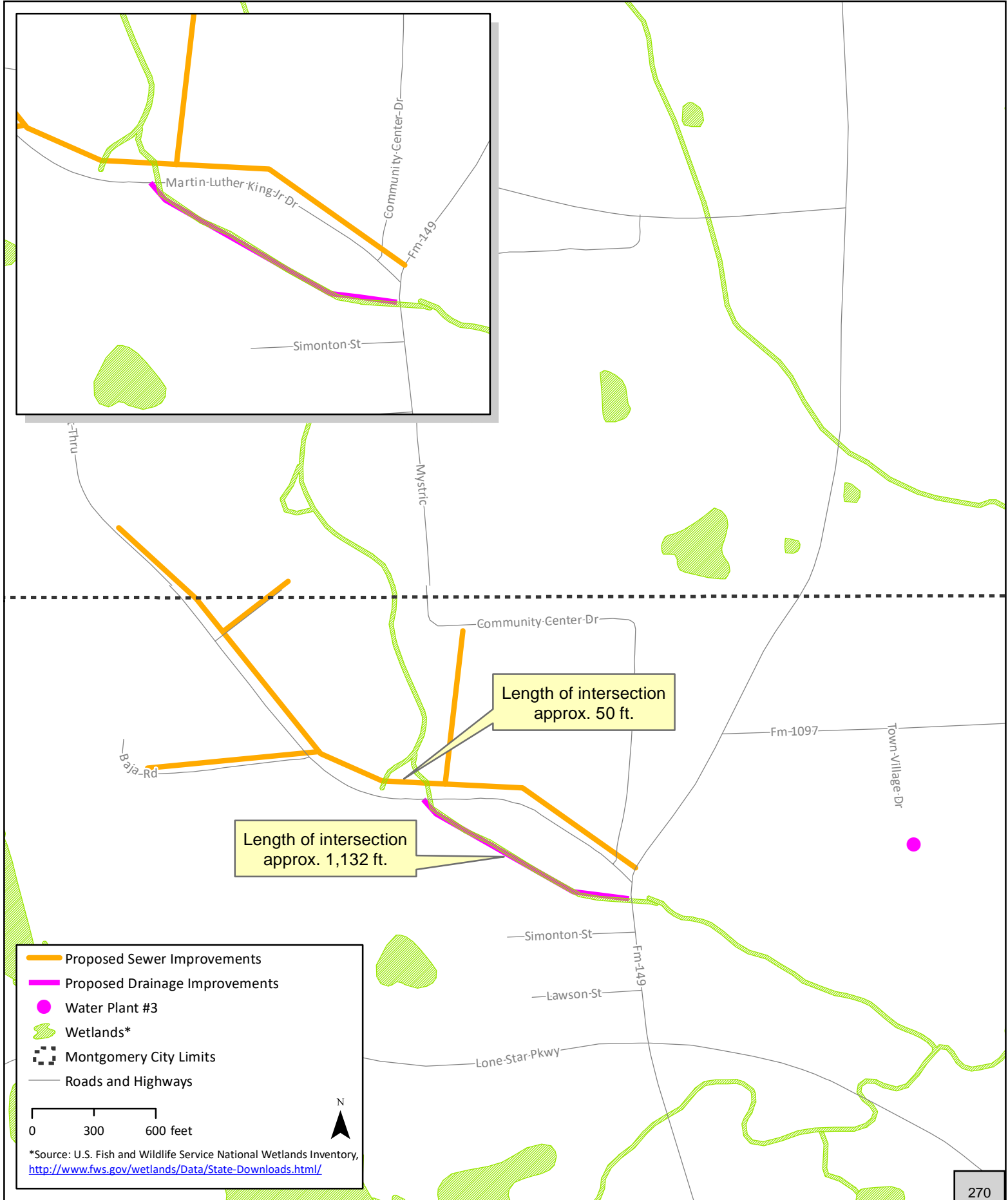
**SMC Consulting, Inc.**

By: \_\_\_\_\_  
**Authorized Signatory**

By: \_\_\_\_\_  
**Steve McElyea – SMC Consulting, Inc.**



# City of Montgomery 2016 Floods - Wetlands Map






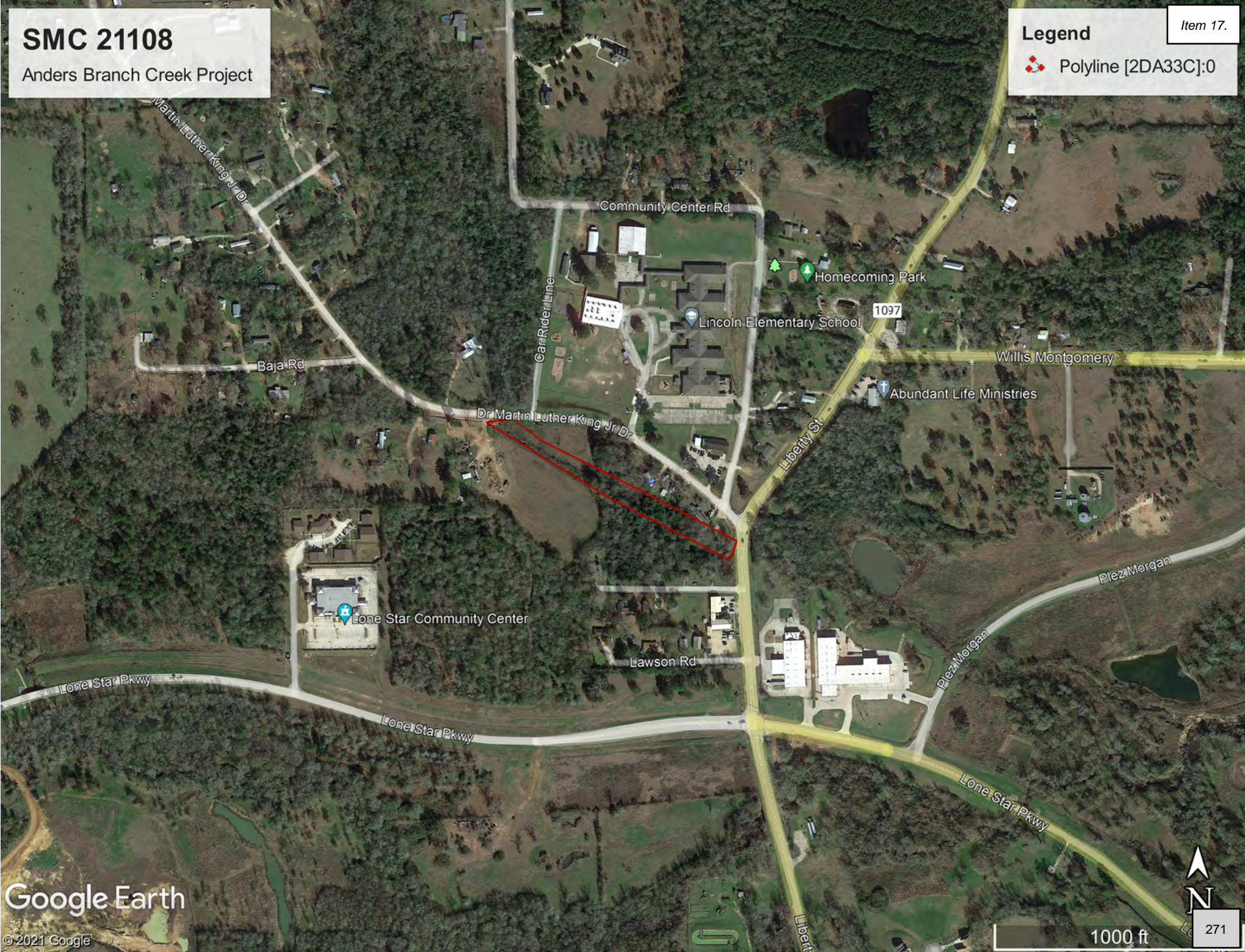
# SMC 21108

Anders Branch Creek Project

## Legend

Item 17.

 Polyline [2DA33C]:0



Google Earth

© 2021 Google



1000 ft 271



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> \$508,000
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**

Consideration and possible action on construction of Clepper Drive Sidewalk Improvements.

**Recommendation**

Consider authorizing the City Engineer to move forward with Clepper Drive Sidewalk Improvement Project and for the City Administrator to work with MEDC on participating in the project's costs.

**Discussion**

The City was not awarded the Texas Transportation Alternatives grant for the sidewalks planned in the City budget. However, those sidewalks were fully budgeted, so the City is prepared to begin moving them forward. Our recommendation is to begin with the design work on the Clepper Drive sidewalks as part of the Downtown Master Plan. The MEDC has budgeted funds for sidewalk projects and has an interest in contributing funds towards this project.

The proposed portion (marked in orange) would connect the northeast portion of the downtown area with Buffalo Springs, Fernland Park, City property, the County Library and several areas used for event parking to the east. The proposed sidewalk will be ADA compliant, and the proposed work also includes possible associated drainage work, which is estimated at a conservative cost level.

The intent of this agenda item is to allow the City Engineer to begin the project design work and determine more specific projects costs and allow the City Administrator to work with MEDC to determine the cost level at which MEDC would participate in the actual project.

City staff will be working to prepare the 149/MLK sidewalk for another grant program, which opens application in spring 2022. We will be able to begin the design process on the 149/MLK sidewalk while the grant application is in process.

**Approved By**

City Administrator	Richard Tramm	Date: December 10, 2021





**Engineer's Cost Estimate**  
**Clepper Dr Sidewalks**  
**City of Montgomery**  
 12/8/2021





Item No.	Description		Unit	Unit Price	Cost
1	Contractor Mobilization, Bonds, & Insurance	1	LS	\$ 5,000	\$ 5,000
2	Clear and Grub Right-of-Way	1	LS	5,000	5,000
3	4.5" Reinforced Concrete Paving (6-FT Sidewalk)	9,840	SF	8	79,000
4	ADA Pedestrian Ramps	13	EA	1,800	23,000
5	Type "A" Inlet (catch basin)	8	EA	5,000	40,000
6	Toe-wall/curb	730	LF	40	29,000
7	Bio-Swale	1,450	LF	4	6,000
8	Pedestrian Signage	4	EA	400	2,000
9	24" White Pavement Marking (Thermo)	272	LF	4	1,000
10	Reinforced Filter Fabric Fence	1,900	LF	2	4,000
11	Concrete Truck Washout Area	1	EA	1,000	1,000
12	Traffic Control	1	LS	2,000	2,000
13	Tree Protection	1	LS	3,000	3,000
14	Site Restoration	1	LS	5,000	5,000
				<b>Construction Subtotal</b>	<b>\$ 205,000</b>
				<b>Contingencies (15%)</b>	<b>\$ 31,000</b>
				<b>Engineering</b>	<b>\$ 20,000</b>
				<b>Construction Phase Services</b>	<b>\$ 14,000</b>
				<b>Reimbursable Expenses (Surveying, Testing, Reproduction, Advertising)</b>	<b>\$ 15,000</b>
				<b>Total</b>	<b>\$ 285,000</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.



**Legend**

-  Proposed 6' ADA-Compliant Sidewalk and a Bio-swale Running Along the Sidewalk with Catch Basins
-  Existing Sidewalk
-  Future Potential Sidewalk
-  Proposed ADA-Compliant Curb Ramps

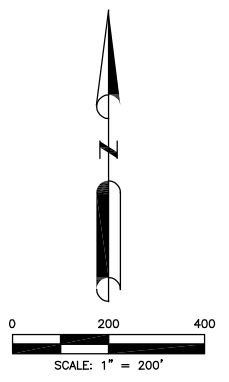


**CLEPPER DR SIDEWALK IMPROVEMENTS  
CITY OF MONTGOMERY**



**CONSULTING ENGINEERS**

WARD, GETZ & ASSOCIATES, PLLC  
TEXAS REGISTERED ENGINEERING FIRM F-9756  
4526 Research Forest Dr., Suite 175  
The Woodlands, Texas 77381  
713.789.1900





Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding adoption of the following Ordinance: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, ESTABLISHING A MAXIMUM PRIMA FACIE SPEED LIMIT ALONG FM 1097 (ALL LANES) FROM THE EASTERN RIGHT-OF-WAY OF FM 149 TO THE NORTHEAST CITY LIMIT OF THE CITY; AT 45 MILES PER HOUR; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

**Recommendation**

Adopt the ordinance as presented.

**Discussion**

As you are aware, the City recently commissioned a speed study along FM 1097 East. The study recommended lowering the posted speed limit between the eastern city limit and the intersection of FM 1097 & FM 149.

The current speed is 55 mph on this roadway. If adopted, this ordinance will lower the posted speed limit to 45 mph. The Police Department and city engineer believe the proposed 45 mph speed limit will improve safety and mobility in the area.

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 12/08/2021
City Administrator	Richard Tramm	Date: 12/08/2021



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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, ESTABLISHING A MAXIMUM PRIMA FACIE SPEED LIMIT ALONG FM 1097 (ALL LANES) FROM THE EASTERN RIGHT-OF-WAY OF FM 149 TO THE NORTHEAST CITY LIMIT OF THE CITY; AT 45 MILES PER HOUR; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

\* \* \* \* \*

**WHEREAS**, under the provisions of Section 545.356, Texas Transportation Code, the City Council of the City of Montgomery, Texas ("City") has determined, based upon an engineering and traffic investigation, the necessity for an ordinance altering the prima facie speed limits established for motor vehicles upon certain streets and highways within the City, in order to preserve the health, safety, and well-being of the residents, citizens, and inhabitants; and

**WHEREAS**, it has been determined by an engineering study and traffic investigation that the reasonable and prudent prima facie maximum speed for motor vehicles along the herein below mentioned street in the City should be as set out in this Ordinance.

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

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The following prima facie speed limit hereafter indicated for motor vehicles is hereby determined and declared to be reasonable, prudent and safe; and such speed limit is hereby determined and declared to be reasonable, prudent and safe; and such speed limit is hereby fixed at the rate of speed indicated for motor vehicles traveling upon the named highway described as follows:



Along FM 1097 (all lanes) from the eastern right-of-way of FM 149 to the northeast city limit of the City; at 45 miles per hour;

**Section 3.** The Code of Ordinances of the City of Montgomery, Texas, is hereby amended to add the double underlined provision as follows:

**CHAPTER 86 – TRAFFIC AND VEHICLES**

**ARTICLE III. OPERATION OF VEHICLES**

**Sec. 86-135. – Speed zones.**

(a) Upon the basis of an engineering and traffic investigation made as authorized by the provisions of V.T.C.A., Transportation Code § 545.356, the following prima facie speed limits indicated in this section for vehicles are hereby determined and declared to be reasonable and safe, and such speed limits are hereby fixed as the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, as such speed is posted on a schedule on file in the office of the City Secretary.

“Along FM 1097 (all lanes) from the eastern right-of-way of FM 149 to the northeast city limit of the City; at 45 miles per hour.”

**Section 4.** The City Secretary shall give notice of the enactment of this Ordinance its descriptive caption and penalty at least one time within ten (10) days after final passage in the official newspaper of the City; the Ordinance is to take effect upon publication and the installation of appropriate signs giving notice of the prima facie speed limit. The City Secretary shall also mail a copy of this Ordinance to the Texas Department of Transportation.

**Section 5.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount of not less than One Dollar (\$1.00) or more than Two Hundred Dollars (\$200.00).

**Section 6.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.



**Section 7.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Montgomery, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of December 2021.

THE CITY OF MONTGOMERY, TEXAS

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

ATTEST

\_\_\_\_\_  
Susan Hensley, City Secretary

APPROVED AS TO FORM:

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



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**

Consideration and possible action regarding adoption of the following Resolution: RESOLUTION CASTING VOTE(S) FOR CANDIDATE(S) FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

**Recommendation**

Consider approving a resolution to cast the City’s ballot Montgomery County Appraisal District Board (MCAD) of Directors Election for the 2022-2023 term.

**Discussion**

The attached information includes the list of nominated candidates for the MCAD Board of Directors Election for the 2022-2023 term. The City should select one or more candidates from the list in voting for the position(s). One or more candidates should be named for the City’s five (5) votes. Each candidate can receive multiple votes and a single candidate can receive all the City’s votes.

In October 2021 the City Council nominated Adam Simmons for this position. Biographical information is enclosed for those that provided it to MACD for distribution with the ballots.

**Approved By**

City Administrator	Richard Tramm	Date: December 7, 2021



**RESOLUTION NO. 2021-12**

**City of Montgomery**

RESOLUTION CASTING VOTE(S) FOR CANDIDATE(S) FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

**WHEREAS**, in compliance with law which provides that a central appraisal district be governed by a five (5) member board elected according to the taxes levied by each taxing jurisdiction; and

**WHEREAS**, the **City of Montgomery** of Montgomery County, Texas, has been certified by the Chief Appraiser of the Montgomery Central Appraisal District (MCAD) as being eligible and entitled to vote on candidates for the Board of Directors of MCAD; and

**WHEREAS**, the City Council has considered such candidates;

**THEREFORE BE IT RESOLVED**, that the City Council of the City of Montgomery, Texas, do hereby cast their **5 votes** for the following candidate(s):

- Arthur Bredehoft** \_\_\_\_\_
- Matthew Dantzer** \_\_\_\_\_
- Mark Frank** \_\_\_\_\_
- Guy Hancock** \_\_\_\_\_
- Peggy Hausman** \_\_\_\_\_
- Bonar Luzey, II** \_\_\_\_\_
- Ron Raymaker** \_\_\_\_\_
- Adam Simmons** \_\_\_\_\_
- Frank Smith** \_\_\_\_\_
- Bruce Tough** \_\_\_\_\_
- Carl White** \_\_\_\_\_

**PASSED AND APPROVED** this the \_\_\_\_\_ December 14, \_\_\_\_\_, 2021.

\_\_\_\_\_  
s\ Title Mayor Sara Countryman

ATTEST:

\_\_\_\_\_  
s\Title Susan Hensley, City Secretary



OFFICIAL BALLOT  
BOARD OF DIRECTORS ELECTION  
2022-2023 TERM  
MONTGOMERY CENTRAL APPRAISAL DISTRICT

City of Montgomery

Please cast your **entitled votes (5)** for the candidate(s) of your choice to serve on the Board of Directors for the Montgomery Central Appraisal District for the term:

JANUARY 1, 2022 - DECEMBER 31, 2023

CANDIDATE	VOTES CAST
Arthur Bredehoft	_____
Matthew Dantzer	_____
Mark Frank	_____
Guy Hancock	_____
Peggy Hausman	_____
Bonar Luzey, II	_____
Ron Raymaker	_____
Adam Simmons	_____
Frank Smith	_____
Bruce Tough	_____
Carl White	_____

\_\_\_\_\_  
Signature of Presiding Officer

Please return this completed Ballot with a Resolution **BEFORE** December 15, 2021.

Montgomery Central Appraisal District  
Attn: Jaclyn Smith  
P. O. Box 2233  
Conroe TX 77305  
Email: JaclynS@MCAD-TX.org





Arthur J. Bredehoft  
10 East Cottage Green St.  
The Woodlands, TX 77382-1184  
713-208-9726 (cell)  
Email: arthurbredehoft@gmail.com

Objective: Providing leadership and value for Customers and the Community;  
Through Collaboration with People.

Employment History:  
2021-August  
2001-2020  
2001-2004  
1998-2000  
2000-1978

AJB Advisors,LLC.  
Safmarine of A.P.Moller-Maersk  
Positions: sales-customer experience and relationship development.  
Current Positions: Director of Global Key Account Management  
General Manager Safmarine-Breakbulk Customer Service and Sales  
Maersk Line of A.P.Moller-Maersk Account Executive.  
Other Shipping and General Agents Companies.

Education:  
1979  
Masters in Business Administration-Marketing:  
Seton Hall University-South Orange, New Jersey

1974  
Community Activities:  
B.A. Political Science:  
Jersey City State College- Jersey City, New Jersey

Former Municipal Water Utility Nbr.47 Director: 2003-2020 (term)  
Former President of Municipal Water District Nbr.47-2019-2020  
Former Woodlands Water Agency Trustee; 2015-2020.

Alden Bridge Residential Design Review Committee: 1999-2018

Development Standards Woodlands Township: 2018-2021(term)  
Chair 2021-Term.  
The Woodlands Home Owners Association, Directors: 2005-2009

Alden Bridge Village Association: 1999-2005  
President: 2003-2005  
Vise President and Area Representative 2003-1999

Adopt-A-Path: Alden Bridge since 1999

Montgomery County Library Advisory Board: Chairman Term:  
2012-2019 and 2019-2023(term).

Montgomery County Appraisal Director: October 2018-December 2019

George's Coffee Club of The Woodlands, Texas-2021



BIO FOR MATTHEW DANTZER  
MCAD BOARD 2022 – 2023 TERM

Matthew "Doc" Dantzer moved to Magnolia in 2001 after serving in the US Army. While in the Army he earned a degree in nursing and after his service he earned a degree in Business from the University of Phoenix. He is a local business owner providing services to seniors in the area. Doc has served 3 terms on City Council for the City of Magnolia, a former Commissioner for Planning and Zoning, Board Member for Society of Samaritans and is a member of the Greater Magnolia Chamber of Commerce.

MCAD

OCT 15 2021

P.O. BOX 2233  
CONROE, TX 77305



## Mark Frank

### About Mark:



Mark was born in 1986 at Conroe Regional Hospital. He was raised on a farm in Conroe off FM-1314 and Creighton Road. He attended St. James Episcopal School until his family moved to the Spring area. There, he graduated from Klein Oak High School in 2005 with Academic Recognition in the fields of Accounting and Business Management. He continued his education by obtaining an Associates in Accounting and Finance at the University of Phoenix. In June 2018, he completed his Bachelors in Business Management. He is a local business owner running 4

companies. He prides himself in providing sustainable green resources to protect the environment and promoting other local businesses.

He currently holds positions as the Montgomery County Republican Party Precinct 10 Chair and the position of Financial Review Chair. Advisory Board Member to the Hispanic Conservatives of Montgomery County. He is also the prior North Central Area Chair. Helping others has always been a passion for Mark. He currently serves his community at CISD as mentor in the Project Mentor Program. He looks forward to serving the community in a greater scope

## Current Social Accolades

**Mark has demonstrated his abilities as a leader and as a citizen.**

- Fought to end Forced Annexation.
- Mastered zero based budgeting.
  - Eliminating wasteful spending.
- Works diligently to reduce government interference in civil liberties.

## Never Make a Promise You Cannot Keep

- He WILL represent the citizens as they dictate.
- He WILL represent the citizens ethically and with integrity.
- He WILL NOT look to any special interest above the citizens.
- He WILL fight to reduce taxes.



Guy Hancock is a respected citizen of East Montgomery County. Professionally, he has owned Guy's AC and Heating in New Caney for over 35 years, and during that time has built it into a world-class provider of heating and cooling services. Personally, he is committed to giving back to his community.

Guy has served in various roles in East Montgomery County, including serving on the board of Emergency Services District #7 for over 20 years. He was instrumental in the creation of New Caney MUD and served the community in that role for many years.

A recognized leader in East Montgomery County, Guy received the 2018 Outstanding Citizen Award from the EMCID Board of Directors. In bestowing this honor, EMCID cited Mr. Hancock's ongoing commitment to law enforcement, education, and providing cooling services for the under-served.

Guy has called East Montgomery County "home" for 46 years. He and his wife, Susan, are long time members of First Baptist Church Porter. They have 2 kids and 5 grandkids who also call East Montgomery County home.

MCAD

OCT 12 2021

P.O. BOX 2233  
CONROE, TX 77305



# BONAR LUZEY, II

- Bonar Luzey, II is a Director with Alvarez & Marsal in Houston, TX. He specializes in operations and supply chain improvement and has worked with corporate and private equity clients in transformations, merger and integration, and restructuring, leading initiatives that aligns their enterprise operating model, maximizes business value, and drives innovation and process improvements.
- Mr. Luzey's primary areas of concentration include source-to-pay process redesign and system integration, direct and indirect cost reduction, integrated demand & supply planning, sales & operations planning, contract lifecycle management, and working capital optimization.
- With 20+ years of experience (5 years at A&M), Mr. Luzey has led initiatives and advised clients across corporate, private equity and public sector to realize sustainable enterprise value. His experience spans multiple industries including energy, manufacturing, industrial services, distribution, defense, aerospace, transportation and trucking.
- Mr. Luzey's has managed budgets, schedules, and risk and his recent engagements include:
  - Redesigned source-to-pay, order-to-cash, acquire-to-retire, and record-to-report processes to align to operating model for SAP S/4HANA re-implementation for a diversified oilfield services company after a merger of equals.
  - Led value capture team responsible for sourcing and cost reduction for direct and indirect spend categories during a corporate transformation at a sector leading industrial services provider.
  - Developed an online bidding platform & surplus asset liquidation and redeployment process for a Fortune 15, multi-national company.
  - Conducted synergy assessment to justify valuations & drive early alignment for tech solutions for merger of distribution/service companies.
  - Leveraged sourcing (direct and indirect categories) for a private equity client with +15 portfolio companies.
- Prior to joining A&M, Mr. Luzey was with a multi-national oilfield services company, where he served as Director, Global Procurement & Supply Chain and led global efforts to optimize supply chain management by redesigning the source-to-pay process and facilitating an ERP implementation of Oracle, leveraging strategic sourcing, establishing a category management approach, driving direct and indirect cost reductions, improving enterprise asset management strategy and execution, improving working capital and free cash flow, instituting an integrated demand and supply planning (ID&SP) and Sales and Operations Planning (S&OP) strategy, and playing a primary role in organization functional merger integration and divestiture planning and execution.
- Mr. Luzey earned a bachelor's degree in business / management from the United States Air Force Academy and an MBA with a concentration in finance from the University of Phoenix. He was also a Senior Executive Fellow at Harvard University. In addition, Mr. Luzey is active in the local community and serves as the Vice Chair, Board of Directors for Career and Recovery Resources, Inc., and on the Board of Directors for Montgomery Central Appraisal District. He is also an Advisory Board member for Texas Southern University, Department of Transportation Studies and past Rice University Board Fellows Mentor and past Board Advisor for Texas A&M University, Mays Business School Supply Chain Consortium.



**ALVAREZ & MARSAL**  
LEADERSHIP. ACTION. RESULTS.™





# **RON RAYMAKER**

**CITY OF SHENANDOAH**  
City Council, Position 1

Ron Raymaker is in his fifth year on the Shenandoah City Council, promoting economic growth and taxpayer value in Montgomery County. Passionate about representing the residents of Shenandoah, Ron believes small towns and cities need a greater voice within the county.

He studied management information systems at the University of Wisconsin with 25 years of experience leading Fortune 500 companies through operational transformations driven by technology. As an investor and licensed realtor, Ron understands real estate issues and how they influence the economy and community.

Ron is very proud of his special needs son, Sebastian, and is grateful for the active support of the special needs community within Montgomery County and Conroe ISD.





#### CONTACT

PHONE:  
281-703-0415 cell  
936-447-5626 office

WEBSITE:  
[www.CrystalClearMortgage.com](http://www.CrystalClearMortgage.com)

EMAIL:  
[adam@crystalclearmortgage.com](mailto:adam@crystalclearmortgage.com)

#### HOBBIES

Spending time with family and friends  
Spending time on the TX coast  
Cars  
Fishing  
Astros baseball

# ADAM SIMMONS

## EDUCATION

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**Texas State University**  
1996 - 2000  
Bachelor's Degree -Marketing, Minor - Accounting

## WORK EXPERIENCE

---

**CRYSTAL CLEAR MORTGAGE - OWNER- MANAGING PARTNER**  
2008-CURRENT

**MCAD Board of Directors (2019-2021)**

## PROFILE

I graduated from Klein High School in 1996 and went on to graduate from what is now Texas State University in 2000, with a degree in Marketing and Business Administration. After living in Austin my wife, Tiffany, and I decided that we needed to move closer to family to raise a family of our own, so we moved to Montgomery in June of 2006. I have a 15 year old daughter and a 12 year old son who have called Montgomery home since birth and whom attend MISD.

I have been in the home finance industry since 2003, and I started Crystal Clear Mortgage with a business partner in 2008. Together we have helped thousands of people with their goals of home ownership in Montgomery County.

Past Board experience includes the Montgomery Independent School District Board of Trustees, including a role as Vice- President, for three and half years (May 2016 -November 2020).

I am also currently a member of the MCAD (Montgomery Central Appraisal District) Board of Directors (elected December 2019 through December 2021) and hope to be able to continue the great work we are doing for another two year term.

I thank you for your consideration, and please feel free to reach out to me with any questions.



### **Frank Smith Biography**

**Frank Smith was born in Austin, Texas, and has been in service to his community his entire adult life. He graduated from Smiley High School in 1966 when he was named the Most Outstanding Player in Texas. Frank was in the United States Marine Corps from 1969-1975, where he was the #1 boot camp recruit. He worked his way up through the ranks, first as a Corporal, then as a Sergeant in his third year, when he was made a squad leader.**

**In 1982 Frank moved to Montgomery County, Texas and he has resided in that great county ever since. He first lived in Woodbranch for 15 years, where he and his beautiful wife of 48 years raised their two sons, who graduated from New Caney High School. In 1996 Frank and Debby moved to Stonecrest Ranch, where Frank served as one of the original Board Members of the Stonecrest Homeowner's Association.**

**Frank served as a Board Member of the Splendora Baptist Church, where he also served as a Sunday school teacher, and a Training Union Director. Frank was a founding member of Santa's Kids, providing bicycles to children in need for 12 years. He has been the owner/operator of ET Motors in New Caney for 36 years.**



Carl White  
P.O. Box 1371  
Conroe, TX 77305  
936-520-0106

Carl White is 64 yrs old. He is a resident of Conroe Tx. He is a retired meter technician of Entergy Texas with 36 yrs of service. He is now employed with FEMA as a claims adjuster. He is a high character and integrity man that would serve our Community well.

MCAD  
OCT 11 2021  
P.O. BOX 2233  
CONROE, TX 77305



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding the proposed code enforcement officer position.

**Recommendation**

Consider the information, discuss, and provide guidance on the next steps City Council would like to take, and provide feedback to staff as appropriate.

**Discussion**

The part-time code enforcement position has been posted on the City's website, TML's online job board, and Indeed.com since early October (and is still posted on all three platforms). The City has received 10 total applications. Of these, two had prior code enforcement experience and the rest of the applicants have no experience. Although there appeared to be initial interest in the part-time position, the two applicants with prior experience were seeking full-time employment and were not pursuing the part-time position.

As discussed with City Council in planning for the position, the City needs a code enforcement officer with experience who will assist in establishing a code enforcement program here. The City does not currently have the resources to train an entry-level employee or the time/funding to provide a learn-on-the-job position. The challenges inherent to hiring a no-experience employee to fill a position is not consistent with the City's expectations for results.

After evaluating the circumstances, City staff would like input from City Council on possible alternatives for the position. Two alternatives are listed below, and staff is still considering other possibilities:

1. Continue to receive applications from the existing job posting. City staff is not optimistic this will result in a different outcome. Job market pressures currently do not favor employers and the part-time status narrows the applicant pool considerably.
2. Change the hours of the position to full-time and increase the marketability of the job. This will result in increasing code enforcement activities and/or adding duties to the position commensurate with the additional work hours. Staff envisions these additional duties to primarily be focused on enforcing development regulations related to construction activities in the City (e.g., checking storm water pollution controls, tree protection, and other items included in the permitted plans that are currently inspected by the city engineer).

As you are aware, the adopted FY21-22 budget included \$30,000 for the addition of a part-time code enforcement officer position. These funds were anticipated to cover:

+/- \$4,000 for use of existing City vehicle and personnel needs (e.g., uniforms, computer, equipment)  
+/- \$25,000 salary expenses



Montgomery City Council  
**AGENDA REPORT**

If the position were converted to a full-time position and using a 9-month period to account for the remainder of the fiscal year, staff anticipates the FY21-22 budget implications to be:

\$38,475 – Nine months salary & benefits  
\$4,500 – Nine months equipment, vehicle, & fuel  
\$42,975 Total FY21-22 cost

Considering the \$30,000 of unused funds currently budgeted for the position, an additional \$12,975 would be needed via a future budget amendment. Of equal importance, next year’s budget would need to accommodate 12 months of expenses for code enforcement, which are anticipated to be approximately \$62,000.

If City Council is supportive of making this a full-time position in this manner, then staff will immediately move in that direction. Staff will come back to City Council with a future budget amendment after a final hiring decision is made in order to allocate the appropriate funding changes necessary.

Approved By		
Asst. City Administrator	Dave McCorquodale	Date: 12/09/2021
City Administrator	Richard Tramm	Date: 12/09/2021



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> December 14, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Kristen Goode

**Subject**

Consideration adoption of a resolution in support of a matching funds grant for the Montgomery Police Department.

**Recommendation**

Adopt the resolution.

**Discussion**

The Police Department is seeking a grant from the State of Texas to assist in purchasing additional server capacity for storage of body-worn cameras used by City police officers. The additional server space is needed for our agency to maintain appropriate storage in following state retention rules. Our current server is nearing capacity.

**Approved By**

Police Chief	Anthony Solomon	Date: December 10, 2021
City Administrator	Richard Tramm	Date: December 10, 2021



**RESOLUTION NO. 2021-\_\_\_\_\_**

**WHEREAS**, The City of Montgomery City Council (Governing Body) finds it in the best interest of the citizens of Montgomery, (Geographic Area) that the Increase Body Cam Video Storage Capabilities (Name of Project) be operated for the 2022 (Year); and

**WHEREAS**, City of Montgomery City Council (Governing Body) agrees to provide 25% applicable matching funds for the said project as required by the BC-Body-Worn Camera (BWC) Program (Funding Source) grant application; and

**WHEREAS**, City of Montgomery City Council (Governing Body) agrees that in the event of loss or misuse of the Office of the Governor funds, City of Montgomery City Council (Governing Body) assures that the funds will be returned to the Office of the Governor in full.

**WHEREAS**, City of Montgomery City Council (Governing Body) designates Anthony Solomon, Chief of Police (Name and/or Position Title) as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW THEREFORE, BE IT RESOLVED** that City of Montgomery City Council (Governing Body) approves submission of the grant application for the Increase Body Cam Video Storage Capabilities (Name of Project) to the Office of the Governor.

**Grant Number: 4360001**

Passed and approved this the 14<sup>th</sup> day of December, 2021.

CITY OF MONTGOMERY, TEXAS

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

ATTEST:

\_\_\_\_\_  
Susan Hensley, City Secretary





## **City Administrator Report – December 14, 2021, City Council Meeting**

December is always one of the best times of year in Montgomery with all of the festive decorations and activities in the City. Light Up the Park was held on Saturday, December 4<sup>th</sup>. This event was well attended with many people walking through the park to see the decorated poles, hanging around the pavilion area for the entertainment and social time, and the children getting to meet Santa. Saturday, December 11<sup>th</sup> (which occurs before the City Council Meeting) will include the City events of the Christmas Parade, Snow Party, and Cinema Under the Stars showing of Polar Express, as well as the Montgomery Historical Society Events of the Cookie Walk and the Candlelight Historic Home Tour.

The regular meetings and events in which I attended and participated since the last report include the Regular City Council Meetings of October 26 and November 9, and the Montgomery Economic Development Corporation Meeting of November 15. I also attended a community lunch meeting to introduce State Senator Lois Kolkhorst to the Montgomery/Magnolia area (her district now includes part of the City after redistricting). On November 30 I attended the Montgomery County Economic Forecast Lunch put on by the Greater Houston Building Association. I also attended various meetings with staff and consultants related to ongoing items.

This City Council Meeting has a busy agenda, partly due to only having one meeting in November and partly due to the number of items that happened to be ready to appear before the City Council at this meeting. While there is no specific agenda item this meeting for Redbird Meadows, the City Attorney and City Engineer may be able to provide progress reports on their work towards bringing an ultimate development agreement together.



January begins the new insurance year for City staff. There are 9 total staff members that reach across all departments who are utilizing the new benefit for dependent insurance coverage.

The upcoming holiday schedule for City Hall is:

Friday, December 24 – Closed for Christmas Eve

Monday, December 27 – Closed in observance of Christmas Day

Friday, December 31 – Closed in observance of New Year's Day

Monday, January 17 – Closed for Martin Luther King, Jr. Day

I look forward to seeing each of you at this upcoming meeting. If you have specific questions on items within the reports, please feel free to contact me or the appropriate department head prior to the meeting. Also, please let us know if you will be unable to attend this City Council Meeting.

Respectfully submitted,

*Richard Tramm*

City Administrator





# **CITY OF MONTGOMERY, TEXAS**

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

November 2021



## Sales Taxpayer Information through November

A review of the monthly reports provided by the Comptroller of Public Accounts reflects **5,741** active taxpayer accounts coded to the City of Montgomery. Many of the accounts are either E-Commerce related, or are coded as active but have not made a sale yet, and therefore are not reflected in the monthly report(s).

## Total Sales Tax Payers by Month

YEAR	MONTH	SALES TAX FILERS
<b>2020</b>	<b>November</b>	<b>2,076</b>
2020	December	1,988
2021	January	1,993
<b>2021</b>	<b>February</b>	<b>2,277</b>
2021	March	1,965
2021	April	1,874
<b>2021</b>	<b>May</b>	<b>2,159</b>
2021	June	2,058
2021	July	2,051
<b>2021</b>	<b>August</b>	<b>2,194</b>
2021	September	2,045
2021	October	2,058
<b>2021</b>	<b>November*</b>	<b>2,207</b>

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

Average number of taxpayers filing each month: 2,073  
\***6.3% increase** in taxpayers over **November 2020**



## Sales Tax Allocations through November 2021

Sales tax receipts for Calendar Year 2021 total **\$3,782,121.14**

Reviewing the past twelve month reporting period, the City of Montgomery sales tax receipts were derived from an average of **2,073** taxpayers filing local tax returns each month with February 2021 reflecting the highest taxpayer count of 2,277.

## Top 25 Sales Tax Filers - Twelve Months Combined

No.	Permit Name	NAICS
1	MCCOY CORPORATION	444190
2	KROGER TEXAS L.P.	445110
3	THE OTHER SIDE INC.	722513
4	BROOKSHIRE BROTHERS INC.	445110
5	ENTERGY TEXAS INC.	221122
6	AZZIP ENTERPRISES INC.	722511
7	VMWARE INC.	511210
8	MACSOUTH FOREST PRODUCTS LLC	454390
9	ALLEYTON RESOURCE COMPANY LLC	212321
10	O'REILLY AUTO ENTERPRISES LLC	441310
11	JIM'S HARDWARE INC.	444130
12	STEELEFAB INC.	
13	MCKINNEY RESTAURANT 21141 LLC	722513
14	SCHULTZ PET SUPPLY LLC	453910
15	GOOGLE LLC	518210
16	TUMLINSON ELECTRIC LLC	238210
17	CHEWY INC.	453910
18	NEW CINGULAR WIRELESS PCS LLC	517312
19	JEETHO BUSINESS INC.	447110
20	A & A PLANTS AND PRODUCE INC.	111219
21	SKIPPER BEVERAGE COMPANY LLC	447110
22	THE ECLECTIC TRADING COMPANY	722410
23	AMAZON.COM SERVICES INC (MARKETPLACE)	454110
24	KOLKHORST FOODS LLC	722513
25	INTUIT INC.	334614





## Top 25 Sales Tax Filers - November 2021

No.	Permit Name	NAICS
1	KROGER TEXAS L.P.	445110
2	STEEFAB INC.	
3	MCCOY CORPORATION	444190
4	ENERGY TEXAS INC.	221122
5	BROOKSHIRE BROTHERS INC.	445110
6	MACSOUTH FOREST PRODUCTS LLC	454390
7	THE OTHER SIDE INC.	722513
8	AZZIP ENTERPRISES INC.	722511
9	CONROE COMMERCIAL DOOR SOLUTIONS LLC	236220
10	MCKINNEY RESTAURANT 21141 LLC	722513
11	JIM'S HARDWARE INC.	444130
12	SCHULTZ PET SUPPLY LLC	453910
13	O'REILLY AUTO ENTERPRISES LLC	441310
14	GOOGLE LLC	518210
15	STARBUCKS CORPORATION	722515
16	CHEWY INC.	453910
17	ALLEYTON RESOURCE COMPANY LLC	212321
18	BARKBOX INC	453910
19	HP INC.	443142
20	JEETHO BUSINESS INC.	447110
21	AMAZING WINDOW CLEANERS LLC	561790
22	THE ECLECTIC TRADING COMPANY	722410
23	SKIPPER BEVERAGE COMPANY LLC	447110
24	IANASHER LLC	423430
25	BMC WEST LLC	444190



## November | October 2021 Top 25 Taxpayer Comparison

### November 2021

1	KROGER TEXAS L.P.
2	STEEFAB INC.
3	MCCOY CORPORATION
4	ENERGY TEXAS INC.
5	BROOKSHIRE BROTHERS INC.
6	MACSOUTH FOREST PRODUCTS LLC
7	THE OTHER SIDE INC.
8	AZZIP ENTERPRISES INC.
9	CONROE COMMERCIAL DOOR SOLUTIONS LLC
10	MCKINNEY RESTAURANT 21141 LLC
11	JIM'S HARDWARE INC.
12	SCHULTZ PET SUPPLY LLC
13	O'REILLY AUTO ENTERPRISES LLC
14	GOOGLE LLC
15	STARBUCKS CORPORATION
16	CHEWY INC.
17	ALLEYTON RESOURCE COMPANY LLC
18	BARKBOX INC
19	HP INC.
20	JEETHO BUSINESS INC.
21	AMAZING WINDOW CLEANERS LLC
22	THE ECLECTIC TRADING COMPANY
23	SKIPPER BEVERAGE COMPANY LLC
24	IANASHER LLC
25	BMC WEST LLC

Quarterly Filer Month

### October 2021

1	MCCOY CORPORATION
2	THE OTHER SIDE INC.
3	AZZIP ENTERPRISES INC.
4	ALLEYTON RESOURCE COMPANY LLC
5	O'REILLY AUTO ENTERPRISES LLC
6	JIM'S HARDWARE INC.
7	MCKINNEY RESTAURANT 21141 LLC
8	SCHULTZ PET SUPPLY LLC
9	GOOGLE LLC
10	MACSOUTH FOREST PRODUCTS LLC
11	GH MECHANICAL AND SERVICES LLC
12	CHEWY INC.
13	STOWE'S COLLISION REPAIR LLC
14	NEW CINGULAR WIRELESS PCS LLC
15	JEETHO BUSINESS INC.
16	AMAZON.COM SERVICES INC (MARKETPLACE)
17	THE ECLECTIC TRADING COMPANY
18	SKIPPER BEVERAGE COMPANY LLC
19	KOLKHORST FOODS LLC
20	JKG LEIGH LLC
21	STARBUCKS CORPORATION
22	CHIPOTLE MEXICAN GRILL OF COLORADO LLC
23	RNR TEAM LLC
24	OVERSTOCK.COM INC.
25	CVS PHARMACY INC.

Non-Quarterly Filer Month



## Sales Tax Receipts by Business Type/Nexus Twelve Month Totals

During the past twelve months, **96%** of all sales tax receipts received came from service providers that are charging the local sales tax to individuals within the City boundary, but whose physical tax office is located either out of the City limits or, in most cases, out of the State. These businesses have been reviewed and have been determined by the Comptroller of Public Accounts that they constitute a service, which qualifies for charging the local tax.

In October 2021, a total of 76 businesses filed sales tax receipts from locations that are physically located within the City, the remaining 2,058 filings came from out of District goods and service providers.





## Sales Tax Receipts

The City of Montgomery, Texas has received **\$37,054,156.99** in sales tax receipts since January 1, 1995.

### October 2021 | 2020 Comparison

Receipts of Sales Tax Were as Follows:	November 2021*	November 2020
	<b>\$540,960.11</b>	<b>\$416,557.44</b>
		<i>*30% increase</i>

Total Sales Tax Allocations Received:	2022 FYTD	2021	% of Budget
	<b>\$815,722.75</b>	<b>\$2,200,000</b>	<b>37%</b>

*Fiscal Year Date Range: October-September*

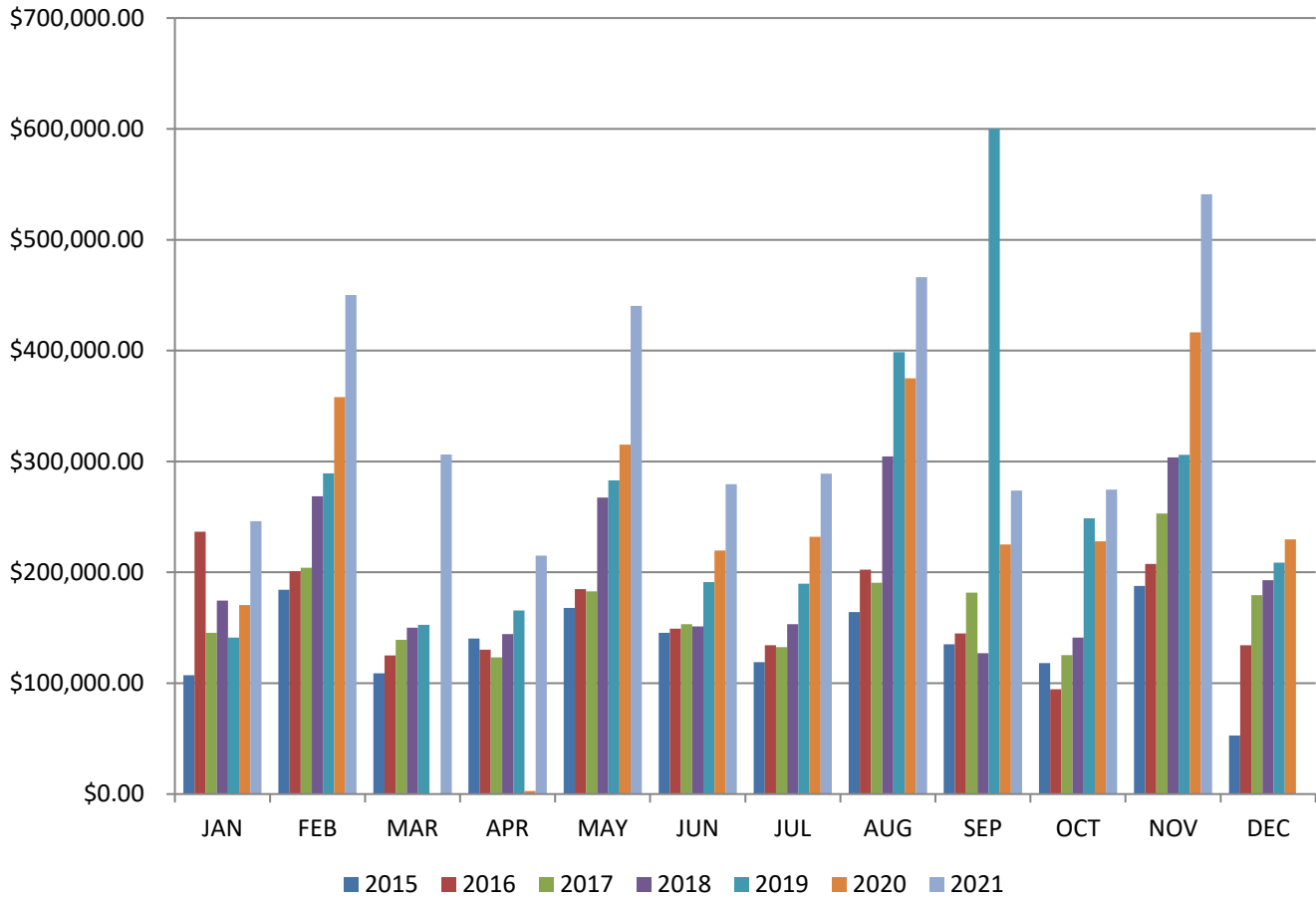
FY 2019 Total Allocations	FY 2018 Total Allocations	FY 2017 Total Allocations	FY 2016 Total Allocations	FY 2015 Total Allocations	2014 Total Allocations
<b>\$3,049,090.59</b>	<b>\$2,298,289.34</b>	<b>\$1,889,285.60</b>	<b>\$1,867,030.18</b>	<b>\$1,699,926.42</b>	<b>\$1,688,374.26</b>
FY 2020 Total Allocations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

Total Allocations, 2012-Present
<b>\$22,581,265.05</b>

Calendar Year 2021 Sales Tax Averages		Calendar Year 2020 Sales Tax Averages	
<b>Total: \$3,782,121.14</b>		<b>Total: \$3,163,133.43</b>	
<b>Mean Allocation:</b>	<b>\$343,829.19</b>	<b>Mean Allocation:</b>	<b>\$231,029.67</b>
<b>Median Allocation:</b>	<b>\$288,879.49</b>	<b>Median Allocation:</b>	<b>\$228,845.67</b>

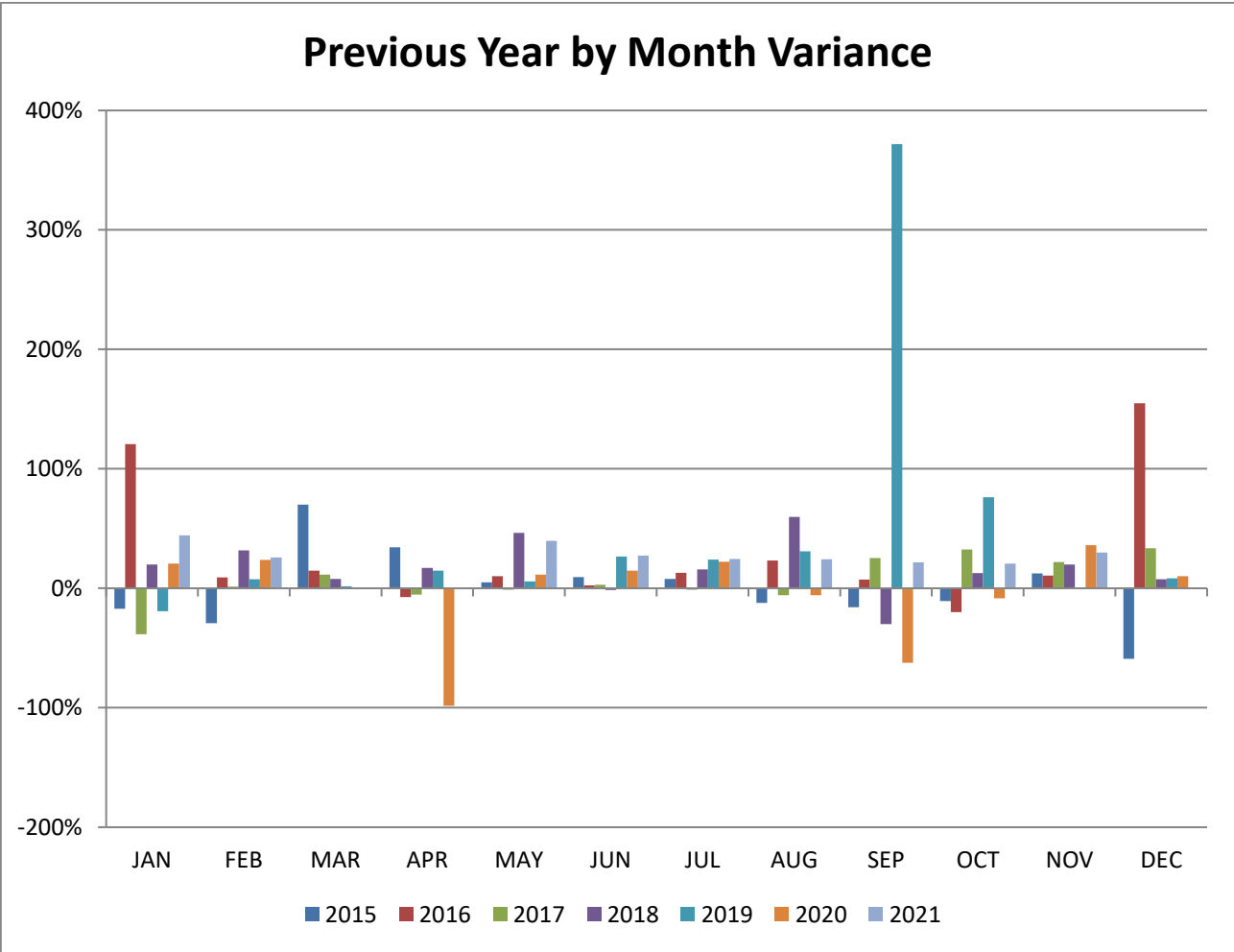


### Monthly Allocations



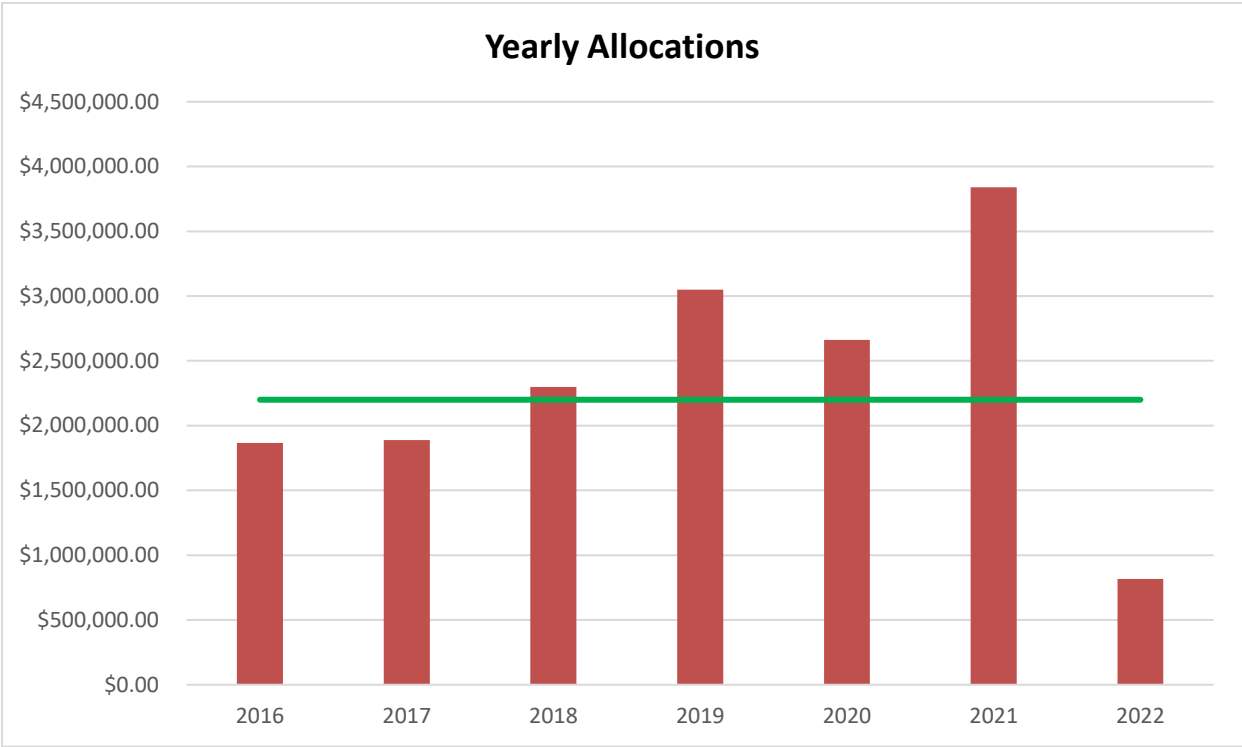
	2015	2016	2017	2018	2019	2020	2021
JAN	\$107,238.81	\$236,764.92	\$145,488.55	\$174,487.10	\$141,238.00	\$170,531.07	\$246,166.57
FEB	\$184,183.00	\$200,985.71	\$204,006.24	\$268,635.98	\$289,215.49	\$358,073.66	\$450,079.02
MAR	\$108,979.46	\$125,057.26	\$139,225.65	\$149,964.30	\$152,607.97	\$0.00	\$306,201.64
APR	\$140,275.54	\$130,098.69	\$123,234.01	\$144,205.61	\$165,516.81	\$2,724.55	\$215,206.50
MAY	\$168,012.24	\$184,955.47	\$182,757.15	\$267,397.74	\$283,049.52	\$315,099.96	\$440,192.71
JUN	\$145,485.26	\$149,145.60	\$153,336.53	\$151,071.81	\$191,260.13	\$219,615.98	\$279,583.10
JUL	\$118,871.30	\$134,137.44	\$132,394.32	\$153,156.83	\$189,741.79	\$231,928.50	\$288,879.49
AUG	\$164,234.26	\$202,380.82	\$190,648.43	\$304,422.57	\$398,641.13	\$375,019.12	\$466,305.61
SEP	\$135,004.07	\$144,903.50	\$181,625.33	\$127,165.52	\$599,991.27	\$225,114.39	\$273,783.75
OCT	\$118,139.09	\$94,652.13	\$125,361.52	\$141,162.59	\$248,593.82	\$227,917.54	\$274,762.64
NOV	\$187,778.09	\$207,611.58	\$253,111.48	\$303,708.43	\$305,939.66	\$416,557.44	\$540,960.11
DEC	\$52,683.59	\$134,305.68	\$179,308.88	\$192,957.46	\$208,806.76	\$229,773.80	



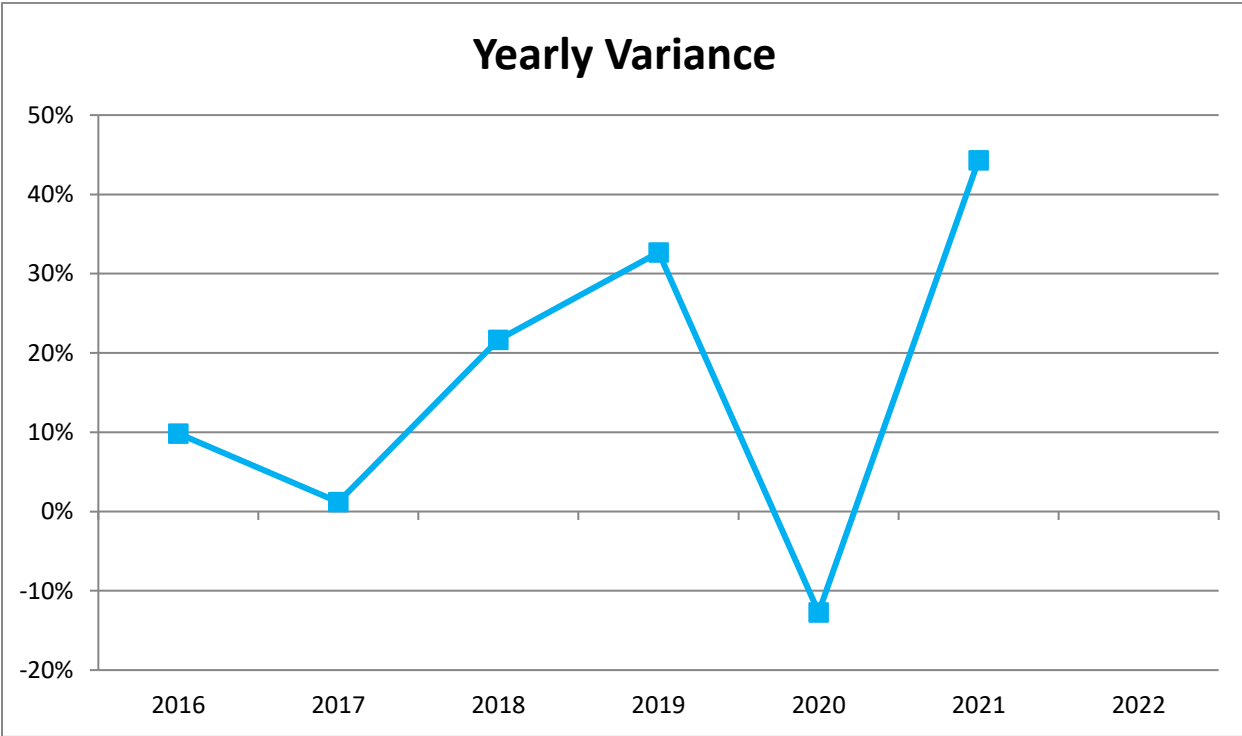


	2015	2016	2017	2018	2019	2020	2021
JAN	-17%	121%	-39%	20%	-19%	21%	44%
FEB	-29%	9%	2%	32%	8%	24%	26%
MAR	70%	15%	11%	8%	2%	N/A	N/A
APR	34%	-7%	-5%	17%	15%	-98%	N/A
MAY	5%	10%	-1%	46%	6%	11%	40%
JUN	9%	3%	3%	-1%	27%	15%	27%
JUL	8%	13%	-1%	16%	24%	22%	25%
AUG	-12%	23%	-6%	60%	31%	-6%	24%
SEP	-16%	7%	25%	-30%	372%	-62%	22%
OCT	-11%	-20%	32%	13%	76%	-8%	21%
NOV	13%	11%	22%	20%	1%	36%	30%
DEC	-59%	155%	34%	8%	8%	10%	

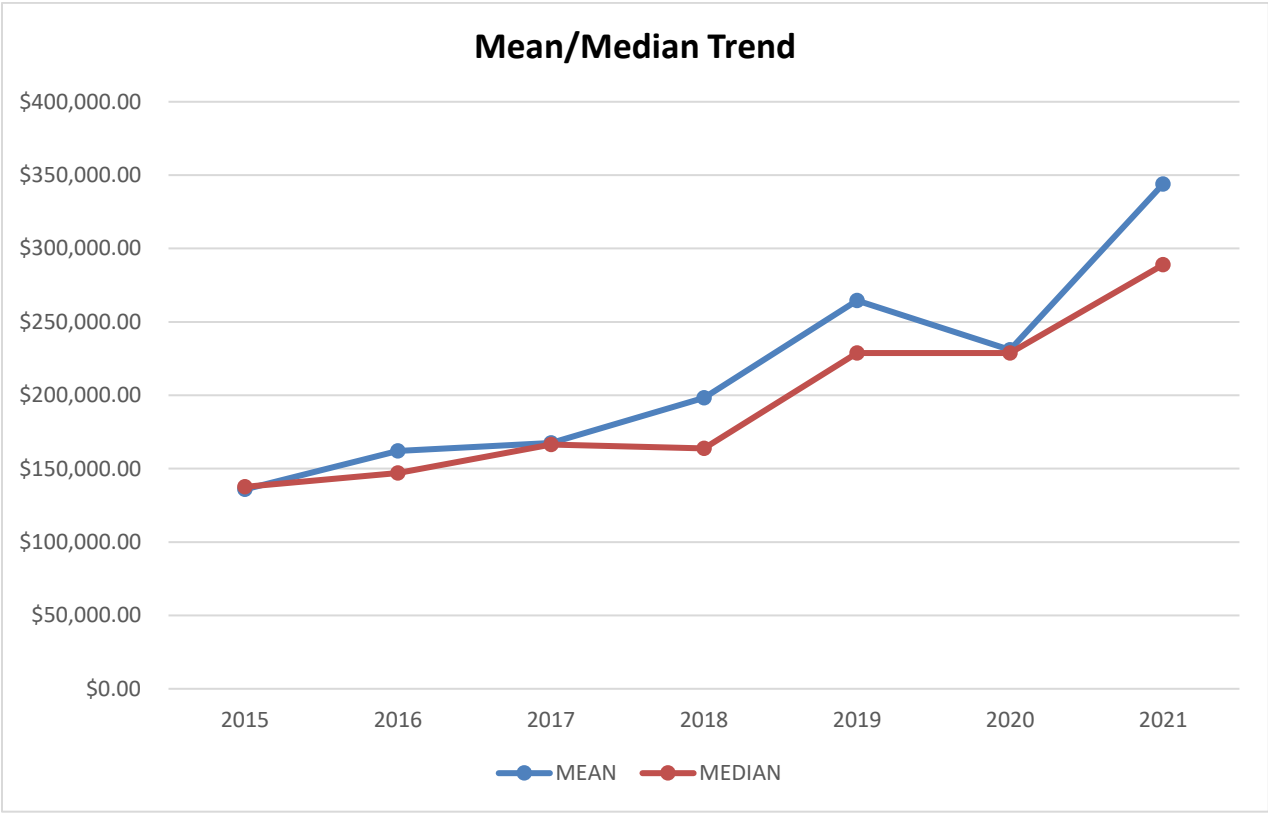




FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
\$1,867,030.18	\$1,889,285.60	\$2,298,289.34	\$3,049,090.59	\$2,661,447.47	\$3,840,647.17	\$815,722.75
10%	1%	22%	33%	-13%	44%	







	2015	2016	2017	2018	2019	2020	2021
<b>Mean</b>	\$135,907.06	\$162,083.23	\$167,541.51	\$198,194.66	\$264,550.20	\$231,029.67	\$343,829.19
<b>Median</b>	\$137,639.81	\$147,024.55	\$166,322.71	\$163,821.97	\$228,700.29	\$228,845.67	\$288,879.49



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



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





Public Works Department  
 101 Old Plantersville Rd.  
 Montgomery, TX 77316  
 Main: 936-597-6434 Fax: 936-597-6437

## Monthly Report for October 2021

### Water

- Installed time lapse camera to capture Water Plant 3 Improvements Project.
- Replaced meter at 163 Harley.
- Helped customer with irrigation system controls at 123 Anna Springs.
- Walk through inspection 12" water line downtown.
- Completed monthly cutoff list for non-payments.
- Completed monthly leak notification door hangers.
- Completed monthly meter verification list.
- Completed monthly check of idle meter list for consumption. No issues were found.
- Activated/deactivated 12 water accounts.
- Completed 6 work orders for endpoint maintenance issues.
- Completed 3 work orders for water leaks.
- Completed 9 work orders for miscellaneous water issues.
- Completed 3 work orders for water taps.

### Wastewater

- Completed 3 work order for sewer taps.
- Completed 2 work orders for sewer-stop up.

### Streets/Drainage/ROW

- Installed trick or treat signage for city event.
- Removed all dead animals from roadways.
- Removed dead tree from ROW on College @ Lone Star Estates.
- Trim trees hanging over street on McGinnis @ MLK.
- Replaced culvert at 312 Louisa.
- Trim limb hanging over street on Prairie @ Clepper.
- Pick up large fallen limb on Westway @ 105.
- Removed silt fencing construction debris from 1097.
- Straighten speed limit signs on Plez Morgan @ Clepper.
- Repaired 1 pothole.
- Completed 0 work orders for streetlight request.



- Completed 3 work order for Street ROW – Ditch/Drainage.
- Completed 2 work orders for street sign issues.
- Completed daily utility locates as necessary.
- Completed daily removal of bandit signs as necessary.

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

- Stripe new paving at Community Center.
- Installed locks on drawers for Police Department.
- Move filing cabinet for Police Department.
- Replaced flags as needed.
- Replaced electrical drop box for ceiling fan inside shop.
- Oil Change for PW-1501.
- Truck Inspection for PW-1801.
- Add hydraulic oil for PW-1201.
- Flat repair for PW-2001.
- Replace battery PW-1801.
- Completed monthly light bulb check at all facilities.
- Delivered cases of water to City Hall as requested.
- Completed weekly cleaning of Community Center.
- Completed weekly pre trip inspections of crew trucks.
- Completed monthly check of all irrigation systems and made repairs as necessary.
- Completed 21 work orders for general-City Hall maintenance.

### **Parks/Recreation**

- Replaced float on fountain at Cedar Brake Park.
- Replaced damaged multi-fold dispenser at Cedar Brake Park & Homecoming Park.
- Removed all dead plants and irrigation from flowerbed and laid sod at Cedar Brake Park.
- Clean up fallen limbs around Cedar Brake Park and Homecoming Park.
- Treat grounds for fire ants at Fernland Park.
- Checked for wasps throughout the entire park including Jardin cabin attic at Fernland Park.
- Delivered ink to Fernland Park.
- Checked waterfall at Fernland Park.
- Trim dead tree for Christmas decoration at Fernland Park.
- Repaired lid, rope and bucket for the water well between the bell tower and outhouse at Fernland Park.
- Replaced broken deadbolt for the Simonton House at Fernland Park.
- Restart waterfall pump after power outage at Fernland Park.
- Deliver empty trailer to Fernland Park for Rotary Club.
- Re-piped water fall pump at Fernland Park.
- Built concrete ramp to remove trip hazard at Fernland Park.
- Fixed any pavers to prevent trip hazard at Fernland Park.
- Treat all parks for ants.
- Posted all park reservation notices.
- Completed 25 work orders for maintenance-parks issues.



- M/W/F cleaning of all restrooms and grounds.
- Attended Fernland Monthly Meeting.
- Fernland docents reported 686 visitors and provided 66 tours for the month.

### **General**

- Set up for National Night out.
- Clean up for National Night out.
- Set up for Fall Festival.
- Clean up for Fall Festival.
- Brought more water to Police Department and Administration.
- Honored all half-staff alerts.
- Walk through inspection at Town Creek.
- Turned off all irrigation systems for Winter.
- Uncrated benches at Public Works.
- Attended TX APWA Conference.
- Attended SERT Meeting.
- Attended Department Head meeting.
- Attended Christmas Parade Meeting.
- Completed 18 work orders for maintenance-general issues.
- Completed monthly safety meeting with department and safety officer.
- Attended bi-weekly conference calls with utility operator and engineer.





# Montgomery Police Department

Chief Anthony Solomon

## Activity Report

October 1, 2021 - October 31, 2021

### Patrol Division

Calls for Service	-	199
Total Reports	-	34
Citations Issued	-	106
Warnings Issued	-	239
Arrests	-	15
Accident Reports	-	8

### Personnel/Training

- Our department hosted a Basic SWAT training in October.
- Our department hosted an Intermediate Collision Investigation.
- Officer Griffin attended Property Room and Evidence Management training.
- Command Staff attended Leadership training.
- All of our officers and command staff participated in Weapon Qualifications.
- Officer Lozano trained the Volunteers in Police Services (VIPS).

### Investigation Division

Total number of assigned cases to C.I.D. for the month: 3

### Breakdown by Offense Category

- DWI 9
- Drug Arrests/Citations 5
- Criminal Trespass 1
- Warrant Arrests 6
- Missing Person Juvenile 1
- Family Violence 1
- Theft 1

### Major Incidents

No Major Incidents in October.



## **Upcoming Events**

- January 19<sup>th</sup> – Stop the Bleed Class
- February 16<sup>th</sup> – Stop the Bleed Class

## **Traffic and Safety Initiatives**

We are tasking Sergeant Hernandez, with studying the characteristics of traffic. You may ask what is that and what's the difference between that and a normal traffic study. In areas like Montgomery where growth is coming fast just a normal traffic study gives the TxDot what they need to make whatever improvement they think is necessary for the area.

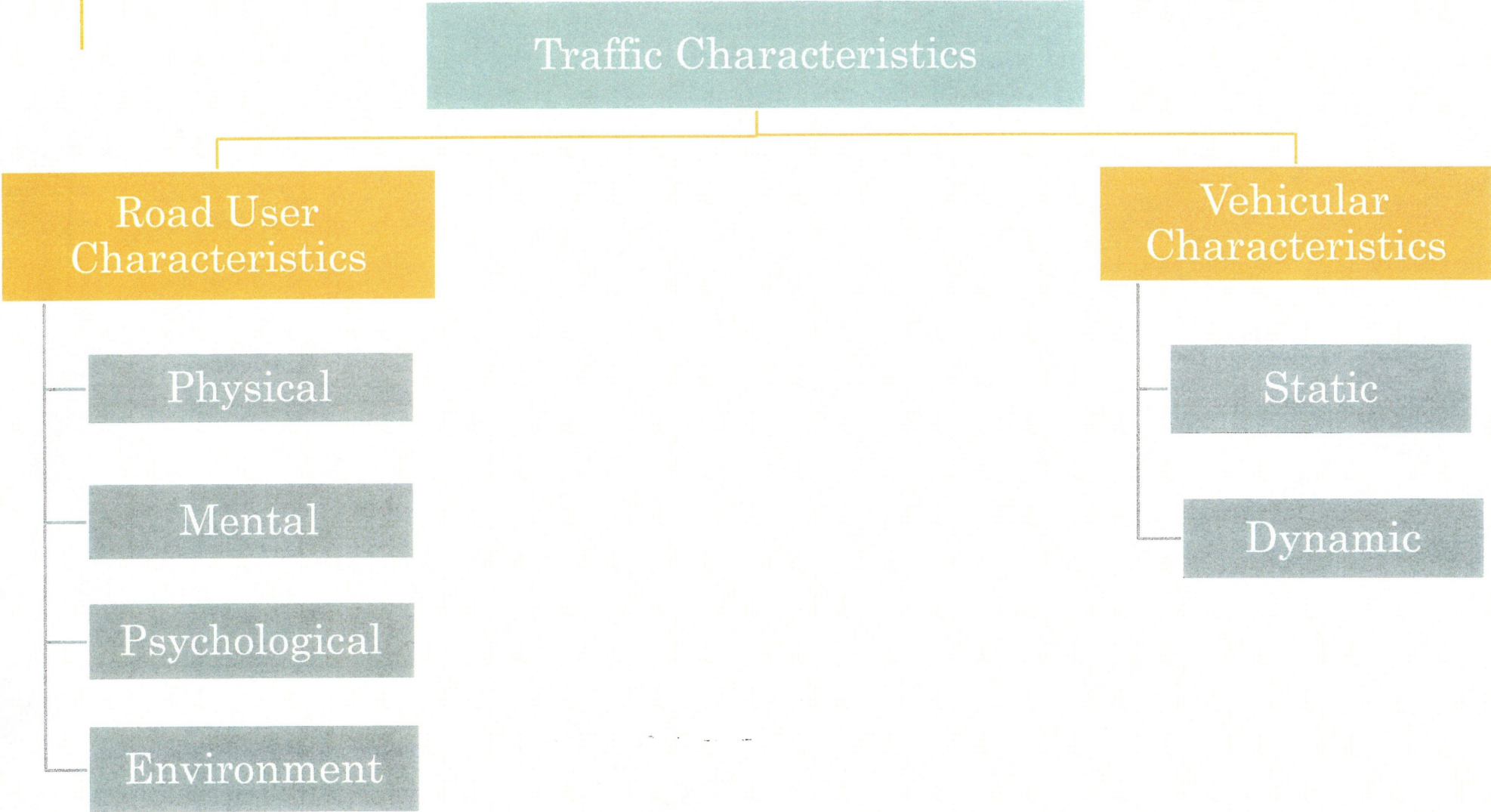
However we, as officers in this city, who work both major and minor accidents, see those traffic violations on a daily basis and make contact with the drivers involved in those accidents get an in-depth look and understanding of traffic characteristics such as:

- Road user characteristic
- Vehicular characteristics
- Traffic volume studys as relates to origin and destination
- Traffic flow characterisctic study.

Attached are the areas and characteristics we will be focusing on and learning if and how much these characteristics are factors in Montgomery.



# TRAFFIC CHARACTERISTICS





# City of Montgomery Municipal Court Report October 2021

Kimberly Duckett  
Court Administrator





# Comparison Chart

## Citations and Revenue January 2018 - Present

	2018	2019	2020	2021
<i>Jan</i>	207	197	184	183
<i>Feb</i>	199	180	81	108
<i>Mar</i>	163	264	72	148
<i>April</i>	218	143	28	114
<i>May</i>	229	139	90	205
<i>June</i>	257	233	110	123
<i>July</i>	282	203	39	163
<i>Aug</i>	320	233	78	126
<i>Sept</i>	211	196	127	134
<i>Oct</i>	143	107	121	103
<i>Nov</i>	202	130	216	
<i>Dec</i>	174	121	128	

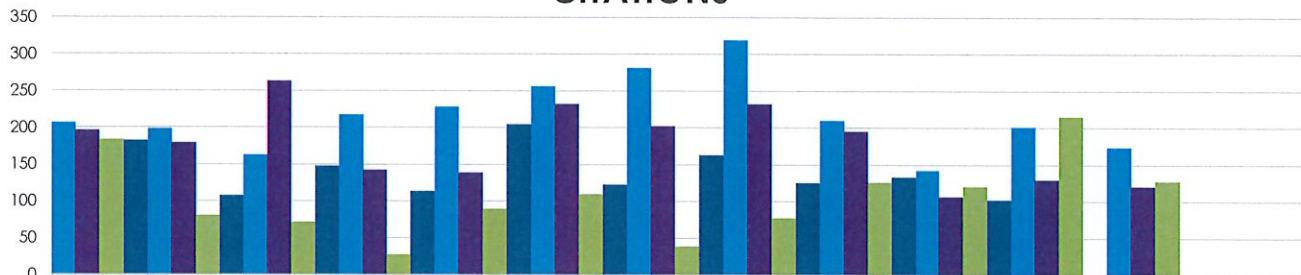
**Totals**            2605            2146            1274            1407

	2018	2019	2020	2021
<i>Jan</i>	\$45,128.89	\$36,756.35	\$23,063.40	\$36,932.88
<i>Feb</i>	\$51,188.10	\$33,590.10	\$33,280.30	\$38,953.88
<i>Mar</i>	\$52,380.12	\$47,500.50	\$23,585.48	\$45,260.60
<i>April</i>	\$39,781.86	\$40,450.17	\$13,514.80	\$40,808.03
<i>May</i>	\$55,321.25	\$29,687.31	\$14,418.77	\$21,995.10
<i>June</i>	\$25,193.20	\$30,546.14	\$27,969.63	\$35,692.30
<i>July</i>	\$39,922.89	\$35,339.40	\$20,394.55	\$33,874.84
<i>Aug</i>	\$51,021.18	\$40,020.15	\$18,860.50	\$34,639.40
<i>Sept</i>	\$50,959.23	\$35,212.57	\$20,678.83	\$34,747.41
<i>Oct</i>	\$37,954.40	\$25,875.30	\$25,084.90	\$29,668.47
<i>Nov</i>	\$30,792.97	\$22,745.80	\$24,177.27	
<i>Dec</i>	\$27,171.20	\$28,590.70	\$37,442.27	

**Totals**            \$506,815.29            \$406,314.49            \$282,470.70            \$352,572.91

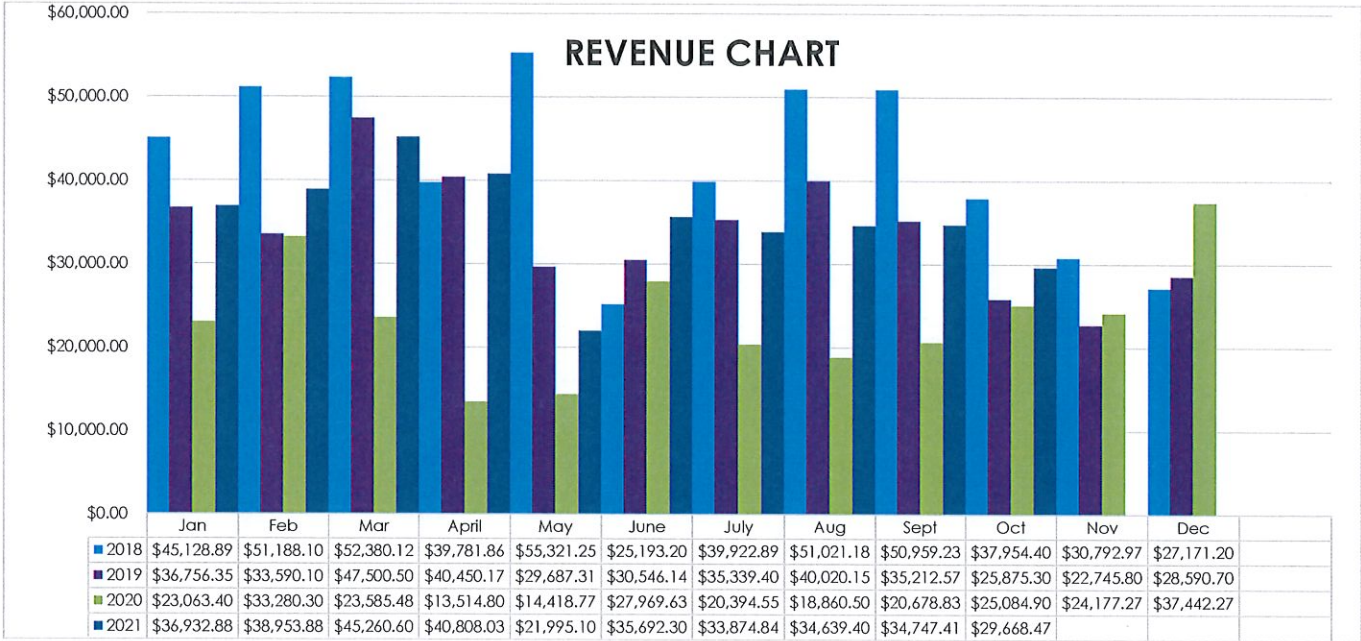


### CITATIONS



	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
2018	207	199	163	218	229	257	282	320	211	143	202	174
2019	197	180	264	143	139	233	203	233	196	107	130	121
2020	184	81	72	28	90	110	39	78	127	121	216	128
2021	183	108	148	114	205	123	163	126	134	103		







# City of Montgomery Municipal Court Report November 2021

Kimberly Duckett  
Court Administrator





# Comparison Chart

## Citations and Revenue January 2018 - Present

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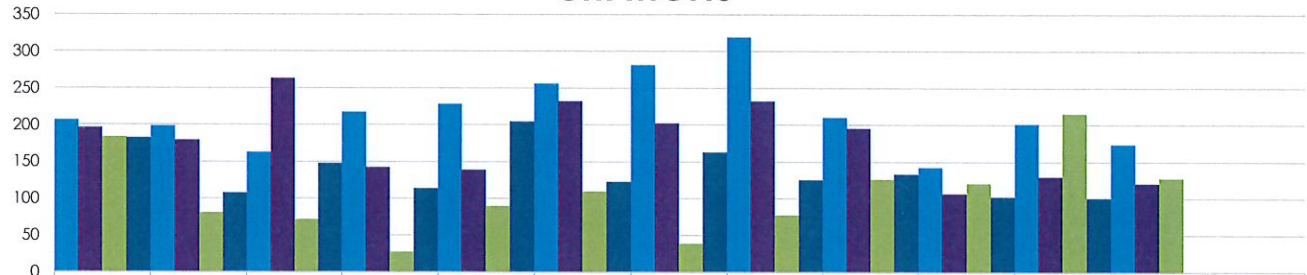
**Totals**                    2605                    2146                    1274                    1508

	2018	2019	2020	2021
<i>Jan</i>	\$45,128.89	\$36,756.35	\$23,063.40	\$36,932.88
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<i>Aug</i>	\$51,021.18	\$40,020.15	\$18,860.50	\$34,639.40
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**Totals**                    \$506,815.29                    \$406,314.49                    \$282,470.70                    \$376,031.26

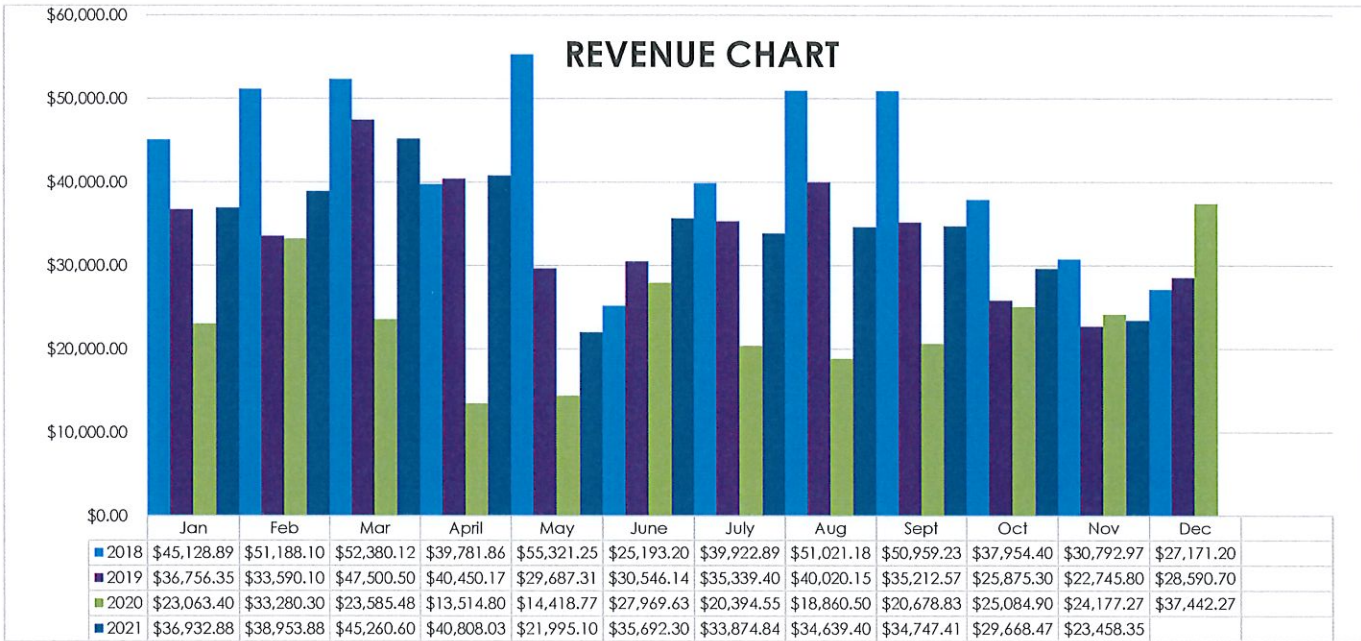


### CITATIONS



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■ 2020	184	81	72	28	90	110	39	78	127	121	216	128
■ 2021	183	108	148	114	205	123	163	126	134	103	101	







## UTILITY/GENERAL FUND REPORT – OCTOBER 2021

TOTAL REVENUE	
Utilities	\$174,680.65
Permits	\$42,631.00
Vendor/Photography/Sign/Street Festival	\$1,295.00
Flags Sold	\$170.00
Community Building Deposit	\$900.00
Community Building/ Park Rentals	\$1,550.00
PD Reimbursement- National Night Out Donation	\$800.00
PD- Reimbursement- Tx Comptroller	\$765.50
PD Reimbursement- Chick-Fil-A	\$293.29
Record Copies	\$4.50
Fall Festival	\$270.00
Arrest Fees	\$54.00
Zoning Fee	\$500.00
City Reimbursement- TML Insurance	\$449.80
Hotel Tax	\$1,059.00
Franchise Fee	\$1,939.29
Light up the Park	\$100.00
Christmas Parade Fee	\$200.00
Escrow Fees	\$2,170.00
Online Transaction Fees Web Payments	\$557.50
<b>Monthly Total:</b>	<b>\$230,389.53</b>



<b>ARREARS</b>			
	<b>60 Days</b>	<b>90 Days</b>	<b>120+ Days</b>
<b>Number of Accounts</b>	6	7	25
<b>Amount</b>	\$499.65	\$441.06	\$3,104.24
<b>GRAND TOTAL:</b>			<b>\$4,044.95</b>

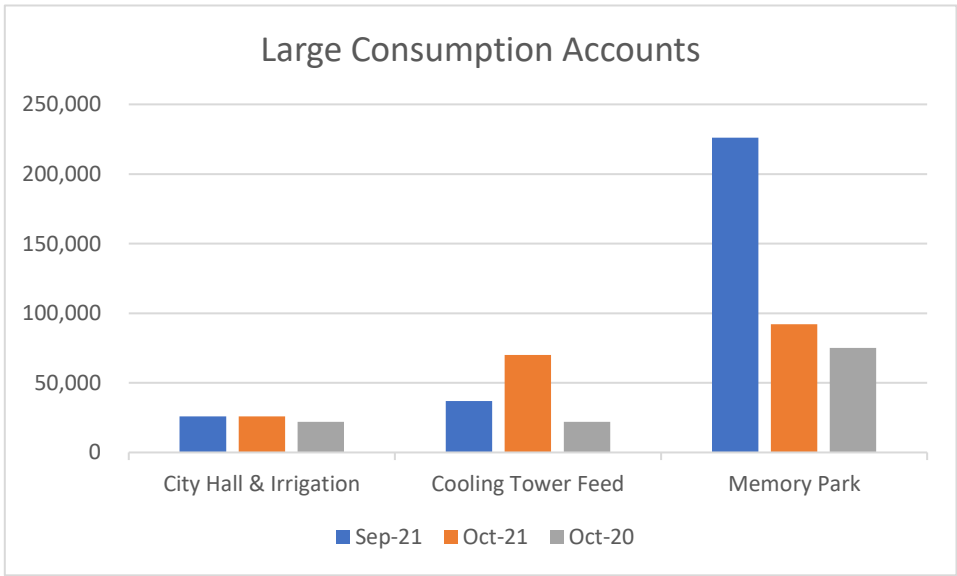
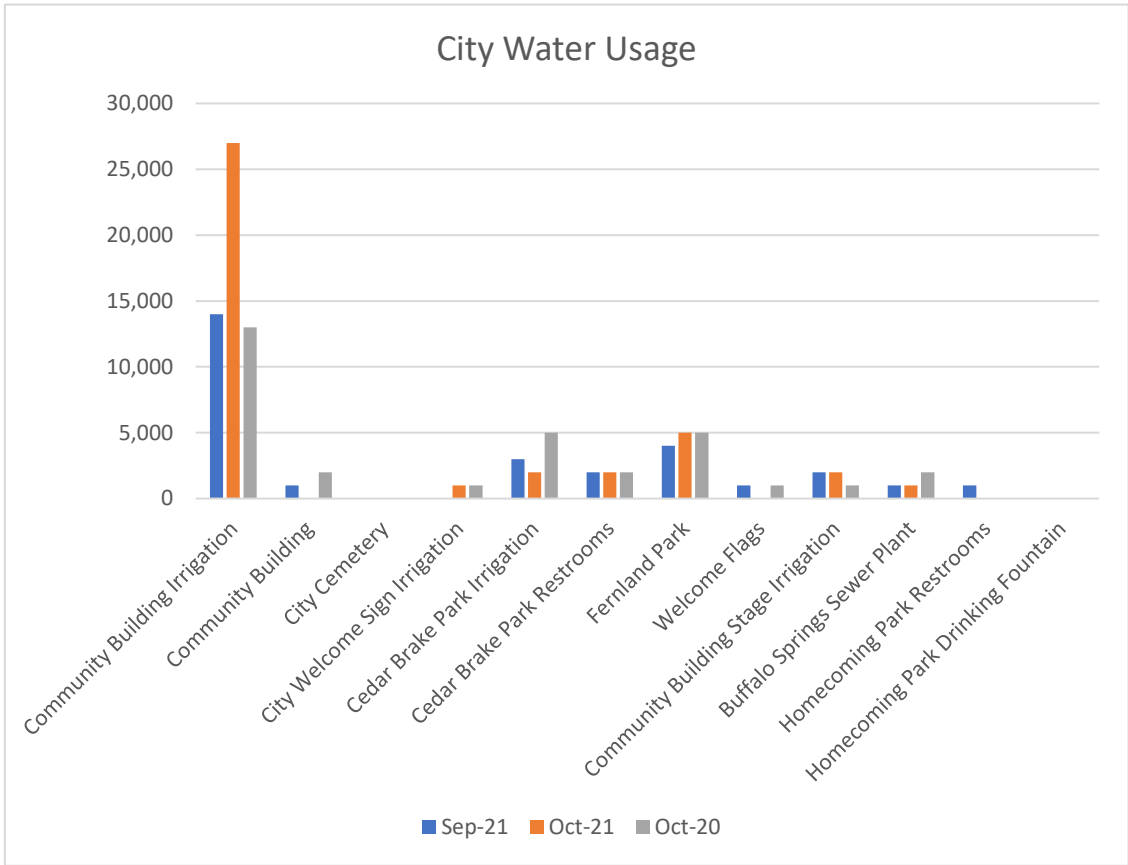
<b>PERMITS</b>	
<b>Type</b>	<b>Permit Total</b>
Building-Residential	19
Sign	2
Plumbing	3
Irrigation	1
Pool	1
Generator	2
Mechanical	1
Electrical	6
<b>TOTAL</b>	<b>35</b>

<b>UTILITIES</b>	
New Water Accts.	28
Disconnected Water Accts.	17
<b>Total Number of Active Accts.</b>	<b>916</b>



CITY ACCOUNT WATER USAGE				
ACCOUNT NAME	ACCT #	Sep-21	Oct-21	Oct-20
Community Building Irrigation	(01-8732-00)	14,000	27,000	13,000
Community Building	(01-0130-00)	1,000	0	2,000
City Cemetery	(01-1110-00)	0	0	0
City Welcome Sign Irrigation	(01-8733-00)	0	1,000	1,000
Cedar Brake Park Irrigation	(01-8736-00)	3,000	2,000	5,000
Cedar Brake Park Restrooms	(01-8735-00)	2,000	2,000	2,000
Ferland Park	(01-8737-00)	4,000	5,000	5,000
Welcome Flags	(01-8734-00)	1,000	0	1,000
Community Building Stage Irrigation	(01-6180-00)	2,000	2,000	1,000
Buffalo Springs Sewer Plant	(01-8821-00)	1,000	1,000	2,000
Homecoming Park Restrooms	(01-8820-00)	1,000	0	0
Homecoming Park Drinking Fountain	(01-8738-00)	0	0	0
City Hall & Irrigation	(01-6190-00)	26,000	26,000	22,000
Cooling Tower Feed	(01-0355-00)	37,000	70,000	22,000
Memory Park	(01-5885-00)	226,000	92,000	75,000









**City of Montgomery**  
**Operations Report**  
**October 2021**  
**09/18/21 - 10/17/21**



**District Alerts:****09/23/2021—Sewer Back Up, Plez Morgan & FM1097**

Operator was notified of sewer back up in resident home. Operator investigated issue and discovered nearest manhole charged. Manhole was jetted and cleaned out. No further issues.

**09/24/2021 – Water Quality, 800 Stewart St**

Operator was notified of brown water in area. Upon arrival operator flushed lines, solving problem. Resident was notified.

**09/25/2021— Lift Station 5, Generator Running**

Operator was called out to facility due to generator running alarm. Upon arrival operator investigated area and found facility running at normal levels and generator off. No issues found.

**09/27/2021—Lift Station 3, Lift Pump 1 Clogged**

Operator found Lift Pump 1 running but not pumping. Operator had pump pulled and cleaned of debris solving issue. Facility back online.

**10/01/2021—Lift Station 3, Lift Pump Clogged**

Operator found wet well in high level and pump not operating during regular facility check. Operator investigated issue and had both pumps pulled and cleaned of debris.

**10/02/2021—Lift Station 5, Generator Running**

Operator was called out to facility due to generator running alarm. Upon arrival operator investigated area and found facility running at normal levels and generator off. Alarm caused by possible power surge.

**10/04/2021—Water Plant 3, Well 4 Chlorinator**

Operator found low residual in GST during facility check in. Operator investigated issue and chlorinator 1 on well 4 was not feeding. Chlorinator was repaired.

**10/08/2021—Lift Station 3, Lift Pump Clogged**

Operator noticed heavy vibration coming from lift pumps during regular facility check. Operator investigated issue and found pump to be clogged. Operator had pumps pulled and cleaned of debris.

**10/11/2021—Lift Station 3, High Wet Well**

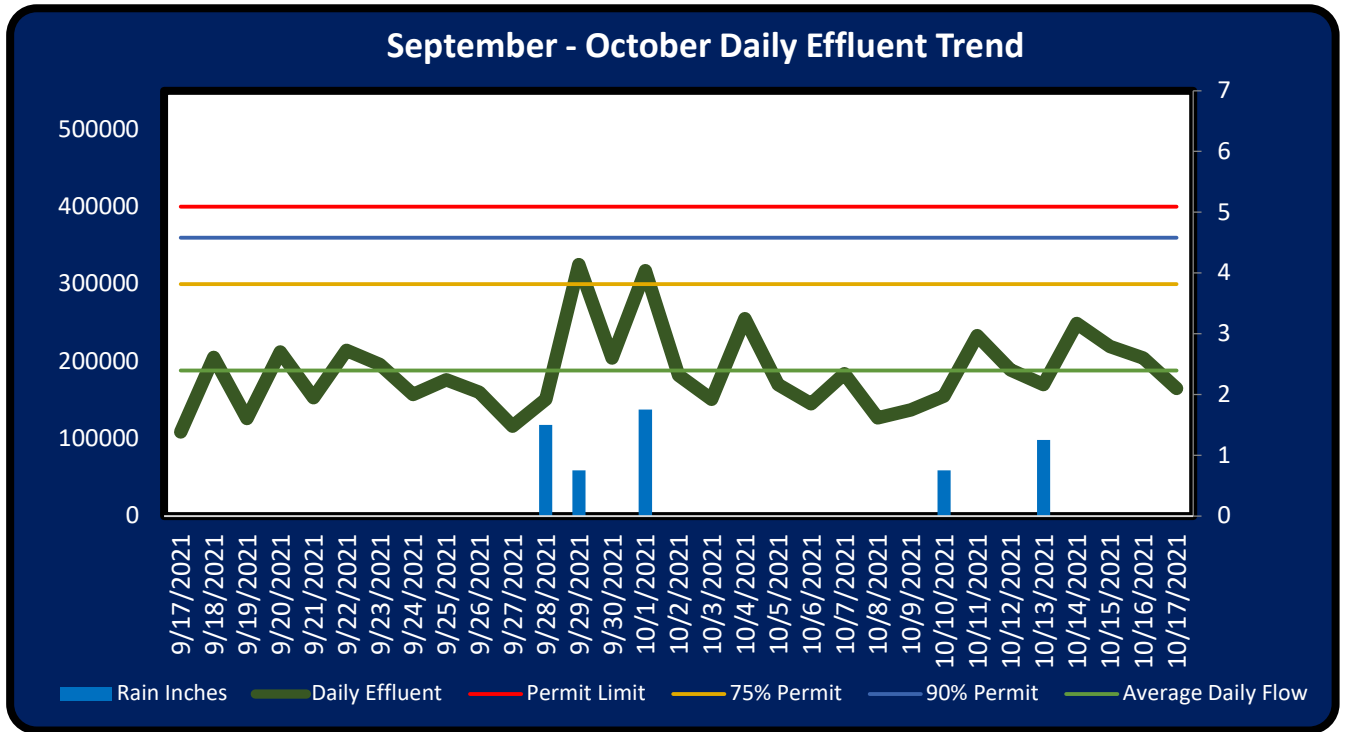
Operator was called out to the facility due to high wet well alarm. Upon arrival operator found no issues, wet well level down. Operator reset equipment.

**10/14/2021—Lift Station 3, High Wet Well Alarm**

Operator was called out to facility due to high wet well alarm. Upon arrival operator found pumps clogged, high levels caused by heavy rain in area. Pumps were pulled and cleaned of debris.



### Wastewater Plant Flow Detail



- Flow for the month of September - October was 5,647,000 gallons
- Daily peak flow September 29, 2021, was 325,000 gallons
- Average Daily Flow 188,200 gallons
  - 3-month average flow 174,800 gallons
  - 47% of permitted capacity




Discharge Limitations

- Daily Average Flow 400,000 gallons (0.4 MGD)
- 2-Hour Peak Flow 833 gpm
- CBOD daily average 10 mg/l
- Total Suspended Solids (TSS) 15 mg/l
- Ammonium Nitrogen (NH3) 2 mg/l
- Chlorine Residual >1.0 mg/l < 4.0 mg/l
- The current permit expires 06/01/2022

*Effluent*

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

Buffalo Springs WWTP Effluent Monitoring Report

Effluent Permitted Values	Parameter		Measured	Excursion
Average Monthly T.S.S.	15	mg/l	2.50	no
Average Monthly NH3	2	mg/l	0.39	no
Minimal CL2 Residual	1	mg/l	1.06	no
Max CL2 Residual	4	mg/l	3.79	no
Rainfall for the Month			6.00	inches

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



**Water Report**

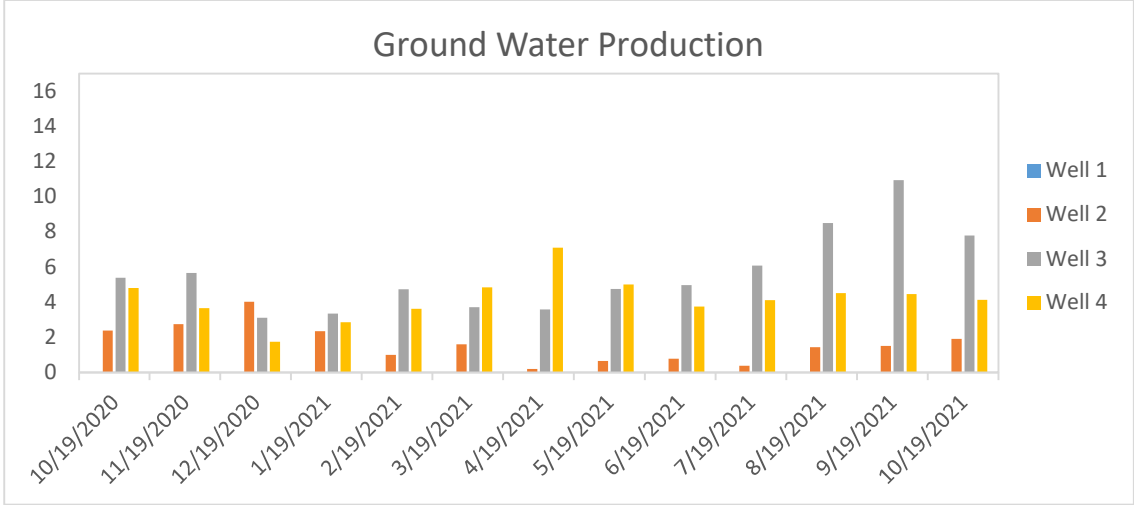
09/18/2021-10/17/2021

2021							
Well Name	Recorded Flow MGD	% of Total	Rating MGD/Day	YTD Pumpage MGD	YTD %	Permitted Value	Remaining Permit %
Well 2	1.902	13.78%	0.864	9.964	9.06%	92.930	27.93%
Well 3	7.784	56.40%	0.864	57.011	51.82%		
Well 4	4.116	29.82%	2.160	43.047	39.13%	90.000	52.17%
Total	13.802	100.00%	3.888	110.022	100%	182.930	
Flushing	0.157						
Subtotal	13.645						
Sold	12.760						
% Accounted	94%						

Accountability	
Total Water Sourced	13.802
Flushing	0.157
Subtotal	13.645
Sold	12.760
Accountability %	94%

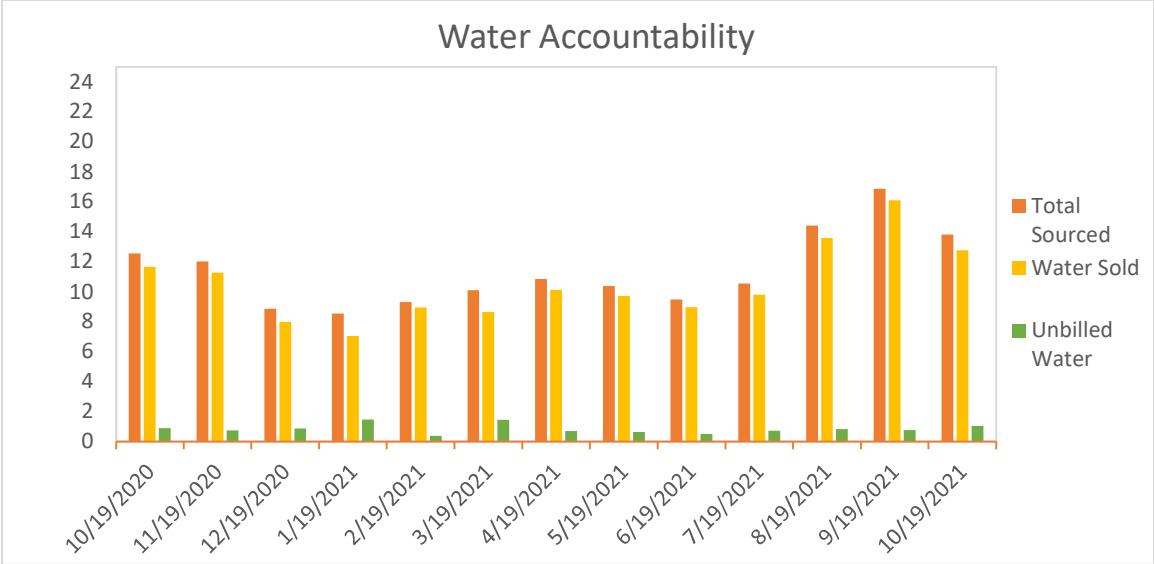
CONNECTIONS	
School	12
Commercial Inside	169
Commercial Outside	1
Residential Inside	793
Residential Outside	29
Church	14
City	15
Hydrant	7
Multifamily	14
n/a	3
<b>Total</b>	<b>1057</b>





Date	Total	Well_1	Well_2	Well_3	Well_4
AVG	11.36	0.000	1.601	5.569	4.187
10/19/2020	12.546	0.000	2.380	5.374	4.792
11/19/2020	12.018	0.000	2.732	5.648	3.638
12/19/2020	8.858	0.000	4.012	3.103	1.743
1/19/2021	8.527	0.000	2.340	3.334	2.853
2/19/2021	9.314	0.000	0.987	4.712	3.615
3/19/2021	10.103	0.000	1.580	3.693	4.830
4/19/2021	10.837	0.000	0.185	3.572	7.080
5/19/2021	10.365	0.000	0.642	4.734	4.989
6/19/2021	9.476	0.000	0.773	4.962	3.741
7/19/2021	10.538	0.000	0.372	6.073	4.093
8/19/2021	14.408	0.000	1.421	8.492	4.495
9/19/2021	16.857	0.000	1.49	10.916	4.451
10/19/2021	13.802	0.000	1.902	7.784	4.116
Total	147.65	0.000	20.816	72.397	54.436





Date	Accountability	Unaccounted	Total Sourced	Water Sold	Flushing/Leaks	Unbilled Water
10/19/2020	93%	0.846	12.546	11.645	0.055	0.901
11/19/2020	95%	0.635	12.018	11.265	0.118	0.753
12/19/2020	94%	0.563	8.858	7.991	0.304	0.867
1/19/2021	96%	0.331	8.527	7.046	1.150	1.481
2/19/2021	97%	0.303	9.314	8.936	0.075	0.378
3/19/2021	94%	0.618	10.103	8.642	0.843	1.461
4/19/2021	97%	0.328	10.837	10.126	0.383	0.711
5/19/2021	96%	0.465	10.365	9.722	0.178	0.643
6/19/2021	96%	0.332	9.476	8.966	0.178	0.510
7/19/2021	94%	0.634	10.538	9.803	0.101	0.735
8/19/2021	98%	0.355	14.408	13.579	0.474	0.829
9/19/2021	97%	0.577	16.857	16.097	0.183	0.76
10/19/2021	94%	0.885	13.802	12.760	0.157	1.042



**CITY OF MONTGOMERY  
ACCOUNT BALANCES 10-31-21  
For Meeting of December 14, 2021**

	<u>CHECKING ACCT BALANCES</u>	<u>PRIOR MONTH END INVESTMENTS</u>	<u>TOTAL FUNDS AVAILABLE</u>
<b>GENERAL FUNDS</b>			
OPERATING FUND #1017375	\$ 1,224,069.71		\$ 1,224,069.71
HOME GRANT FUNDS /COPS UNIVERSAL #1032895	\$ 10.00		\$ 10.00
ESCROW FUND #1025873	\$ -		\$ -
PARK FUND #7014236	\$ -		\$ -
POLICE DRUG & MISC FUND #1025675	\$ 10,675.64		\$ 10,675.64
INVESTMENTS - GENERAL FUND		\$ 353,000.00	\$ 353,000.00
TEXPOOL - GENERAL FUND # 00003		\$ 15,242.59	\$ 15,242.59
TEXPOOL - RESERVE FUND # 00001		\$ 861.43	\$ 861.43
<b>TOTAL GENERAL FUND</b>	<b>\$ 1,234,755.35</b>	<b>\$ 369,104.02</b>	<b>\$ 1,603,859.37</b>
<b>CONSTRUCTION FUND</b>			
BUILDING FUND #1058528	\$ -		\$ -
CONSTRUCTION ACCOUNT #1058544	\$ 247,938.56		\$ 247,938.56
BOK FINANCIAL SERIES 2017A	\$ 103,072.61		\$ 103,072.61
BOK FINANCIAL SERIES 2017B	\$ 885,188.67		\$ 885,188.67
TEXPOOL - AMERICAN RESCUE PLAN # 00009		\$ 168,604.00	\$ 168,604.00
TEXPOOL - INFRASTRUCTURE # 0011		\$ 46,700.85	\$ 46,700.85
TEXPOOL - MOBILITY # 0012		\$ 10,000.18	\$ 10,000.18
INVESTMENTS - CONSTRUCTION		\$ -	\$ -
<b>TOTAL CONSTRUCTION FUND</b>	<b>\$ 1,236,199.84</b>	<b>\$ 225,305.03</b>	<b>\$ 1,461,504.87</b>
<b>DEBT SERVICE FUND</b>			
DEBT SERVICE FUND #7024730	\$ 203,895.60		\$ 203,895.60
TEXPOOL DEBT SERVICE # 00008	\$ -	\$ 517.57	\$ 517.57
<b>TOTAL DEBT SERVICE FUND</b>	<b>\$ 203,895.60</b>	<b>\$ 517.57</b>	<b>\$ 204,413.17</b>
<b>COURT SECURITY FUND</b> #1070580	<b>\$ 5,324.13</b>	<b>\$ -</b>	<b>\$ 5,324.13</b>
<b>COURT TECHNICAL FUND</b> #1058361	<b>\$ 40,653.62</b>	<b>\$ -</b>	<b>\$ 40,653.62</b>
<b>GRANT FUND</b>			
HOME GRANT ACCOUNT #1059104	\$ 10.00		\$ 10.00
GRANT ACCOUNT #1048479	\$ 10.00		\$ 10.00
<b>TOTAL GRANT FUND</b>	<b>\$ 20.00</b>	<b>\$ -</b>	<b>\$ 20.00</b>
<b>HOTEL OCCUPANCY TAX FUND</b> #1025253	<b>\$ 17,392.51</b>	<b>\$ -</b>	<b>\$ 17,392.51</b>
<b>MEDC</b>			
CHECKING ACCOUNT #1017938	\$ 1,177,087.72		\$ 1,177,087.72
TEXPOOL - MEDC # 00006		\$ 546,489.94	\$ 546,489.94
TEXPOOL - MEDC # 00005		\$ 93,115.79	\$ 93,115.79
TEXPOOL - MEDC # 00010		\$ 200,018.21	\$ 200,018.21
<b>TOTAL MEDC</b>	<b>\$ 1,177,087.72</b>	<b>\$ 839,623.94</b>	<b>\$ 2,016,711.66</b>
<b>POLICE ASSET FORFEITURES</b> #1047745	<b>\$ 12,086.80</b>		<b>\$ 12,086.80</b>
<b>UTILITY FUND</b>			
UTILITY FUND #1017383	\$ 1,361,518.19		\$ 1,361,518.19
INVESTMENTS - UTILITY FUND		\$ 100,000.00	\$ 100,000.00
TEXPOOL - UTILITY FUND # 00002		\$ 659,562.52	\$ 659,562.52
<b>TOTAL UTILITY FUND</b>	<b>\$ 1,361,518.19</b>	<b>\$ 759,562.52</b>	<b>\$ 2,121,080.71</b>
<b>TOTAL ALL FUNDS</b>	<b>\$ 5,288,933.76</b>	<b>\$ 2,194,113.08</b>	<b>\$ 7,483,046.84</b>
<b>INVESTMENTS</b>			
TEXPOOL - GENERAL FUND			\$ 16,104.02
INVESTMENTS - GENERAL FUND			\$ 353,000.00
TEXPOOL - CONST # 00009			\$ 168,604.00
TEXPOOL - CONST # 00011			\$ 46,700.85
TEXPOOL - CONST # 00012			\$ 10,000.18
TEXPOOL - DEBT SERVICE # 00008			\$ 517.57
TEXPOOL - MEDC			\$ 546,489.94
INVESTMENTS - MEDC			\$ 93,115.79
INVESTMENTS - MEDC			\$ 200,018.21
TEXPOOL - UTILITY			\$ 659,562.52
INVESTMENTS - UTILITY			\$ 100,000.00
<b>TOTAL ALL INVESTMENTS</b>			<b>\$ 2,194,113.08</b>

\*Note:





# City of Montgomery

## Bookkeeper's Report

October 31, 2021



City of Montgomery  
Account Balances

Item 30.

As of October 31, 2021

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
<b>Fund: Operating</b>					
Certificates of Deposit					
THIRD COAST BANK, SSB (XXXX8998)	08/31/2021	02/27/2022	0.30 %	100,000.00	
BANCORPSOUTH (XXXX2388)	08/31/2021	02/28/2022	0.28 %	100,000.00	REIMB.
FRONTIER BANK (XXXX2710)	09/02/2021	03/01/2022	0.40 %	153,000.00	REIMB.
Money Market Funds					
TEXPOOL (XXXX0003)	08/01/2005		0.01 %	15,242.59	
TEXPOOL (XXXX0001)	02/07/2020		0.01 %	861.43	Reimbursement
Checking Account(s)					
FIRST FINANCIAL BANK (XXXX7375)			0.00 %	1,224,069.71	Checking Account
FIRST FINANCIAL BANK (XXXX5675)			0.00 %	10,675.64	Police Drug & Misc Fund
FIRST FINANCIAL BANK (XXXX5873)			0.00 %	0.00	Escrow
FIRST FINANCIAL BANK (XXXX2895)			0.00 %	10.00	Home Grant / COPS Universal
FIRST FINANCIAL BANK (XXXX4236)			0.00 %	0.00	Park
<b>Totals for Operating Fund:</b>				<b>\$1,603,859.37</b>	
<b>Fund: Capital Projects</b>					
Money Market Funds					
TEXPOOL (XXXX0009)	12/27/2012		0.01 %	168,604.00	
TEXPOOL (XXXX0011)	10/28/2021		0.01 %	46,700.85	Infrastructure
TEXPOOL (XXXX0012)	10/28/2021		0.01 %	10,000.18	Mobility
Checking Account(s)					
BOK Financial (XXXX3014)			0.00 %	103,072.61	BOKF, NA Escrow - Series 2017A
BOK Financial (XXXX4012)			0.00 %	885,188.67	BOKF, NA Escrow - Series 2017B
FIRST FINANCIAL BANK (XXXX8528)			0.00 %	0.00	Building Fund
FIRST FINANCIAL BANK (XXXX8544)			0.00 %	247,938.56	Const Ckg-W&S Proj 1058544
<b>Totals for Capital Projects Fund:</b>				<b>\$1,461,504.87</b>	
<b>Fund: Debt Service</b>					
Money Market Funds					
TEXPOOL (XXXX0008)	12/27/2012		0.01 %	517.57	
Checking Account(s)					
FIRST FINANCIAL BANK (XXXX4730)			0.00 %	203,895.60	Checking Account
<b>Totals for Debt Service Fund:</b>				<b>\$204,413.17</b>	
<b>Fund: CT Security</b>					
Checking Account(s)					
FIRST FINANCIAL BANK (XXXX0580)			0.00 %	5,324.13	Cash In Bank
<b>Totals for CT Security Fund:</b>				<b>\$5,324.13</b>	



City of Montgomery  
Account Balances

Item 30.

As of October 31, 2021

Financial Institution (Acct Number)	Issue Date	Maturity Date	Interest Rate	Account Balance	Notes
<b>Fund: CT Tech</b>					
Checking Account(s)					
FIRST FINANCIAL BANK (XXXX8361)			0.00 %	40,653.62	Cash In Bank
Totals for CT Tech Fund:				\$40,653.62	
<b>Fund: Grant</b>					
Checking Account(s)					
FIRST FINANCIAL BANK (XXXX8479)			0.00 %	10.00	Cash in Bank #8479
FIRST FINANCIAL BANK (XXXX9104)			0.00 %	10.00	Grant Account #9104
Totals for Grant Fund:				\$20.00	
<b>Fund: Hotel Occupancy Tax</b>					
Checking Account(s)					
FIRST FINANCIAL BANK (XXXX5253)			0.00 %	17,392.51	Cash In Bank
Totals for Hotel Occupancy Tax Fund:				\$17,392.51	
<b>Fund: MEDC</b>					
Money Market Funds					
TEXPOOL (XXXX0006)	08/01/2005		0.01 %	546,489.94	
TEXPOOL (XXXX0005)	02/07/2020		0.01 %	93,115.79	Reimbursement
TEXPOOL (XXXX0010)	06/24/2021		0.01 %	200,018.21	
Checking Account(s)					
FIRST FINANCIAL BANK (XXXX7938)			0.00 %	1,177,087.72	MEDC Checking
Totals for MEDC Fund:				\$2,016,711.66	
<b>Fund: Policy Asset Forfeiture</b>					
Checking Account(s)					
FIRST FINANCIAL BANK (XXXX7745)			0.00 %	12,086.80	Cash In Bank
Totals for Policy Asset Forfeiture Fund:				\$12,086.80	
<b>Fund: Utility</b>					
Certificates of Deposit					
SPIRIT OF TEXAS BANK (XXXX2073)	09/02/2021	02/28/2022	0.20 %	100,000.00	
Money Market Funds					
TEXPOOL (XXXX0002)	08/01/2005		0.01 %	659,562.52	
Checking Account(s)					
FIRST FINANCIAL BANK (XXXX7383)			0.00 %	1,361,518.19	Water & Sewer Fund
FIRST FINANCIAL BANK (XXXX7417)			0.00 %	0.00	Customer Deposit Acct
FIRST FINANCIAL BANK (XXXX3840)			0.00 %	0.00	Water Works
Totals for Utility Fund:				\$2,121,080.71	
Grand total for City of Montgomery:				\$7,483,046.84	

Methods Used For Reporting Market Values

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market



## Cash Flow Report - Checking Account

Item 30.

As of October 31, 2021

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$1,564,204.44
Receipts				
	Sales Tax		274,762.64	
	Transfer From Utility Fund Checking		16,329.52	
	Transfer From MEDC Fund Checking		4,583.33	
	Beverage Tax Revenue 10/15/21		2,273.95	
	Transfer From Utility Fund Checking		12,890.34	
	Transfer From MEDC Fund Checking		1,320.85	
	Miscellaneous Revenue CL 10/31/21		51,003.38	
	Miscellaneous Revenue OS 10/31/21		3,948.00	
	Court Rev OS 10/21		569.90	
	Court Revenue CL 10/21		29,796.47	
	Tax Revenue CL10/21		168.71	
	Tax P&I CL 10/21		1,293.29	
	Tax Rev EOM 10/21		5,391.86	
	Tax Rev O/S 10/21		13,637.30	
	Interest		54.81	
Total Receipts				418,024.35
Disbursements				
31589	Alpha Elite Performance	Festival Deposit Refund - Ruck for Vets	(200.00)	
31590	Buckalew Chevrolet, L.P.	2017 Cheverolet Tahoe - New Battery and Cables- I	(1,232.98)	
31591	FunJumps	Inv 6859 - National Night Out Moonwalk/Slide Co	(165.00)	
31592	Giovanna Guzman	Inv 10/05/2021 - National Night Out - Police	(250.00)	
31593	Interstate All Battery Center	Inv#1924101055794	(366.00)	
31594	OCS, Inc.	Computer Technology - Invoice 14185 / 14189	(890.00)	
31595	OSS Academy	Academy Courses for PD Dept.- Invoice 58994	(2,555.00)	
31596	Rick Hanna, CBO	Inspections	(8,722.52)	
31597	Robin Robinson	DJ for National Night Out	(300.00)	
31598	Sales Revenue, Inc.	Sales Tax Tracking Inv 4203 10/21	(1,400.00)	
31599	Thomas Printing & Publishing	Window Envelopes Inv 11581	(265.07)	
31600	ULINE, INC.	Inv 136640762 Breakaway Vest.	(93.07)	
31601	Ward, Getz and Associates, PLLC	Engineering Fees - August 2021	(7,925.63)	
31602	Webb's Uniforms LLC	Uniforms - Invoice 45334	(114.86)	
31603	Brown, Jackson A	Payroll 10/08/21 - Final Check	(1,520.89)	
31604	Daspit, Laurence F	Payroll 10/08/21	(226.25)	
31605	Rather, Regina S.	Payroll 10/08/21	(442.69)	
31606	Amazon Capital Services	Operating Supplies	(216.50)	
31607	City of Montgomery - Utility Fund	Water Usage @ Parks, City Hall, Com Center - Aug	(2,719.21)	
31608	Conroe McCaffety Electric Co. Inc.	Emergency Ballast - Inv 91279	(348.18)	
31609	Crown Paper and Chemical Inc.	Supplies #144155	(161.75)	
31610	Dog Waste Depot	Dog Waste Bags for Parks - Inv 437556	(130.67)	
31611	Entergy	Utilities per spreadsheet 09/21	(1,782.90)	
31612	Municode	Municode - Codification Legal Review	(1,250.00)	
31613	Northwest Pest Patrol	Acct-32791-Mosquito fogging / Inv#373849, 850,	(1,015.00)	
31614	OCS, Inc.	Computers / Website - Inv 104055	(4,000.00)	
31615	Optiquet Internet Services, Inc	Computer Tech	(212.55)	
31616	Pecan Hill Florist	Flowers / Plants	(270.00)	
31617	Robert Rosenquist	Municipal Court Judge - 09/21	(1,000.00)	
31618	Sam's Club	Acct #040241083268-7	(179.98)	
31619	Savannah Little	Community Building Deposit Refund	(150.00)	
31620	State Comptroller	Child Safety Seat / Belt Violation Fines Fiscal Year	(293.35)	



## Cash Flow Report - Checking Account

Item 30.

As of October 31, 2021

Num	Name	Memo	Amount	Balance
Disbursements				
31621	State Comptroller	State Criminal Costs and Fees Qtr Ending 09/30/2	(36,399.54)	
31622	Tammy J. McRae	Amount needed to cover Offset refunds during Sep	(3,060.03)	
31623	Texas Department of Criminal Justice	Acct# C001035 Park Equipment, Grill, Bench, Fla	(2,488.00)	
31624	TML-IRP	Contract# 6827 Insurance Premium October 21	(5,271.03)	
31625	UniFirst Holdings, Inc.	Inv 8440963882 ; 63883 ; 64775 ; 64776 ; 65664 ; 6	(438.51)	
31626	Verizon Wireless	521590387-00001	(334.43)	
31627	Tyler Technologies, Inc	Inv 025-352971 Incode 10 Finance - Chart of Acco	(735.00)	
31628	Gordon B. Dudley, Jr.	Prosecutor 10/07/21 - 16:00	(450.00)	
31629	Tyler Technologies, Inc	Inv 025-352873 Incode 10 Finance - Project Manag	(5,000.00)	
31630	Allied 100, LLC	Emergency Equipment - Inv 2000673	(169.00)	
31631	Brittany Haehn	Community Building Deposit Refund	(150.00)	
31632	Christian Brothers Automotive	Repairs - 2015 Chevrolet Silverado - Oil Change	(69.99)	
31633	Coburn's Conroe Inc.	564883746 Operating Supp	(566.73)	
31634	Cody's Lawn Service LLC	Mowing	(11,633.85)	
31635	Consolidated Communications	936-597-6434 Telephone Service 9/1-09/30/21	(1,280.57)	
31636	Easley Enterprises of Texas, Inc.	City Hall General Cleaning 09/21	(775.00)	
31637	Entergy	Acct # 140207580 / Inv#165006339345	(1,106.16)	
31638	Interstate All Battery Center	Inv#1924101055793	(334.23)	
31639	Jim's Hardware Inc.	Acct #102 -Several Invoices 9/1-9/30/21	(1,262.39)	
31640	Jones & Carter, Inc	Engineering Invoices - September 2021	(5,810.00)	
31641	LDC	CM100017 Gas 101 Plantersville 09/30/21	(41.11)	
31642	Luxury Air Commercial Services	A/C Repairs - City Hall - Invoice 1190	(5,686.00)	
31643	O'Reilly Automotive, Inc.	3014152 - Several Invoices - September 2021	(19.29)	
31644	O'Reilly Automotive, Inc.	700907 - Several Invoices - September 2021	(109.79)	
31645	OCS, Inc.	Records Request - Inv 104151	(5,468.75)	
31646	Stowe's Collision Repair LLC	Police - Auto repairs Inv 9388	(25.00)	
31647	Tyler Technologies, Inc	Inv 025-353836 Court Case Management / Utility	(3,993.27)	
31648	Verizon Connect NWF, Inc	Customer ID# PUBL005 - Invoice OSV000002570	(5.15)	
31649	Vulcan Materials Company	Inv# 62370578	(136.08)	
31650	Ward, Getz and Associates, PLLC	Project 00574-102-00 Town Creek Crossing Sec. 1 -	(2,170.00)	
31651	Webb's Uniforms LLC	Uniforms - Invoice 45960	(363.90)	
31652	Wex Bank	Invoice 74869438 - September 2021 - Gas/Oil	(1,542.66)	
31653	Larry Evans	Fall Festival 2021 - Larry Evans	(270.00)	
31654	Daspit, Laurence F	Payroll 10/22/21	(110.82)	
31655	Rather, Regina S.	Payroll 10/22/21	(651.78)	
31656	Always Answer	Answering Service Inv # 18253-101321	(62.60)	
31657	Anthony Lasky	Reimbursement - GFOA meeting 10/21/2021	(44.60)	
31658	Card Service Center	First Financial Credit Card Account XXXX 0869 -	(10,580.46)	
31659	Christian Brothers Automotive	Repairs - Several PW Vehicles - RO 9683 ; 9689	(1,280.31)	
31660	Conroe McCaffety Electric Co. Inc.	Lot Fixtures and Lot Labor / Walk Path Light Fixt	(9,425.00)	
31661	Consolidated Communications	936-043-5910/0 10/11/21-11/04/2021	(129.46)	
31662	Davis Investigation Services	Pre-Employment Screening Inv 20210496	(82.30)	
31663	Innovative Collision and Accessories LLC	Repairs for PD Vehicles ; 2019 Tahoe & 2013 Char	(4,289.10)	
31664	Iron Mountain	Document Shredding DWYD060	(146.47)	
31665	K & K Construction, Inc.	Inv 21-7550 - 2.0 Sack Stabilized Sand Picked Up -	(102.20)	
31666	Laurel Paving, LLC	Concrete Spillway Buffalo Springs / Pave Parking L	(11,680.00)	
31667	Medical Air Services Association	Monthly Membership for 9 Emergent Plus Invoice	(126.00)	
31668	Michael Shirley	Court Prosecutor 10/07/2021	(450.00)	
31669	Mike Muckleroy	Reimbursement for APWA Conference October 20	(224.00)	
31670	Perdue, Brandon, Fielder, Collins, & Mott	Attorney fees for Collections-Fines and Fees - 09/	(1,429.10)	
31671	Rick Hanna, CBO	Inspections	(13,022.69)	
31672	Tyler Technologies, Inc	Incode Finance License Fees - Inv 025-352175A ; 0	(17,766.00)	



## Cash Flow Report - Checking Account

Item 30.

As of October 31, 2021

Num	Name	Memo	Amount	Balance
Disbursements				
31673	Wex Bank	Invoice 74985686 - October 2021 - Gas/Oil	(3,355.13)	
31674	Larry Evans	Trick or Treat Historic Montgomery 2021 - Larry E	(180.00)	
31675	Amazon Capital Services	Operating Supplies - 6 Pack Edging Set for Plants	(41.58)	
31676	Crown Oaks POA	Community Building Deposit Refund	(150.00)	
31677	Crown Paper and Chemical Inc.	Supplies #144790	(544.75)	
31678	DOGGETT	X38585 - Filters	(6.75)	
31679	Home Depot Credit Services	Acct # ***-9951 Several Invoices	(2,339.80)	
31680	Houston Chronicle	INV 34150886 - Audit Proposals	(198.00)	
31681	Johnson Petrov LLP	Legal Fees - August 2021	(6,837.07)	
31682	Municipal Accounts & Consulting, L.P.	Bookkeeping- Inv 71461 09/30/21	(3,826.80)	
31683	Omnibase Services of Texas, LP	3rd Qtr Activity - 2021 PS ID # 114170 Report#	(492.00)	
31684	Red Wing Shoes Inc.	Ticket # 1022-1	(575.23)	
31685	The Kroger Co.	2017-18 True Up / 2019Tax Year - City Sales Tax	(189,613.00)	
31686	The Kroger Co.	2019-20Tax Year - City Property Tax Rebate	(78,207.00)	
31687	Tyler Technologies, Inc	Incode Finance Implementation & Configuration -	(2,940.00)	
31688	AT&T	Cell Phones Inv 18534895 - 10/21	(885.39)	
31689	Fastest Labs of NW Houston	Drug Screening - Aguirre / Edelman - Inv 2313 / 2	(90.00)	
31690	Impact Promotional Services LLC	Uniforms - Invoice INV16749	(81.58)	
31691	Melissa Griffin	Hostage Hegotiator Training - Training 11/1 to 11	(324.50)	
31692	Stowe's Collision Repair LLC	Police - Auto repairs invoice 9495 ; 9498	(51.00)	
31693	Texas Specialties/Lone Star Signs	Inv 86601 - Vinyl Decal	(96.67)	
31694	Texas Top Cop Shop	Uniforms - Invoice 64907 ; 65657	(270.95)	
31695	Tim Bauer	Hostage Negotiator Training - Training 11-1 to 11-	(324.50)	
ACH	EFTPS	Payroll Taxes - October 2021	(17,332.74)	
ACH	Office of the Attorney General	Child Support	(1,221.69)	
ACH	Texas Workforce Commission	2021 3rd Qtr. Payroll Taxes	(142.46)	
ACH	UBEO LLC,	Acct No. 124715 Inv #74086474 10/1-10/31/21	(2,015.00)	
ACH	Pitney Bowes Global Financial Svcs, LLC	Lease Acct 0018228782 Contract 0040683680 Inv 3	(428.46)	
ACH	TML-Health	Health, Life & AD&D Insurance Period 2021-10	(21,080.28)	
ACH	Aflac	Aflac - October 2021	(1,180.62)	
ACH	EFTPS	Payroll Taxes - October 2021	(17,630.88)	
ACH	Office of the Attorney General	Child Support	(1,205.54)	
ACH	TMRS	Retirement - October 2021	(23,688.48)	
AL	First Financial Bank	Order Deposit Slips	(28.65)	
AL	First Financial Bank	Transfer to Court Security Fund Checking	(44.86)	
AL	First Financial Bank	Transfer to Court Tech Fund Checking	(59.83)	
AL	First Financial Bank	Sales Tax Revenue Transfer thru 09/10/21	(68,690.66)	
AL	ETS Corporation	ETS Corporation - Bank Fees to be transferred to	(849.12)	
DD	Aguirre, Abel	Payroll 10/08/21	(1,719.81)	
DD	Bauer, Timothy M	Payroll 10/08/21	(1,384.35)	
DD	Belmares, Jose N.	Payroll 10/08/21	(2,440.36)	
DD	Chambers, Albert E	Payroll 10/08/21	(2,311.02)	
DD	Cooley, Diana M	Payroll 10/08/21	(1,601.65)	
DD	Duckett, Kimberly T.	Payroll 10/08/21	(1,834.17)	
DD	Edelman, Reed D	Payroll 10/08/21	(1,657.98)	
DD	Goode, Kristen N	Payroll 10/08/21	(1,421.77)	
DD	Graves, Nathaniel L.	Payroll 10/08/21	(1,577.42)	
DD	Griffin, Melissa Y	Payroll 10/08/21	(1,641.47)	
DD	Hensley, Kyle R	Payroll 10/08/21	(1,634.49)	
DD	Hensley, Susan L	Payroll 10/08/21	(2,225.39)	
DD	Hernandez, George J.	Payroll 10/08/21	(1,590.15)	
DD	Kohl, Julie J	Payroll 10/08/21	(404.50)	



## Cash Flow Report - Checking Account

Item 30.

As of October 31, 2021

Num	Name	Memo	Amount	Balance
Disbursements				
DD	Kowarsch, Robert D	Payroll 10/08/21	(92.35)	
DD	Lasky, Anthony R	Payroll 10/08/21	(2,052.05)	
DD	Lozano, Daniel T	Payroll 10/08/21	(1,627.48)	
DD	McCorquodale, David D.	Payroll 10/08/21	(2,245.26)	
DD	McRae, Jacob I	Payroll 10/08/21	(1,252.53)	
DD	Muckleroy, Micha D.	Payroll 10/08/21	(2,199.49)	
DD	Ramirez, Juan C	Payroll 10/08/21	(1,360.69)	
DD	Reed, Christy M	Payroll 10/08/21	(1,119.62)	
DD	Saah, Lucille N.	Payroll 10/08/21	(1,620.20)	
DD	Salas, Francisco A.	Payroll 10/08/21	(1,425.99)	
DD	Solomon, Anthony D	Payroll 10/08/21	(2,616.55)	
DD	Standifer, Eric L.	Payroll 10/08/21	(1,852.74)	
DD	Thomas, Ryan A	Payroll 10/08/21	(1,553.01)	
DD	Tramm, Richard J	Payroll 10/08/21	(4,210.46)	
DD	Voytko, Michael L	Payroll 10/08/21	(1,382.06)	
DD	Richard Tramm.	Payroll - Tramm	(350.00)	
DD	Aguirre, Abel	Payroll 10/22/21	(1,737.66)	
DD	Bauer, Timothy M	Payroll 10/22/21	(1,734.32)	
DD	Belmares, Jose N.	Payroll 10/22/21	(2,440.36)	
DD	Chambers, Albert E	Payroll 10/22/21	(2,344.19)	
DD	Cooley, Diana M	Payroll 10/22/21	(1,505.64)	
DD	Duckett, Kimberly T.	Payroll 10/22/21	(1,834.18)	
DD	Edelman, Reed D	Payroll 10/22/21	(1,501.85)	
DD	Goode, Kristen N	Payroll 10/22/21	(1,531.06)	
DD	Graves, Nathaniel L.	Payroll 10/22/21	(1,964.86)	
DD	Griffin, Melissa Y	Payroll 10/22/21	(1,743.16)	
DD	Hensley, Kyle R	Payroll 10/22/21	(1,634.50)	
DD	Hensley, Susan L	Payroll 10/22/21	(2,225.39)	
DD	Hernandez, George J.	Payroll 10/22/21	(1,827.30)	
DD	Kohl, Julie J	Payroll 10/22/21	(362.93)	
DD	Kowarsch, Robert D	Payroll 10/22/21	(147.76)	
DD	Lasky, Anthony R	Payroll 10/22/21	(2,052.05)	
DD	Lozano, Daniel T	Payroll 10/22/21	(2,091.08)	
DD	McCorquodale, David D.	Payroll 10/22/21	(2,245.26)	
DD	McRae, Jacob I	Payroll 10/22/21	(1,271.62)	
DD	Muckleroy, Micha D.	Payroll 10/22/21	(2,199.49)	
DD	Rains, Eva S.	Payroll 10/22/21	(36.94)	
DD	Ramirez, Juan C	Payroll 10/22/21	(1,188.13)	
DD	Reed, Christy M	Payroll 10/22/21	(1,233.89)	
DD	Saah, Lucille N.	Payroll 10/22/21	(1,637.79)	
DD	Salas, Francisco A.	Payroll 10/22/21	(1,425.98)	
DD	Solomon, Anthony D	Payroll 10/22/21	(2,616.55)	
DD	Standifer, Eric L.	Payroll 10/22/21	(1,831.87)	
DD	Thomas, Ryan A	Payroll 10/22/21	(1,553.01)	
DD	Tramm, Richard J	Payroll 10/22/21	(4,210.46)	
DD	Voytko, Michael L	Payroll 10/22/21	(1,425.42)	
Total Disbursements				(758,159.08)
BALANCE AS OF 10/31/2021				\$1,224,069.71



# Cash Flow Report - Police Drug & Misc Fund Account

As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$10,675.64
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 10/31/2021				<u><u>\$10,675.64</u></u>



# Cash Flow Report - Home Grant / COPS Universal Account

Item 30.

As of October 31, 2021

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts			<u>0.00</u>	0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	<u>0.00</u>
BALANCE AS OF 10/31/2021				<u><u>\$10.00</u></u>



City of Montgomery - General Fund  
**Profit & Loss Budget Performance-All**  
 October 2021

1:07 PM  
 12/08/21  
 Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
<b>Ordinary Income/Expense</b>							
<b>Income</b>							
14000.1 - Taxes & Franchise Fees							
14103 - Beverage Tax	2,273.95	2,583.37	-309.42	2,273.95	2,583.37	-309.42	31,000.00
14111 - Franchise Tax	1,939.29	1,363.60	575.69	1,939.29	1,363.60	575.69	95,000.00
14320 - Ad Valorem Taxes							
14320.1 - PD Tax Revenue	0.00	0.00	0.00	0.00	0.00	0.00	39,000.00
14320 - Ad Valorem Taxes - Other	11,010.92	5,000.00	6,010.92	11,010.92	5,000.00	6,010.92	889,101.00
<b>Total 14320 - Ad Valorem Taxes</b>	<b>11,010.92</b>	<b>5,000.00</b>	<b>6,010.92</b>	<b>11,010.92</b>	<b>5,000.00</b>	<b>6,010.92</b>	<b>928,101.00</b>
14330 - Penalties & Interest on Adv Tax	699.36	833.37	-134.01	699.36	833.37	-134.01	10,000.00
14331 - Rendition Penalties	3.08	8.37	-5.29	3.08	8.37	-5.29	100.00
14600 - Sales Tax							
14600.1 - Sales Tax ILO AdValorem Tax	68,690.66	69,399.08	-708.42	68,690.66	69,399.08	-708.42	1,152,789.00
14600 - Sales Tax - Other	137,381.32	138,798.00	-1,416.68	137,381.32	138,798.00	-1,416.68	2,305,576.00
<b>Total 14600 - Sales Tax</b>	<b>206,071.98</b>	<b>208,197.08</b>	<b>-2,125.10</b>	<b>206,071.98</b>	<b>208,197.08</b>	<b>-2,125.10</b>	<b>3,458,365.00</b>
<b>Total 14000.1 - Taxes &amp; Franchise Fees</b>	<b>221,998.58</b>	<b>217,985.79</b>	<b>4,012.79</b>	<b>221,998.58</b>	<b>217,985.79</b>	<b>4,012.79</b>	<b>4,522,566.00</b>
14000.2 - Permits & Licenses							
14105 - Building Permits/MEP	42,631.00	20,833.37	21,797.63	42,631.00	20,833.37	21,797.63	250,000.00
14146 - Vendor/Beverage Permits	770.00	125.00	645.00	770.00	125.00	645.00	1,500.00
14611 - Sign Fee	400.00	83.37	316.63	400.00	83.37	316.63	1,000.00
14612 - Misc Permit Fees(plats,& Zoning	575.00	416.63	158.37	575.00	416.63	158.37	5,000.00
<b>Total 14000.2 - Permits &amp; Licenses</b>	<b>44,376.00</b>	<b>21,458.37</b>	<b>22,917.63</b>	<b>44,376.00</b>	<b>21,458.37</b>	<b>22,917.63</b>	<b>257,500.00</b>
14000.4 - Fees for Service							
14380 - Community Bldg Rental	1,550.00	1,333.37	216.63	1,550.00	1,333.37	216.63	16,000.00
14385 - Right of Way Use Fees	0.00	416.63	-416.63	0.00	416.63	-416.63	5,000.00
<b>Total 14000.4 - Fees for Service</b>	<b>1,550.00</b>	<b>1,750.00</b>	<b>-200.00</b>	<b>1,550.00</b>	<b>1,750.00</b>	<b>-200.00</b>	<b>21,000.00</b>
14000.5 - Court Fines & Forfeitures							
14101 - Collection Fees	1,724.93	1,250.00	474.93	1,724.93	1,250.00	474.93	15,000.00
14102 - Asset Forfeitures	0.00	0.00	0.00	0.00	0.00	0.00	100.00
14106 - Child Belt/Safety (Dedicated)	75.00	41.63	33.37	75.00	41.63	33.37	500.00
14110 - Fines	28,335.18	25,000.00	3,335.18	28,335.18	25,000.00	3,335.18	300,000.00
14118 - OMNI	111.26	133.37	-22.11	111.26	133.37	-22.11	1,600.00
14125 - Warrant Fees	0.00	0.00	0.00	0.00	0.00	0.00	50.00
14126 - Judicial Efficiency (Dedicated)	9.00	58.37	-49.37	9.00	58.37	-49.37	700.00
14130 - Accident Reports	0.00	41.63	-41.63	0.00	41.63	-41.63	500.00
<b>Total 14000.5 - Court Fines &amp; Forfeitures</b>	<b>30,255.37</b>	<b>26,525.00</b>	<b>3,730.37</b>	<b>30,255.37</b>	<b>26,525.00</b>	<b>3,730.37</b>	<b>318,450.00</b>
14000.6 - Other Revenues							
14003 - Wrecker Service Fees	0.00	20.38	-20.38	0.00	20.38	-20.38	245.00
14199 - Lease Funds - PD	0.00	0.00	0.00	0.00	0.00	0.00	1,300.00
15380 - Unanticipated Income	2,021.59	1,250.00	771.59	2,021.59	1,250.00	771.59	15,000.00
15391 - Interest Income	54.81	62.50	-7.69	54.81	62.50	-7.69	750.00
15392 - Interest on Investments	0.46	100.00	-99.54	0.46	100.00	-99.54	1,200.00
<b>Total 14000.6 - Other Revenues</b>	<b>2,076.86</b>	<b>1,432.88</b>	<b>643.98</b>	<b>2,076.86</b>	<b>1,432.88</b>	<b>643.98</b>	<b>18,495.00</b>
15393 - Grant Revenue - Police	765.50	0.00	765.50	765.50	0.00	765.50	42,075.00
15396 - American Rescue Plan Funds	0.00	0.00	0.00	0.00	0.00	0.00	168,494.00
<b>Total Income</b>	<b>301,022.31</b>	<b>269,152.04</b>	<b>31,870.27</b>	<b>301,022.31</b>	<b>269,152.04</b>	<b>31,870.27</b>	<b>5,348,580.00</b>
<b>Gross Profit</b>	<b>301,022.31</b>	<b>269,152.04</b>	<b>31,870.27</b>	<b>301,022.31</b>	<b>269,152.04</b>	<b>31,870.27</b>	<b>5,348,580.00</b>
<b>Expense</b>							
16000 - Personnel							
16353.1 - Health Ins.	16,189.78	18,041.63	-1,851.85	16,189.78	18,041.63	-1,851.85	216,500.00
16353.4 - Unemployment Ins.	2.70	346.74	-344.04	2.70	346.74	-344.04	4,160.00



City of Montgomery - General Fund  
Profit & Loss Budget Performance-All

October 2021

Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
16353.5 - Workers Comp.	2,044.26	3,191.63	-1,147.37	2,044.26	3,191.63	-1,147.37	38,300.00
16353.6 - Dental & Vision Insurance	1,461.83	1,691.63	-229.80	1,461.83	1,691.63	-229.80	20,300.00
16353.7 - Life & AD&D Insurance	389.52	450.00	-60.48	389.52	450.00	-60.48	5,400.00
16353.8 - Crime-Ins	40.71	50.00	-9.29	40.71	50.00	-9.29	600.00
16353.A - Employee Assistance Program	0.00	0.00	0.00	0.00	0.00	0.00	2,200.00
16560 - Payroll Taxes	9,903.67	13,950.00	-4,046.33	9,903.67	13,950.00	-4,046.33	167,400.00
16600 - Wages	125,083.65	145,716.63	-20,632.98	125,083.65	145,716.63	-20,632.98	1,748,600.00
16600.1 - Overtime	1,961.05	4,729.13	-2,768.08	1,961.05	4,729.13	-2,768.08	56,750.00
16600.2 - COLA	0.00	0.00	0.00	0.00	0.00	0.00	33,313.00
16620 - Retirement Expense	12,085.87	13,647.12	-1,561.25	12,085.87	13,647.12	-1,561.25	163,765.00
16621 - MASA	126.00	133.37	-7.37	126.00	133.37	-7.37	1,600.00
16622 - Dependent Coverage	0.00	0.00	0.00	0.00	0.00	0.00	91,550.00
<b>Total 16000 - Personnel</b>	<b>169,289.04</b>	<b>201,947.88</b>	<b>-32,658.84</b>	<b>169,289.04</b>	<b>201,947.88</b>	<b>-32,658.84</b>	<b>2,550,438.00</b>
<b>16001 - Communications</b>							
16338 - Advertising/Promotion	0.00	541.63	-541.63	0.00	541.63	-541.63	6,500.00
16338.1 - Legal Notices and Pub	0.00	208.37	-208.37	0.00	208.37	-208.37	2,500.00
16338.2 - Recording Fees	0.00	208.26	-208.26	0.00	208.26	-208.26	2,500.00
16338 - Advertising/Promotion - Other	0.00	958.26	-958.26	0.00	958.26	-958.26	11,500.00
<b>Total 16338 - Advertising/Promotion</b>	<b>0.00</b>	<b>908.48</b>	<b>556.93</b>	<b>0.00</b>	<b>908.48</b>	<b>556.93</b>	<b>10,900.00</b>
<b>16341 - Community Relations</b>	<b>1,465.41</b>	<b>1,866.74</b>	<b>-401.33</b>	<b>1,465.41</b>	<b>1,866.74</b>	<b>-401.33</b>	<b>22,400.00</b>
<b>Total 16001 - Communications</b>	<b>1,465.41</b>	<b>1,866.74</b>	<b>-401.33</b>	<b>1,465.41</b>	<b>1,866.74</b>	<b>-401.33</b>	<b>22,400.00</b>
<b>16002 - Contract Services</b>							
16102 - General Consultant Fees	1,400.00	666.63	733.37	1,400.00	666.63	733.37	8,000.00
16102.1 - Sales Tax Tracking	53.65	2,333.26	-2,279.61	53.65	2,333.26	-2,279.61	28,000.00
16102 - General Consultant Fees - Other	1,453.65	2,999.89	-1,546.24	1,453.65	2,999.89	-1,546.24	36,000.00
<b>Total 16102 - General Consultant Fees</b>	<b>1,453.65</b>	<b>2,999.89</b>	<b>-1,546.24</b>	<b>1,453.65</b>	<b>2,999.89</b>	<b>-1,546.24</b>	<b>36,000.00</b>
16220 - Omni Expense	0.00	208.37	-208.37	0.00	208.37	-208.37	2,500.00
16242 - Prosecutors Fees	900.00	1,166.63	-266.63	900.00	1,166.63	-266.63	14,000.00
16280 - Mowing	5,706.20	9,666.63	-3,960.43	5,706.20	9,666.63	-3,960.43	116,000.00
16281 - Records Shredding	185.56	312.50	-126.94	185.56	312.50	-126.94	1,250.00
16299 - Inspections/Permits/Backflow Ex	0.00	2,500.00	-2,500.00	0.00	2,500.00	-2,500.00	30,000.00
16299.1 - Code Enforcement	14,717.69	16,250.00	-1,532.31	14,717.69	16,250.00	-1,532.31	195,000.00
16299 - Inspections/Permits/Backflow Ex - Other	14,717.69	18,750.00	-4,032.31	14,717.69	18,750.00	-4,032.31	225,000.00
<b>Total 16299 - Inspections/Permits/Backflow Ex</b>	<b>14,717.69</b>	<b>18,750.00</b>	<b>-4,032.31</b>	<b>14,717.69</b>	<b>18,750.00</b>	<b>-4,032.31</b>	<b>225,000.00</b>
16310 - Judge's Fee	1,000.00	1,000.00	0.00	1,000.00	1,000.00	0.00	12,000.00
16320 - Legal	0.00	3,541.74	-3,541.74	0.00	3,541.74	-3,541.74	42,500.00
16321 - Audit Fees	0.00	0.00	0.00	0.00	0.00	0.00	25,000.00
16322 - Engineering	10,055.63	7,250.00	2,805.63	10,055.63	7,250.00	2,805.63	87,000.00
16326 - Collection Agency Fees	0.00	1,250.00	-1,250.00	0.00	1,250.00	-1,250.00	15,000.00
16333 - Accounting Fees	4,826.80	2,916.63	1,910.17	4,826.80	2,916.63	1,910.17	35,000.00
16335 - Repairs & Maintenance	0.00	125.00	-125.00	0.00	125.00	-125.00	1,500.00
16332 - Downtown Repairs	3,367.88	3,979.24	-611.36	3,367.88	3,979.24	-611.36	47,750.00
16335.1 - Maintenance - Vehicles & Equip	6,068.23	2,666.63	3,401.60	6,068.23	2,666.63	3,401.60	32,000.00
16334 - Gas/Oil	19.73	875.00	-855.27	19.73	875.00	-855.27	10,500.00
16357 - Auto Repairs	296.32	1,500.00	-1,203.68	296.32	1,500.00	-1,203.68	18,000.00
16373 - Equipment repairs	0.00	583.37	-583.37	0.00	583.37	-583.37	7,000.00
16374 - Building Repairs-City Hall/Comm	238.28	1,666.63	-1,428.35	238.28	1,666.63	-1,428.35	20,000.00
16375 - Street Repairs - Minor	238.28	2,250.00	-2,011.72	238.28	2,250.00	-2,011.72	27,000.00
16375.1 - Streets-Preventive Maintenance	37.58	250.00	-212.42	37.58	250.00	-212.42	3,000.00
16375 - Street Repairs - Minor - Other							
<b>Total 16375 - Street Repairs - Minor</b>	<b>238.28</b>	<b>2,250.00</b>	<b>-2,011.72</b>	<b>238.28</b>	<b>2,250.00</b>	<b>-2,011.72</b>	<b>27,000.00</b>
<b>16335.1 - Maintenance - Vehicles &amp; Equip - Other</b>	<b>37.58</b>	<b>250.00</b>	<b>-212.42</b>	<b>37.58</b>	<b>250.00</b>	<b>-212.42</b>	<b>3,000.00</b>



City of Montgomery - General Fund  
**Profit & Loss Budget Performance-All**  
 October 2021

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 Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
Total 16335.1 - Maintenance - Vehicles & Equip	10,028.02	11,520.87	-1,492.85	10,028.02	11,520.87	-1,492.85	138,250.00
16335.3 - City Hall Cleaning - COVID 19	0.00	0.00	0.00	0.00	0.00	0.00	2,000.00
16335 - Repairs & Maintenance - Other	4.22	858.37	-854.15	4.22	858.37	-854.15	10,300.00
Total 16335 - Repairs & Maintenance	10,032.24	12,504.24	-2,472.00	10,032.24	12,504.24	-2,472.00	152,050.00
16335.2 - Mosquito Spraying	580.00	458.37	121.63	580.00	458.37	121.63	5,500.00
16337 - Street Signs	0.00	250.00	-250.00	0.00	250.00	-250.00	3,000.00
16340 - Printing & Office supplies	626.06	933.37	-307.31	626.06	933.37	-307.31	11,200.00
16342 - City Website	0.00	1,395.87	-1,395.87	0.00	1,395.87	-1,395.87	16,750.00
16350 - Postage/Delivery	357.08	437.39	-80.31	357.08	437.39	-80.31	5,250.00
16351 - Telephone	2,403.48	2,866.74	-463.26	2,403.48	2,866.74	-463.26	34,400.00
16360 - Tax Assessor Fees	0.00	833.37	-833.37	0.00	833.37	-833.37	10,000.00
16370 - Election	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
17030 - Mobil Data Terminal	885.39	1,000.00	-114.61	885.39	1,000.00	-114.61	14,500.00
17040 - Computer/Technology	0.00	0.00	0.00	0.00	0.00	0.00	78,500.00
17040.3 - Software Upgrades	14,974.02	4,375.00	10,599.02	14,974.02	4,375.00	10,599.02	52,500.00
17040 - Computer/Technology - Other	14,974.02	4,375.00	10,599.02	14,974.02	4,375.00	10,599.02	131,000.00
Total 17040 - Computer/Technology	0.00	0.00	0.00	0.00	0.00	0.00	7,200.00
17071.4 - Laserfiche (Software)	-270.00	13,333.37	-13,603.37	-270.00	13,333.37	-13,603.37	160,000.00
17510 - State Portion of Fines/Payouts	68,433.80	87,450.11	-19,016.31	68,433.80	87,450.11	-19,016.31	1,174,100.00
Total 16002 - Contract Services	0.00	433.37	-433.37	0.00	433.37	-433.37	5,200.00
16003 - Supplies & Equipment	1,135.02	1,083.37	51.65	1,135.02	1,083.37	51.65	13,000.00
16244 - Radio Fees	0.00	583.37	-583.37	0.00	583.37	-583.37	7,000.00
16328 - Uniforms & Safety Equip	0.00	2,025.11	-145.11	1,880.00	2,025.11	-145.11	24,300.00
16328.1 - Protective Gear	1,880.00	2,025.11	-145.11	1,880.00	2,025.11	-145.11	24,300.00
16358 - Copier/Fax Machine Lease	12.99	291.63	-278.64	12.99	291.63	-278.64	3,500.00
16460 - Operating Supplies (Office)	224.83	541.63	-316.80	224.83	541.63	-316.80	6,500.00
16460.1 - Streets and Drainage	224.83	166.63	58.20	224.83	166.63	58.20	2,000.00
16460.2 - Cedar Brake Park	224.83	229.13	-4.30	224.83	229.13	-4.30	2,750.00
16460.3 - Homecoming Park	224.83	166.63	58.20	224.83	166.63	58.20	2,000.00
16460.4 - Ferland Park	131.69	250.00	-118.31	131.69	250.00	-118.31	3,050.00
16460.5 - Community Building	0.00	0.00	0.00	0.00	0.00	0.00	2,000.00
16460.6 - Tools, Etc	224.83	166.63	58.20	224.83	166.63	58.20	2,000.00
16460.7 - Memory Park	0.00	250.00	-250.00	0.00	250.00	-250.00	3,000.00
16460.8 - Culvert Expense	1,289.13	1,875.11	-585.98	1,289.13	1,875.11	-585.98	22,500.00
16460 - Operating Supplies (Office) - Other	2,557.96	3,941.52	-1,383.56	2,557.96	3,941.52	-1,383.56	47,300.00
Total 16460 - Operating Supplies (Office)	0.00	83.37	-83.37	0.00	83.37	-83.37	1,000.00
16503 - Code Enforcement Expenses	653.40	1,250.00	-596.60	653.40	1,250.00	-596.60	15,000.00
17010 - Emergency Equipment	0.00	0.00	0.00	0.00	0.00	0.00	21,902.00
17050 - Radios	0.00	291.63	-291.63	0.00	291.63	-291.63	3,500.00
17100 - Capital Purchase Furniture	0.00	41.63	-41.63	0.00	41.63	-41.63	500.00
16003 - Supplies & Equipment - Other	6,226.38	9,733.37	-3,506.99	6,226.38	9,733.37	-3,506.99	138,702.00
Total 16003 - Supplies & Equipment	150.00	854.13	-704.13	150.00	854.13	-704.13	10,250.00
16004 - Staff Development	4,837.12	3,541.63	1,295.49	4,837.12	3,541.63	1,295.49	42,500.00
16339 - Dues & Subscriptions	95.84	416.63	-320.79	95.84	416.63	-320.79	5,000.00
16354 - Travel & Training - Staff	0.00	0.00	0.00	0.00	0.00	0.00	100.00
16354.1 - Travel & Training - Council	0.00	0.00	0.00	0.00	0.00	0.00	100.00
16004 - Staff Development - Other	5,082.96	4,812.39	270.57	5,082.96	4,812.39	270.57	57,850.00
Total 16004 - Staff Development	144.51	2,083.37	-1,938.86	144.51	2,083.37	-1,938.86	25,000.00
16005 - Maintenance	90.97	1,666.63	-1,575.66	90.97	1,666.63	-1,575.66	20,000.00
16228 - Park Maint-Memory Pk	1,965.75	2,083.37	-117.62	1,965.75	2,083.37	-117.62	25,000.00
16229 - Park Maint - Ferland	0.00	1,666.63	-1,666.63	0.00	1,666.63	-1,666.63	20,000.00
16230 - Park Maint-Cedar Brake Park	0.00	0.00	0.00	0.00	0.00	0.00	20,000.00
16231 - Park Maint. - Homecoming Park	0.00	0.00	0.00	0.00	0.00	0.00	20,000.00



City of Montgomery - General Fund  
**Profit & Loss Budget Performance-All**  
 October 2021

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 Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
Total 16005 - Maintenance	2,201.23	7,500.00	-5,298.77	2,201.23	7,500.00	-5,298.77	90,000.00
16006 - Insurance							
16353.2 - Liability Ins.	2,289.70	2,204.13	85.57	2,289.70	2,204.13	85.57	26,450.00
16353.3 - Property Ins.	896.36	1,067.39	-171.03	896.36	1,067.39	-171.03	12,810.00
16353.9 - Insurance Bond	0.00	41.63	-41.63	0.00	41.63	-41.63	500.00
Total 16006 - Insurance	3,186.06	3,313.15	-127.09	3,186.06	3,313.15	-127.09	39,760.00
16007 - Utilities							
16352.0 - Electronic Sign-City	68.52	83.37	-14.85	68.52	83.37	-14.85	1,000.00
16352.1 - Street Lights	1,102.20	1,000.00	102.20	1,102.20	1,000.00	102.20	12,000.00
16352.2 - Downtown Utilities	112.61	100.00	12.61	112.61	100.00	12.61	1,200.00
16352.3 - Utilities-Cedar Brake Park	135.48	183.37	-47.89	135.48	183.37	-47.89	2,200.00
16352.4 - Utilities-Homecoming Park	124.87	125.00	-0.13	124.87	125.00	-0.13	1,500.00
16352.5 - Utilities-Ferland Park	301.28	483.37	-182.09	301.28	483.37	-182.09	5,800.00
16352.6 - Utilities - City Hall	1,126.61	1,083.37	43.24	1,126.61	1,083.37	43.24	13,000.00
16352.8 - Utilities - Comm Center Bldg	347.87	416.63	-68.76	347.87	416.63	-68.76	5,000.00
16352.9 - Utilities-Memory Pk	253.48	666.63	-413.15	253.48	666.63	-413.15	8,000.00
Total 16007 - Utilities	3,572.92	4,141.74	-568.82	3,572.92	4,141.74	-568.82	49,700.00
16008 - Capital Outlay							
17070 - Capital Outlay - Police Cars							
17070.1 - Emergency Lights, Decals	96.67	625.00	-528.33	96.67	625.00	-528.33	7,500.00
17070.4 - Tst To CPF:Vehicle Replacement	0.00	0.00	0.00	0.00	0.00	0.00	15,000.00
17070 - Capital Outlay - Police Cars - Other	0.00	0.00	0.00	0.00	0.00	0.00	40,000.00
Total 17070 - Capital Outlay - Police Cars	96.67	625.00	-528.33	96.67	625.00	-528.33	62,500.00
17071 - Cap Purchase - Computers/Equip							
17071.1 - Copysync	0.00	0.00	0.00	0.00	0.00	0.00	7,000.00
17071.2 - Radar	0.00	1,041.63	-1,041.63	0.00	1,041.63	-1,041.63	12,500.00
17071.6 - Investigative and Testing Equip	3,870.62	541.63	3,328.99	3,870.62	541.63	3,328.99	6,500.00
17071.7 - Ballistic Vests & Shields	0.00	1,166.63	-1,166.63	0.00	1,166.63	-1,166.63	14,000.00
17071 - Cap Purchase - Computers/Equip - Other	0.00	1,833.37	-1,833.37	0.00	1,833.37	-1,833.37	22,000.00
Total 17071 - Cap Purchase - Computers/Equip	3,870.62	4,583.26	-712.64	3,870.62	4,583.26	-712.64	62,000.00
17071.5 - Patrol Weapons	0.00	1,000.00	-1,000.00	0.00	1,000.00	-1,000.00	12,000.00
17071.A - Traffic Equipment	0.00	2,250.00	-2,250.00	0.00	2,250.00	-2,250.00	27,000.00
17071.B - Office Maintenance	1,243.26	983.37	259.89	1,243.26	983.37	259.89	11,800.00
17072 - Capital Outlay-PWorks Items	0.00	583.37	-583.37	0.00	583.37	-583.37	7,000.00
17080 - Capital Outlay-Improvements	0.00	8,333.37	-8,333.37	0.00	8,333.37	-8,333.37	100,000.00
17081 - Cap Outlay-Drainage Improvement	2,950.00	833.37	2,116.63	2,950.00	833.37	2,116.63	10,000.00
Total 16008 - Capital Outlay	8,160.55	19,191.74	-11,031.19	8,160.55	19,191.74	-11,031.19	292,300.00
16009 - Miscellaneous Expenses							
16590 - Misc. Expense	0.00	0.00	0.00	0.00	0.00	0.00	349,809.00
16590.4 - Tst to CPF - Infr Inv (43949.3)	179.27	708.48	-529.21	179.27	708.48	-529.21	8,500.00
16590 - Misc. Expense - Other	179.27	708.48	-529.21	179.27	708.48	-529.21	358,309.00
Total 16590 - Misc. Expense	358.54	1,416.96	-1,058.42	358.54	1,416.96	-1,058.42	366,809.00
Total 16009 - Miscellaneous Expenses	358.54	1,416.96	-1,058.42	358.54	1,416.96	-1,058.42	366,809.00
16356 - Contract Labor- Streets	8,730.00	18,333.37	-9,603.37	8,730.00	18,333.37	-9,603.37	220,000.00
16500 - Leases - Parks and Recreation	0.00	0.00	0.00	0.00	0.00	0.00	8,000.00
16504 - Adams Park	0.00	0.00	0.00	0.00	0.00	0.00	8,000.00
Total 16500 - Leases - Parks and Recreation	0.00	0.00	0.00	0.00	0.00	0.00	8,000.00
17500 - Tax Rebatement							
17500.1 - Sales Tax Rebate	20,833.33	20,833.33	0.00	20,833.33	20,833.33	0.00	250,000.00
17500.2 - 380 Ad Valorem Tax Rebate	9,583.33	9,583.33	0.00	9,583.33	9,583.33	0.00	115,000.00
17500.3 - PID Property Tax Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	38,815.00



City of Montgomery - General Fund  
Profit & Loss Budget Performance-All  
October 2021

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
Total 17500 - Tax Rebate	30,416.66	30,416.66	0.00	30,416.66	30,416.66	0.00	403,815.00
Total Expense	306,944.28	389,415.63	-82,471.35	306,944.28	389,415.63	-82,471.35	5,405,374.00
Net Ordinary Income	-5,921.97	-120,263.59	114,341.62	-5,921.97	-120,263.59	114,341.62	-56,794.00
Other Income/Expense							
Other Income							
14000.3 - Transfers In	4,583.33	4,583.37	-0.04	4,583.33	4,583.37	-0.04	55,000.00
14620.2 - Admin Transfer from MEDC	0.00	0.00	0.00	0.00	0.00	0.00	2,500.00
14620.4 - Admin Trf from Court Security							
Total 14000.3 - Transfers In	4,583.33	4,583.37	-0.04	4,583.33	4,583.37	-0.04	57,500.00
Total Other Income	4,583.33	4,583.37	-0.04	4,583.33	4,583.37	-0.04	57,500.00
Net Other Income	4,583.33	4,583.37	-0.04	4,583.33	4,583.37	-0.04	57,500.00
Net Income	-1,338.64	-115,680.22	114,341.58	-1,338.64	-115,680.22	114,341.58	706.00



# Cash Flow Report - Const CkgW&S Proj 1058544 Account

As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$428,029.37
Receipts				
	Proceeds - GLO		67,500.00	
Total Receipts				67,500.00
Disbursements				
1367	Jones & Carter, Inc.	Engineering Fees - September 2021	(5,923.44)	
1368	Jones & Carter, Inc.	Engineering Fees - GLO (Anders Branch, MLK ,	(67,500.00)	
1369	Nerie Construction, LLC	Pay Estimates 7 & 8 - Downtown Waterline Replac	(117,467.37)	
JE	First Financial Bank	Transfer to Texpool - Infrastructure 0011	(46,700.00)	
JE	First Financial Bank	Transfer to Texpool - Mobility 0012	(10,000.00)	
Total Disbursements				(247,590.81)
BALANCE AS OF 10/31/2021				\$247,938.56



# Cash Flow Report - BOKF, NA Escrow Series 2017A Account

As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$103,072.09
Receipts				
	Interest on account 10/31/2021		0.52	
Total Receipts				0.52
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 10/31/2021				\$103,072.61



# Cash Flow Report - BOKF, NA Escrow Series 2017B Account

As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$885,184.24
Receipts				
	Interest on account 10/31/2021		4.43	
Total Receipts			<u>4.43</u>	4.43
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			<u>0.00</u>	0.00
BALANCE AS OF 10/31/2021				<u><u>\$885,188.67</u></u>



City of Montgomery - Capital Projects Acct  
**Profit & Loss Budget Performance**  
 October 2021

Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
<b>Ordinary Income/Expense</b>							
<b>Income</b>							
43901 · Capital Proj Funding Sour							
43911 · Transfer From MEDC	0.00	0.00	0.00	0.00	0.00	0.00	160,000.00
43947 · Transfer from Utility Fund							
43947A · Tsf from Utility - Cap (27002)	0.00	0.00	0.00	0.00	0.00	0.00	628,469.00
<b>Total 43947 · Transfer from Utility Fund</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>628,469.00</b>
43949 · Transfers from General Fund							
43949.1 · Tsf fr Gen - Police Veh (17070)	0.00	0.00	0.00	0.00	0.00	0.00	15,000.00
43949.3 · Trs fm Gen - Inf Inv (16590.4)	0.00	0.00	0.00	0.00	0.00	0.00	349,809.00
43949.4 · Tsf fm Gen - Mob Inv (16590.7)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total 43949 · Transfers from General Fund</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>364,809.00</b>
43952 · Other Fund Reserves/Transfers							
43952.3 · Proceeds GLO	67,500.00	0.00	67,500.00	67,500.00	0.00	67,500.00	2,280,000.00
<b>Total 43952 · Other Fund Reserves/Transfers</b>	<b>67,500.00</b>	<b>0.00</b>	<b>67,500.00</b>	<b>67,500.00</b>	<b>0.00</b>	<b>67,500.00</b>	<b>2,280,000.00</b>
<b>Total 43901 · Capital Proj Funding Sour</b>	<b>67,500.00</b>	<b>0.00</b>	<b>67,500.00</b>	<b>67,500.00</b>	<b>0.00</b>	<b>67,500.00</b>	<b>3,433,278.00</b>
43959 · FEMA Grant Revenue							
43956.3 · Impact Fees (26901.3)	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
<b>Total 43959 · FEMA Grant Revenue</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100,000.00</b>
43961 · Grant Funds-CDBG							
43961.2 · CDBG Block Grant - Baja	0.00	0.00	0.00	0.00	0.00	0.00	56,985.00
<b>Total 43961 · Grant Funds-CDBG</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>56,985.00</b>
45391 · Interest Earned							
45391.1 · Interest Earned Ser 2017A	0.52	2.50	-1.98	0.52	2.50	-1.98	30.00
45391.2 · Interest Earned Ser 2017B	4.43	5.87	-1.44	4.43	5.87	-1.44	70.00
45391 · Interest Earned - Other	6.05			6.05			
<b>Total 45391 · Interest Earned</b>	<b>11.00</b>	<b>8.37</b>	<b>2.63</b>	<b>11.00</b>	<b>8.37</b>	<b>2.63</b>	<b>100.00</b>
45900 · Use of Surplus	0.00	0.00	0.00	0.00	0.00	0.00	942,612.00
<b>Total Income</b>	<b>67,511.00</b>	<b>8.37</b>	<b>67,502.63</b>	<b>67,511.00</b>	<b>8.37</b>	<b>67,502.63</b>	<b>4,532,975.00</b>
<b>Expense</b>							
43889 · Grant Administrative Expenses							
43889.2 · Baja Project CDBG #7217320	0.00	0.00	0.00	0.00	0.00	0.00	3,325.00

Item 30.



**City of Montgomery - Capital Projects Acct  
Profit & Loss Budget Performance  
October 2021**

Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
43889.3 · GLO - All Proj	0.00	0.00	0.00	0.00	0.00	0.00	108,360.00
<b>Total 43889 · Grant Administrative Expenses</b>	0.00	0.00	0.00	0.00	0.00	0.00	111,685.00
<b>43890 · Engineering</b>							
43890.2 · WP #3 Improvements-TWDB	4,002.20	0.00	4,002.20	4,002.20	0.00	4,002.20	34,000.00
43890.3 · Lift St #1 Expansion-TWDB	0.00	0.00	0.00	0.00	0.00	0.00	0.00
43890.4 · Waterline replacement/HouSt	6,256.44	0.00	6,256.44	6,256.44	0.00	0.00	15,000.00
43890.7 · Downtown/SH105 Imp-TWDB	0.00	0.00	0.00	0.00	0.00	0.00	0.00
43890.8 · 18" SS Line	0.00	0.00	0.00	0.00	0.00	0.00	0.00
43890.E · Eng-All GLO	0.00	0.00	0.00	0.00	0.00	0.00	175,000.00
43890.H · WP Bleach Conv 2&3 · Eng	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00
<b>Total 43890 · Engineering</b>	10,258.64	0.00	10,258.64	10,258.64	0.00	10,258.64	274,000.00
<b>43995 · Const Cost-Contingencies</b>							
43995.3 · WP#3 Improvements- TWDB	0.00	0.00	0.00	0.00	0.00	0.00	0.00
43995.4 · Downtown/SH105 Improve - TWDB	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total 43995 · Const Cost-Contingencies</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>44000 · Wastewater System</b>							
44006 · LS #1-Replinnt/Expans-TWDB	0.00	0.00	0.00	0.00	0.00	0.00	0.00
44008 · 18" Gravity S.S. Line Const	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total 44000 · Wastewater System</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>45000 · Water System- Capital Proj</b>							
43975 · WP #3 Generator - GLO	0.00	0.00	0.00	0.00	0.00	0.00	501,000.00
43976.1 · Downtown/SH 105 W Ln Imp-TWDB	13,680.00	0.00	13,680.00	13,680.00	0.00	13,680.00	91,300.00
43992.1 · Water Plant #3 - Imp-TWDB	0.00	0.00	0.00	0.00	0.00	0.00	996,550.00
43992.5 · Baja/MLK Wtr&Drg Imp-TXCDDBG7320	0.00	0.00	0.00	0.00	0.00	0.00	38,000.00
43992.6 · WP Bleach Conv 2&3	0.00	0.00	0.00	0.00	0.00	0.00	311,000.00
<b>Total 45000 · Water System- Capital Proj</b>	13,680.00	0.00	13,680.00	13,680.00	0.00	13,680.00	1,937,850.00
<b>46000 · Roadway System Improvements</b>							
46010 · Streets / Sidewalks	0.00	0.00	0.00	0.00	0.00	0.00	508,000.00
<b>Total 46000 · Roadway System Improvements</b>	0.00	0.00	0.00	0.00	0.00	0.00	508,000.00
<b>48000 · Cap Outlay-Fac, Equip, Etc</b>							
48002 · Utili ProjPrev Maint	0.00	0.00	0.00	0.00	0.00	0.00	255,800.00
48005.A · Baja / MLK - GLO	0.00	0.00	0.00	0.00	0.00	0.00	722,600.00
48008 · Andres Branch - GLO	0.00	0.00	0.00	0.00	0.00	0.00	668,040.00
48009 · GLO Environmental	0.00	0.00	0.00	0.00	0.00	0.00	15,000.00



City of Montgomery - Capital Projects Acct  
**Profit & Loss Budget Performance**  
 October 2021

Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
48010 - GLO Aquisition - Land	0.00	0.00	0.00	0.00	0.00	0.00	40,000.00
Total 48000 - Cap Outlay-Fac, Equip, Etc	0.00	0.00	0.00	0.00	0.00	0.00	1,701,440.00
Total Expense	23,938.64	0.00	23,938.64	23,938.64	0.00	23,938.64	4,532,975.00
Net Ordinary Income	43,572.36	8.37	43,563.99	43,572.36	8.37	43,563.99	0.00
Net Income	<b>43,572.36</b>	<b>8.37</b>	<b>43,563.99</b>	<b>43,572.36</b>	<b>8.37</b>	<b>43,563.99</b>	<b>0.00</b>



# Cash Flow Report - Checking Account

As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$195,112.83
Receipts				
	Interest		4.97	
	Tax Transfer thru 11/19/21		8,777.80	
Total Receipts				8,782.77
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 10/31/2021				\$203,895.60



**City of Montgomery - Debt Service  
Profit & Loss Budget Performance**

October 2021

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
<b>Income</b>							
34000 · Taxes & Franchise Fees							
34320 · Ad Valorem Taxes	8,183.87	1,000.00	7,183.87	8,183.87	1,000.00	7,183.87	485,090.00
34330 · Penalty & Interest	593.93	416.63	177.30	593.93	416.63	177.30	5,000.00
<b>Total 34000 · Taxes &amp; Franchise Fees</b>	<b>8,777.80</b>	<b>1,416.63</b>	<b>7,361.17</b>	<b>8,777.80</b>	<b>1,416.63</b>	<b>7,361.17</b>	<b>490,090.00</b>
35000 · Other Revenues							
35390 · Interest on Checking	0.00	0.00	0.00	0.00	0.00	0.00	0.00
35391 · Interest on Investments	4.97	0.00	4.97	4.97	0.00	4.97	0.00
<b>Total 35000 · Other Revenues</b>	<b>4.97</b>	<b>0.00</b>	<b>4.97</b>	<b>4.97</b>	<b>0.00</b>	<b>4.97</b>	<b>0.00</b>
35500 · Use of Surplus Funds							
<b>Total Income</b>	<b>8,782.77</b>	<b>1,416.63</b>	<b>7,366.14</b>	<b>8,782.77</b>	<b>1,416.63</b>	<b>7,366.14</b>	<b>625,750.00</b>
<b>Expense</b>							
37000 · Debt Service							
37360 · Interest Payments On Note	0.00	0.00	0.00	0.00	0.00	0.00	193,250.00
37363 · Paying Agent Fees	0.00	0.00	0.00	0.00	0.00	0.00	2,500.00
37365 · Interest 2012 Series Premium	0.00	0.00	0.00	0.00	0.00	0.00	0.00
37395 · Principal Note Payments	0.00	0.00	0.00	0.00	0.00	0.00	430,000.00
<b>Total 37000 · Debt Service</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>625,750.00</b>
<b>Total Expense</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>625,750.00</b>
<b>Net Income</b>	<b>8,782.77</b>	<b>1,416.63</b>	<b>7,366.14</b>	<b>8,782.77</b>	<b>1,416.63</b>	<b>7,366.14</b>	<b>0.00</b>



# Cash Flow Report - Checking Account

As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$5,279.27
Receipts				
	Transfer from General for Revenues thru 10/07/2021		44.86	
Total Receipts				44.86
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 10/31/2021				\$5,324.13



**City of Montgomery - Ct Security Fund  
Profit & Loss Budget Performance**

October 2021

Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
Ordinary Income/Expense							
Income							
84110 - Court Fines & Forfeitures	39.00	291.63	-252.63	39.00	291.63	-252.63	3,500.00
84110.1 - Court Security Fees							
Total 84110 - Court Fines & Forfeitures	39.00	291.63	-252.63	39.00	291.63	-252.63	3,500.00
Total Income	39.00	291.63	-252.63	39.00	291.63	-252.63	3,500.00
Net Ordinary Income	39.00	291.63	-252.63	39.00	291.63	-252.63	3,500.00
Other Income/Expense							
Other Expense							
86560 - Interfund Transfers							
86551 - Baliff Transfer to General Fund	0.00	0.00	0.00	0.00	0.00	0.00	2,500.00
Total 86560 - Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	2,500.00
Total Other Expense	0.00	0.00	0.00	0.00	0.00	0.00	2,500.00
Net Other Income	0.00	0.00	0.00	0.00	0.00	0.00	-2,500.00
Net Income	39.00	291.63	-252.63	39.00	291.63	-252.63	1,000.00



City of Montgomery - Ct Tech Fund  
**Cash Flow Report - Checking Account**  
 As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$40,593.10
Receipts				
	Revenues transfer from 10/07/2021		59.83	
	Interest		0.69	
Total Receipts			60.52	60.52
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			0.00	0.00
BALANCE AS OF 10/31/2021				\$40,653.62



**City of Montgomery - Ct Tech Fund  
Actual to Budget Performance  
October 2021**

Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
<b>Ordinary Income/Expense</b>							
Income							
74100 - Court Fines and Forfeitures	72.00	416.63	-344.63	72.00	416.63	-344.63	5,000.00
74110 - Court Technology Fees							
<b>Total 74100 - Court Fines and Forfeitures</b>	<b>72.00</b>	<b>416.63</b>	<b>-344.63</b>	<b>72.00</b>	<b>416.63</b>	<b>-344.63</b>	<b>5,000.00</b>
74200 - Other Revenues							
74291 - Interest Income	0.69			0.69			
<b>Total 74200 - Other Revenues</b>	<b>0.69</b>			<b>0.69</b>			
74500 - Use of Surplus	0.00	0.00	0.00	0.00	0.00	0.00	7,710.00
<b>Total Income</b>	<b>72.69</b>	<b>416.63</b>	<b>-343.94</b>	<b>72.69</b>	<b>416.63</b>	<b>-343.94</b>	<b>12,710.00</b>
<b>Expense</b>							
76200 - Contract Services							
76362 - Computer/Website Services	0.00	1,059.13	-1,059.13	0.00	1,059.13	-1,059.13	12,710.00
<b>Total 76200 - Contract Services</b>	<b>0.00</b>	<b>1,059.13</b>	<b>-1,059.13</b>	<b>0.00</b>	<b>1,059.13</b>	<b>-1,059.13</b>	<b>12,710.00</b>
<b>Total Expense</b>	<b>0.00</b>	<b>1,059.13</b>	<b>-1,059.13</b>	<b>0.00</b>	<b>1,059.13</b>	<b>-1,059.13</b>	<b>12,710.00</b>
<b>Net Ordinary Income</b>	<b>72.69</b>	<b>-642.50</b>	<b>715.19</b>	<b>72.69</b>	<b>-642.50</b>	<b>715.19</b>	<b>0.00</b>
<b>Net Income</b>	<b>72.69</b>	<b>-642.50</b>	<b>715.19</b>	<b>72.69</b>	<b>-642.50</b>	<b>715.19</b>	<b>0.00</b>



# Cash Flow Report - Grant Account #9104 Account

As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$10.00
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 10/31/2021				\$10.00



# Cash Flow Report - Cash in Bank #8479 Account

As of October 31, 2021

Item 30.
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Num	Name	Memo	Amount	Balance
	BALANCE AS OF	10/01/2021		\$10.00
	Receipts			
	No Receipts Activity		0.00	
	Total Receipts			0.00
	Disbursements			
	No Disbursements Activity		0.00	
	Total Disbursements			0.00
	BALANCE AS OF	10/31/2021		\$10.00



City of Montgomery - Hotel Occupancy Tax Fund  
**Cash Flow Report - Checking Account**  
 As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$17,392.21
Receipts				
	Interest		0.30	
Total Receipts			0.30	0.30
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements			0.00	0.00
BALANCE AS OF 10/31/2021				\$17,392.51



**City of Montgomery - Hotel Occupancy Tax Fund  
Profit & Loss Budget Performance**

October 2021

Accrual Basis

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
<b>Income</b>							
44300 · Taxes & Franchise Fees	0.00	1,041.63	-1,041.63	0.00	1,041.63	-1,041.63	12,500.00
44330 · Hotel Occupancy Taxes							
<b>Total 44300 · Taxes &amp; Franchise Fees</b>	<b>0.00</b>	<b>1,041.63</b>	<b>-1,041.63</b>	<b>0.00</b>	<b>1,041.63</b>	<b>-1,041.63</b>	<b>12,500.00</b>
<b>44400 · Other Revenues</b>							
44360 · Interest Earned On Checking	0.00	0.25	-0.25	0.00	0.25	-0.25	3.00
44490 · Interest Income	0.30			0.30			
<b>Total 44400 · Other Revenues</b>	<b>0.30</b>	<b>0.25</b>	<b>0.05</b>	<b>0.30</b>	<b>0.25</b>	<b>0.05</b>	<b>3.00</b>
<b>Total Income</b>	<b>0.30</b>	<b>1,041.88</b>	<b>-1,041.58</b>	<b>0.30</b>	<b>1,041.88</b>	<b>-1,041.58</b>	<b>12,503.00</b>
<b>Expense</b>							
46370 · Tourism Expenses	0.00	650.00	-650.00	0.00	650.00	-650.00	7,800.00
46600 · Miscellaneous Expenses	0.00	391.63	-391.63	0.00	391.63	-391.63	4,700.00
<b>Total Expense</b>	<b>0.00</b>	<b>1,041.63</b>	<b>-1,041.63</b>	<b>0.00</b>	<b>1,041.63</b>	<b>-1,041.63</b>	<b>12,500.00</b>
<b>Net Income</b>	<b>0.30</b>	<b>0.25</b>	<b>0.05</b>	<b>0.30</b>	<b>0.25</b>	<b>0.05</b>	<b>3.00</b>

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## Cash Flow Report - MEDC Checking Account

Item 30.

As of October 31, 2021

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$1,263,630.90
Receipts				
	Sales Tax Transfer 10/21		68,690.66	
	Interest on Checking - October 2021		44.38	
Total Receipts				68,735.04
Disbursements				
2090	Abel Aguirre	VOID: Montgomery Quilt Walk Security (\$360.00)	0.00	
2091	George Hernandez	VOID: Montgomery Quilt Walk Security (\$630.00)	0.00	
2092	Jacob McRae	VOID: Montgomery Quilt Walk Security (\$720.00)	0.00	
2093	Nathaniel Graves	VOID: Montgomery Quilt Walk Security (\$495.00)	0.00	
2094	Amy Brown	Events Coordinator - September 2021	(1,518.27)	
2095	Rebecca Huss	Reimbursement of Expense - Social Media Services	(1,500.00)	
2096	Amazon Capital Services, Inc	Supplies for Events - Ballot Box with Lock -Quilt	(16.49)	
2097	JK Graphics, Inc.	Inv 35901 - Graphics for Quilt Walk - Signs	(108.00)	
2098	Swank Motion Pictures, Inc.	Movie Night - Wonder Woman - Invoice 00308034	(325.00)	
2099	Charlie Diggs Entertainment	Montgomery Fall Festival - Charlie Diggs	(8,000.00)	
2100	Rebecca Huss	Reimbursement of Expense - Fernland Dedication	(6.41)	
2101	JK Graphics, Inc.	Inv 35953 - Graphics for Quilt Walk - Signs	(171.00)	
2102	Swank Motion Pictures, Inc.	Movie Night - Captain Marvel - Invoice 003083026	(325.00)	
2103	Gunda Corporation	Downtown Design & Streetscape Improvements PI	(2,516.90)	
2104	Amazon Capital Services, Inc	Supplies for Events - Snow in Historic Montgomer	(66.97)	
2105	Amy Brown	Events Coordinator - October 2021	(1,500.00)	
2106	The Kroger Co.	2017-18 True Up / 2019 Tax Year- MEDC Sales T	(132,391.00)	
2107	Abel Aguirre	Trick or Treat Historic Montgomery 2021 - Abel A	(180.00)	
2108	Chick-Fil-A	Meals- Fernland Dedication	(180.00)	
2109	Melissa Griffin	Trick or Treat Historic Montgomery 2021 - Melissa	(180.00)	
2110	Trent Lozano	Trick or Treat Historic Montgomery 2021- Trent L	(180.00)	
AL	First Financial Bank	Monthly Admin Transfer October 2021	(4,583.33)	
AL	First Financial Bank	Transfer to Utility Fund	(119.00)	
AL	First Financial Bank	Transfer to General Fund	(1,320.85)	
AL	First Financial Bank	Transfer to Utility Fund	(90.00)	
Total Disbursements				(155,278.22)
BALANCE AS OF 10/31/2021				\$1,177,087.72



**City of Montgomery - MEDC  
Actual to Budget Performance  
October 2021**

	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
<b>Income</b>							
55000 · Taxes & Franchise Fees	68,690.66	65,000.00	3,690.66	68,690.66	65,000.00	3,690.66	1,000,000.00
55400 · Sales Tax							1,000,000.00
<b>Total 55000 · Taxes &amp; Franchise Fees</b>	<b>68,690.66</b>	<b>65,000.00</b>	<b>3,690.66</b>	<b>68,690.66</b>	<b>65,000.00</b>	<b>3,690.66</b>	<b>1,000,000.00</b>
55300 · Other Revenues							
55391 · Interest Income	69.61	333.37	(263.76)	69.61	333.37	(263.76)	4,000.00
55399 · Misc Income	0.00	20.87	(20.87)	0.00	20.87	(20.87)	250.00
<b>Total 55300 · Other Revenues</b>	<b>69.61</b>	<b>354.24</b>	<b>(284.63)</b>	<b>69.61</b>	<b>354.24</b>	<b>(284.63)</b>	<b>4,250.00</b>
<b>Total Income</b>	<b>68,760.27</b>	<b>65,354.24</b>	<b>3,406.03</b>	<b>68,760.27</b>	<b>65,354.24</b>	<b>3,406.03</b>	<b>1,004,250.00</b>
<b>Expense</b>							
56000 · Pub Infrastructure - Category I							
56000.6 · Downtown Dev Improvements	819.00	14,354.13	(13,535.13)	819.00	14,354.13	(13,535.13)	172,250.00
56000.7 · Streets & Sidewalks	0.00	3,333.37	(3,333.37)	0.00	3,333.37	(3,333.37)	40,000.00
56000.8 · Utility Extensions	0.00	4,166.63	(4,166.63)	0.00	4,166.63	(4,166.63)	50,000.00
56000.B · City Capital Projects	0.00	0.00	0.00	0.00	0.00	0.00	160,000.00
<b>Total 56000 · Pub Infrastructure - Category I</b>	<b>819.00</b>	<b>21,854.13</b>	<b>(21,035.13)</b>	<b>819.00</b>	<b>21,854.13</b>	<b>(21,035.13)</b>	<b>422,250.00</b>
56001 · Business Dev & Ret - Category II							
56001.8 · Sales Tax Reimbursement	20,833.33	20,833.33	0.00	20,833.33	20,833.33	0.00	250,000.00
56001.9 · Economic Development Grant Prog	0.00	0.00	0.00	0.00	0.00	0.00	20,000.00
<b>Total 56001 · Business Dev &amp; Ret - Category II</b>	<b>20,833.33</b>	<b>20,833.33</b>	<b>0.00</b>	<b>20,833.33</b>	<b>20,833.33</b>	<b>0.00</b>	<b>270,000.00</b>
56002 · Quality of Life - Category III							
56002.2 · Removal of Blight	0.00	0.00	0.00	0.00	0.00	0.00	15,000.00
56002.3 · Events							
56100.1 · Neighborhood Water Party	0.00	0.00	0.00	0.00	0.00	0.00	2,500.00
56100.5 · Light up Montgomery	0.00	0.00	0.00	0.00	0.00	0.00	4,000.00
56100.8 · Christmas Parade	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
56100.9 · Contests/Prizes	0.00	333.37	(333.37)	0.00	333.37	(333.37)	4,000.00
56100.A · Events - Equipment	90.00	833.37	(743.37)	90.00	833.37	(743.37)	10,000.00
56100.B · Montgomery Quilt Walk	171.00	500.00	(329.00)	171.00	500.00	(329.00)	10,000.00
56100.C · Montgomery Antiques Festival	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
56100.D · Movie Night	0.00	208.37	(208.37)	0.00	208.37	(208.37)	2,500.00
56100.F · Pet Parade	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00
56100.G · Montgomery Fall Festival	8,000.00	0.00	8,000.00	8,000.00	0.00	8,000.00	0.00
56100.H · Snow in Historic Montgomery TX	66.97	500.00	(433.03)	66.97	500.00	(433.03)	20,000.00
56100.J · Fall Heritage Festival	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
56100.K · Trick or Treat Historic Mont.	870.00	5,000.00	(4,130.00)	870.00	5,000.00	(4,130.00)	5,000.00
56434A · Lone Star Flag Fest	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00
56002.3 · Events - Other	0.00	3,333.37	(3,333.37)	0.00	3,333.37	(3,333.37)	40,000.00
<b>Total 56002.3 · Events</b>	<b>9,197.97</b>	<b>10,708.48</b>	<b>(1,510.51)</b>	<b>9,197.97</b>	<b>10,708.48</b>	<b>(1,510.51)</b>	<b>143,000.00</b>
56002.4 · Downtown Enhancement Projects	0.00	0.00	0.00	0.00	0.00	0.00	30,000.00



	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
<b>Total 56002 · Quality of Life - Category III</b>	9,197.97	10,708.48	(1,510.51)	9,197.97	10,708.48	(1,510.51)	188,000.00
<b>56003 · Marketing &amp; Tourism-Category IV</b>							
56003.5 · Brochures/Printed Literature	0.00	333.37	(333.37)	0.00	333.37	(333.37)	4,000.00
56003.C · Website	0.00	541.63	(541.63)	0.00	541.63	(541.63)	6,500.00
56003.F · Social Media Advertising	0.00	250.00	(250.00)	0.00	250.00	(250.00)	3,000.00
56003.G · Historical Signage	0.00	416.63	(416.63)	0.00	416.63	(416.63)	5,000.00
<b>Total 56003 · Marketing &amp; Tourism-Category IV</b>	0.00	1,541.63	(1,541.63)	0.00	1,541.63	(1,541.63)	18,500.00
<b>56004 · Administration - Category V</b>							
56004.1 · Admin Transfers to Gen Fund	4,583.33	4,583.33	0.00	4,583.33	4,583.33	0.00	55,000.00
56004.3 · Miscellaneous Expenses	0.00	0.00	0.00	0.00	0.00	0.00	500.00
56004.6 · Consulting (Professional servi)	3,000.00	3,333.37	(333.37)	3,000.00	3,333.37	(333.37)	40,000.00
56004.7 · Travel & Training Expenses	0.00	833.37	(833.37)	0.00	833.37	(833.37)	10,000.00
<b>Total 56004 · Administration - Category V</b>	7,583.33	8,750.07	(1,166.74)	7,583.33	8,750.07	(1,166.74)	105,500.00
<b>Total Expense</b>	38,433.63	63,687.64	(25,254.01)	38,433.63	63,687.64	(25,254.01)	1,004,250.00
<b>Net Income</b>	<b>30,326.64</b>	<b>1,666.60</b>	<b>28,660.04</b>	<b>30,326.64</b>	<b>1,666.60</b>	<b>28,660.04</b>	<b>0.00</b>



City of Montgomery - Police Asset Forfeiture  
**Cash Flow Report - Checking Account**  
 As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$12,086.80
Receipts				
	No Receipts Activity		0.00	
Total Receipts				0.00
Disbursements				
	No Disbursements Activity		0.00	
Total Disbursements				0.00
BALANCE AS OF 10/31/2021				\$12,086.80



**City of Montgomery - Police Asset Forfeiture  
Profit & Loss Budget Performance**

October 2021

Accrual Basis

	Oct 21	Budget	\$ Over ...	Oct 21	YTD Bu...	\$ Over ...	Annual ...
Ordinary Income/Expense							
Income							
74000 - Police Asset Forfeitures	0.00	0.00	0.00	0.00	0.00	0.00	0.00
74102 - Asset Forfeitures							
<b>Total 74000 - Police Asset Forfeitures</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Total Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Net Ordinary Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Net Income</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



## Cash Flow Report - Water &amp; Sewer Fund Account

Item 30.

As of October 31, 2021

Num	Name	Memo	Amount	Balance
BALANCE AS OF 10/01/2021				\$1,273,744.00
Receipts				
	Reimbursement of Expenses from MEDC Fund thru 10/07/2021		119.00	
	Reimbursement of Expenses from MEDC Fund thru 10/29/2021		90.00	
	A/R Collections		255,999.86	
	A/R Collections O/S		5,028.08	
	Customer Meter Deposits		3,950.00	
	Fee Revenue		933.75	
	Fee Revenue O/S		71.25	
	Interest on Checking		45.72	
Total Receipts				266,237.66
Disbursements				
15530	DataProse, LLC	October 2021 In House Insert - Inv 3P55720	(169.44)	
15531	Spherion Staffing, LLC	Utility Clerk - Inv RL2489804	(1,020.00)	
15532	Ward, Getz and Associates, PLLC	Engineering Fees - August 2021	(8,916.87)	
15533	Badger Meter	Inv #80081929	(962.98)	
15534	Chris Cheatham	Deposit Refund - Emmas Way	(474.50)	
15535	DataProse, LLC	Acct# 1216 Inv#DP2103562 Billing Period 9/1-	(715.67)	
15536	Engie Insight - MS 7825	Deposit Refund - 22394 FM 1097	(204.28)	
15537	Entergy	September 2021 Invoices	(8,648.35)	
15538	Hailee Pierce	Deposit Refund - 200 Brocks Lane	(70.15)	
15539	Home Depot Credit Services #9951	Acct#**** 9951 Inv#7076685 / 2061038	(844.91)	
15540	OCS	Inv 14212 - Monitor for Utility Desk	(358.99)	
15541	Spherion Staffing, LLC	Utility Clerk - Inv RL2495924	(1,830.20)	
15542	Texas Excavation Safety System, Inc.	Monthly Message Fees for 09/21 Inv#21-19886	(54.15)	
15543	Texas Municipal Utilities Association	Inv 83727 - Membership for Muckleroy 2021-202	(75.00)	
15544	TML - IRP	Insurance Premiums October 2021	(3,045.00)	
15545	Tyler Technologies	Utility Billing Auto Pay #025-352071	(323.75)	
15546	Urban Constructors	Deposit Refund - 20988 Eva St	(98.30)	
15547	Waste Management (2)	Acct 7-23166-83000 - Inv5738424-1792-1 10/1-10	(1,108.55)	
15548	William Werner	Deposit Refund - 131 Brocks Lane	(73.59)	
15549	Yeya Properties, LLC	Deposit Refund - 14348 Liberty	(168.89)	
15550	Accurate Utility Supply, LLC	Endpoint Upgrade Program- Inv 174308	(26,000.00)	
15551	Coburn's Supply Co., Inc.	Inv # 504858362 ; 504882686	(381.61)	
15552	DXI Industries Inc.	Chlorine WP#3 055018337-21	(498.14)	
15553	GenSolutions LLC	Repairs & Maintenance	(18,581.00)	
15554	H2O Innovation	Operations - Inv 99092021 - 09/30/21	(40,419.97)	
15555	Jones & Carter, Inc	W5841-0900-21 2021 General Consultation -#329	(685.00)	
15556	LDC	CM100268 Hwy 105 West, CM100264 149 South 0	(91.97)	
15557	Spherion Staffing, LLC	Utility Clerk - Inv RL2501919	(1,992.90)	
15558	Waste Management	Customer ID# 7-23067-13005 inv 5740791-1792-	(15,081.92)	
15559	Accurate Utility Supply, LLC	Beacon Endpoint - Inv 174383	(6,780.00)	
15560	Coburn's Supply Co., Inc.	Inv #504918556 ; 504759153-1	(778.59)	
15561	DSHS Central Lab MC2004	Acct CEN CD2782_092021 PWS ID #1700022	(213.92)	
15562	Michael Bradford	Paid Bill Twice - Refund of Overpayment - 924 Car	(191.87)	
15563	Spherion Staffing, LLC	Utility Clerk - Inv RL2507788	(1,107.36)	
15564	DataProse, LLC	November 2021 In House Insert - Inv 3P56369	(259.44)	
15565	DXI Industries Inc.	Chlorine WP#3 DE05008221-21	(100.00)	
15566	Spherion Staffing, LLC	Utility Clerk - Inv RL2514973	(998.40)	
15567	Texas Commission on Environmental Quality	Inv CWQ0068194WWTP Permit Descr 00147370	(2,249.70)	
15568	Texas Commission on Environmental Quality	Inv CWQ0067114 WWTP Permit Description 001	(620.00)	



# Cash Flow Report - Water & Sewer Fund Account

As of October 31, 2021

Item 30.

Num	Name	Memo	Amount	Balance
Disbursements				
ACH	State Comptroller	Sales Tax - Fees - 09/2021	(1,323.09)	
AL	First Financial	Reimbursement of Expenses to General Fund thru	(16,329.52)	
AL	First Financial	Reimbursement of Expenses to General Fund thru	(12,890.34)	
Recap 10/21	First Financial	Billing Charges	(1,725.16)	
Total Disbursements			(178,463.47)	(178,463.47)
BALANCE AS OF 10/31/2021				\$1,361,518.19



City of Montgomery - Water & Sewer Fund  
 Actual to Budget Performance - Utility Fund  
 October 2021

Ordinary Income/Expense	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
<b>Income</b>							
24000 · Charges for Service							
24100 · Water Revenue	78,091.04	67,666.63	10,424.41	78,091.04	67,666.63	10,424.41	812,000.00
24118 · Surface Water Revenue	891.87	683.37	208.50	891.87	683.37	208.50	8,200.00
24120 · Disconnect Reconnect	900.00	916.63	(16.63)	900.00	916.63	(16.63)	11,000.00
24200 · Sewer Revenue	71,459.47	65,641.63	5,817.84	71,459.47	65,641.63	5,817.84	787,700.00
24310 · Tap Fees/Inspections	34,542.00	25,000.00	9,542.00	34,542.00	25,000.00	9,542.00	300,000.00
24319 · Grease Trap Inspections	1,750.00	1,608.37	141.63	1,750.00	1,608.37	141.63	19,300.00
24330 · Late Charges	1,702.82	1,458.37	244.45	1,702.82	1,458.37	244.45	17,500.00
24333 · Returned Ck Fee	693.67	95.87	597.80	693.67	95.87	597.80	1,150.00
24334 · Backflow Testing	0.00	1,333.37	(1,333.37)	0.00	1,333.37	(1,333.37)	16,000.00
25403 · Solid Waste Revenue	16,302.68	15,833.37	469.31	16,302.68	15,833.37	469.31	190,000.00
<b>Total 24000 · Charges for Service</b>	<b>206,333.55</b>	<b>180,237.61</b>	<b>26,095.94</b>	<b>206,333.55</b>	<b>180,237.61</b>	<b>26,095.94</b>	<b>2,162,850.00</b>
24101 · Taxes and Franchise Fees							
24110 · Sales Tax Rev for Solid Waste	1,338.05	1,250.00	88.05	1,338.05	1,250.00	88.05	15,000.00
<b>Total 24101 · Taxes and Franchise Fees</b>	<b>1,338.05</b>	<b>1,250.00</b>	<b>88.05</b>	<b>1,338.05</b>	<b>1,250.00</b>	<b>88.05</b>	<b>15,000.00</b>
24121 · Groundwater Reduction Revenue	21,037.50	16,250.00	4,787.50	21,037.50	16,250.00	4,787.50	195,000.00
<b>25000 · Other Revenues</b>	<b>21,037.50</b>	<b>16,250.00</b>	<b>4,787.50</b>	<b>21,037.50</b>	<b>16,250.00</b>	<b>4,787.50</b>	<b>195,000.00</b>
25000.1 · Impact Fees	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
25391 · Interest Income	45.72	37.50	8.22	45.72	37.50	8.22	450.00
25392 · Interest earned on Investments	19.83	41.63	(21.80)	19.83	41.63	(21.80)	500.00
25395 · Meter Box Replacement	0.00	125.00	(125.00)	0.00	125.00	(125.00)	1,500.00
25396 · EndPoint Charge	0.00	41.63	(41.63)	0.00	41.63	(41.63)	500.00
25399 · Misc Rev & ETS Rev	1,005.00	875.00	130.00	1,005.00	875.00	130.00	10,500.00
<b>Total 25000 · Other Revenues</b>	<b>1,070.55</b>	<b>1,120.76</b>	<b>(50.21)</b>	<b>1,070.55</b>	<b>1,120.76</b>	<b>(50.21)</b>	<b>113,450.00</b>
25500 · Utility Contracts	289.51			289.51			
<b>Total Income</b>	<b>230,069.16</b>	<b>198,858.37</b>	<b>31,210.79</b>	<b>230,069.16</b>	<b>198,858.37</b>	<b>31,210.79</b>	<b>2,486,300.00</b>
<b>Expense</b>							
26001 · Personnel							
26353.1 · Health Ins.	2,782.52	3,583.37	(800.85)	2,782.52	3,583.37	(800.85)	43,000.00
26353.4 · Unemployment Ins	0.00	41.63	(41.63)	0.00	41.63	(41.63)	500.00
26353.5 · Workers Comp.	322.33	433.37	(111.04)	322.33	433.37	(111.04)	5,200.00
26353.6 · Dental Insurance	194.71	266.63	(71.92)	194.71	266.63	(71.92)	3,200.00
26353.7 · Life & AD&D Insurance	61.92	83.37	(21.45)	61.92	83.37	(21.45)	1,000.00
26353.8 · Crime Insurance	40.71	41.63	(0.92)	40.71	41.63	(0.92)	500.00
26501 · Retirement Expense	1,685.17	2,000.00	(314.83)	1,685.17	2,000.00	(314.83)	24,000.00
26560 · Payroll Taxes	1,319.54	1,750.00	(430.46)	1,319.54	1,750.00	(430.46)	21,000.00
26600 · Wages	23,702.74	26,166.63	(2,463.89)	23,702.74	26,166.63	(2,463.89)	314,000.00
26600.1 · Overtime	162.37	416.63	(254.26)	162.37	416.63	(254.26)	5,000.00
26602 · COLA	0.00	0.00	0.00	0.00	0.00	0.00	5,600.00
26610 · Dependent Coverage	0.00	0.00	0.00	0.00	0.00	0.00	16,200.00



	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
<b>Total 26001 · Personnel</b>	30,272.01	34,783.26	(4,511.25)	30,272.01	34,783.26	(4,511.25)	439,200.00
<b>26200 · Contract Services</b>							
26102 · General Consultant Fees	0.00	833.37	(833.37)	0.00	833.37	(833.37)	10,000.00
26320 · Legal Fees	0.00	1,250.00	(1,250.00)	0.00	1,250.00	(1,250.00)	15,000.00
26322 · Engineering	32,086.87	6,250.00	25,836.87	32,086.87	6,250.00	25,836.87	75,000.00
<b>26323 · Operator</b>	9,445.00	9,583.37	(138.37)	9,445.00	9,583.37	(138.37)	115,000.00
<b>26324 · Billing and Collections</b>	1,892.84	2,750.00	(857.16)	1,892.84	2,750.00	(857.16)	33,000.00
<b>26325 · Backflow Testing</b>	0.00	1,333.37	(1,333.37)	0.00	1,333.37	(1,333.37)	16,000.00
<b>26328 · Testing</b>	500.00	1,250.00	(750.00)	500.00	1,250.00	(750.00)	15,000.00
<b>26331 · Sales Tax for Solid Waste</b>	1,338.28	1,250.00	88.28	1,338.28	1,250.00	88.28	15,000.00
<b>26336 · Sludge Hauling</b>	7,410.00	2,833.37	4,576.63	7,410.00	2,833.37	4,576.63	34,000.00
<b>26340 · Printing</b>	0.00	50.00	(50.00)	0.00	50.00	(50.00)	600.00
<b>26350 · Postage</b>	0.00	83.37	(83.37)	0.00	83.37	(83.37)	1,000.00
<b>26351 · Telephone</b>	340.32	791.63	(451.31)	340.32	791.63	(451.31)	9,500.00
<b>26370 · Tap Fees &amp; Inspections</b>	3,569.00	6,250.00	(2,681.00)	3,569.00	6,250.00	(2,681.00)	75,000.00
<b>26399 · Garbage Pickup</b>	16,665.19	15,416.63	1,248.56	16,665.19	15,416.63	1,248.56	185,000.00
<b>Total 26200 · Contract Services</b>	73,247.50	49,925.11	23,322.39	73,247.50	49,925.11	23,322.39	599,100.00
<b>26300 · Communications</b>							
26338 · Advertising/Promotion	0.00	125.00	(125.00)	0.00	125.00	(125.00)	1,500.00
<b>Total 26300 · Communications</b>	0.00	125.00	(125.00)	0.00	125.00	(125.00)	1,500.00
<b>26326 · Permits &amp; Licenses</b>	2,869.70	3,833.37	(963.67)	2,869.70	3,833.37	(963.67)	46,000.00
<b>26374 · Dues &amp; Subscriptions</b>	0.00	166.63	(166.63)	0.00	166.63	(166.63)	2,000.00
<b>26400.1 · Supplies &amp; Equipment</b>							
26342 · Chemicals	1,915.27	2,833.37	(918.10)	1,915.27	2,833.37	(918.10)	34,000.00
26358 · Copier/Fax Machine Lease	0.00	166.63	(166.63)	0.00	166.63	(166.63)	2,000.00
26460 · Operating Supplies	7,416.39	6,666.63	749.76	7,416.39	6,666.63	749.76	80,000.00
26485 · Uniforms	302.49	375.00	(72.51)	302.49	375.00	(72.51)	4,500.00
27040 · ComputerTechnology Equipment	902.51	2,333.37	(1,430.86)	902.51	2,333.37	(1,430.86)	28,000.00
26400.1 · Supplies & Equipment - Other	25.23	50.00	(24.77)	25.23	50.00	(24.77)	600.00
<b>Total 26400.1 · Supplies &amp; Equipment</b>	10,561.89	12,425.00	(1,863.11)	10,561.89	12,425.00	(1,863.11)	149,100.00
<b>26401 · Groundwater Reduction Expenses</b>	0.00	0.00	0.00	0.00	0.00	0.00	100.00
<b>26500 · Staff Development</b>							
26354 · Travel & Training (Travel)	0.00	458.37	(458.37)	0.00	458.37	(458.37)	5,500.00
26355 · Employee Relations (Education)	0.00	83.37	(83.37)	0.00	83.37	(83.37)	1,000.00
<b>Total 26500 · Staff Development</b>	0.00	541.74	(541.74)	0.00	541.74	(541.74)	6,500.00
<b>26600.2 · Maintenance</b>							
26335 · Repairs & Maintenance	7,239.95	14,583.37	(7,343.42)	7,239.95	14,583.37	(7,343.42)	175,000.00
26335.1 · Vehicle Rep. & Maint.	44.99	250.00	(205.01)	44.99	250.00	(205.01)	3,000.00
26335.3 · W&S Maint. Items	0.00	833.37	(833.37)	0.00	833.37	(833.37)	10,000.00
26349 · Gas & Oil	0.00	645.87	(645.87)	0.00	645.87	(645.87)	7,750.00
<b>Total 26600.2 · Maintenance</b>	7,284.94	16,312.61	(9,027.67)	7,284.94	16,312.61	(9,027.67)	195,750.00
<b>26700 · Insurance Expense</b>							



	Oct 21	Budget	\$ Over Budget	Oct 21	YTD Budget	\$ Over Budget	Annual Budget
26353.2 · Liability Ins.	236.81	316.63	(79.82)	236.81	316.63	(79.82)	3,800.00
26353.3 · Property Ins.	2,445.15	2,500.00	(54.85)	2,445.15	2,500.00	(54.85)	30,000.00
<b>Total 26700 · Insurance Expense</b>	<b>2,681.96</b>	<b>2,816.63</b>	<b>(134.67)</b>	<b>2,681.96</b>	<b>2,816.63</b>	<b>(134.67)</b>	<b>33,800.00</b>
<b>26800 · Utilities Expense</b>							
26352.1 · Utilities - Gas for Generators	81.85	100.00	(18.15)	81.85	100.00	(18.15)	1,200.00
26352.2 · Utilities-Water Plants	7,422.11	6,833.37	588.74	7,422.11	6,833.37	588.74	82,000.00
26352.3 · Utilities-WW Treatment Plants	26.72	5,000.00	(4,973.28)	26.72	5,000.00	(4,973.28)	60,000.00
26352.4 · Utilities - Lift Stations	1,229.29	1,666.63	(437.34)	1,229.29	1,666.63	(437.34)	20,000.00
<b>Total 26800 · Utilities Expense</b>	<b>8,759.97</b>	<b>13,600.00</b>	<b>(4,840.03)</b>	<b>8,759.97</b>	<b>13,600.00</b>	<b>(4,840.03)</b>	<b>163,200.00</b>
<b>26900 · Capital Outlay</b>							
26900.4 · Capital Outlay-Sewer/Plant Imp	0.00	833.37	(833.37)	0.00	833.37	(833.37)	10,000.00
<b>Total 26900 · Capital Outlay</b>	<b>0.00</b>	<b>833.37</b>	<b>(833.37)</b>	<b>0.00</b>	<b>833.37</b>	<b>(833.37)</b>	<b>10,000.00</b>
<b>26901 · Util Projects/Prev Maint</b>							
26901.3 · Impact Fees - Tsf to CPF	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
26901 · Util Projects/Prev Maint - Other	626.04	6,381.75	(5,755.71)	626.04	6,381.75	(5,755.71)	76,581.00
<b>Total 26901 · Util Projects/Prev Maint</b>	<b>626.04</b>	<b>6,381.75</b>	<b>(5,755.71)</b>	<b>626.04</b>	<b>6,381.75</b>	<b>(5,755.71)</b>	<b>176,581.00</b>
<b>27000 · Miscellaneous Expenses</b>							
26361 · Bank Charges/ETS	2,574.28	2,916.63	(342.35)	2,574.28	2,916.63	(342.35)	35,000.00
<b>Total 27000 · Miscellaneous Expenses</b>	<b>2,574.28</b>	<b>2,916.63</b>	<b>(342.35)</b>	<b>2,574.28</b>	<b>2,916.63</b>	<b>(342.35)</b>	<b>35,000.00</b>
<b>Total Expense</b>	<b>138,878.29</b>	<b>144,661.10</b>	<b>(5,782.81)</b>	<b>138,878.29</b>	<b>144,661.10</b>	<b>(5,782.81)</b>	<b>1,857,831.00</b>
<b>Net Ordinary Income</b>	<b>91,190.87</b>	<b>54,197.27</b>	<b>36,993.60</b>	<b>91,190.87</b>	<b>54,197.27</b>	<b>36,993.60</b>	<b>628,469.00</b>
<b>Other Income/Expense</b>							
Other Expense							
27001 · Other Expenses	0.00	0.00	0.00	0.00	0.00	0.00	628,469.00
27002 · Transfer to Construction Fund							
<b>Total 27001 · Other Expenses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>628,469.00</b>
<b>Total Other Expense</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>628,469.00</b>
<b>Net Other Income</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(628,469.00)</b>
<b>Net Income</b>	<b>91,190.87</b>	<b>54,197.27</b>	<b>36,993.60</b>	<b>91,190.87</b>	<b>54,197.27</b>	<b>36,993.60</b>	<b>0.00</b>



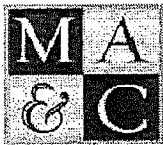
# District Debt Service Payments

Item 30.

11/01/2021 - 11/01/2022

Paying Agent	Series	Date Due	Date Paid	Principal	Interest	Total Due
Debt Service Payment Due 03/01/2022						
First National Bank of Huntsville	2015 - Refunding	03/01/2022		85,000.00	4,646.25	89,646.25
Bank of Texas	2017A - WS&D	03/01/2022		50,000.00	4,767.55	54,767.55
Bank of Texas	2017B - WS&D	03/01/2022		80,000.00	9,681.25	89,681.25
Amegy Bank of Texas	2021 - Refunding	03/01/2022		215,000.00	80,800.00	295,800.00
		Total Due 03/01/2022		430,000.00	99,895.05	529,895.05
Debt Service Payment Due 09/01/2022						
First National Bank of Huntsville	2015 - Refunding	09/01/2022		0.00	3,647.50	3,647.50
Bank of Texas	2017A - WS&D	09/01/2022		0.00	4,742.25	4,742.25
Bank of Texas	2017B - WS&D	09/01/2022		0.00	9,521.25	9,521.25
Amegy Bank of Texas	2021 - Refunding	09/01/2022		0.00	75,425.00	75,425.00
		Total Due 09/01/2022		0.00	93,336.00	93,336.00
		District Total		\$430,000.00	\$193,231.05	\$623,231.05





MUNICIPAL ACCOUNTS  
& CONSULTING, L.P.

## City of Montgomery

### Quarterly Investment Inventory Report Period Ending September 30, 2021

BOARD OF DIRECTORS  
City of Montgomery

Attached is the Quarterly Investment Inventory Report for the  
Period ending September 30, 2021.

This report and the District's investment portfolio are in compliance with the  
investment strategies expressed in the District's investment policy, and the  
Public Funds Investment Act.

I, hereby certify that, pursuant to Senate Bill 253 and in connection with the  
preparation of the investment report, I have reviewed the divestment lists  
prepared and maintained by the Texas Comptroller of Public Accounts, and the  
District does not own direct or indirect holdings in any companies identified on such lists.

Mark M. Burton  
(Investment Officer)

Ghia Lewis  
(Investment Officer)

COMPLIANCE TRAINING

HB 675 states the Investment Officer must attend at least one training seminar for (6) six hours  
Within twelve months of taking office and requires at least (4) four hours training within each (2)  
two year period thereafter.

INVESTMENT OFFICERS  
Mark M. Burton

Ghia Lewis

CURRENT TRAINING

- November 5, 2011 (Texpool Academy 10 Hours)
- November 5, 2013 (Texpool Academy 10 Hours)
- November 27, 2015 (Texpool Academy 10 Hours)
- December 26, 2017 (Texpool Academy 10 Hours)
- January 9, 2020 (TexPool Academy 12 Hours)
- October 25, 2011 (Texpool Academy 10 Hours)
- November 7, 2013 (Texpool Academy 10 Hours)
- November 5, 2015 (Texpool Academy 10 Hours)
- November 6, 2017 (Texpool Academy 10 Hours)
- November 5, 2019 (Texpool Academy 10 Hours)



City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2021 - 09/30/2021

**Fund: Operating**

Financial Institution: **TEXPOOL**

Account Number: **XXXX0001**    Date Opened: **02/07/2020**    Current Interest Rate: **0.01%**

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2021		434.51				
07/31/2021					0.00	
08/31/2021					0.00	
09/01/2021	FRONT CDXXXX2710 INTEREST		303.63			
09/01/2021	BXS CDXXXX4541 INTEREST		123.29			
09/30/2021					0.00	
<b>Totals for Account XXXX0001:</b>		<b>\$434.51</b>	<b>\$426.92</b>		<b>\$0.00</b>	<b>\$861.43</b>

Account Number: **XXXX0003**    Date Opened: **08/01/2005**    Current Interest Rate: **0.01%**

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2021		15,068.53				
07/31/2021					0.31	
08/31/2021					0.31	
09/02/2021	THIRD CDXXXX8998 INTEREST		172.60			
09/30/2021					0.38	
<b>Totals for Account XXXX0003:</b>		<b>\$15,068.53</b>	<b>\$172.60</b>		<b>\$1.00</b>	<b>\$15,242.13</b>
<b>Totals for Operating Fund:</b>		<b>\$15,503.04</b>	<b>\$599.52</b>		<b>\$1.00</b>	<b>\$16,103.56</b>

**Methods Used For Reporting Market Values**

- Certificates of Deposits:                      Face Value Plus Accrued Interest
- Securities/Direct Government Obligations:    Market Value Quoted by the Seller of the Security and Confirmed in Writing
- Public Fund Investment Pool/M&M Accounts:    Balance = Book Value = Current Market



City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2021 - 09/30/2021

Fund: Capital Projects

Financial Institution: TEXPOOL

Account Number: XXXX0009    Date Opened: 12/27/2012    Current Interest Rate: 0.01%

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2021		697.51				
07/31/2021					0.00	
08/31/2021					0.67	
08/31/2021			168,494.45			
08/31/2021				(597.51)		
09/30/2021					3.86	
<b>Totals for Account XXXX0009:</b>		<u>\$697.51</u>	<u>\$168,494.45</u>	<u>(\$597.51)</u>	<u>\$4.53</u>	<u>\$168,598.98</u>
<b>Totals for Capital Projects Fund:</b>		<u>\$697.51</u>	<u>\$168,494.45</u>	<u>(\$597.51)</u>	<u>\$4.53</u>	<u>\$168,598.98</u>

Methods Used For Reporting Market Values

- Certificates of Deposits:                      Face Value Plus Accrued Interest
- Securities/Direct Government Obligations:    Market Value Quoted by the Seller of the Security and Confirmed in Writing
- Public Fund Investment Pool/M&M Accounts:    Balance = Book Value = Current Market



City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2021 - 09/30/2021

Fund: Debt Service

Financial Institution: TEXPOOL

Account Number: XXXX0008    Date Opened: 12/27/2012    Current Interest Rate: 0.01%

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2021		517.57				
07/31/2021					0.00	
08/31/2021					0.00	
09/30/2021					0.00	
<b>Totals for Account XXXX0008:</b>		<b>\$517.57</b>			<b>\$0.00</b>	<b>\$517.57</b>
<b>Totals for Debt Service Fund:</b>		<b>\$517.57</b>			<b>\$0.00</b>	<b>\$517.57</b>

Methods Used For Reporting Market Values

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/ΔM Accounts:	Balance = Book Value = Current Market



City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2021 - 09/30/2021

Fund: MEDC

Financial Institution: TEXPOOL

Account Number: XXXX0005    Date Opened: 02/07/2020    Current Interest Rate: 0.01%

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2021		165,905.97				
07/31/2021			12,916.66		2.84	
07/31/2021					3.65	
08/31/2021			12,916.67			
08/31/2021					4.69	
09/30/2021			12,916.67			
09/30/2021						
<b>Totals for Account XXXX0005:</b>		<b>\$165,905.97</b>	<b>\$38,750.00</b>		<b>\$11.18</b>	<b>\$204,667.15</b>

Account Number: XXXX0006    Date Opened: 08/01/2005    Current Interest Rate: 0.01%

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2021		473,643.51				
07/31/2021				(12,916.66)	7.43	
07/31/2021					8.44	
08/31/2021				(12,916.67)		
08/31/2021					9.96	
09/30/2021				(12,916.67)		
09/30/2021						
<b>Totals for Account XXXX0006:</b>		<b>\$473,643.51</b>		<b>(\$38,750.00)</b>	<b>\$25.83</b>	<b>\$434,919.34</b>

Account Number: XXXX0010    Date Opened: 06/24/2021    Current Interest Rate: 0.01%

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2021		200,000.65				
07/31/2021					3.20	
08/31/2021					3.78	
09/30/2021					4.59	
<b>Totals for Account XXXX0010:</b>		<b>\$200,000.65</b>			<b>\$11.57</b>	<b>\$200,012.22</b>
<b>Totals for MEDC Fund:</b>		<b>\$839,550.13</b>	<b>\$38,750.00</b>	<b>(\$38,750.00)</b>	<b>\$48.58</b>	<b>\$839,598.71</b>

Methods Used For Reporting Market Values

- Certificates of Deposits:                      Face Value Plus Accrued Interest
- Securities/Direct Government Obligations:    Market Value Quoted by the Seller of the Security and Confirmed in Writing
- Public Fund Investment Pool/ADM Accounts:    Balance = Book Value = Current Market



City of Montgomery  
**Summary of Money Market Funds**  
 07/01/2021 - 09/30/2021

Fund: Utility

Financial Institution: **TEXPOOL**

Account Number: XXXX0002    Date Opened: 08/01/2005    Current Interest Rate: 0.01%

Date	Description	Begin Balance	Cash Added	Cash Withdrawn	Int. Earned	End Balance
07/01/2021		659,355.78				
07/31/2021					10.56	
08/31/2021					12.42	
09/02/2021	PLAINS CDXXXXX1404 INTEREST		148.83			
09/30/2021					15.10	
<b>Totals for Account XXXX0002:</b>		<u>\$659,355.78</u>	<u>\$148.83</u>		<u>\$38.08</u>	<u>\$659,542.69</u>
<b>Totals for Utility Fund:</b>		<u><u>\$659,355.78</u></u>	<u><u>\$148.83</u></u>		<u><u>\$38.08</u></u>	<u><u>\$659,542.69</u></u>

**Methods Used For Reporting Market Values**

Certificates of Deposits:                      Face Value Plus Accrued Interest  
 Securities/Direct Government Obligations:      Market Value Quoted by the Seller of the Security and Confirmed in Writing  
 Public Fund Investment Pool/MM Accounts:      Balance = Book Value = Current Market



City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
 07/01/2021 - 09/30/2021

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest
<b>Fund: Operating</b>															
<b>Certificates of Deposit</b>															
BANCORPSOUTH	XXXX4541	03/04/21	08/30/21	100,000.00	0.00	0.00	0.00	100,000.00	0.00	0.25%	81.51	123.29	0.00	123.29	0.00
	WT FROM TXPL XXXX0001														
BANCORPSOUTH	XXXX2388	08/31/21	02/28/22	0.00	0.00	100,000.00	0.00	0.00	100,000.00	0.28%	0.00	0.00	0.00	0.00	23.01
FRONTIER BANK	XXXX2710	03/04/21	09/01/21	153,000.00	0.00	0.00	0.00	153,000.00	0.00	0.40%	199.53	303.63	0.00	303.63	0.00
	WT FROM TXPL XXXX0001														
FRONTIER BANK	XXXX2710	09/02/21	03/01/22	0.00	0.00	153,000.00	0.00	0.00	153,000.00	0.40%	0.00	0.00	0.00	0.00	46.95
THIRD COAST BANK, SSB	XXXX8998	03/04/21	08/30/21	100,000.00	0.00	0.00	0.00	100,000.00	0.00	0.35%	114.11	172.60	0.00	172.60	0.00
	WT FROM TXPL XXXX0003														
THIRD COAST BANK, SSB	XXXX8998	08/31/21	02/27/22	0.00	0.00	100,000.00	0.00	0.00	100,000.00	0.30%	0.00	0.00	0.00	0.00	24.66
<b>Totals for Operating Fund:</b>				<b>353,000.00</b>	<b>0.00</b>	<b>353,000.00</b>	<b>0.00</b>	<b>353,000.00</b>	<b>353,000.00</b>	<b>N/A</b>	<b>395.15</b>	<b>599.52</b>	<b>0.00</b>	<b>599.52</b>	<b>\$94.62</b>

<b>Beginning Balance:</b>	\$353,000.00	<b>Interest Earned:</b>	\$599.52
<b>Plus Principal From Cash:</b>	\$0.00	<b>Less Beg Accrued Interest:</b>	\$395.15
<b>Less Principal Withdrawn:</b>	\$0.00	<b>Plus End Accrued Interest:</b>	\$94.62
<b>Plus Interest Reinvested:</b>	\$0.00	<b>Fixed Interest Earned:</b>	\$298.99
<b>Fixed Balance:</b>	\$353,000.00	<b>MM Interest Earned:</b>	\$1.00
<b>MM Balance:</b>	\$16,103.56	<b>Total Interest Earned:</b>	\$299.99
<b>Total Balance:</b>	\$369,103.56		

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/AIM Accounts:	Balance = Book Value = Current Market



City of Montgomery  
**Summary of Certificates of Deposit with Money Market**  
 07/01/2021 - 09/30/2021

Financial Institution	Investment Number	Issue Date	Maturity Date	Beginning Balance	Principal From Cash	Principal From Investment	Principal Withdrawn	Principal Reinvested	Ending Balance	Interest Rate	Beg. Acc. Interest	Interest Earned	Interest Reinvested	Interest Withdrawn	Accrued Interest	
<b>Fund: Utility</b>																
<b>Certificates of Deposit</b>																
PLAINS STATE BANK	XXXX1404	03/04/21	09/01/21	100,000.00	0.00	0.00	0.00	100,000.00	0.00	0.30%	97.81	148.83	0.00	148.83	0.00	
WT FROM TXPL XXXX0002																
SPIRIT OF TEXAS BANK	XXXX2073	09/02/21	02/28/22	0.00	0.00	100,000.00	0.00	0.00	100,000.00	0.20%	0.00	0.00	0.00	0.00	15.34	
Rolled over FROM CD XXXX1404																
<b>Totals for Utility Fund:</b>				100,000.00	0.00	100,000.00	0.00	100,000.00	100,000.00	N/A	97.81	148.83	0.00	148.83	\$15.34	
<b>Beginning Balance:</b>	\$100,000.00											<b>Interest Earned:</b>	\$148.83			
<b>Plus Principal From Cash:</b>	\$0.00											<b>Less Beg Accrued Interest:</b>	\$97.81			
<b>Less Principal Withdrawn:</b>	\$0.00											<b>Plus End Accrued Interest:</b>	\$15.34			
<b>Plus Interest Reinvested:</b>	\$0.00											<b>Fixed Interest Earned:</b>	\$66.36			
<b>Fixed Balance:</b>	\$100,000.00											<b>MM Interest Earned:</b>	\$38.08			
<b>MM Balance:</b>	\$659,542.69											<b>Total Interest Earned:</b>	\$104.44			
<b>Total Balance:</b>	\$759,542.69															
<b>Totals for District:</b>				453,000.00	0.00	453,000.00	0.00	453,000.00	453,000.00	N/A	492.96	748.35	0.00	748.35	\$109.96	

City of Montgomery  
**Detail of Pledged Securities**  
 07/01/2021 - 09/30/2021

Financial Institution: FIRST FINANCIAL BANK															
Security:	Par Value:	Maturity Date:	Pledged:	Released:	Amount Released:										
FHLB	500,000.00	10/25/2027	09/01/2018												
CUSIP: 3137F4X64															
	<b>Date</b>	<b>Value</b>													
	07/31/2021	519,632.33													
	08/31/2021	515,457.22													
	09/30/2021	508,910.96													
FHLMC	360,000.00	04/01/2022	07/31/2017												
CUSIP: 067626HA2															
	<b>Date</b>	<b>Value</b>													
	07/31/2021	361,000.80													
	08/31/2021	361,065.60													

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/ADM Accounts:	Balance = Book Value = Current Market



City of Montgomery  
**Detail of Pledged Securities**

07/01/2021 - 09/30/2021

Financial Institution: FIRST FINANCIAL BANK								
Security: FHLMC CUSIP: 067626HA2	Par Value:	360,000.00	Maturity Date:	04/01/2022	Pledged:	07/31/2017	Released:	Amount Released:
	Date	Value						
	09/30/2021	360,979.20						
Security: FHLMC CUSIP: 3137B3NA2	Par Value:	300,000.00	Maturity Date:	04/25/2023	Pledged:	02/10/2019	Released:	Amount Released:
	Date	Value						
	07/31/2021	312,843.45						
	08/31/2021	311,894.88						
	09/30/2021	311,044.47						
Security: FHLMC CUSIP: 3138ERUQ1	Par Value:	2,000,000.00	Maturity Date:	07/01/2031	Pledged:	02/01/2019	Released:	Amount Released:
	Date	Value						
	07/31/2021	833,303.27						
	08/31/2021	812,245.31						
	09/30/2021	786,459.53						
Security: FHLMC CUSIP: 35880CH56	Par Value:	2,710,000.00	Maturity Date:	02/15/2036	Pledged:	01/13/2021	Released:	Amount Released:
	Date	Value						
	07/31/2021	620,720.00						
	08/31/2021	615,270.00						
	09/30/2021	605,760.00						
Security: FHLMC CUSIP: 4140188D6	Par Value:	500,000.00	Maturity Date:	10/01/2045	Pledged:	02/01/2021	Released:	Amount Released:
	Date	Value						
	07/31/2021	598,765.00						
	08/31/2021	593,575.00						
	09/30/2021	585,160.00						
Security: FHLMC CUSIP: 41421KJQ4	Par Value:	770,000.00	Maturity Date:	09/01/2035	Pledged:	01/13/2021	Released:	Amount Released:
	Date	Value						
	07/31/2021	310,713.00						
	08/31/2021	309,825.00						
	09/30/2021	308,772.00						
Security: FHLMC CUSIP: 414964RB4	Par Value:	805,000.00	Maturity Date:	03/01/2032	Pledged:	12/01/2020	Released:	Amount Released:
	Date	Value						
	07/31/2021	321,973.25						

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/MM Accounts:	Balance = Book Value = Current Market



City of Montgomery  
**Detail of Pledged Securities**  
 07/01/2021 - 09/30/2021

Financial Institution: FIRST FINANCIAL BANK							
<b>Security:</b> FHLMC	<b>Par Value:</b>	805,000.00	<b>Maturity Date:</b>	03/01/2032	<b>Pledged:</b>	12/01/2020	<b>Released:</b>
<b>CUSIP:</b> 414964RB4	<b>Date</b>	<b>Value</b>					<b>Amount Released:</b>
	08/31/2021	320,924.05					
	09/30/2021	319,667.45					
<b>Security:</b> FHLMC	<b>Par Value:</b>	250,000.00	<b>Maturity Date:</b>	02/15/2038	<b>Pledged:</b>	12/01/2019	<b>Released:</b>
<b>CUSIP:</b> 513174YE6	<b>Date</b>	<b>Value</b>					<b>Amount Released:</b>
	07/31/2021	300,417.50					
	08/31/2021	297,970.00					
	09/30/2021	293,962.50					
<b>Security:</b> FHLMC	<b>Par Value:</b>	250,000.00	<b>Maturity Date:</b>	03/01/2035	<b>Pledged:</b>	12/01/2019	<b>Released:</b>
<b>CUSIP:</b> 676006S9	<b>Date</b>	<b>Value</b>					<b>Amount Released:</b>
	07/31/2021	292,415.00					
	08/31/2021	290,442.50					
	09/30/2021	287,440.00					
<b>Security:</b> FNMA	<b>Par Value:</b>	2,000,000.00	<b>Maturity Date:</b>	02/15/2034	<b>Pledged:</b>	10/01/2018	<b>Released:</b>
<b>CUSIP:</b> 4211103Y1	<b>Date</b>	<b>Value</b>					<b>Amount Released:</b>
	07/31/2021	173,127.00					
	08/31/2021	172,522.50					
	09/30/2021	170,673.00					

**Methods Used For Reporting Market Values**

Certificates of Deposits:	Face Value Plus Accrued Interest
Securities/Direct Government Obligations:	Market Value Quoted by the Seller of the Security and Confirmed in Writing
Public Fund Investment Pool/AM Accounts:	Balance = Book Value = Current Market





December 9, 2021

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

Re: Monthly Engineering Report  
City Council Meeting December 14, 2021

Dear Mayor and Council:

The following is a brief summary that describes our activities since the October 26, 2021 Council Meeting:

**Capital Projects:**

- 1. Downtown Waterline Replacement** – It is our understanding the contractor has addressed all punch list items identified at the final inspection and Jones|Carter is preparing the final closeout documents for the project. We received Pay Estimate No. 9 in the amount of \$13,680.00 from Jones|Carter. As of September 29, construction was approximately 92% complete by value.
- 2. Water Plant No. 3 Improvements** – The contractor completed demolition of the ground storage tank, installed the 15,000 gallon hydropneumatic tank, and is completing the installation of the electrical duct bank. We did not receive a pay estimate this month.





### 3. GLO Projects

- a. **Ander's Branch Drainage Improvements** – We are continuing to work with Jones|Carter, GrantWorks, and City Staff to determine the final scope of the project as a result of the environmental analysis, preliminary design, and recent regulation changes.
  - b. **Dr. Martin Luther King Jr. Drive Ditch Regrading and Sanitary Sewer Rehabilitation** – We are completing our review of the revised design drawings from Jones|Carter.
  - c. **Water Plant No. 3 Generator** – It is our understanding the plans are in final revisions. We are also waiting to finalize the scope of the other projects to be funded by the GLO to ensure the proper distribution of funds is maintained.
4. **FM 1097 Speed Study** – It is our understanding TxDOT intends to modify the speed limit along FM 1097 per the completed study, pending adoption of a corresponding ordinance by City Council.
  5. **FM 1097 and Buffalo Springs Drive Traffic Signal Warrant Analysis** – We have requested, but not received, a schedule from TxDOT for design and construction of a traffic signal at this intersection.
  6. **SH-105 and Buffalo Springs Drive Traffic Signal Warrant Analysis** – We provided the completed study to TxDOT for their consideration, but have not received a response at this time.
  7. **2022 Sanitary Sewer Cleaning and Televising – Phase 1** – We are proceeding with preparation of the exhibits and bid package for the project, as authorized at the September 28<sup>th</sup> Council meeting. We plan to present bids at the January 25, 2022 meeting of the City Council.

### Developments:

1. **Feasibility Studies** – There are no ongoing feasibility studies at this time.
2. **Plan Reviews**
  - a. **Shipleys** – We received construction plans for the development on November 23<sup>rd</sup> and plan to return comments this week.
  - b. **Town Creek Crossing, Section 2** – We received the drainage impact analysis report and model on November 17<sup>th</sup> and plan to return comments this week.
3. **Plat Reviews**
  - a. **Hills of Town Creek Section 4 Amending Plat** – We received the final hard copy of the plat on December 7<sup>th</sup> and returned the signed plat to City Hall on December 8<sup>th</sup>.
4. **Ongoing Construction**
  - a. **Town Creek Crossing, Section 1** – We attended a final inspection on October 21<sup>st</sup>, and it is our understanding the contractor is working to address punch list items identified at the final inspection.



**5. One-Year Warranty Inspections**

- a. **Villas of Mia Lago, Section 2** – We are continuing to coordinate with the developer to ensure the remaining punch list items are addressed.
- b. **Hills of Town Creek, Section 3** – We plan to discuss this item further at this month’s Council meeting.
- c. **Hills of Town Creek, Section 4** – The warranty period for this project will end on March 24, 2022.

**General Ongoing Activities:**

1. **Redbird Meadow (Kammerer Tract)** – We await receipt of a phasing plan from the developer’s engineer to allow us to determine the timing of necessary infrastructure improvements to serve the development.
2. **TPDES Permit Renewal** – The permit renewal applications for both the Stewart Creek and Town Creek wastewater treatment plants were submitted to the TCEQ last month and are undergoing administrative review.
3. **FM 1097 & Atkins Creek Drainage Improvements (TxDOT)** – We are coordinating with TxDOT to provide any documentation necessary to determine and prepare the easement area that is to be obtained for the project.
4. **FM 149 & SH-105 North Bound Right Turn Lane (TxDOT)** – It is our understanding the project has been delayed due to utility relocation delays. We are working to receive an update from TxDOT regarding a projected project completion date.
5. **Access Management along SH-105 (TxDOT)** – As you are aware, construction has begun on the access management project along SH-105. Per information found on the TxDOT online portal, the entire project is scheduled to be completed in December 2022. We are working with TxDOT to obtain a more detailed project schedule that will show the timing and duration of the project’s impact within the City limits.
6. **Water Well Performance Reports** – We received the bi-annual water well performance reports as completed by G-M Services. We are reviewing the reports and looking into potential causes for a reduction in efficiency shown at Well Nos. 2 and 3. There are no issues to report at this time on Well No. 4.
7. **Biweekly Operations and Developments Call** – We are continuing the biweekly operations and developments calls with City Staff and H2O Innovations.



Honorable Mayor and City Council  
City of Montgomery  
Page 4 of 4  
December 9, 2021

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Please let me know if you have any questions.

Sincerely,



Chris Roznovsky, PE  
City Engineer

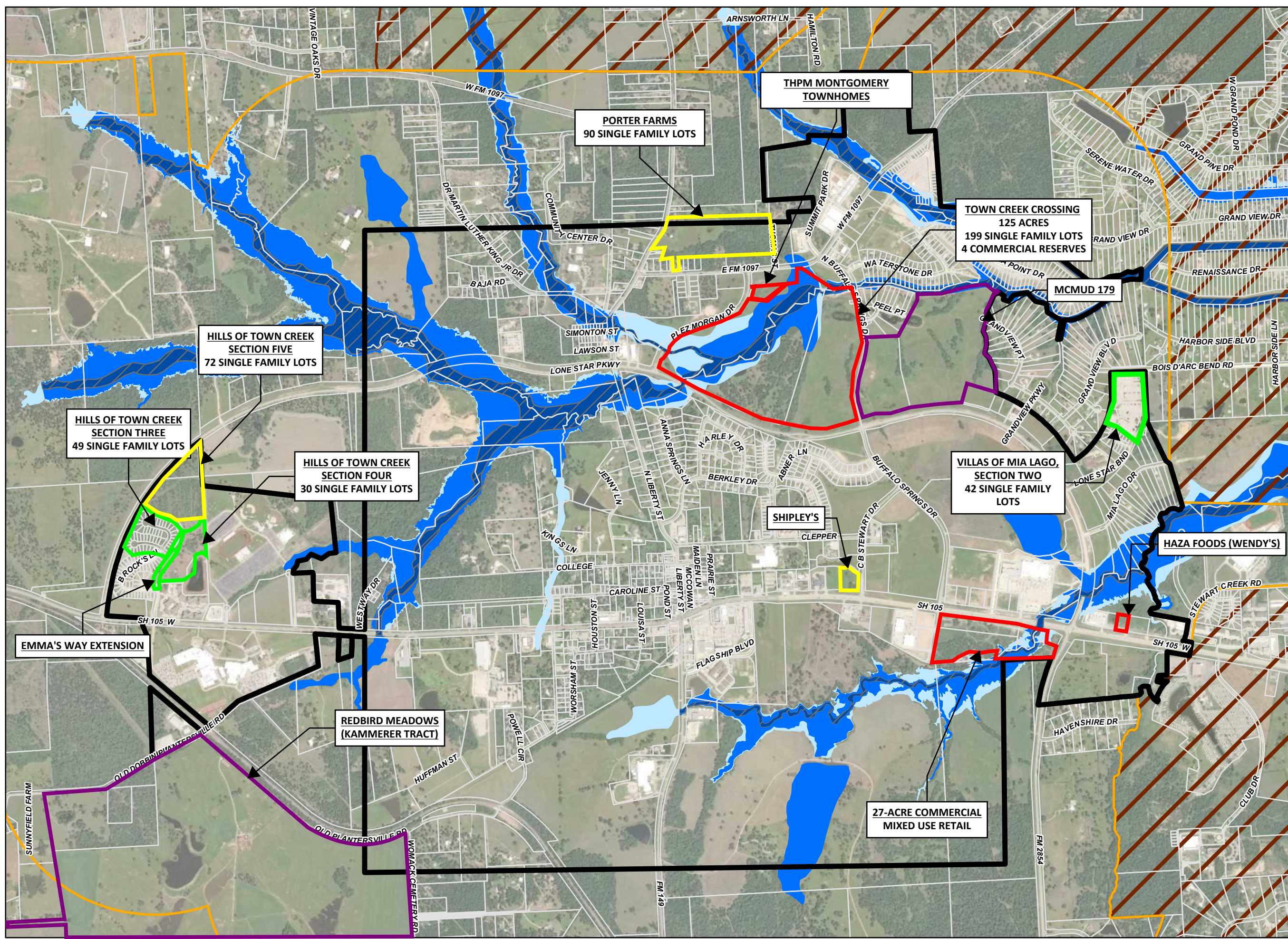
CVR/kmv

Z:\00574 (City of Montgomery)\\_900 General Consultation\Meeting Files\Engineer's Reports\12-2021 Engineer's Report.docx

Attachments - Active Developments Map

Cc (via email): The Planning and Zoning Commission – City of Montgomery  
Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney





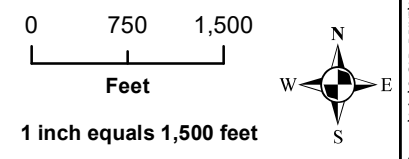
### VICINITY MAP

Scale: 1 inch equals 20 miles

### LEGEND

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

### ACTIVE DEVELOPMENTS (DECEMBER 2021)



User Name: JCP  
 Date: 3/17/2020  
 Project Number: W5641-0900-18  
 Practice Workspace\Corporate Services\GIS\Scratch\Workspace\Jaka@U...\_DRIVE\HO-HH\71\Projects\Districts\City Of Montgomery\Projects\Districts\111171.mxd