

**Notice of City Council  
AGENDA**

**March 08, 2022 at 6:00 PM**

**NOTICE IS HEREBY GIVEN** that a Meeting of the Montgomery City Council will be held on **Tuesday, March 08, 2022**, at **6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

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

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO FLAGS**

**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.** Approval of the minutes of the Regular City Council Meeting of February 22, 2022

**DEPARTMENTAL REPORTS:**

**CONSIDERATION AND POSSIBLE ACTION:**

- 2.** Approval of an ordinance that allows for on-premises sale and consumption of alcohol in conjunction with the approval of an application for a Wine and Malt Beverage Retail Dealers On-Premises Permit & Food and Beverage Permit for "The Montgomery Grove", located at 22016 Eva Street, Montgomery, Texas 77356.
- 3.** Announce the residential and commercial winners of the Texas Flag Celebration contest held on March 5, 2022.
- 4.** Consideration and possible action regarding award of the Sanitary Sewer & Drainage Improvements on Dr Martin Luther King Jr Drive (GLO CDBG-DR Contract No. 19076-017-B366 – Sewer Facilities) and authorization for the City Administrator to execute the Contract.
- 5.** Consideration and possible action regarding award of the Water Plant No. 3 Generator Addition (GLO CDBG-DR Contract No. 19076-017-B366 – Water Facilities) and approval of the authorization for the City Administrator to execute the Contract.
- 6.** Consideration and possible action on calling a Public Hearing for April 12, 2022, at 6:00 p.m. regarding a Special Use Permit Application by Mr. Kenneth Pitre and Mr. Tony Jackson to allow continuation of firewood sales on property adjacent to 22868 FM 1097 East Montgomery, Texas 77356, an "R1"-Single Family Residential Zoning District.
- 7.** Acceptance of resignation letter from Allyson Clark from the Planning and Zoning Commission.

**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.

8. 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)
  - b) Section 551.072 (deliberation regarding real property)

**POSSIBLE ACTION FROM EXECUTIVE SESSION:**

9. Consideration and possible action on real property matters discussed in Executive Session.

**COUNCIL INQUIRY:**

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

**ADJOURNMENT**

/s/Nici Browe

Nici Browe, City Secretary

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 March 4, 2022 at 5:00 p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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

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**MINUTES OF REGULAR MEETING**

**February 22, 2022**

**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

Mayor Pro Tem T.J. Wilkerson called the meeting to order at 6:00 p.m. Mayor Pro Tem T.J. Wilkerson stated for the record Mayor Countryman and Councilman Kevin Lacy are absent this evening.

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

Absent:	Sara Countryman	Mayor
	Kevin Lacy	City Council Place # 2

Also Present:	Richard Tramm	City Administrator
	Dave McCorquodale	Assistant City Administrator
	Diana Cooley	Deputy City Secretary
	Caleb Villarreal	City Attorney

**INVOCATION**

Julie Davis gave the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

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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.

Mayor Pro Tem T.J. Wilkerson said he would like to recognize Cohen Rogers who is with Boy Scout Troop 491 and is working toward becoming an Eagle Scout. Mayor Pro Tem T.J. Wilkerson said Cohen Rogers is working on obtaining his Communication and Citizenship in the Community Merit Badge.

Mayor Pro Tem T.J. Wilkerson said he thinks it is an honor to seek the position of an Eagle Scout and congratulated Cohen Rogers on his achievements.

Mr. Bill Clevenger, 388 Berkley Drive, Montgomery, Texas, said he came here this evening to point out the ugliness Mayor Sara Countryman has inflicted upon our community.

Mr. Clevenger said on the paper handed out to everyone is a comment made that was posted on his family's business Facebook page by Mark Shorten, The Laughing Jackass. Mr. Clevenger said this was a personal attack made by Mayor Sara Countryman to trash, harass, or ruin anyone or any business that does not conform to her way of thinking.

Mr. Clevenger said Mayor Countryman has created this ugliness in Montgomery and has transformed our community into a drama-filled swamp filled with ugliness. Mr. Clevenger said as the next election comes he implores the residents of this community to know that three candidates are on the ballot because Mayor Countryman wants to continue to have her way in this community. Mr. Clevenger said they are not on the ballot to make our community better and that is a fact. Mr. Clevenger said Byron Sanford, Cheryl Fox, and Casey Olson are not here to make our community better. Mr. Clevenger said they are here because Mayor Countryman wanted them to be on the ballot. Mr. Clevenger said a vote for them is a vote for Mayor Countryman. Mr. Clevenger said he truly hopes Montgomery County now sees who she is and is not elected as County Judge on March 1<sup>st</sup>.

#### **CONSENT AGENDA:**

1. Minutes for the Regular Meeting of February 8, 2022.

Julie Davis moved to approve the Consent Agenda as presented. Byron Sanford seconded the motion, the motion carried unanimously. (3-0)

**CONSIDERATION AND POSSIBLE ACTION:**

2. 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).

Mr. Tramm said this item is coming back to City Council now that the work has been completed. Mr. Tramm said the engineer's memo is attached discussing the repairs that have been made by the developer to correct the ponding in previously identified areas of the streets in the subdivision. Mr. Tramm said City staff concurs with the engineer's recommendation and believes the streets to be in good condition and ready to be accepted by the City.

Mr. Chris Roznovsky, City Engineer said his memo stated it was contingent upon receipt of documentation of the transfer of the contractor's two-year warranty from the developer to the City. Mr. Roznovsky said they do have that in writing from both the developer and the contractor acknowledging that transfer of the warranty to the City.

Mr. Roznovsky said the packet shows photos of the street flooded before and after the repair.

Mr. Roznovsky said he does recommend accepting the infrastructure.

Byron Sanford said the pictures speak for themselves. Byron Sanford said he asked the whole neighborhood if anyone was unhappy with the work and no one was.

Byron Sanford said when they make the recommendation, to be clear, the two-year warranty is applied to the company. Byron Sanford asked if the language needs to change in the motion or can City Council pass this as an item.

Caleb Villarreal, City Attorney said his recommendation is City Council pass this as an item.

Byron Sanford moved to approve Item #2. Carol Langley seconded the motion.

Discussion: Julie Davis said she wanted to thank Stylecraft for making it right. Julie Davis said she knows City Council pushed, challenged, and stretched them. Julie Davis said City Council wants to be able to make it right for them too. Julie Davis said hopefully there are some learning lessons everyone has benefitted from.

The motion carried unanimously. (3-0)

### **DEPARTMENTAL REPORTS:**

3. City Administrator's Report. – Mr. Tramm, City Administrator said he would like to highlight a few items. Mr. Tramm said the incoming City Secretary Nicola “Nici” Browe accepted the offer of employment with the City. Mr. Tramm said she will begin working full-time with the City on Monday, February 28, 2022.

Mr. Tramm said the Capital Improvement Planning documents have been distributed and the City Engineer will give an overview presentation on these items this evening. Mr. Tramm said if needed, they can schedule a Workshop to discuss and review these items in more detail.

Mr. Tramm said his report includes the update for the Montgomery Economic and Development Corporation for January. Mr. Tramm said it is the same information he covered last month because the February meeting was last night.

Mr. Tramm said Mr. Charlie Diggs presented a check last month for \$2,200 to the MEDC. Mr. Tramm said that was in return for MEDC's share of the ticket proceeds from the sponsorship.

Mr. Tramm said likewise, regarding the development report that follows there is also an update on the Planning and Zoning Commission meeting.

Mr. Tramm said this month he has started to include the information for the monthly records requests as he was asked by City Council to see more transparency regarding this.

Mr. Tramm said regarding the development report there is a high level of residential and commercial development in the City.

Mr. Tramm said Hills of Town Creek and Town Creek Crossing both will have many homes in the market this year.

Mr. Tramm said in commercial development, on the east side of the City there is Discount Tire which is currently in the preliminary engineering review phase. Mr. Tramm said this will be located on the corner of the north side of SH 105 and Buffalo Springs on the northeast corner. Mr. Tramm said part of that being completed will include a connector road in that is parallel with SH 105 behind the store allowing access for people coming from Buffalo Springs to Kroger without having to use SH 105.

Mr. Tramm said for January they have had no new homes completed but there were 10 new permits issued for single family homes in January.

Mr. Tramm said the City is utilizing \$2.8 million in Texas Water Development Board funding for infrastructure projects. Mr. Tramm said these projects include the Downtown and SH 105 Waterline which has been completed, Lift Station #1 which has been completed, and Water Plant #3 which is still underway but will soon be completed.

Mr. Tramm said the FM 149 turn lane work is expected to be completed in September 2022 due to TxDOT delays as well as Entergy contractors being tasked with hurricane repairs in Louisiana.

Mr. Tramm said they are planning to put in the Martin Luther King, Jr. Drive (MLK) sidewalks in the budget and also attempt to include TxDOT's 2022 Safe Routes to School program for grant funding. Mr. Tramm said the City has budgeted funds for that, but if they can obtain grant funding it will allow the City to use the funds already allocated in the budget to go toward additional sidewalks or other capital projects.

Mr. Tramm said the TxDOT SH 105 Access Management Project is the State's work in which they are adding direction in the turn lanes between Montgomery and Conroe toward I-45. Mr.

Tramm said this includes the eastern edge of Montgomery near FM 2854 where they are working on road widening and turn lanes, but will also be putting in concrete barriers and medians so traffic can only move in certain directions.

Julie Davis asked how long that project was in queue before it started. Mr. Tramm said he knows it was a very long time but does not know exactly how long.

Mr. Chris Roznovsky, City Engineer said he believes the first public meetings were in 2015 or 2016 and were funded from a federal safety grant which is why that project would have had some others because the State had a timeline to use those funds which he believes is now. Mr. Roznovsky said it goes all the way from Montgomery to Conroe.

Mr. Tramm said this is not the only area where they have done that. Mr. Tramm said he has seen reports where TxDOT is communicating with other communities along FM 1314.

Mr. Tramm said regarding the Clepper Sidewalk Project, the design plans are approximately 50 percent complete and should be finished within the month.

Mr. Tramm said regarding the Downtown Improvement Plan, MEDC did have a conversation last night related to planning timetables for the downtown improvements. Mr. Tramm said there will be more discussion on it next month. Mr. Tramm said he is certain for MEDC he will be coming back to City Council trying to coordinate both entities in looking at a direction for what part of the project MEDC may fund in partnership.

4. Sales Tax Report. – Mr. Tramm said Sales Revenue Inc., the City’s consultant will have a representative present for next month’s meeting.

Mr. Tramm said the last two months they have been working on the sales tax audit looking for companies that may or may not be on the tax rolls and recorded and then going back and researching at the Comptroller’s office. Mr. Tramm said they will have those results next month.



Mr. Tramm said page two of the report lists the top 25 sales tax filers for the most recent 12 months ending February 2022.

Mr. Tramm said page four lists the top 25 taxpayers for February and January 2022. Mr. Tramm said February is a quarterly filer report and January is a monthly filer report. Mr. Tramm said there will be some large companies seen on February's list and not January. Mr. Tramm said Kroger only files quarterly and over the last 12 months they are the City's number two sales tax generator and McCoy's files monthly so it is not just on size.

5. Finance Report. – Mr. Anthony Lasky, Senior Accounting Clerk presented his report ending January 31, 2022, to City Council.

Mr. Lasky said for the general fund there are six months of reserves with the bulk of it coming in with the ad valorem taxes.

Mr. Lasky said for the MEDC fund there is over two years reserve and almost a year's worth of reserve in the utility fund.

Mr. Lasky said for January the City received a sales tax of \$281,476.57 and \$38,500 in PID revenues. Mr. Lasky said the City did receive revenues of almost \$430,000 for the ad valorem taxes and the bulk of them should be collected as of now. Mr. Lasky said they will still see more coming in for February.

Mr. Lasky said for check #31911 for Ti Training, this was for a simulator for the police department. Mr. Lasky said there is a grant the City is expected to receive for \$42,075 and \$700 of it is not reimbursable, but the remainder is to be reimbursed.

Mr. Lasky said just over \$211,000 was for a portion of the sales tax in February. Mr. Lasky said he has been totaling it as it comes in at \$610,000. Mr. Lasky said \$153,000 will go to MEDC and the remaining \$457,000 will go into the general fund.

Mr. Lasky said for January this far there is over 40 percent collected in revenues that are budgeted. Mr. Lasky said as of January 31, 2022, there is 28 percent on expenditures.

Mr. Lasky said this will be the last report in QuickBooks and going forward the new system will be Incode.

Mr. Lasky said on Thursday he will be managing bond payments that are due next week.

Byron Sanford asked Mr. Lasky to explain why he is excited about the new system Incode.

Mr. Lasky said there are a lot of new things and great functions about the new system. Mr. Lasky said just to be on par with other cities like Shenandoah, Tomball, and Katy who all have Incode. Mr. Lasky said to be on that same level to report the same way they do will be much more beneficial. Mr. Lasky said there may be a small learning curve at the beginning but once they get the ball rolling it will be well worth it.

Julie Davis asked if there was an estimated time of arrival for the grant money for the simulator. Mr. Lasky said he is hoping it will be either next month or by April because the expenses must be filed by April 15<sup>th</sup> and it will be by the end of the fiscal year.

Julie Davis asked if it is guaranteed the City is getting it back. Mr. Lasky said yes, all but \$700.

6. Police Report. – Chief Solomon introduced the new Code Enforcement Officer, Corinne Tilley. Chief Solomon said Ms. Tilley has 23 years of experience not only in compliance and inspection but also code enforcement. Chief Solomon said Ms. Tilley spent the last three years in Bryan and before that she was in the City of Saint Paul, Minnesota.

Chief Solomon said he is very impressed as today Ms. Tilley found an illegal dumping site.

7. Court Report. – Mrs. Kimberly Duckett, Court Administrator said for January 2022 there were 94 citations collected and revenue was \$20,642.12. Mrs. Duckett said for the fiscal year for 2020 through 2021 the collections were \$409,608.88.
8. Public Works Report. – Mr. Mike Muckleroy, Director of Public Works said they had a very busy month with the storm that came through the City and lost a week's worth of time cleaning up. Mr. Muckleroy said they are finally caught up now and are back on track with their normal duties.

Julie Davis asked if any more trees have to come down from Cedar Brake Park. Mr. Muckleroy said yes. Julie Davis asked if he had an estimate on how many. Mr. Muckleroy said he believes there are three left.

T.J. Wilkerson asked if new trees will be planted. Mr. Muckleroy said yes they will.

9. Utility Operations Report. – Mr. Mike Williams, Vice President of H2O Innovation presented his January report to City Council.

Mr. Williams said the wastewater plant flow detail for December and January was 5,317,000 gallons, daily peak was December 19, 2021, with 334,000 gallons, and daily average flow was 171,500 gallons with a three-month average flow of 173,933 gallons with a 43 percent capacity for a three-month average.

Mr. Williams said all samples complied with the Effluent Monitoring Report for January.

Mr. Williams said they pumped a total of 8,587,000 gallons and sold 8,125,000 gallons with a 96 percent accountability.

Mr. Williams said they were able to maintain the Jasper and Catahoula Wells well within permit. Mr. Williams said accountability was at 96 percent and total connections were 1,092.

Julie Davis asked if Mr. Williams knows what caused the sewer backup at the trailer park. Julie Davis asked if the trailer park just had a massive water pipe leak in October or November.

Mr. Williams said it could be several things. Mr. Williams said when they jetted all the water rushes through. Mr. Williams said most of the time it is due to grease in the system along with flushable wipes. Mr. Williams said it is mainly what is being flushed down the drains, having nothing to do with maintenance or operation of the wastewater line.

Julie Davis said it is not specific to the trailer park though and it is not a sewer line that just feeds to them. Julie Davis said this is a line that is coming from upstream and flowing down.

Mr. Williams said a majority of the flow comes from the trailer park. Mr. Muckleroy said it does.

Julie Davis asked if the City ends up covering the cost of having the line jetted. Mr. Williams said yes.

Byron Sanford asked if Mr. Williams recalls when they had two samples of water that were impure, cloudy at the least, and even brown in some cases and said you might check on it.

Mr. Williams said they went through the current flushing program with Public Works and identified areas of expansion in the City which they will give more attention to and try and clear up those issues. Mr. Williams said they checked all the sampling points and everything is free of any type of bacteria. Mr. Williams said he thinks you will see a difference in the future due to the extra attention it is given.

10. Utility Report. – Mr. Richard Tramm said on page one the Due to MEDC \$2,200 is from Mr. Charlie Diggs.

Mr. Tramm said regarding the \$5,304.17 item listed as City Reimbursement – TML Risk Pool, every year based on insurance claims if the City is under a certain level, money will be refunded back to those within the Risk Pool and this is the amount received this year.

Mr. Tramm said the hotel fee for \$1,041 is from the Caroline House.

Mr. Tramm said the due to construction fee was received for the closeout on the CDBG projects.

Mr. Tramm said the franchise fee of \$2,163.76 was from Suddenlink.

Mr. Tramm said there were 36 new water accounts added during the month and 18 water accounts were disconnected.

Mr. Tramm said despite being a slower month in January for work with construction homes, we still have 63 permits that were issued.

Mr. Tramm said the Community Building irrigation usage was rather high and asked Mr. Muckleroy if he knew of the reason for it. Mr. Muckleroy said there was a leak.

11. Engineer's Report. – Mr. Chris Roznovsky, City Engineer said the Downtown Waterline Replacement Project is complete, and final closeout documents are being prepared.

Mr. Roznovsky said Water Plant No. 3 improvements pay estimate no. 1 for \$252,441 was received. Mr. Roznovsky said this was for work done December 31, 2021, so when you look at percent complete by time and value as of December 31, 2021 it was not and there was a

discrepancy. Mr. Roznovsky said since then as of the picture taken on February 9<sup>th</sup> they have the second cooling tower placed, the hydropneumatic tank placed, and the new ground storage tank constructed that was not there a month before.

Mr. Roznovsky said regarding the GLO Projects there has been a lot of back and forth recently between staff, GLO, and Grantworks working out final details of the projects to ensure everything is aligned to bid. Mr. Roznovsky said of the three projects that are listed, the Dr. Martin Luther King Jr. Drive Ditch Regrading and Sanitary Sewer Rehabilitation which includes Baja Road, McGinnis, and the lines by Lincoln Elementary, that project bid on February 16<sup>th</sup>. Mr. Roznovsky said they are still awaiting the General Land Office approval letter which they should receive any day and should be on City Council's March 8<sup>th</sup> agenda to award that project. Mr. Roznovsky said that bid came in at \$518,319 which was slightly under budget. Mr. Roznovsky said this GLO Project is a full \$2.3 million grant that covers all costs for these projects.

Mr. Roznovsky said the Water Plant No. 3 Generator Project is scheduled to pre-bid tomorrow and bid opening is next Wednesday. Mr. Roznovsky said this will add a second generator to the Water Plant No. 3 site. Mr. Roznovsky said they do have the approval letter on this project and will have the bids at the March 8<sup>th</sup> City Council meeting.

Mr. Roznovsky said all the TxDOT projects are still underway regarding the traffic speed analysis, the speed study, and all those items.

Mr. Roznovsky said the Sanitary Sewer Cleaning and Televising Project has been awarded and contracts were signed today. Mr. Roznovsky said they will have the preconstruction meeting next week with the contractor.

Mr. Roznovsky said regarding the Clepper Sidewalk Project, they met with staff this morning and made a final review of the plans, made some alignments as well as adding additional signage. Mr. Roznovsky said this should be ready to bid within the next few weeks. Mr. Roznovsky said probably the first week of April they will have bids for that project which will put it in construction and have it completed before the end of the summer.

Mr. Roznovsky said the 15-Year Capital Improvement Plan which was emailed out on February 8<sup>th</sup> included taking all the previous master plans and the transportation plan and adding in additional items to that plan. Mr. Roznovsky said also that includes development and

they have updated development projections now through 2050. Mr. Roznovsky said those projects were based on how we meet all the demand over the next 15 years. Mr. Roznovsky said they have since met with staff and have a couple of things they are adding to it. Mr. Roznovsky said they are adding in the MLK sidewalks. Mr. Roznovsky said there are some paving issues with Flagship Boulevard and this will be added to the list as well. Mr. Roznovsky said he thinks a workshop would be the best avenue to go over all the details.

Mr. Roznovsky said they looked at the City's impact fees and if you collect impact fees on all the projected development it would cover all the costs. Mr. Roznovsky said most of the projects on the list are developer-driven projects. Mr. Roznovsky said projects that are needed because of development either done by developers or funded by developers, a lot of the work can be accomplished with partnerships between the developers.

Mr. Roznovsky said there are no revised plans for Shipley's this month.

Mr. Roznovsky said they have received a preliminary plat for Porter Farms for review and will be presenting at the March 1, 2022 Planning and Zoning Commission meeting for review and approval.

Mr. Roznovsky said regarding Town Creek Crossing, Section 1, an inspection was performed on February 17, 2022, and found that not all punch list items had been completed. Mr. Roznovsky said they are working with the developer to address the remaining punch list items.

Mr. Roznovsky said the Hills of Town Creek, Section 4 warranty period will end on March 24, 2022.

Mr. Roznovsky said for the Kammerer/Redbird Meadow's development they are working with the developer's engineer to work on the timing of required capital improvements to coincide with the provided phasing plan and schedule.

Mr. Roznovsky said permit renewal for TPDES for both Stewart Creek and Town Creek wastewater treatment plants is still in review by the State.

Mr. Roznovsky said the Emergency Preparedness Plan is nearing completion and they will have it submitted this week. Mr. Roznovsky said once it is submitted to the State they will review it and then the City will implement it before July 1, 2022, the deadline set by the State.

Mr. Roznovsky said it states in the plan the City has 14 different options of how you provide service in an emergency. Mr. Roznovsky said the City has generators with fuel. Mr. Roznovsky said the plan lists who are all the suppliers for your chemicals, how much storage is on-site, the fuel, and how much demand you need.

Mr. Roznovsky said they did receive plans on Friday for Discount Tire and are in the process of reviewing them.

T.J. Wilkerson asked if Mr. Roznovsky had an update on the apartments on Plez Morgan.

Mr. Roznovsky said he has not heard anything directly regarding the completion time or expected opening of those apartments.

T.J. Wilkerson said he would like to thank the Chief, Mr. Roznovsky, and City Council for lowering the speed limit on FM 1097 to 45 mph from 55 mph.

Julie Davis asked if they need to make a motion with contingency for the workshop or just a motion as it stands.

Mr. Tramm said with regards to setting up the workshop, his recommendation would be to start with March 15, 2022, which would be the Tuesday in between the second and fourth City Council meetings. Mr. Tramm said he is open to any date that works for City Council.

Carol Langley stated she thinks March 15<sup>th</sup> is spring break week. Julie Davis said it is.

Byron Sanford recommended Mr. Tramm send an email to all City Council members and give them some suggested dates.

Mr. Tramm said he will offer several suggestions for next month.

Byron Sanford moved to accept the Departmental Reports as presented. Julie Davis seconded the motion. The motion carried unanimously. (3-0)

### **EXECUTIVE SESSION:**

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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.

Mayor Pro Tem T.J. Wilkerson adjourned into Closed Executive Session at 6:50 p.m.

12. 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: Section 551.072 (deliberation regarding real property).

Mayor Pro Tem T.J. Wilkerson reconvened into Regular Session at 7:20 p.m.

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

13. Consideration and possible action on real property matters discussed in Executive Session.

Byron Sanford moved to direct legal counsel and administration to approve the real estate contract. Carol Langley seconded the motion. The motion carried unanimously. (3-0)

#### **COUNCIL INQUIRY:**

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Mr. Tramm said he will check on dates for the workshop and within 48 hours will email several dates to City Council.

#### **ADJOURNMENT**

Julie Davis moved to adjourn at 7:23 p.m. Byron Sanford seconded the motion, the motion carried unanimously. (3-0)



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

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

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

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> 03/08/2022	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Nici Browe, Richard Tramm

**Subject**

Approval of an ordinance that allows for on-premises sale and consumption of alcohol in conjunction with the approval of an application for a Wine and Malt Beverage Retail Dealers On-Premises Permit & Food and Beverage Permit for “The Montgomery Grove”, located at 22016 Eva Street, Montgomery, Texas 77356.

**Recommendation**

Consider the request and act as you deem appropriate.

**Discussion**

Applicant seeks to obtain City approval for a TABC Wine and Malt Beverage Retail Dealers On-Premises Permit. Per the City's table of permitted uses, "Alcoholic beverage sales on premises" requires City Council approval.

The building located on the property does not comply with City building requirements for on-premises establishments. Applicant intends to bring the building into compliance with City Code. In the meantime, Applicant desires to operate a mobile vending unit for the sale and consumption of alcoholic beverages and food on the property (not including the inside of the building).

City Administrator consulted with the Applicant and City's legal counsel to discuss viable options for the City and the Applicant. City Council may grant a temporary exception to the building code requirements under Section 6-61 of City Code, by passage of an ordinance, to allow Applicant to operate a mobile vending unit for the sale and consumption of alcoholic beverages until the building on the property complies with City Code. Applicant must first be licensed by the county and state and present satisfactory evidence of such license to the City prior to the City granting a license.

Council may exercise the following options:

1. deny the permit outright;
2. postpone the permit request;
3. grant the permit by passage of an ordinance; or
4. grant the permit by passage of an ordinance and impose additional conditions to the ordinance so long as the conditions are not "arbitrary, oppressive, or capricious" and the conditions are "substantially related to the protection of the general health, safety, or welfare of the public."

**Approved By**

City Secretary	Nici Browe	Date: March 3, 2022
City Administrator	Richard Tramm	Date: March 3, 2022

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

**AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS TO APPROVE A LICENSE APPLICATION FOR “THE MONTGOMERY GROVE” LOCATED AT 22016 EVA STREET MONTGOMERY, TEXAS 77356 TO SALE ALCOHOLIC BEVERAGES AND OPERATE AS AN ON-PREMISE ESTABLISHMENT IN ACCORDANCE WITH CITY CODE; PROVIDING FOR PENALTIES; REPEALING ALL OTHER CONFLICTING ORDINANCE PROVISIONS; PROVIDING A SEVERABILITY CLAUSE.**

**WHEREAS**, the City of Montgomery, Texas ("City") received an application for a TABC Wine and Malt Beverage Retail Dealers On-Premises Permit for the "Montgomery Grove" located at 22016 Eva Street, Montgomery, Texas ("Property"); and

**WHEREAS**, pursuant to Chapter 98-88 of City Code, "Alcoholic beverage sales on premises" requires City Council approval; and

**WHEREAS**, the building located on the Property does not comply with Sec. 6-61 of City Code building requirements for on-premises establishments; and

**WHEREAS**, the applicant intends to operate a mobile vending unit for the sale and consumption of alcoholic beverages on-premises; and

**WHEREAS**, City Council may grant a temporary exception to the requirements under Section 6-61 of City Code to applicant to operate a mobile vending unit for the sale and consumption of alcoholic beverages on-premises and in accordance with the conditions set forth herein.

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

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

**Section 2.** The City Council approves the license application subject to the following conditions:

- i. On-premise sale and consumption of alcoholic beverages is restricted to the physical boundaries depicted in Exhibit "A"; and
- ii. Licensee agrees to comply with all applicable state, county, and City codes and regulations; and
- iii. Licensee acknowledges the license is temporary in effect and will automatically expire twelve (12) months after adoption by City Council.

**Section 3.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

**Section 4.** The provisions of this Ordinance will become effective immediately upon adoption by the City Council and automatically expire twelve (12) months after adoption by the City Council.

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2022.

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

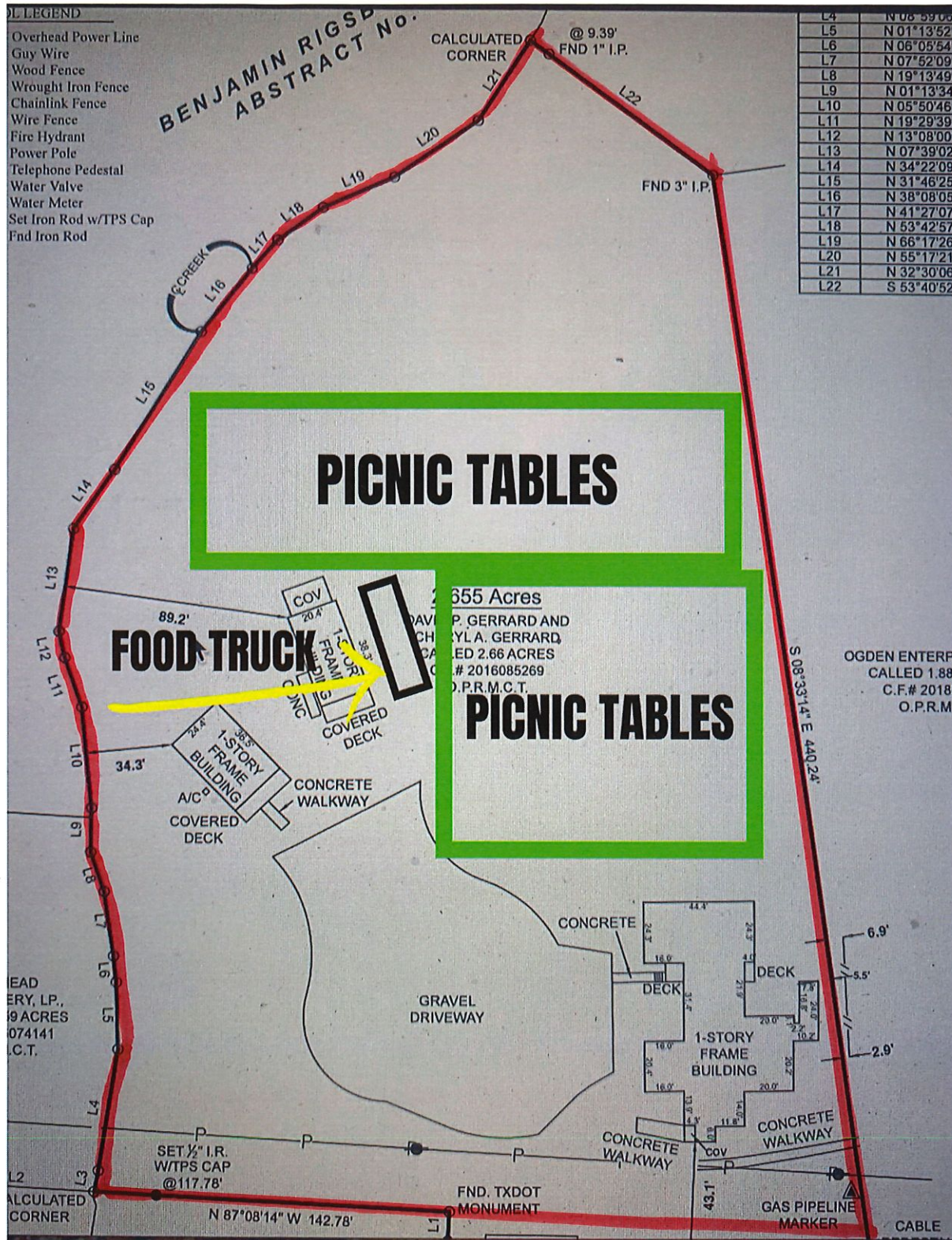
**ATTEST:**

\_\_\_\_\_  
Nicola Browe, City Secretary

**APPROVED AS TO FORM:**

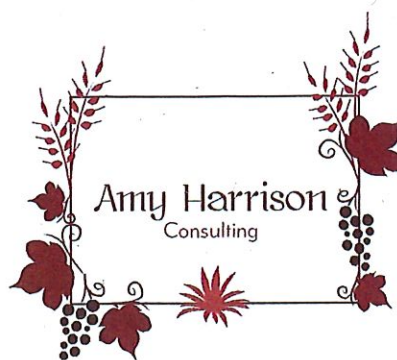
\_\_\_\_\_  
Alan P. Petrov, City Attorney

Exhibit A



Boundary Area  
Outlined in Red





Dear City of Montgomery City Secretary,

I am assisting The Montgomery Grove in obtaining a Texas Alcohol Beverage Commission Wine and Malt Beverage Retail Dealer's On-Premise Permit and a Food and Beverage Certificate. The Food and Beverage Certificate designates the Montgomery Grove as a restaurant. The exact nature of The Montgomery Grove is to serve the community as a family dining location. In a measurement we are beyond the 300 feet rule of church, school, and hospital. In the packet provided, you will find all documentation requested in the "City of Montgomery Alcohol Beverage License Application" and its supporting documents. You will also find the new TABC L-Cert form for your certification. If you have any questions, please do not hesitate to reach out to us.

*Amy Harrison*





**TEXAS ALCOHOLIC BEVERAGE COMMISSION**  
*Texans Helping Businesses & Protecting Communities*

**Required Certifications**

**Join TABC in the fight against human trafficking**

L-CERT (8/2021)

Submit this form to the proper officials to obtain certification for the type of license/permit for which you are applying as required by TX Alc. Bev. Code, Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13. This Required Certifications form must be submitted with your Initial Application form.  
 Contact your local TABC office for assistance.

**LOCATION INFORMATION**

1. Trade Name of Location (Name of restaurant, bar, store, etc.)  
**THE MONTGOMERY GROVE**

2. Location Address  
**22016 EVA STREET**

City <b>MONTGOMERY</b>	County <b>MONTGOMERY</b>	State <b>TX</b>	Zip Code <b>77356</b>
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3. Application for:

<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Reinstatement	License/Permit Number	<input type="checkbox"/> Reinstatement and Change of Trade Name	License/Permit Number
	<input type="checkbox"/> Change of Location	License/Permit Number	<input type="checkbox"/> Change of Location and Trade Name	License/Permit Number

4A. Type of Off-Premise Retailer License/Permit:

<input type="checkbox"/> BF Retail Dealer's Off-Premise License	<input type="checkbox"/> E Local Cartage Permit	<input type="checkbox"/> P Package Store Permit
<input type="checkbox"/> BQ Wine and Malt Beverage Retail Dealer's Off-Premise Permit	<input type="checkbox"/> ET Third-Party Local Cartage Permit	<input type="checkbox"/> Q Wine Only Package Store
<input type="checkbox"/> LP Local Distributor's Permit		

4B. Type of On-Premise Retailer License/Permit:

<input type="checkbox"/> BE Retail Dealer's On-Premise License	<input type="checkbox"/> E Local Cartage Permit	<input type="checkbox"/> MB Mixed Beverage
<input checked="" type="checkbox"/> BG Wine and Malt Beverage Retail Dealer's On-Premise Permit	<input checked="" type="checkbox"/> FB Food and Beverage Certificate	<input type="checkbox"/> WP Waterpark Permit
<input type="checkbox"/> BP Brewpub License	<input type="checkbox"/> LH Late Hours Certificate	

4C. Type of Wholesaler's, Distributor's, or Manufacturer's License/Permit:

<input type="checkbox"/> BB General Distributor's License	<input type="checkbox"/> D Distillers and Rectifiers Permit - allows on-premise consumption	<input type="checkbox"/> S Nonresident Seller's Permit
<input type="checkbox"/> BC Branch Distributor's License	<input type="checkbox"/> DS Out-of-State Winery Direct Shipper's Permit	<input type="checkbox"/> SD Brewer's Self-Distribution License
<input type="checkbox"/> BN Nonresident Brewer's License	<input type="checkbox"/> G Winery - allows on-premise consumption	<input type="checkbox"/> W Wholesaler's Permit
<input type="checkbox"/> BW Brewer's License	<input type="checkbox"/> J Bonded Warehouse	<input type="checkbox"/> X General Class B Wholesaler Permit
<input type="checkbox"/> JD Bonded Warehouse (Dry Area)		

5. For On or OFF-Premise Applicants, Indicate Primary Business Type at this Location

<input type="checkbox"/> Bar	<input type="checkbox"/> Grocery/Market	<input type="checkbox"/> Package Store	<input type="checkbox"/> Sexually Oriented
<input type="checkbox"/> Civic Center	<input type="checkbox"/> Hotel	<input type="checkbox"/> Public Entertainment Fac. (PEF as defined in Sec. 108.73)	<input type="checkbox"/> Sporting Arena
<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Motel	<input type="checkbox"/> Racetrack	
<input type="checkbox"/> Delivery Company	<input type="checkbox"/> Movie Theater	<input checked="" type="checkbox"/> Restaurant	

**Publisher's Affidavit for BE, BG, BP, D, G, LH, MB, P, W, X**

TX Alc. Bev. Code, Section 11.39 and 61.38

Name of newspaper		ATTACH PRINTED COPY OF THE NOTICE HERE <a href="#">Click here to see example of newspaper publication</a>
City, County		
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)		
<b>Publisher or designee certifies attached notice was published in newspaper stated on dates shown.</b>		
Signature of publisher or designee		
Signature of Notary Public		
<b>SEAL</b>		

Please select the appropriate following certification page which corresponds with your business type (Off-Premise, On-Premise, Wholesale/Distributor/Manufacturer) and obtain the required certifications. Your application will not be accepted without the certifications. Submission of your application without all certifications will result in a delay in the processing of your application.



Trade Name: THE MONTGOMERY GROVE

Location Address: 22016 EVA STREET

City: MONTGOMERY

County: MONTGOMERY

**On-Premise Certifications**

Per Sec. 11.37, not later than the 30<sup>th</sup> day after the date a prospective applicant for a permit requests certification, the city secretary or county shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance.

**Certificate of City Secretary or County Clerk (FOR MB, MB/FB, BG, BG/FB, BE, & BE/FB)**

*TX Alc. Bev. Code, Section 11.37 & 61.37*

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

Permits/Licenses Wet For	Based on most recent local option election, area is wet for:
<input type="checkbox"/> MB	Mixed Beverage Permit
<input type="checkbox"/> MB/FB	Mixed Beverage Restaurant Permit with <u>required</u> Food and Beverage Certificate
<input type="checkbox"/> BG*	Wine and Malt Beverage Retail Dealer's On-Premise Permit
<input type="checkbox"/> BG/FB*	Wine and Malt Beverage Retail Dealer's On-Premise Permit with required Food and Beverage Certificate
<input type="checkbox"/> BE*	Retail Dealer's On-Premise License
<input type="checkbox"/> BE/FB*	Retail Dealer's On-Premise License with <u>required</u> Food and Beverage Certificate
*Mark box on right for BE and/or BE/FB	<input type="checkbox"/> greater than 5% alcohol by volume OR <input type="checkbox"/> 5% or less alcohol by volume
*Mark box on right for any of the following license or permit types BG, BG/FB, BE, BE/FB	Election for given location was held for: <input type="checkbox"/> legal sale of malt beverage/wine (17%) on-premise <b>AFTER</b> Sept. 1, 1999 OR <input type="checkbox"/> legal sale of malt beverage/wine (14%) on-premise <b>BEFORE</b> Sept. 1, 1999

I hereby refuse on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to certify this location.

**CITY CERTIFICATION**

SIGN HERE \_\_\_\_\_  
City Secretary  
\_\_\_\_\_, TEXAS  
City

**COUNTY CERTIFICATION**

SIGN HERE \_\_\_\_\_  
County Clerk  
\_\_\_\_\_, County  
SEAL

**Certification for Late Hours Certificate (LH)**

*TX Alc. Bev. Code, Chapters 29 & 70 et seq*

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that one of the below is correct:

- The governing body of this city or county has by ordinance or order authorized the sale of *mixed beverages* between midnight and 2:00 A.M.;
- OR
- The governing body of this city or county has by ordinance or order authorized the sale of *malt beverage* between midnight and \_\_\_\_\_ A.M.;
- OR
- The population of the city or county where premises are located was 500,000 or more according to the 22<sup>nd</sup> Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001;
- OR
- The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

**CITY CERTIFICATION**

SIGN HERE \_\_\_\_\_  
City Secretary  
\_\_\_\_\_, TEXAS  
City

**COUNTY CERTIFICATION**

SIGN HERE \_\_\_\_\_  
County Clerk  
\_\_\_\_\_, County  
SEAL

**Comptroller of Public Accounts Certificate**

*TX Alc. Bev. Code, Section 11.45 (b) & 61.42 (d)*

This is to certify on this 19<sup>th</sup> day of January, 2022, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit and that none of the persons making this application are indebted to the State of Texas.

Sales Tax Permit Number 32077460304 Outlet Number 0000

Print Name of Comptroller Employee Gerritt Ford  
Print Title of Comptroller Employee Tax Compliance Officer

SIGN HERE \_\_\_\_\_ FIELD OFFICE Austin 2417





Trade Name: THE MONTGOMERY GROVE

Location Address: 22016 EVA STREET

City: MONTGOMERY

County: MONTGOMERY

**On-Premise Certifications**

Per Sec. 11.37 not later than the 30<sup>th</sup> day after the date a prospective applicant for a permit requests certification, the city secretary or county... shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance.

**Certificate of City Secretary or County Clerk (FOR MB, MB/FB, BG, BG/FB, BE, & BE/FB)**

TX Alc. Bev. Code Section 11.37 & 61.37

I hereby certify on this 14<sup>th</sup> day of NOVEMBER, 2021, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

Permits/Licenses Wet For	Based on most recent local option election, area is wet for:
<input type="checkbox"/> MB	Mixed Beverage Permit
<input type="checkbox"/> MB/FB	Mixed Beverage Restaurant Permit with <u>required</u> Food and Beverage Certificate
<input checked="" type="checkbox"/> BG*	Wine and Malt Beverage Retail Dealer's On-Premise Permit
<input type="checkbox"/> BG/FB*	Wine and Malt Beverage Retail Dealer's On-Premise Permit with <u>required</u> Food and Beverage Certificate
<input type="checkbox"/> BE*	Retail Dealer's On-Premise License
<input type="checkbox"/> BE/FB*	Retail Dealer's On-Premise License with <u>required</u> Food and Beverage Certificate
*Mark box on right for BE and/or BE/FB	<input type="checkbox"/> greater than 5% alcohol by volume OR <input type="checkbox"/> 5% or less alcohol by volume
*Mark box on right for any of the following license or permit types BG, BG/FB BE, BE/FB	Election for given location was held for: <input checked="" type="checkbox"/> legal sale of malt beverage/wine (17%) on-premise <u>AFTER</u> Sept. 1, 1999 OR <input type="checkbox"/> legal sale of malt beverage/wine (14%) on-premise <u>BEFORE</u> Sept. 1, 1999

I hereby refuse on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to certify this location.


**CITY CERTIFICATION**

SIGN HERE \_\_\_\_\_  
City Secretary  
\_\_\_\_\_, TEXAS  
City

SEAL

**COUNTY CERTIFICATION**

SIGN HERE Mark Turnbull  
By: Shelby C. Deputy  
County Clerk  
Montgomery county  
SEAL



**Certification for Late Hours Certificate (LH)**

TX Alc. Bev. Code, Chapters 29 & 70 et seq.

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, that one of the below is correct:

- The governing body of this city or county has by ordinance or order authorized the sale of mixed beverages between midnight and 2:00 A.M.;  
OR
- The governing body of this city or county has by ordinance or order authorized the sale of malt beverage between midnight and \_\_\_\_ A.M.;  
OR
- The population of the city or county where premises are located was 500,000 or more according to the 22<sup>nd</sup> Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001;  
OR
- The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

**CITY CERTIFICATION**

SIGN HERE \_\_\_\_\_  
City Secretary  
\_\_\_\_\_, TEXAS  
City

SEAL

**COUNTY CERTIFICATION**

SIGN HERE \_\_\_\_\_  
County Clerk  
\_\_\_\_\_ County

SEAL

**Comptroller of Public Accounts Certificate**

TX Alc. Bev. Code, Section 11.46 (b) & 61.42 (b)

This is to certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit and that none of the persons making this application are indebted to the State of Texas.

Sales Tax Permit Number \_\_\_\_\_ Outlet Number \_\_\_\_\_

Print Name of Comptroller Employee \_\_\_\_\_

Print Title of Comptroller Employee \_\_\_\_\_

SIGN HERE

FIELD OFFICE

SEAL

**MONTGOMERY GROVE ALCOHOL BEVERAGE LICENSE**  
**APPLICATION SUPPORTING DOCUMENTS**

4. Plat: EXHIBIT A

5. Description of the Signs / Hours of Operation:

- All Texas Alcoholic Beverage Commission required signage will be posted, this includes:

-Health Risk Warnings (posted in all restrooms)

- Human Trafficking Sign (posted where permits are kept)

- Complaint Sign (posted where permits are kept)

- Hours of Operation:

Mon-Thu 11-10

Friday 11-11

Saturday 11-11

Sunday 12-7

6. Floor Plan: EXHIBIT B

7. Validation Letter: EXHIBIT C





# City of Montgomery Alcohol Beverage License Application

City of Montgomery, Texas  
P.O. Box 708  
Montgomery, Texas 77356  
936-597-3288  
[www.montgomerytexas.gov](http://www.montgomerytexas.gov)

## APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE

Date Received by the City: \_\_\_\_\_

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

- \_\_\_\_\_ (1) Category A – Off Premises Consumption Sale of All Alcoholic Beverages – Package Store
- \_\_\_\_\_ (2) Category B – Off Premises Consumption Sale of Wine, Beer or Ale.
- \_\_\_\_\_ (3) Category C – Off Premises Consumption Sale of Beer.
- (4) Category D – On Premises Consumption Sale of Beer, Wine and Mixed beverages – Restaurant or Café, where the sale of beer, wine and mixed beverage on the premises would be incidental to the restaurant or café.
- \_\_\_\_\_ (5) Category E – On Premises Consumption Sale of Beer, Wine and Mixed beverages – Tavern, Lounge, or Bar. The sale of Beer, Wine and Mixed beverages for On-Premises Consumption being the principal business line.
- \_\_\_\_\_ (6) Category F – Warehouse storage of Beer, Wine or Liquor for Distributors – No sale of Beer for on or Off-Premises Consumption permitted on the Premises.

2. Legal Description of the property for which License is sought. (Either by Lot and Block number or by a Metes and Bounds Description: \_\_\_\_\_ : A0031 RIGSBY BEN J, TRACT 81A-1, ACRES 2.660

3. Exact Nature of the Business to be operated. (Must be fully described in cover letter on company letterhead).

4. Attach a Plat of the property to the Application showing the improvements, parking areas, location of signage and other structures on the property and within three hundred (300) feet to scale.

5. Description of signs and the hours they will be operated to be attached as a separate document.

6. Attach floor plan of the building in which the business is to be conducted (showing fixtures, furniture, restrooms, kitchen and other equipment).

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

8. Business Owner: THE MONTGOMCERY GROVE, LLC Phone: \_\_\_\_\_  
Address: 22016 EVA STREET  
Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Check if you are leasing property:

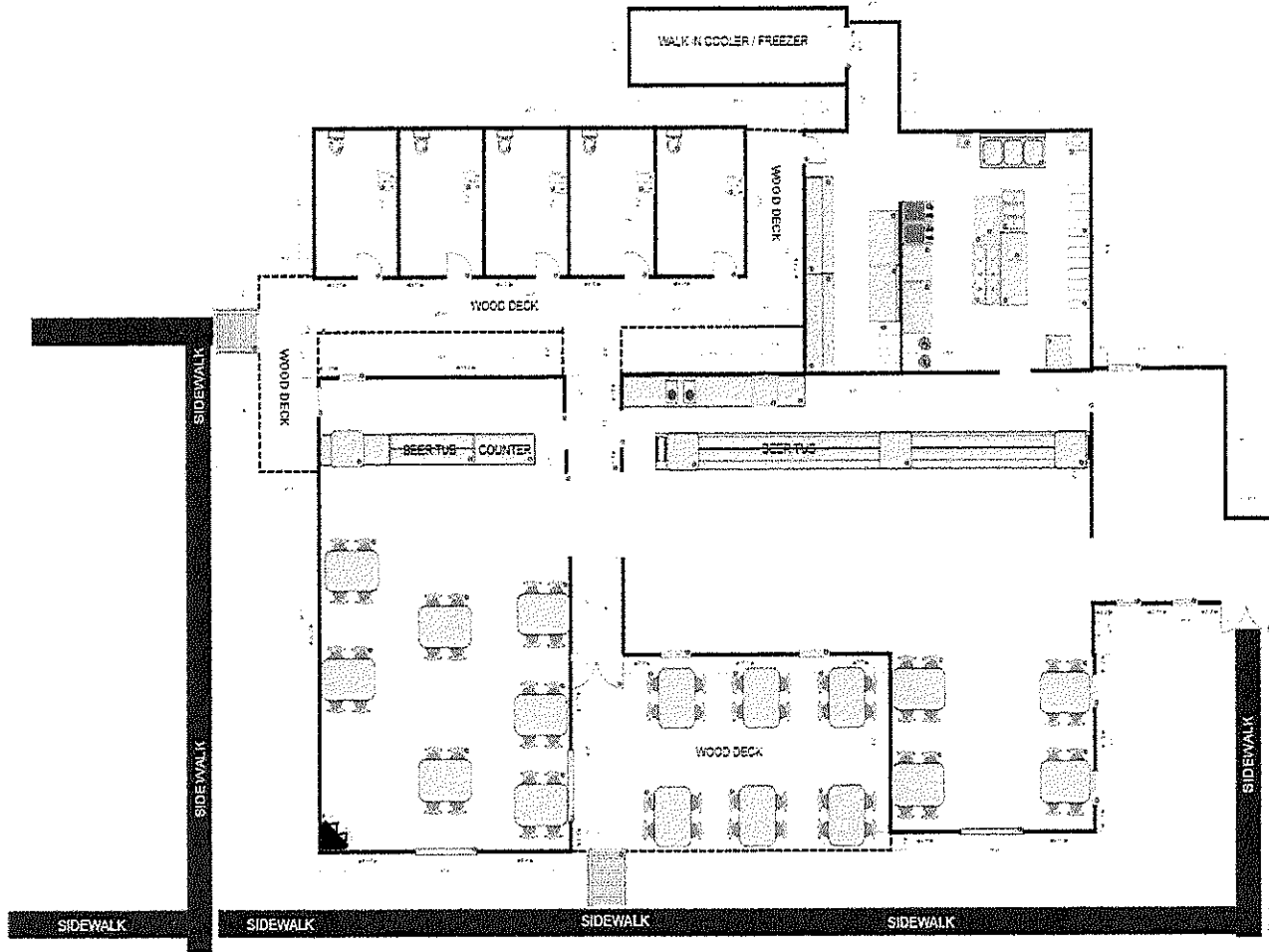
9. Land Owner: JOSH CHETHAM Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

10. Business Partners: MIKE ANDERSON Phone: 832-418-1088  
Address: 22016 EVA STREET  
Home Address: 13655 LAFY ARBOR DRIVE, MONTGOMERY, TX Phone: \_\_\_\_\_  
77356

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

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

# EXHIBIT A









# EXHIBIT C

## Verification Letter:

The Montgomery Grove, LLC located at 22016 Eva Street is beyond the 300 feet requirement for church, school, and hospital.

The building is in compliance with the requirements of this chapter for separate and adequate toilet facilities for men and women.

**LEGEND**

- Overhead Power Line
- Guy Wire
- Wood Fence
- Wrought Iron Fence
- Chainlink Fence
- Wire Fence
- Fire Hydrant
- Power Pole
- Telephone Pedestal
- Water Valve
- Water Meter
- Set Iron Rod w/TPS Cap
- Fnd Iron Rod

**BENJAMIN RIGSBY  
ABSTRACT No.**

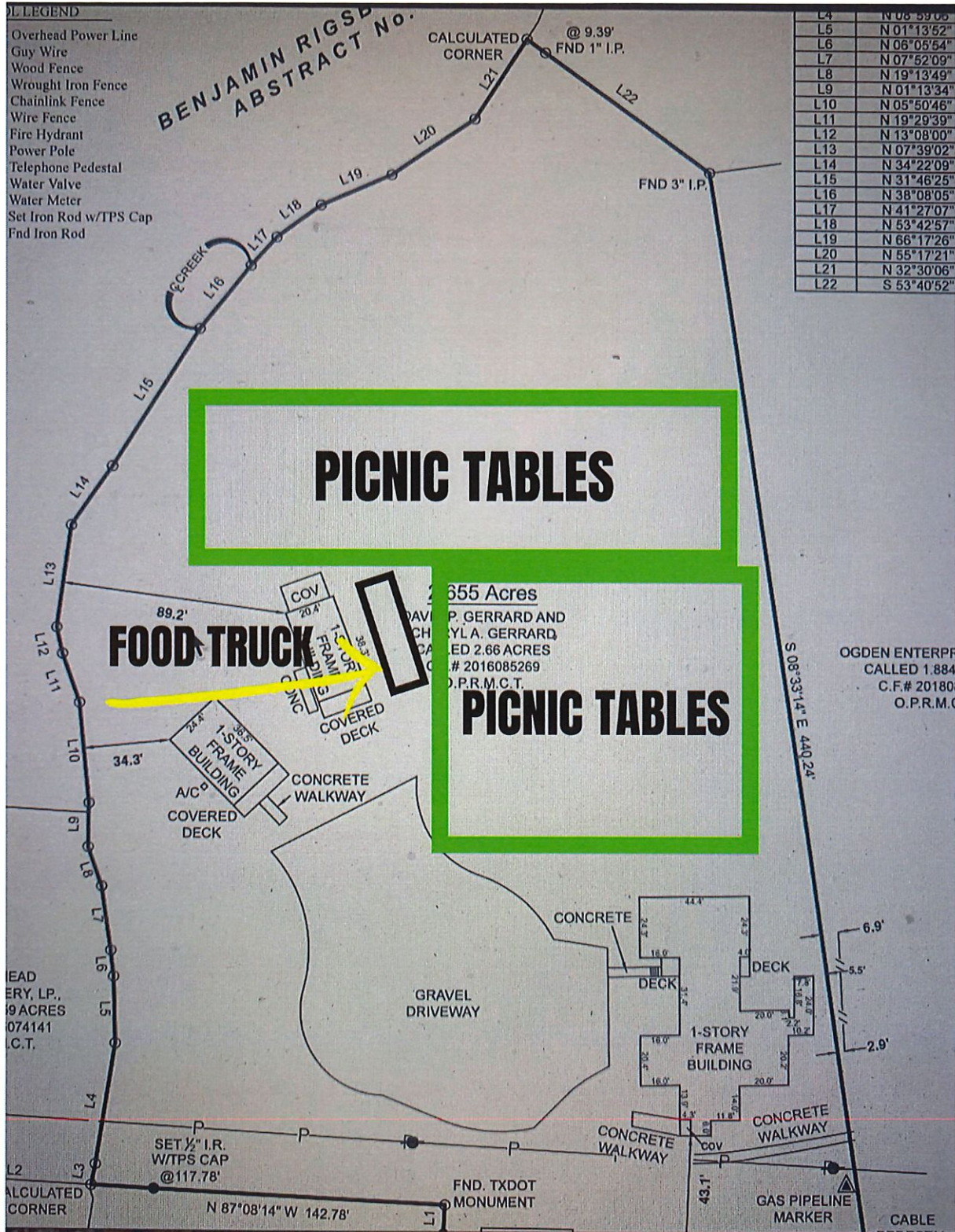
L4	N 08° 59' 06"
L5	N 01° 13' 52"
L6	N 06° 05' 54"
L7	N 07° 52' 09"
L8	N 19° 13' 49"
L9	N 01° 13' 34"
L10	N 05° 50' 46"
L11	N 19° 29' 39"
L12	N 13° 08' 00"
L13	N 07° 39' 02"
L14	N 34° 22' 09"
L15	N 31° 46' 25"
L16	N 38° 08' 05"
L17	N 41° 27' 07"
L18	N 53° 42' 57"
L19	N 66° 17' 26"
L20	N 55° 17' 21"
L21	N 32° 30' 06"
L22	S 53° 40' 52"

**PICNIC TABLES**

**PICNIC TABLES**

**FOOD TRUCK**

2.66 Acres  
DAVID P. GERRARD AND  
CHARLYL A. GERRARD  
CALLED 2.66 ACRES  
C.O.# 2016085269  
D.P.R.M.C.T.



OGDEN ENTERPRISE  
CALLED 1.884  
C.F.# 201801  
O.P.R.M.C.

- CODE OF ORDINANCES  
Chapter 6 ALCOHOLIC BEVERAGES

## Chapter 6 ALCOHOLIC BEVERAGES<sup>1</sup>

### **ARTICLE I. IN GENERAL**

#### **Sec. 6-1. Definitions.**

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

(Code 2002, § 6-1; Ord. No. 1989-2, § 1, 2-14-1989)

State law reference(s)—Definitions, V.T.C.A., Alcoholic Beverage Code § 1.04.

#### **Sec. 6-2. Applicability of Texas Alcoholic Beverage Code and state and county regulations.**

The provisions of this chapter shall be considered concurrent with or in addition to the Texas Alcoholic Beverage Code, and, where a conflict may be found to exist, the provisions of the Texas Alcoholic Beverage Code shall apply. Applicants for a city alcoholic beverage license must comply with all applicable state and county codes and regulations as well as the requirements of this chapter.

(Code 2002, § 6-2; Ord. No. 1989-2, § 22, 2-14-1989)

#### **Sec. 6-3. Violations; penalty.**

Any person who violates any provision of this chapter, or who allows, on premises covered by his license issued under this chapter, any person to do the things prohibited by this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be punished as provide in section 1-13. Any room, building, structure or place of any kind where alcoholic beverages are sold, bartered, stored, possessed or consumed in violation of this chapter or the Texas Alcoholic Beverage Code or under conditions and circumstances contrary to the purposes of this chapter or the Texas Alcoholic Beverage Code is hereby declared to be a common nuisance, and any person who maintains or assists in maintaining or permits the violation of this chapter or the Texas Alcoholic Beverage Code shall be guilty of a violation of this chapter. Action may be maintained by the city to abate and enjoin such nuisance.

(Code 2002, § 6-3; Ord. No. 1989-2, § 19, 2-14-1989)

State law reference(s)—General penalty, V.T.C.A., Alcoholic Beverage Code § 1.05.

#### **Secs. 6-4—6-24. Reserved.**

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<sup>1</sup>State law reference(s)—Alcoholic beverages, V.T.C.A., Alcoholic Beverage Code § 1.01 et seq.; local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code § 109.31 et seq.; local fee authorized, V.T.C.A., Alcoholic Beverage Code § 11.38; local license fee authorized, V.T.C.A., Alcoholic Beverage Code § 61.36; local regulation of billboards and electric signs, V.T.C.A., Alcoholic Beverage Code § 108.55; local option elections, V.T.C.A., Alcoholic Beverage Code § 251.71 et seq.



- CODE OF ORDINANCES  
Chapter 6 - ALCOHOLIC BEVERAGES  
ARTICLE II. LICENSE

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## **ARTICLE II. LICENSE<sup>2</sup>**

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

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

(Code 2002, § 6-31; Ord. No. 1989-2, § 2(a), 2-14-1989; Ord. No. 2018-01, § I, 1-9-2018)

State law reference(s)—Local fee authorized, V.T.C.A., Alcoholic Beverage Code §§ 11.38, 61.36.

### **Sec. 6-26. State and county license required.**

No applicant shall be granted a license under this article who has not first been licensed by the county and state, and who fails to present satisfactory evidence of such license.

(Code 2002, § 6-32; Ord. No. 1989-2, § 2(b), 2-14-1989)

State law reference(s)—Licenses, V.T.C.A., Alcoholic Beverage Code §§ 11.01 et seq., 61.01 et seq.

### **Sec. 6-27. Persons owing delinquent taxes ineligible for license.**

No license shall be issued under this article if the applicant shall owe any delinquent taxes to the city. For purposes of this section, the term "applicant" shall include each member of a partnership or association and all officers and the owner of the majority of the corporate stock of a corporation, and the manager of the business for a corporation.

(Code 2002, § 6-33; Ord. No. 1989-2, § 2(c), 2-14-1989)

### **Sec. 6-28. Use of license restricted to premises for which granted.**

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

(Code 2002, § 6-34; Ord. No. 1989-2, § 2(d), 2-14-1989)

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<sup>2</sup>State law reference(s)—Licenses and permits, V.T.C.A., Alcoholic Beverage Code ch. 11 et seq.

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**Sec. 6-29. Unlawful sales prohibited.**

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

(Code 2002, § 6-35; Ord. No. 1989-2, § 3(a), 2-14-1989)

**Sec. 6-30. Categories.**

- (a) The types of categories for the sale of alcoholic beverages are hereby established as follows:
- (1) Category A: Off-premises consumption sale of all alcoholic beverages; package store.
  - (2) Category B: Off-premises consumption sale of wine, beer or ale.
  - (3) Category C: Off-premises consumption sale of beer.
  - (4) Category D: On-premises consumption sale of beer, wine and mixed beverages; restaurant or café, where the sale of beer, wine and mixed beverages on the premises would be incidental to the restaurant or café business.
  - (5) Category E: On-premises consumption sale of beer, wine and mixed beverages; tavern, lounge, or bar, where the sale of beer, wine and mixed beverages for on-premises consumption is the principal business line.
  - (6) Category F: Warehouse storage of beer, wine, or liquor for distributors; no sale of beer, wine or liquor for on-premises or off-premises consumption is permitted on the premises.
- (b) All existing businesses heretofore approved by the city council are hereby reclassified according to subsection (a) of this section.

(Code 2002, § 6-36; Ord. No. 1989-2, § 3(b), (c), 2-14-1989; Ord. No. 2008-17, § 1, 10-14-2008)

**Sec. 6-31. Application.**

- (a) Written application for the sale of alcoholic beverages shall be made on forms provided by the city and filed with the city secretary. Such application shall be signed by the actual lessee or intended operator of the business for which the license is sought. The owner of the property must file a written consent to the application, unless the owner is making the application. Every such application shall contain the following:
- (1) An adequate legal description of the property for which license is sought, either by lot and block number or by a metes and bounds description.
  - (2) The exact nature of the business to be operated must be fully described.
  - (3) A plat of the property must be attached to the application showing the improvements, parking areas, and location of signs and other structures on the property and within 300 feet, to scale.
  - (4) A description of signs and the hours they will be operated.
  - (5) A floor plan of the building in which the business is to be conducted must be attached to the application, showing fixtures, furniture, restrooms, kitchen and other equipment.
  - (6) A statement giving the names, addresses, email addresses, telephone numbers and interests of all persons having a direct or indirect financial interest in the property and the business to be conducted.

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

(b) A filing fee, as fixed by resolution of the city council from time to time to defray the expenses of processing an application filed under this article, must be paid when the application is filed.

(Code 2002, § 6-37; Ord. No. 1989-2, § 3(d), (f), 2-14-1989)

State law reference(s)—Local fee authorized, V.T.C.A., Alcoholic Beverage Code §§ 11.38, 61.36.

**Sec. 6-32. Grounds for denial.**

(a) No application under this article shall be approved:

- (1) If the applicant or application does not meet all requirements of the ordinances of the city.
- (2) If the granting of such application shall increase the number of alcoholic beverage establishments to more than five in any one block, a block to be defined as being from intersection to intersection on both sides of the street.
- (3) If the applicant shall owe any delinquent taxes to the city.
- (4) If the applicant has not already fulfilled all county and state requirements.

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

(Code 2002, § 6-38; Ord. No. 1989-2, § 3(g), 2-14-1989)

**Sec. 6-33. Approval of license application by city council.**

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

(Code 2002, § 6-39; Ord. No. 1989-2, § 3(h), 2-14-1989; Ord. No. 2018-01, § I, 1-9-2018 )

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

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

(Code 2002, § 6-40; Ord. No. 1989-2, § 3(i), 2-14-1989; Ord. No. 2018-01, § I, 1-9-2018 )

**Secs. 6-35—6-56. Reserved.**

**ARTICLE III. REGULATIONS**

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

- (a) Drinking alcoholic beverages on a public street, sidewalk or alley of the city, whether afoot, or as a passenger in or an operator of any vehicle, is unlawful and is prohibited.
- (b) Exception: subject to the rules and regulations of the Texas Alcoholic Beverages Code, persons afoot on a public street, sidewalk or alley of the city are permitted to drink beer and wine in a limited public area defined as:
  - (1) The north right-of-way line of Eva Street (State Highway 105) extending north to the south right-of-way line of Clepper Street and bounded on the east by Prairie Street, and on the west by Pond Street, extending north to the south right-of-way line of College Street to also include the east of the eastern right-of-way line of Liberty Street between College Street to the south right-of-way line of Clepper Street and an area extending west from the west right-of-way line of Pond Street and bounded on the south by the south right-of-way line of Eva Street, as further described by the map attached to the ordinance from which this section derived as exhibit "A."
  - (2) This exception is authorized only from 7:00 a.m. to 12:00 midnight, Monday through Saturday; 12:00 midnight to 1:00 a.m. on Sundays; and 12:00 noon to 12:00 midnight on Sundays.
  - (3) This permission by the city is further conditioned upon documentation submitted to the city administrator that shall include the applicable Texas Alcoholic Beverage Commission permit and letters of authorization from the owners of property within the designated area.
- (c) The throwing of any opened container of any type generally used for beverages from or out of any vehicle shall be prima facie evidence that the occupant thereof was then and there drinking alcoholic beverages in violation of this section.

(Code 2002, § 6-61; Ord. No. 1989-2, § 14, 2-14-1989; Ord. No. 2017-16 , § II, 7-11-2017; Ord. No. 2021-04 , § 2, 2-9-2021)

Editor's note(s)—Exhibit "A" to Ord. No. 2021-04 is not set out herein but is available at the office of the city secretary.

**Sec. 6-58. Consumption or possession in cemeteries.**

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

(Code 2002, § 6-62; Ord. No. 1989-2, § 15, 2-14-1989)

**Sec. 6-59. Consumption in parks prohibited during certain hours.**

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

(Code 2002, § 6-63; Ord. No. 1989-2, § 16, 2-14-1989)

**Sec. 6-60. Sale near church, school or hospital.**

- (a) The sale of alcoholic beverages by any dealer whose place of business is within 300 feet of a church, public or private school, or public hospital is prohibited.

- (b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
- (1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
  - (2) If the permit or license holder is located on or above the fifth story of a multi-story building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (c) As to any dealer who held a license or permit in a location where a regulation under this section was in effect on that date, for purposes of subsection (a) of this section, the measurement of the distance between the place of business of the dealer and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.
- (d) The city council may also allow variances to the regulation if the city council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
- (e) Subsection (a) of this section does not apply to the holder of:
- (1) A license or permit who also holds a food and beverage certificate covering a premises that is located within 300 feet of a private school; or
  - (2) A license or permit covering a premises where minors are prohibited from entering and that is located within 300 feet of a private school.
- (f) In this section, the term "private school" means a private school, including a parochial school, that:
- (1) Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
  - (2) Has more than 100 students enrolled and attending courses at a single location.

(Code 2002, § 6-64; Ord. No. 1989-2, § 4, 2-14-1989)

State law reference(s)—Authority to regulate sales near schools, churches or hospitals, V.T.C.A., Alcoholic Beverage Code § 109.33.

### **Sec. 6-61. Building requirements for on-premises establishments.**

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

- (1) Has not less than 600 square feet of floor space devoted solely to the retail portion of the operation of such business, exclusive of storage and/or restrooms.
- (2) Complies with the building code.
- (3) Complies with the electric code.
- (4) Complies with the plumbing code.

- 
- (5) Is connected to the city sanitary sewer system for toilet facilities.
  - (6) Is connected to the city water system.
  - (7) Has adequate flush toilet facilities, with separate facilities for men and women in the building. Outside toilet facilities shall not constitute compliance with this requirement.
  - (8) Has sufficient lighting, and such lighting provides illumination to at least 25 foot-candles in all areas of the premises where beer, liquor or wine is sold or consumed, according to measurements by an agent of the city.

(Code 2002, § 6-65; Ord. No. 1989-2, § 6, 2-14-1989)

**Sec. 6-62. Beer establishment personnel.**

- (a) No person other than the permittee or licensee shall serve beer or other drink or food to any customer or patron of a beer establishment unless the person so serving is employed by the permittee or licensee of the beer establishment.
- (b) No person serving beer to any patron or customer of a beer establishment shall receive, as compensation, any part of the price paid by the patron or customer for such beer, nor shall his compensation be dependent on the amount served by him.
- (c) No person shall collect from any customer or patron of a beer establishment, as the price of beer, more than the price paid to the bartender or cashier by the person serving the beer.

(Code 2002, § 6-66; Ord. No. 1989-2, § 7, 2-14-1989)

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> March 8, 2022	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**

Announce the residential and commercial winners of the Texas Flag Celebration contest held on March 5, 2022.

**Recommendation**

Listen to the report of winners provided.

**Discussion**

The Texas Flag Celebration takes place on the weekend following Texas Independence Day to allow residents and businesses in the City to participate in celebrating our unique heritage as “The Birthplace of the Texas Flag”.

**Approved By**

City Administrator	Richard Tramm	Date: March 3, 2022

**Montgomery City Council  
AGENDA REPORT**

<b>Meeting Date:</b> March 8, 2022	<b>Budgeted Amount:</b> \$722,600
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**

Consideration and possible action regarding award of the Sanitary Sewer & Drainage Improvements on Dr. Martin Luther King Jr Drive (GLO CDBG-DR Contract No. 19076-017-B366 – Sewer Facilities) and authorization for the City Administrator to execute the Contract.

**Recommendation**

Staff recommends approval of this item as presented.

**Discussion**

This is one item within the 2019 disaster recovery grant from the Texas General Land Office to fund multiple projects. This item includes drainage improvements and sanitary sewer rehabilitation. The drainage improvements include ditch regrading, culvert replacement, and slope paving along Dr. Martin Luther King, Jr. Drive and McGinnis Lane. The sanitary sewer rehabilitation work includes Baja Road, Dr. Martin Luther King, Jr. Drive and McGinnis Lane.

The City Engineer’s Recommendation Letter and Bid Tabulation Sheet are included for your review.

<b>Approved By</b>		
City Administrator	Richard Tramm	Date: March 3, 2022





March 2, 2022

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

Re: Sanitary Sewer & Drainage Improvements on Dr Martin Luther King Jr Drive  
GLO CDBG-DR Contract No. 19076-017-B366 - Sewer Facilities  
Award of Project  
City of Montgomery

Dear Mayor and Council:

As a reminder the City received a grant from the Texas General Land Office (“GLO”) for disaster recovery in 2019 to fund multiple projects. This project includes drainage improvements along the north side of Dr. Martin Luther King Jr. Drive and McGinnis Lane including ditch regrading, culvert replacement, and slope paving. Additionally, this project includes evaluation and rehabilitation of the sanitary sewer system along Dr. Martin Luther King Jr. Drive, Baja Road, and McGinnis Lane.

The City received authorization from the GLO to award the project and proceed with construction on February 28, 2022.

Enclosed is a Recommendation of Award and bid tab summary prepared by Jones|Carter for this project. We concur with their recommendation and recommend the City award the project to PM Construction & Rehab, LLC and authorize the City Administrator to execute the contracts.

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

Sincerely,

Chris Roznovsky, PE  
Engineer for the City

CVR/

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2022.03.02 MEMO to Council RE GLO Sewer Bid.docx

Enclosures: Recommendation of Award and Bid Summary

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



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

February 16, 2022

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

Re: Construction of Sanitary Sewer & Drainage Improvements on Dr Martin Luther King Jr Drive  
City of Montgomery  
TIN No. 74-2063592

Dear Mayor and Council:

We received bids for the referenced contract at the Montgomery City Hall on February 16, 2022 at 10:00 AM. Bids were publicly opened and read at that time.

Two (2) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. PM Construction & Rehab, LLC submitted the lowest Base Bid plus Supplemental Items proposal in the amount of \$518,319.00.

We have worked with PM Construction & Rehab, LLC and find them to be an acceptable contractor. We recommend the referenced contract be awarded to PM Construction & Rehab, LLC on the basis of their proposal in the amount of \$518,319.00.

As always, should you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. B. White', with a long horizontal flourish extending to the right.


Nathaniel B. White, PE

NBW

K:\W5841\W5841-0042-01 GLO - MLK SSR & Drainage Improvements\3 Construction Phase\Contract Documents\W5841-0042-01 ROA.doc

Enclosure

Cc (via email): PM Construction & Rehab, LLC  
Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Diana Cooley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler and Creighton, LLP, City Attorney



**BID TABULATION SHEET**

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Sanitary Sewer & Drainage Improvements Along MLK Dr

City of Montgomery Time: 10:00 AM

Job No. W5841-0042-01 Date: 2/16/2022

Jones & Carter, Inc. - The Woodlands

Public Bid

<b>BIDDERS</b>									
	PM Construction & Rehab, LLC	Lopez Utilities Contractor, LLC							
Base Bid	\$474,469.00	\$621,942.30							
Base Bid + Supplemental Items	\$518,319.00	\$694,467.30							
Bid Security	X	X							

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> March 8, 2022	<b>Budgeted Amount:</b> \$501,000
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**  
 Consideration and possible action regarding award of the Water Plant No. 3 Generator Addition (GLO CDBG-DR Contract No. 19076-017-B366 – Water Facilities) and approval of the authorization for the City Administrator to execute the Contract.

**Recommendation**  
 Staff recommends approval of this item as presented.

**Discussion**  
 This is one of the items within the 2019 disaster recovery grant from the Texas General Land Office to fund multiple projects. This item is to fund an additional generator for Water Plant #3, so the plant will be fully functional on generator power during power outages. Currently, the existing generator can operate the plant on a partial basis  
  
 The City Engineer’s Recommendation Letter and Bid Tabulation Sheet are included for your review.

<b>Approved By</b>		
City Administrator	Richard Tramm	Date: March 3, 2022



March 4, 2022

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

Re: Water Plant No. 3 Generator Addition  
 GLO CDBG-DR Contract No. 19076-017-B366 - Water Facilities  
 Award of Project  
 City of Montgomery

Dear Mayor and Council:

As a reminder the City received a grant from the Texas General Land Office ("GLO") for disaster recovery in 2019 to fund multiple projects. This project includes the addition of a 600 kW diesel generator to Water Plant No. 3. The site is currently powered by two separate electrical services and there is an existing emergency generator on one of the services to partially power the plant in the event of a power outage. This project will add a generator to other electrical service to the plant and therefore give the City the ability to operate the entire plant in the event of a power outage.

The City received authorization from the GLO to award the project and proceed with construction on December 8, 2021.

Enclosed is a Recommendation of Award and bid tab summary prepared by Jones|Carter for this project. The two alternate bid items listed are for a sound attenuated enclosure and access platforms on both sides of the generator. We concur with their recommendation and recommend the City award the project to McDonald Municipal and Industrial and authorize the City Administrator to execute the contracts.

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 in style.

Chris Roznovsky, PE  
 Engineer for the City

CVR/

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2022.03.04 MEMO to Council RE GLO WP Generator Bid.docx

Enclosures: Recommendation of Award and Bid Summary

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



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

March 4, 2022

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

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

Dear Mayor and Council:

We received bids for the referenced contract in the City of Montgomery City Hall on March 2, 2022, at 10:00 A.M. Bids were publicly opened and read at that time.

Two (2) reputable contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. McDonald Municipal and Industrial submitted the lowest Base Bid plus Alternate Items in the amount of \$368,469.00.

Upon review of the bids, we determined McDonald Municipal and Industrial, to be the most advantageous for the City. We have worked with McDonald Municipal and Industrial, in the past and find them to be an acceptable contractor. We recommend the referenced contract be awarded to McDonald Municipal and Industrial, on the basis of their Base Bid proposal in the amount of \$368,469.00.

If you have any questions, please feel free to contact us at 713.777.5337.

Sincerely,


A handwritten signature in blue ink, appearing to read 'Matthew B. Breazeale', with a long horizontal line extending to the right.

Matthew B. Breazeale, P.E.

PDH

K:\W5841\W5841-0042-02 City of Montgomery Water Plant No. 3 Gen\3 Construction Phase\Contract Documents\ROA\ROA.docx

Enclosure

		<b>BID TABULATION SHEET</b>		BIDS WERE RECEIVED IN THE OFFICE OF		
		Water Plant No. 3 Generator Addition		City of Montgomery City Hall		
Public Bid		City of Montgomery		Time:		10:00 AM
		W5841-0042-02		Date:		3/2/2022
<b>BIDDERS</b>						
	McCaffety Electric Co.	McDonald Municipal and Industrial				
Base Bid	\$494,745.00	\$332,469.00				
Bid Security	X	X				
Alternate Item A1	\$9,550.00	\$20,000.00				
Alternate Item A2	\$20,000.00	\$16,000.00				
Base Bid + Alt	\$524,295.00	\$368,469.00				
Generator Lead Time	322 days	225 days				

OWNER: City of Montgomery				BID NO. 1		BID NO. 2	
PROJECT: Water Plant No. 3 Generator Addition				McCaffety Electric Co. 1610A N. Frazier St. Huntsville, TX 77301 936-539-5411		McDonald Municipal and Industrial 5044 Timber Creek Houston, TX 77017 713-921-1368	
DATE: 3/2/2022				TIME: 10:00 A.M.			
ENGINEER: Jones   Carter							
JOB No. : W5841-0042-02							
ITEM NO.	DESCRIPTION	UNIT	PLAN QUANTITY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
BASE BID							
1	Bonds and insurance for all work associated with this contract. Complete as specified for the sum of:	L.S.	1.0	\$12,067.00	\$12,067.00	\$20,000.00	\$20,000.00
2	Move-in and set up for all work associated with the Water Plant No. 3 Generator Addition. Complete as specified for the sum of:	L.S.	1.0	\$1,500.00	\$1,500.00	\$10,000.00	\$10,000.00
3	Installation, maintenance, and record keeping of a Storm Water Pollution Prevention Plan (SWPPP) for the water plant site, complete as specified for the sum of:	L.S.	1.0	\$5,000.00	\$5,000.00	\$100.00	\$100.00
4	Construction of Water Plant No. 3 Generator Addition which includes, but is not limited to, construction of a proposed 600kW diesel engine generator with weatherproof enclosure and 24-hour subbase fuel tank, automatic transfer switch, surge protection device, duct bank, conduit, and all else as shown on the construction drawings and detailed in the specifications, complete in place for the sum of:	L.S.	1.0	\$476,178.00	\$476,178.00	\$302,369.00	\$302,369.00
					\$494,745.00		\$332,469.00
ALTERNATE BID ITEMS							
A1	Weatherproof sound attenuating enclosure, complete in place for the sum of:	L.S.	1.0	\$9,550.00	\$9,550.00	\$20,000.00	\$20,000.00
A2	Provide walkway platform on two sides (east and west) 48" wide hot dipped galvanized steel with handrails. Top of walkway elevation to match top of subbase fuel tank elevations, complete as specified for the sum of:	L.S.	1.0	\$20,000.00	\$20,000.00	\$16,000.00	\$16,000.00
TOTAL ALTERNATE BID ITEMS					\$29,550.00		\$36,000.00
TOTAL BASE BID + ALTERNATE BID ITEMS					\$524,295.00		\$368,469.00



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> March 8, 2022	<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 April 12, 2022, at 6:00 p.m. regarding a Special Use Permit Application by Mr. Kenneth Pitre and Mr. Tony Jackson to allow continuation of firewood sales on property adjacent to 22868 FM 1097 East Montgomery, Texas 77356, an "R1"-Single Family Residential Zoning District.

### Recommendation

Call a Public Hearing for April 12, 2022 at 6:00 p.m. to receive comments on the request.

### Discussion

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

Special Use Permits.

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

### Approved By

Asst. City Administrator	Dave McCorquodale	Date: 03/04/2022
City Administrator	Richard Tramm	Date: 03/04/2022

**Allyson Clark  
122 Harley Dr  
Montgomery, TX 77356  
281-224-1058**

March 3, 2022

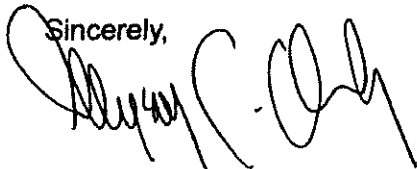
Richard Tramm, City Administrator  
City of Montgomery  
101 Old Plantersville Rd  
Montgomery, TX 77316

Hello Richard:

I hope this letter finds you & the rest of our City's Staff doing well. This letter serves as notice that I have chosen to step down from my Place 3 seat on the Planning & Zoning Commission effective immediately in order to free up more time with family & balancing my career commitments after a recent promotion.

I also want to thank you, Mayor Countryman, City Council, my fellow Board Members on the Planning & Zoning Commission, & Dave for all of your help & support throughout our efforts to serve our Community & support our Neighbors' efforts for growth. Take care & hope to see you around while out enjoying our beautiful town.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allyson Clark', written over a large, stylized cursive flourish.

Allyson Clark

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> March 8, 2022	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> Richard Tramm

**Subject**

Acceptance of resignation letter from Allyson Clark from the Planning and Zoning Commission.

**Recommendation**

Accept the resignation letter.

**Discussion**

Allyson Clark submitted her resignation letter from her position as a Commissioner of the Planning and Zoning Commission. Ms. Clark’s resignation is attached. To assist City Council in replacing Ms. Clark, City staff will post this position on the City’s website, in the utility bill insert, and on the City’s electronic sign.

**Approved By**

City Administrator	Richard Tramm	Date: March 3, 2022