

**Notice of Special City Council Meeting
AGENDA**

October 02, 2023 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery City Council will be held on **Monday, October 02, 2023**, at **6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City’s website under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The meeting will be recorded and uploaded to the City’s website.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

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

CONSIDERATION AND POSSIBLE ACTION:

- 1.** Consideration and possible action on a Chapter 380 Agreement with Home Depot for the Buffalo Springs Drive Roadway Reconstruction and Traffic Signal at SH105W & Buffalo Springs Drive projects.

ADJOURNMENT

/s/ Nici Browe

Nici Browe, City Secretary. TRMC

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on Friday, September 29, 2023 at 3:45 p.m.

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.

Montgomery City Council
AGENDA REPORT

Meeting Date: October 2, 2023	Available Funds: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a Chapter 380 Agreement with Home Depot for the Buffalo Springs Drive Roadway Reconstruction and Traffic Signal at SH105W & Buffalo Springs Drive projects.

Recommendation

Review the draft Chapter 380 agreement and discuss.

Discussion

Issue:

The City Council conducted a brief overview of the draft agreement as edited by the Home Depot team at the September 25th workshop. Since that time, staff has reviewed and proposed additional changes to the agreement. The current draft reflects agreement on a majority of revisions, leaving several to be discussed further by City Council. Home Depot will have received the updated draft agreement on Friday afternoon (09/29/23) and will not have had a chance to review and reply by agenda publication.

If the Home Depot team provides comments prior to Monday evening's meeting, staff will update City Council at meeting time.

Regulations:

Chapter 380 of the Local Government Code authorizes municipalities to offer incentives designed to promote economic development such as commercial and retail projects. Specifically, it provides for offering loans and grants of city funds or services at little or no cost to promote economic development and to stimulate business and commercial activity. (Source: <https://comptroller.texas.gov/economy/local/ch380-381/>)

Analysis:

The City and Home Depot recognizes the need for the traffic signal a traffic signal at Buffalo Springs Drive and Eva Street to facilitate customer access and improve mobility in the area. The City also desires improvements to be made to the Buffalo Springs Drive roadway which is nearing the end of its lifecycle. Discussions with Home Depot about Buffalo Springs Drive are limited to the portion of the roadway from Eva Street to their northern property line (approx. 1,050 feet). The Chapter draft 380 Agreement is based on reimbursing 50% of the total sales tax collected by the City at the Home Depot store for total project costs above \$750,000.

Fiscal Review:

The total design and construction cost for the two projects is estimated to be \$1,424,800. Home Depot has agreed to contribute \$750,000 toward the traffic signal and roadway improvements. They have also agreed to pay the remaining estimated costs of \$674,000 plus 15% for contingencies subject to being reimbursed through a Chapter 380 Agreement for project costs exceeding \$750,000. The City will reimburse Home Depot approximately \$674,000 over a period of 5 or more years instead of paying those costs up front. The net result of the agreement with Home Depot is the City receiving infrastructure improvements totaling \$1.4 million for an estimated cost of \$674,000.

Montgomery City Council
AGENDA REPORT

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 09/29/2023
City Administrator	Gary Palmer	Date: 09/29/2023